had made any return, I would have been made acquainted with the fact; I held $810,000 of their money, and returned every cent of it to John Loane, C. C. Knott, Henry Beyer; I didn't hold it; it was deposited in bank - in Eutaw and Savings Bank to my credit; I returned every dollar.

15 quest. I am speaking of the conversation you had with him upon his failing to account for the $2,200. part of that money you say he accounted for by saying it had been extracted from his pocket; in that conversation, did you say anything to him, or did he give you any account of the manner in which he omitted to account for the residue of the money which was not extracted from his pocket?

(Objected to.)

Ans. He didn't propose to give me any account for the residue of the money; I don't know how much was extracted from his pocket.

16 quest. Did he tell you how much he had, not belonging to the association?

Ans. No.

Agreements marked "I. I. A. No. 1," and "I. I. A. No. 2," were filed by consent with Commissioner.)

The commission was then adjourned to twentieth day of October, in the same year, at 11 A. M. and the same place; at which last mentioned time and place the commission met, pursuant to adjournment, and I proceeded, in the presence of the solicitors of the respective parties, to take the following depositions, that is to say:

R. Varley Myers, a witness produced and heretofore sworn on behalf of the respondent, deposeth and saith as follows, that is to say:

41 quest. You have said in your examination, that upon inquiry as to the person who had made the mortgage to Mrs. Stumon Cole, you ascertained that it was a person corresponding to the description of Mr. J. Edward Kirby; did you state the result of your inquiry

to Mr. Edward Kirby, the elder, before you visited Mr. Benson with him?

42 Ans. I did.

Thomas W. Griffin, a witness of lawful age, produced on behalf of the respondents, being first duly sworn on the Holy Evangels of Almighty God, being examined on the following interrogatories to him on that behalf propounded, makes oath, deposeth and saith as follows, that is to say:

1 quest. State your residence and occupation?

Ans. I reside at No. 65 Patterson Park avenue; attorney at law.

2 quest. Do you know the parties to this suit?

Ans. I do

3 quest. Do you recollect the suit in the Circuit Court of Baltimore City, of Edward Kirby complainant vs James Smith and Catherine C. Smith, his wife, and John Edward Kirby and Kate Kirby, his wife, Frances Ann Towns, Elizabeth Wayson, et al. respondents?

3 Ans. I do.

4 quest. Were you concerned in that case?

Ans. I was counsel for the complainant, and trustee under the decree, for the sale of the property mentioned in the proceedings in that case.

5 quest. Do you know James T. Kirby?

Ans. I do.

6 quest. What relation was he, if any, to J. Edward Kirby?

Ans. I believe he was his brother - so understood it to be.

7 quest. How long have you known J. Edward Kirby?

Ans. I have known him fifteen or twenty years.

The papers marked "Kirby vs Smith, 81. 1874," being shown to witness, he identified them as being the papers in the cause to which he referred.)