not present at the time.

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

First cross Interrogatory. 1st X When did this conversation take place?

Answer. The fall of 1860 as well as I can recollect.

Second cross Interrogatory. 2nd X Previous to your brother going to the limekiln, state what he was doing.

Answer. He was living on the Ridge on a place he had over there before he went to Texas at all. He has a farm over there.

Third cross Interrogatory. 3rd X Have you any interest in your brothers business?

Answer. Not a particle.

Fourth cross Interrogatory. 4th X Who else was present when you had this conversation with Mr Green, and where did it take place?

Answer. I don't know, sir, of any body else. It took place in Howard Street in Baltimore. (I couldn't really say sir, it was a good while, it may have been six months or eight months, or ten months, I couldn't be certain. I saw him frequently afterwards) He hardly ever came up that way but he stopped while I was, he had a good liking to me, I waited on him at Oregon Furnace at one time.

That portion of the above answer enclosed in brackets in responsive to a verbal question of defendants Solicitor, who asked the witness how long before Mr. Green's death did the conversation testified to above, take place.

John O. Price, 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 Commissioner by the Complainants Solicitor, & copied below deposeth and saith.

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

Answer. I know Mr. Ward and Mr. Billingslea and knew old Mr. Richard Green very well.

Second Interrogatory. 2 Do you know the quarry and kilns in question in the village of Texas, now in possession of Thomas Ward? and who owned these before they came to the possession of Ward?

Answer. Yes Sir. Mr Richard Green.

Third Interrogatory. Had you any conversation with Richard Green in relation to the sale of this quarry? State all he said.

Answer. Mr. Green, in the first instance wanted me to join him, Mr Fortune and he didn't agree. He wanted me to join him in the property. (this was after Mr. Green had purchased the property,

I think) I declined having limestone enough on my place. He told me that the Ashland Company would take stone enough from the quarry to pay it in five years & not interfere with other business, burning lime, and soforth.

After that he told me he had sold it to Thomas Ward, it was between seven or eight thousand dollars, or that neighbourhood.

Fourth Interrogatory. 4 Did Green tell you how Ward was to pay him for it? where was the stone to be delivered?

Answer. Well I understood from Mr. Green that Mr. Ward was to pay for it in stone, that was my understanding, partially in stone, or the whole of it. I cant say. I inferred that Mr Ward was to pay for it in stone. The stone was for the Ashland Furnace, I don't know where it was to be delivered, whether on the switch, or at the furnace.

Fifth Interrogatory. 5 Did Green offer to sell you the quarry and kilns? If so, how much did he ask you for them?

Answer. He wanted me to join him in buying it, or to join him after he had bought it, there was a disappointment or some disagreement with him and fortune. Somewhere about seven or eight thousand dollars somewhere in that neighbourhood; that is my impression now.

Sixth Interrogatory. 6 Did Ward take possession of the property at or about the time that Green told you he had sold it to him.

Answer. We were riding in a buggy wagon and Ward was on the premises when we got down there, whether he had possession or not, I don't know. Ward had possession of it a short time after that, a week or two, I think, not longer. I had never seen him there before the time Mr. Green and I went there in the buggy on the day he told me he had sold the quarry to Ward. I think this conversation was either in sixty or sixty one, it was in warm weather. It wasn't very long after Green bought the property, a short time afterwards.

Then at the request of the Solicitors for the respective parties and in order to allow them further time for the production of their evidences, the commissioner adjourned the Commission, but in obedience to an order of this Honorable Court dated the 29th day of April A.D. 1867. directing your Commissioner to return said Commission, he here returns the same under his hand & seal this eighth day of June eighteen hundred and sixty seven.

William S. Keech, (Seal)
Commissioner

And on the said twenty fifth day of May in the year last aforesaid, the said Defendant by their Attorneys aforesaid, filed in Court here the following exceptions, to wit:

Ward vs Billingslea et al } Defendants Exceptions to Complainant testimony

Defendants except to the following testimony under the Commission directed to W. A. Mullins & by him returned.