acting partner of Philip A Small and Samuel Small above named made oath on the Holy Evangely of Almighty God that the matters of facts set forth and stated in the foregoing answer are true as there stated to the best of his knowledge and belief. Witness my hand and seal the date above. James R Reily (Seal)

York County S.S. I William Ilgenfritz Prothonotary of the Court of Common Pleas in and for said County do certify that James R Reily before whom the foregoing affidavit was made is an acting Justice of the peace in and for said County duly commissioned and qualified and I further believe the signature to the same to be genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at York the 19th day of January A.D. 1841. (Seal) W. Ilgenfritz Prothy.

The joint and several answer of Philip A Small and Sam. Small defendants to the Bill of Complaint of Isaac Rogers and Jas M Rogers complainants exhibited and filed against the said defendants and others in Harford County Court in Equity and since removed to the High Court of Chancery of Maryland. The defendants answering say that they and a certain Christopher Geiger were heretofore co partners in relation to the matters herein mentioned and that they are informed that the said Christopher Geiger acting for himself and for them did on or about the twenty fifth day of February eighteen hundred and forty make a contract and agreement with the said Henry Scarff to lease from him fifteen acres of land containing Iron ore and adjoining the ore Bank of the said complainants but lying altogether within the lines of the lands so owned and possessed by the said Henry Scarff and which had been so owned and possessed by him before and ever since the said lease from Hope to Withers. And these defendants admit that the said Geiger for them and for himself as aforesaid did commence work upon the lands so leased them as aforesaid by raising Iron ore from out of said lands as they had a right to do and they say that they were so at work when they were by the said complainants wrongfully stopped by the injunction issued in this cause and these defendants admit that they refused to permit the said complainants to work the mines upon the land so leased by these defendants as aforesaid and they say that they have no personal knowledge of any of the matters enquired of in said Bill except the partnership in the said business between them and Geiger and that they never were on the premises in the Bill mentioned and they pray that the said Injunction may be dissolved and they hence dismissed with their costs &c, and as in duty bound they will ever pray &c. P. A. Small. Sam. Small.

J. Parkin Scott, Sol. for Deft.

York County State of Pennsylvania viz. Be it remembered & it is hereby certified that on this twenty sixth day of January in the year eighteen hundred and forty one before the subscriber a Justice of the peace of the commonwealth of Pennsylvania in and for the County of York aforesaid personally appeared Philip A. Small & Sam. Small above named and severally made oath

on the Holy Evangelists of Almighty God that the matters and facts set forth and stated in the foregoing answer are true as there stated.

Jacob Gleesner.

York County S.S. I William Ilgenfritz Prothonotary of the Court of Common pleas in and for said County do certify that Jacob Gleesner Esq. before whom the aforegoing affidavit was made is an acting Justice of the peace in and for said County duly commissioned and qualified and I further believe the signature to the same to be genuine.

In Testimony whereof I have hereunto set my hand and affixed the seal of said Court at York this 26th day of January A.D. 1841. (Seal) W. Ilgenfritz Prothonotary.

And afterwards to wit on the 10th day of February 1841 the Chancellor passed an order in the said cause in the words following to wit.

J. & J. M. Rogers, vs. Thomas Hope & others. } In Chancery 10 February 1841. This case standing ready for hearing on the motion to dissolve the Injunction & having been submitted without argument by the solicitors of the parties the proceedings were read and considered. Whereupon it is ordered that the Injunction heretofore granted in this case be and the same is hereby continued until the final hearing or further order.

Theodorick Bland Ch.

And the said cause thus standing was continued from Term to Term until March Term 1842, At which Term came the complainants aforesaid by their solicitor aforesaid and caused to be entered on the Docket of the Court a General Replication to the answers of the defendants filed in the said cause. And afterwards at the same Term came the parties aforesaid by their solicitors aforesaid and filed in the said cause the following agreement.

Rogers vs. Hope. } In Chancery. Mr. Waters issue commission to take testimony to Abraham L Jarrett Esq. of Harford County and also to John B. Montgomery Esq. of Lancaster Co. Pa.

Otho Scott, Sol. for Complt.
J. P. Scott, Sol for Deft.

And thereupon commissions were accordingly issued in pursuance of the said agreement to Abraham L Jarrett Esquire of Harford County and John B Montgomery Esquire of Lancaster County State of Pennsylvania to take testimony in the said cause. And afterwards at the same Term the said Defendant Henry Scarff by his counsel aforesaid filed in the said cause his petition in the words following to wit.

Rogers vs. Hope, Scarff, et al. } In Chancery. To the Honorable Theodorick Bland, Chancellor of Maryland. The petition of Henry Scarff of Harford County defendant in this cause respectfully sheweth, That Thomas Hope one of the defendants is a material and competent witness for your petitioner in this cause Wherefore your petitioner prays that your Honor will by order authorize your petitioner to examine said Hope under the commission heretofore issued in this cause and your petitioner will ever pray &c. J Parkin Scott, Sol for Pett.