tell whether he gets more out of his quarry than I do out of mine. My quarry contains four acres. I think. I would not be - right positive.

Fourth cross Interrogatory. 4th X Have you been working your quarry regularly for the last few years, and what amount of lime do you get out?

Answer. Yes. I cant tell you here how much I get out of it. They lime sells for a pretty good price, we get out all we can, when it is lock, we do as little as we can to keep things together At present I rent my quarries & kilns to Mr Griscom Mr. Griscom has had them these last two years

Fifth Cross Interrogatory. What does Mr Griscom pay you?

Answer. He is to pay me fifteen hundred dollars a year, he has the quarries, the kilns, the railroad the tools, the horses, and everything connected with them.

Sixth Cross Interrogatory. 6th X Before Green purchased this quarry, who occupied it and who worked it?

Answer. Mr. Fortune

Seventh Cross Interrogatory. 7th X What is the relative value of Ward's lime kiln in 1861 and now?

Answer. I dont Know; as to stone there is any quantity there, of course he has used some, but there is any quantity there, and will be there when we are gone. The quarries fluctuate in value with the demand for lime. I dont think my lime quarry is worth more - now than in 1860. Sometimes we open a better breast by taking out the lime stone. I dont know as the actual value of the quarry - fluctuates.

Powell Griscom, a witness of lawful age produced on the part of the Complainant, being duly affirmed (he being conscientiously scrupulous of taking an oath,) and interrogated to the interrogatories filed with the Commissioner by the Complainant's Solicitor, and copied below, deposeth and saith.

First Interrogatory. 1 Do you Know the parties to this suit?

Answer. I do sir.

Second Interrogatory. 2 Do you Know the limestone quarry and - kilns in question in this suit?

Answer. I do

Third Interrogatory. 3 In whose possession are they now?

Answer. In Thomas Ward's

Fourth Interrogatory. 4 Do you Know who owned the said quarries and kilns before they came to the possession of Thomas Ward?

Answer. I do. Thomas Fortune and after Thomas Fortune, Richard Green.

Fifth Interrogatory. 5 Can you State to whom Richard Green sold said kilns and Quarry?

Answer. To Thomas Ward

Sixth Interrogatory. 6 State all you know about it

Answer. Well I say to Thomas Ward, because I was present at the

conversation between Richard Green and Edward Rider, which - Mr. Rider spoke of, in which Mr. Green said that he had sold the quarries to Mr. Ward, and his remark was for eight thousand - some hundred dollars, just what it stands me, I don't remember the number of hundred dollars over the eight thousand dollars.

Seventh Interrogatory. 7 Who was in possession of said quarry and kilns at that time, and who has been since?

Answer. Thomas Ward. Thomas Ward all the time since

Eighth Interrogatory. 8 Do you know when Thomas Ward took possession of said quarry and kilns?

Answer. Some time in the forepart of July 1860. I don't remember the exact day My impression is it was on the 5th of July, but I am not positive

Ninth Interrogatory. 9 What is the difference in the value of the quarry & kilns now, and in 1860 at the time of Ward's purchase?

Answer. Well I think there is very little; if anything they are not worth as much from the fact that we now have opposition in oyster shell lime in the City, which we had not at that time. I think the opposition commenced in 1863.

Tenth Interrogatory. 10 Are you engaged in the business of lime burning in Texas. & how long have you been in that business?

Answer. I am and have been since October 1849.

Whereupon defendants' solicitor exhibited his cross interrogatories to be propounded to said witness which he filed with the Commissioner, and which are copied below & said witness being thereunto interrogated, deposeth & saith.

First cross Interrogatory. 1st X How near is your quarry to Ward's & what is its size?

Answer. I am working Mr Riders quarry, sir.

Second cross Interrogatory. 2nd X Has Ward since he took possession fully worked his quarries or neglected them? and how in comparison is his work to yours?

Answer. He has worked them fully I think. I see no sign of neglect in any way. Well altogether I think he does as much as I do. perhaps he don't burn quite as much lime, but he quarries and sells a great many more stones than I do. I should say the quarry was worked in a workmanlike manner.

Third cross Interrogatory. 3rd X Is it considered workmanlike to quarry - only the surface stone in various parts of a six acre lot?

Answer. If they just open a quarry and dig down until they come to water and then abandon it and go to another hole. I would not consider it workmanlike, because in every hole they open they would have to make a road out, it would take a great deal more powder to blast the rocks, and if they would just open to the water and continue it on where there is much embankment as there is in this quarry they would have a nice face to the quarry

Fourth cross Interrogatory. 4th X How far is this quarry from the Northern Central Railroad, and when was the railroad connecting -