

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.

*2d 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.

*3d Interr.* Were you or were you not intimate with Mr. *Henderson*, and had frequent conversations with him on the subject of