-ments until the year 1833 deponent thinks the yearly income did not exceed the sum of ($400) four hundred dollars, and that deponent has no knowledge of the value of the said property from that period to the present.

3d. To the 3d Interrogatory, He answers and says that he has some knowledge of the improvements made upon said property, having been a partner of W. Hopkins in the business of the forge at the time the said improvements were made, and having had the superintendance of said improvements while they were being erected. That said improvements were made at the joint expense of W. Hopkins and this deponent as partners: The improvements erected by them were a new four fired forge complete with slate roof, a new dam across the Octoraro creek built very substantially and at heavy expense, merchant and Grist Mill entirely new except part of an old frame saw mill new, New roof and other repairs on Coal house, new roof and repairs on stable, all the out houses repaired and 2 new tenant houses built, a new post and rail fence around the cleared land on both sides of the creek. That there was some lime put upon the land but what quantity deponent cannot say. That the dwelling house and kitchen were repaired. That the roads leading to the works were in a very bad condition rough and difficult to pass - a part of which were private and part public ways. That the private ways were in a very bad condition and require heavy and constant expenditure to keep them passable, and that in several instances they were obliged to expend money in repairing the public ways, the amount allowed by the County authorities not being sufficient and the roads being very much used by the forge teams. That deponents impression is that the improvements erected by them upon the said property did not cost less than ($12,000) twelve thousand dollars. Deponent further states that he sold out to W. Hopkins all his interest in the forge concern in the year 1833 and has never since had any connection with or interest in said works and has had very little knowledge of them since.

To the last Interrogatory He answers and says that at the time the property came into the possession of of W. Hopkins it was in a state of entire ruin, yielding or calculated to yield no annual income whatever. That had it remained in that unimproved state it would have yielded no revenue and that in the opinion of this deponent all the yearly value which it has since yielded much or little has been the result of the improvements made by W. Hopkins and his heirs, and further deponent saith not.

The Commission was then adjourned with the understanding that if the said defendants wished to to take any further Testimony under said agreement the witnesses must be produced before the 20th instant. The Commissioner having understood from the agent of the said defendants that they would in all probability have other witnesses to produce but would not be able to produce them by the 20th instant. The Commissioner informed said agent that he would keep the commission open after the 20th instant but

that in that case notice must be given to the other party.

At the instance of Albert Constable Esq. solicitor for the defendant Hauss the undersigned appointed Tuesday the 12th of July 1842 to take Testimony on the part of said defendant of which due notice was given to complainants solicitor.

On the 17th of June the Commissioner received from Cornelius M'Lean Esq. solicitor for complainant a letter asking a copy of defendants Testimony and that the Commission might be kept open until the Commissioner should hear from him.

Tuesday July 12th 1842.

No witnesses being produced by the defendant Hauss and no person appearing before the Commissioner on behalf of either party the Commission was again adjourned generally.

Since that time the Commission has been kept open at the joint request of the solicitors of the defendants and the solicitor of the complainant as per the letter of W. M'Lean herewith returned.

Friday Sept 23d 1842.

An order from the Chancellor directing the Commissioners to close and return the Commission forthwith having been this day served upon the undersigned, the Commission is in obedience thereto this day closed under his hand and seal.

F. A. Ellis, Commr. (Seal)

Exhibit A.

This Indenture Tripartite made the eighth day of July in the year of our Lord one thousand eight hundred and one between Jeremiah Brown of the Township of Little Britain in the County of Lancaster and State of Pennsylvania surviving executor of the last will and testament of John Jones late of Little Britain Township in the County of Lancaster aforesaid deceased of the first part Thomas Rogers of the City of Philadelphia in the State of Pennsylvania aforesaid merchant of the second part, and John Frey of the Borough of Lancaster in the said County of Lancaster merchant, and Matthew Irvin of the Township of Raplo in the said County of Lancaster Iron master of the third part, whereas the State of Maryland in and by a certain patent or grant under the Great Seal of the same State bearing date the second day of March seventeen hundred and ninety for the consideration therein mentioned did grant unto John Dixon a certain tract or parcel of land called Dixon's Exchange lying and being in Cecil County beginning at a marked black oak tree a corner of Moores Forrest and running with said Forrest south three degrees east ninety four perches to a post it being a corner of Moores Forrest thence south fifty three degrees west twelve perches to a stake a corner of Moores Forrest thence south forty four degrees west thirty six perches to a marked black oak sapling, thence south eleven degrees east fourteen perches to a marked Birch tree beside a run thence south fifty three and a half degrees west thirty five and a quarter perches to a marked Hickory sapling on the edge of Octoraro Creek thence up and bounding on said Creek