30 quest. Why not?

30 ans. Because I did not think he owned the property; I always knew, or supposed the property belonged to his father, and not to him?

31 quest. Was he aware of the ground of your refusal?

31 ans. Oh, yes.

32 quest. Did the old man ever, in your hearing, claim title to the house?

32 ans. Always; I never heard him speak of it but as his property.

Commission adjourned to 20th October, in the same year, at 1 O'clock, P.M.

Oregon R. Benson, a witness of lawful age, produced on behalf of the respondents, being by me first duly sworn on the Holy Evangely of Almighty God, being examined on the following interrogatories to him propounded in that behalf, makes oath, deposes, and saith as follows, that is to say:

1 quest. State your residence and occupation?

Ans. Attorney-at-law; Baltimore County.

2 quest. You are employed by Mr. Myers, on behalf of Mr. Edward Kirby, the elder, in reference to the property, 303 E. Pratt st.?

Ans. Yes, sir.

3 quest. Please state all you know in connection with the matter?

3 ans. A few days prior to the execution of the deed by Edward Kirby, the senior, to Frances Ann Towns, Mr. Charles R. Myers employed me in behalf of Mr. Kirby, the elder, to examine the Mechanics Lien Docket of Baltimore City, to ascertain whether any such lien claim had been filed against the property, 303 E. Pratt street, stating that Mr. Kirby told him that he was afraid something was wrong about the property; that he didn't understand the meaning of certain writings on the margin of his deed, which had been put there during the time it had been in the possession

of his son, J. Edward Kirby, who obtained it on the pretence of having some Mechanics' liens fixed; I made the examination, reported to Mr. Myers on the same day, that there were no such claims; he came back to me, and insisted that I should make a further examination, as the old gentleman was very much worried, and suspected something was wrong concerning the property; I then examined the Land Records of Baltimore City, and found three mortgages had been given by Edward Kirby and wife on 303 E. Pratt street, two of which had been released; the last one to Ammon Cate had not been released; I reported that fact to Mr. Myers, and went with him to the office of L. W. Reynolds, and there ascertained that the person who had borrowed the money on that mortgage corresponds to the description of J. Edward Kirby; the next morning, being April 26, 1878, Edward Kirby, Sr, came to my office, in company with Charles R. Myers about 9 O'clock; he stated that he had authorized Mr. Myers to employ me to make such examination, and stated that he had lent sometime previously his deed to his son J. Edward Kirby, who borrowed it on the pretext of fixing some papers - some Mechanics' liens - that he would return it soon; that he had hard trouble to get it back, and when it was returned, the lead pencil writing on the margin of the deed excited his suspicions, and called my attention to them, and asked me what could they mean, showing me the paper; he also stated that he had always intended this property 303 E. Pratt st., for his daughter, Frances Ann Towns; that he had liberally provided for all his other children; that she was a minor and a widow, and he felt it his duty to give her this property; he also showed me his will made by him in 1872, I think, and asked me if that will was not sufficient to give her that property after his death; I replied, it was sufficient; I told him what I had done in the matter so far, and from the description of the person who was said by Mr. Reynolds and Mr. Ross, at his office,