paper-writing, marked Thomas W.G. No. 2." before you answer the question?

Ans. The check was given for the difference between the amount which James T. Kirby was entitled to as distributee, and a bill of Messrs. Rowe & Faye, held against him, which was left at my office for collection, amounting to thirty-one dollars and forty-nine cents, the check being for three hundred and ten dollars and twelve cents; I paid to each of the distributees mentioned in the Auditor's account filed in the case referred to, or to their order, by checks on the Second National Bank of Baltimore, the respective amounts of money set forth in an account or statement in writing, which I prepared at the time of said settlement, and which I now submit, marked Thomas W.G. No 2;" I gave a duplicate of this, I believe, to each one of the parties concerned; it was paid to James T. Kirby; the whole amount due Mr. James T. Kirby from the proceeds of that sale including interest received from the purchaser, was $343.11; from that amount, I deducted amount of his bill of Rowe & Faye against Mr Kirby, which amounted to $39.99; and the amount due myself for services rendered to him as per bill, amounting to 3.00, leaving a balance of $310.12, the amount of check referred to; check marked "Thos, W. G. No. 3," it is endorsed by James T. Kirby in his own handwriting, and was paid.

19 quest. Were these deductions which you have mentioned, authorized by James T. Kirby?

Ans. They were.

20. quest. Have you ever heard from James T. Kirby since that time, about this money?

Ans. Nothing whatever although I have seen Mr. Kirby very many times since, and conversed with him.

21 quest. Did he ever mention that he had received this

money from you?

Ans. I don't know that he specifically mentioned the fact.

22 quest. Did he ever speak to you of the settlement of the business?

Ans. No.

23 quest. Look at the paper-writing now shown you, marked "Edward Kirby vs James Smith, et al, Defendants;" one of the proceedings in the cause to which you have referred, and state in whose handwriting the name James T. Kirby, signed to that paper, is?

Ans. It is in the handwriting of James T. Kirby.

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

Ans. I have known him 15 or 20 years; known him well.

25 quest. By what name did you know him, when you first became acquainted with him?

Ans. I always called him Ed, but knew, or subsequently learned his name was John Edward; he went by the name of Ed among his acquaintances; that is, he was called Ed just as a man whose name is George Washington, is called Wash, but his proper name is John Edward; I learned that from himself, and I think, from his father.

26 quest. About what time did you learn this from him?

Ans. I can't say, but it has been a long time ago; it has been many years.

27 quest. Did Mr. John Edward Kirby ever make to you an application to borrow money on the premises No. 303 E. Pratt St?

Ans. Yes, sir, he did.

28 quest. When was that?

28 Ans. It has been some years ago; I can't remember the exact date.

29 quest. Did you lend it to him?

Ans. I did not.