it laid, and by whom?
Answer. It adjoins the limits of the Northern Central Railroad, there is a railroad from the quarry to the railroad that railroad I think was made by Thomas Fortune, a portion of it, directly after he purchased the property, I dont remember what year that was
Fifth cross Interrogatory. 5th X What improvements are on Ward's quarries?
Answer. There is five limekilns that can be used, I think, and three small tenant houses I am not able to say when the tenant houses were put there; they were put there before my father went there, and he bought in 1842. The limekilns were built by Thomas Fortune directly after he purchased the property, the same year, I think, all but one, sometime in 52 or 53, somewhere about there,
Sixth cross Interrogatory. 6th X What is the annual value of the rent of the quarries occupied by Ward?
Answer. Well I should suppose about $1200, or somewhere along there.
Seventh cross Interrogatory. 7th X State as near as you can the amount of lime burnt by Ward in the last few years, and if you have no means of knowing accurately, state what you judge would be the number of bushels from your working in the next quarry and being engaged in the same business.
Answer. It is almost impossible to give an estimate because it is such an uncertain business, but I should suppose between thirty and forty thousand bushels a year. The year of 1861. I dont suppose he burnt anything like that amount.
Eighth cross Interrogatory. 8th X You have stated that he quarried & sold more stone more than you; state the amount as nearly as practically from your observation, and what would be the comparative value of the stone annually quarried, and the lime annually burnt by Ward.
Answer. That is a difficult question to answer. You would have to send me home to my books to answer that question. Lime fluctuates sometimes twenty cent a bushel. It would be impossible for me to tell without referring to my book No. I couldn't state the quanty. If I give you an answer, it will just be guess work. I sell about forty car loads of a stone a year varying in price from a dollar and a half to two dollars a load. I think Mr Ward sells more stone than I do, but how much more I cannot state.
Ninth cross Interrogatory. 9th X State the average price of lime in the last five years.
Answer. I suppose it would be about forty five cents a bushel for building lime; agricultural lime, the average would be about twenty two. Lime was highest in sixty five, we got sixty cents part of the year for building lime.
Tenth cross Interrogatory. 10th X What is the usual proportion of building lime and agricultural lime burned?
Answer. Well that would be merely guess work too. We only burn

agricultural lime when we have a sale for it. We usually burn it only in winter sometimes a kiln or two in summer. We burn much less of it than of building lime.

Whereupon complainant's solicitor exhibited his additional interrogatories to be propounded to said witness which he filed with the Commissioner & which are copied below, and said witness being therunto interrogated, deposeth and saith:-
First additional Interrogatory. 1st Does Ward dig down holes in his quarry until he comes to water and then leave and go and dig down another hole in the quarry until he comes to water, etc. or how does he work it?
Answer. No, sir, he commenced to work on the face that was already there and continued to work in on a water level.
Second additional Interrogatory. 2nd Do you think that the quarry has been damaged by what Stone Ward has taken out of it either in burning lime or for sale?
Answer. I do not
Owen Ward, a witness of lawful age produced on the part of the complainant being duly sworn by me upon the Holy Evangely of Almighty God, and examined to the interrogatories filed with the Commissioner by the complainant's solicitor & copied below, deposeth and saith,
First Interrogatory. 1 Do you know the parties to this suit, and are you the brother of Thomas Ward, the Complainant?
Answer. I know Mr. Ward. I knew Mr. Green and I suppose this is Mr. Billingslea. (Witness here points to Mr. Billingslea, then in commissioner's office) Yes Sir.
Second Interrogatory. 2nd Do you know the limestone quarry and kilns in Texas now in the possession of Thomas Ward, and who owned them before they came to the possession of Thomas Ward?
Answer. Yes Sir. I understood Mr. Richard Green owned them.
Third Interrogatory. 3 Do you know to whom Mr Green sold them, and state all he told you.
Answer. He told me he sold them to Thomas Ward. I made a remark that I thought it was a big undertaking in hard times. (He always called my brother Tommy.) He said, "If Tommy dont get through with it, no one else will," we use a good deal of stone in Ashland, and we will get it from him, that is about the best stone we can get.
Fourth Interrogatory. 4 Did Green tell you how Ward was to pay for the quarry & kilns?
Answer. I asked him in case he was to call for more stone, Richard Green said he was to pay for it in lime & stone, and then I asked him if he should call on him faster, than he could furnish it, what would be the consequence. He said he never would ask a man to do anything unreasonable and he would do more for him than most of people would give him time enough to pay for it. Thomas Ward was