to the said road, as hath been stated in the bill, and they admit that the said deposite was known at the time to this defendant Ann Lockey and to the said Charles R. Lockey and that no objection was made thereto by them or either of them, and that no objection hath been since made - And these defendants further answering say that they admit it to be true, that in the construction of its said road the said excavated rock or stone, may be highly useful and necessary for many purposes, and especially for those purposes which are enumerated in the complainants said bill of complaint, and these defendants further say the complainant hath already used a large quanty of the said stone in the construction of the said road as well upon that part of the said road which is located and constructed over and upon the land of these defendants as upon other portions of the said road but these defendants deny that the complainant was entitled to any portion of the said stone under the said contract and they further say that all the said stone as well that portion thereof which hath been already used by the complainant as that which now remains upon the lands of these defendants without the lines of the said road is and was of great value independant of the said road, as well for the burning of lime, as an article of merchandize - and these defendants pray that the complainant may be required to render an account of all the said stone so used in the construction of the said road and which may be by the said complainant hereafter used, or disposed of by the said company or any of its servants or agents designating the kind quantity and quality of the said stone and the value thereof in current money and designating how much of the said stone hath been used, and in the construction of the said road over and upon the lands of these defendants and how much thereof hath been used in the construction of other portions of the said road. - And these defendants further answering say that they admit that the complainant exhibit marked B. is what it purports to be, but that they hath been advised that the matters therein mentioned do not concern them. - and these defendants further answering say that this defendant Anne Lockey and the said Charles R. Lockey in his life time made no other contract whatever with the said complainant in reference to the location and construction of the said road or with reference to materials to be used in the construction of the said road other than that which hath been exhibited and filed by the complainant, and these defendants further say that they have been advised that the right of the complainant to the said stone or to any portion thereof depends upon the true construction of said agreement and that they have been advised that the complainant hath no right to the said stone, or any portion thereof under the said agreement and that they are entitled to an account for that portion thereof which hath been used by the complainant and a decree for the payment of the value thereof. - And these defendants further answering say that this defendant Anne Lockey and the said Charles R. Lockey, were aware that the construction of the road about to be made if made through the land of these defendants would not be upon the surface of the said lands and that they did not suppose that an embankment would be necessary and these defendants

expressly deny that at the time of the execution of the said contract and up to the time of the excavation aforesaid the said rock or stone since excavated as aforesaid was as it stood of no value, and they aver that the said rock or stone before its excavation by the complainants, and before the construction beside it, of the said road was of great value as an article of sale and merchandize as well as for the burning of lime and that the said Ann Lockey and Charles R. Lockey had upon their said parcel of land before the construction of the said road, two lime kilns, but which have been destroyed by the complainant in the construction of its said road, and that they were engaged in the business of burning lime for sale as well as for consumption sometimes renting out the said lime kilns, and selling stone unquarried, and were also engaged in selling limestone to others, and that the said limestone in the bowels of the earth, even if the said road had never been made was valuable for the purposes before mentioned. And these defendants further say that they have been advised that the complainant does not intend, and cannot use all the lime stone so raised and excavated as aforesaid, in the construction of the said road and hath offerred to sell the same for the use and purpose of burning lime - and that if the complainant is permitted to use and sell the said stone for the purpose of burning lime for sale, that so great is the quantity of the said limestone that it will give to the complainant for some years the controul of the lime trade in the City of Baltimore but these defendants admit that there is an almost unexhaustable quantity of the same kind of stone on their said parcel of land, but they also say that the fact of having so large a quantity of the said stone already raised will give to the owner or owners thereof the advantage above stated - and they also say that the rights and privileges by them given to the complainant by the said agreement were given and granted without any other consideration than the advantage which the said Ann Lockey and Charles R. Lockey would derive from the location and construction of the said road, and that in the true construction of the agreement, these defendants are entitled to the said stone as a benefit resulting to them from the location and construction of the said road, and that under any other construction thereof they will suffer great loss and damage; and these defendants further answering say that they admit it to be true, that it is recited in the said agreement that the lands lying in the route that might be selected for the said road, would be greatly enhanced in value by the passage of the road through or near them, and these defendants further say that the value of their lands consists principally in the limestone for the purposes before mentioned and the advantage to be derived by them from the said location and construction of the said road, is almost entirely in the facilities of transportation which will be thereby afforded to them of lime and limestone for the purpose of trafic as is stated in the bill - That these defendants are not so well acquainted with the lime trade as the complainant or the draftsman of their bill of complaint and do not know whether the matters and facts stated in regard to the trade in lime and the supplies to be had, and the demands for lime from other states are true or otherwise, nor do they admit the same to be true, but put the complainant upon the proof thereof if deemed material but that these defendants do consider the value of their lands enhanced by the location and construction of the said road over and upon them, and that that enhancement in value consists almost entirely in the benefit to be