

**241** \* October, 1822, to the commissioners named by the plaintiffs. In pursuance of this commission the parties were notified, &c.; when Henry Waring, a witness, was produced and sworn on the part of the plaintiffs. In answer to the first interrogatory, he says, that he knew James M. Lingan twenty-five or thirty years before his death, and John Henderson upwards of twenty years.

*2nd Interr.* Were you or were you not acquainted with the circumstances relative to the sale of a tract of land described as a part of a tract of land called Zoar, situate in Montgomery County, in the State of Maryland, by General James M. Lingan to John Henderson;—if yea, state the same particularly, whether the said tract of land was paid for by the said Henderson, what was the price for which the same was sold, and all the circumstances within your knowledge relative to the same?

*Answer.* That a short time after Mr. John Henderson purchased of General James M. Lingan the farm he, Mr. Henderson, lately resided on, this deponent was going to Georgetown, and at the request of Mr. Henderson, mentioned to General Lingan that Mr. Henderson expected to pay no interest for two years from the purchase. General Lingan observed, that it was not so; one year clear of interest was as much as his circumstances would justify, or he would willingly give Mr. Henderson two years. This deponent then observed to General Lingan, there was, he believed, a misunderstanding which had better be fully explained. On this deponent's return, he mentioned to Mr. Henderson what had passed between General Lingan and himself. About twelve or eighteen months, as well as deponent can recollect, before the death of Mr. Henderson, this deponent was at Mr. Henderson's house; this deponent and Mr. Henderson were alone, and Mr. Henderson observed to this deponent, that he should not be able to pay General Lingan for the land; observing, that the produce of the farm was small; that General Lingan had agreed to take it back, if he found he, Mr. Henderson, could not pay for it; and that he, said Henderson, would certainly move to the back country, (Cumberland, this deponent believes was the place mentioned,) but it was disagreeable to Mrs. Henderson's connexions to leave them. This deponent understood from Mr. Henderson he was to give General Lingan about thirteen dollars and one-third of a dollar per acre, or that the land cost him about that sum per acre.

*3rd Interr.* Were you or were you not intimate with Mr. Henderson, and had frequent conversations with him on the subject of  
**242** \* the purchase of said land; and whether did such conversations, and your intimacy, continue down to the time of Mr. Henderson's death; if yea, state whether in all such conversations relative to said purchase, you understood from Mr. Henderson, the said land was or was not paid for; or whether the said John Hen-