June Term 1828.

my children. Lastly, I hereby I appoint my two sons Francis Wathen and Wilfred Wathen Executors of this my my last will and testament. In Witness whereof I have hereunto set my hand, affixed my seale, this twenty ninth day of June one thousand eight hundred and nine.

Bennet his X mark Wathen (seal)

Signed sealed acknowledged and delivered by the testor Bennet Wathen to be his last will and testament in presence of us, who at his request have subscribed our names as witness thereto. Edward Edelen. Walter his X mark Beavin. Benjamin Bond

At the foot of the aforegoing writing it is thus written, to wit. Charles County Set. July 29th 1809. Then came Francis Wathen and Wilfred Wathen, the Executors of Bennet Wathen late of Charles county deceased, and made oath on the Holy Evangely of Almighty God that the aforegoing instrument of writing, is the true and whole last will and testament of said deceased, that hath come to their hands or possession, and that they do not know of any other. Test. Humphrey Barnes Regr. of Wills

Charles county Set. July 29th 1809. Then came Edward Edelen one of the subscribing witnesses to the aforegoing last will and testament of Bennet Wathen late of Charles County deceased, and made oath on the Holy Evangely of Almighty God, that he did see the testator therein named sign and seal this will, and that he heard him publish pronounce and declare the same to be his last will and testament, that at the time of his so doing he was to the best of his apprehension of sound and disposing mind, memory and understanding and that he together with Walter Beavin and Benjamin Bond the other subscribing witnesses respectively subscribed their names as witnesses to this will in the presence and at the request of the testator, and in the presence of each other.

Test. Humphrey Barnes Regr. of Wills

Charles County Set. August 29th 1809. Then came Walter Beavin and Benjamin Bond, two of the subscribing witnesses to the aforegoing last will and testament of Bennet Wathen late of Charles county deceased and severally made oath on the Holy Evangely of Almighty God that they did see the testator therein named, sign and seal this will and that they heard him publish, pronounce and declare the same to be his last will and testament, that at the time of his so doing, he was to the best of his apprehensions of sound and disposing mind memory and understanding, and that they with Edward Edelen the other subscribing witness, respectively subscribed their names as witnesses to this will, in the presence and at the request of the testator and in the presence of each other.

Test. Humphrey Barnes Regr. of Wills

Charles county Set.

I hereby certify that the aforegoing instrument of writing is truly copied from the Records of the Orphans Court of said County.

Seal of the Orphans Court of Charles County

In Testimony whereof I have hereunto subscribed my name and affixed the seal of the said Court this ninth day of June in the year of our Lord one thousand eight hundred and twenty eight

Wm. D. Merrick Regr. of Wills for Chas. County.

And also read to the Jury the following deed of bargain and sale from Benedict Wathen to the lessor of the Plaintiff, which had been duly executed recorded and the consideration money paid. At the request of Bennett Wathen the following Deed was recorded this 11th day of September Anno Domini 1819. This Indenture made this eleventh day of September in the year of our Lord one thousand eight hundred and nineteen between Benedict Wathen of the one part and Bennett Wathen of the other part, both of Charles county in the State of Maryland Witnesseth that the said Benedict Wathen for and in consideration of the sum of ten dollars to him in hand paid by Bennett Wathen doth grant, bargain, sell, alien, enfeoff, release and confirm, and by these presents, do grant, bargain, sell, alien, enfeoff and confirm unto the said Bennett Wathen his heirs and assigns forever, all his right, title, claim,

June Term 1828

interest and demand, in and to a certain tract or part of a tract of land known by the name of Saint George, or Semmes Fragment formerly the property of the late Hudson Wathen, and by the said Hudson Wathen devised and bequeathed to his son Bennett Wathen lying and being in Charles county aforesaid, containing one hundred and three acres, and forty perches more or less, with all its improvements, and running as follows. Viz. Beginning on the West line of Henry Wathens land at a small hickory standing on the south side of a branch, running, thence South one hundred perches, thence West one hundred and eighty nine perches, thence North North East, one hundred and eighty perches, to the upper Western house to a Hickory of the said Henry Wathens land, and from thence to the first bounded tree, all and singular the said premises, and of every part thereof, with all the appurtenances thereunto belonging, with all the estate, right, title, claim, interest, and demand whatsoever of him the said Benedick Wathen to the above named tract or parcel of land granted and sold, and every part and parcel thereof with all its appurtenances. To Have and To Hold the said tract or parcel of land and premises above mentioned unto the said Bennett Wathen and his heirs and assigns forever (and the said Benedick Wathen for himself, his heirs executors, administrators and assigns, doth covenant, grant promise and agree, with the said Bennett Wathen his heirs and assigns, that he the said Bennett Wathen his heirs and assigns, shall and may from time to time, and at all times hereafter peaceable and quietly have, hold, occupy, possess, and enjoy, the land and improvements above mentioned to be hereby granted and sold, with its appurtenances, without trouble, or hindrance, molestation or interruption of him the said Benedict Wathen his heirs and assigns whatsoever, claiming or to claim, by from, them or any — and farther that the said Benedick Wathen, and his heirs any thing, claiming or having in the said premises, above mentioned or any part thereof by from or under him, shall and will at all times hereafter at the request and cost of the said Bennett his heirs and assigns, make, do, and will execute, or cause to procure to be made, all and every such further, and lawful and reasonable, grants, acts, and assurances in the law whatsoever, for the further, better, and more perfect granting and conveying and assuring the said land and premises with its appurtenances above granted and sold unto the said Bennett Wathen his heirs and assigns as aforesaid, to the only proper use and behoof of him the said Bennett Wathen his heirs and assigns forever, according to the true intent and meaning thereof. In Witness whereof the said Benedick Wathen have hereunto set his hand and affixed his seal this day and year first above written.

Signed sealed and Delivered in presence of } John B Wills, Jno Meredith } Benedict his mark Wathen (seal)

Annexed to the aforegoing Deed is thus written to wit

State of Maryland Charles County to wit On this eleventh day of September in the year of our Lord one thousand eight hundred and nineteen before us the Subscribers two of the State of Maryland Justices of the peace in and for said county, personally appeared Benedict Wathen party grantor, and acknowledged the aforegoing instrument of writing to be his act and deed, and the land and tenements therein granted and thereby bargained and sold to be the right property and fee simple Estate of Bennett Wathen his heirs and assigns forever according to the true intent and meaning thereof, and the act of Assembly in such case made and provided.

Acknowledged before. Jno B Wills. Jno Meredith

State of Maryland Charles County Set. I hereby certify that the aforegoing is truly taken from Liber J B No 13 folios 232 & 233 one of the Land Records of Charles County.

Seal of Charles County Court

In Testimony where of I have hereunto subscribed my name and affixed the seal of Charles County Court this sixth day of August in the year of our Lord one thousand eight hundred and twenty six.

John Barnes. Clk. of Chas. County Court.

The Plaintiff then proved by Francis Wigdon a competent witness that he was acquainted with Bennett Wathen, the son and devisee in tail of Hudson Wathen, that the said Bennett Wathen was in possession of the land in question, when he was first married, and lived on it during his life time, and died there, that he had six sons; that the eldest son was called Hudson Wathen and the lessor of the Plaintiff was a second son; that Hudson Wathen the son of