Bennett Wathen married and left children, and that Benedict Wathen who conveyed to the lessor of the Plaintiff was his eldest son; that Hudson Wathen died in the life time of his father Bennet, that his son Benedict is now living. The Plaintiff also proved by John Cordell a competent witness, that before the demise laid in the declaration, Bennet Wathen the lessor of the Plaintiff entered on the land in question, and demanded possession of the premises from the tenant in possession and gave him notice of his deed for the land; the Tenant in possession Oswald Mumphey was in possession, and ordered him off. The Plaintiff also proved by George W Bearman, that Benedict Wathen was on the land after he had executed the deed to the lessor of the Plaintiff and claimed that it was his, and he had sold his right to his uncle Bennet Wathen. It was proved by Wilfred Wathen a competent witness, that at the time the deed was executed from Benedict Wathen to the lessor of the Plaintiff, that Oswald Mumphey or Elizabeth Bearman was in possession of the land in question. The Defendant then gave evidence that Oswald Mumphey at the time of executing the deed by Benedict Wathen was in possession of the land for which this Ejectment was brought, as tenant to Elizabeth Bearman, the Defendant in this cause who claimed the same, under Walter and Aloysius Edelen, and further offered in evidence that the signatures of Ogden and Tubman to the following paper: "To all people to whom these presents shall come Greeting: Know ye, that I Bennet Wathen of the one part, for and in consideration of the sum of one hundred and eighty dollars to me in hand before the ensealing hereof well and truly paid, by Walter Edelen of the other part, the receipt whereof I do hereby acknowledge, and myself hereunto fully satisfied and contented, and therefrom and every part and parcel thereof, do exonerate, acquit, and discharge him the said Walter Edelen his heirs Executors and administrators forever, by these presents, have given granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do freely fully and absolutely, give, grant, bargain, sell, alien, convey and confirm, unto him the said Walter Edelen his heirs and assigns forever, all that part or parcel of land, called one by my Father Bennet Wathen, known by the name of Saint George, but since resurveyed and now called Semmes Fragment. To Have and to Hold the said granted and bargained premises with all the appertenances, privileges and commodities the same belonging, or in anywise appertaining to him the said Walter Edelen his heirs and assigns forever, to his and their own proper use, behoof and benefit forever. And I the said Bennet Wathen for myself my heirs Executors and administrators, do covenant with the said Walter Edelen his heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances, that I have good right to sell and convey the same to the said Walter Edelen, to hold as aforesaid, And that I will warrant and defend the same to the said Walter Edelen his heirs and assigns forever, against the lawful claims and demands of all persons. In Witness whereof I have hereunto set my hand and seal the 2d day of February one thousand eight hundred and sixteen.

Signed Sealed and Delivered in presence of — Bennet Wathen (seal)
Sam: Ogden. Thomas B Tubman

Maryland Charles County towit: On the 2d day of February in the year one thousand eight hundred and sixteen came Bennet Wathen the party grantor above named, before us the subscribers, two of the State of Maryland Justices of the Peace in and for said County, and acknowledged the above deed or instrument of writing to be his act and deed, and the lands and premises therein mentioned, and thereby bargained and sold to be the right and Estate of the within named Walter Edelen, party grantee also therein named, his heirs and assigns forever, according to the purport true intent and meaning of the said deed or instrument of writing and the Acts of Assembly in such cases made and provided. And moreover the same time also appeared Elizabeth Wathen wife of the said Bennet Wathen before us two Justices of the peace as aforesaid, and acknowledged the said deed or instrument of writing to be her act and deed, and the lands and premises therein mentioned to be the right and Estate of the within named Walter Edelen, his heirs and assigns forever; and the said Elizabeth Wathen being privately examined apart from and out of the hearing of her husband "whether

she doth make her acknowledgement of the same willingly and freely, and without being induced thereto by fear or threats of ill usage by her husband, or fear of his displeasure" acknowledges that she doth make her acknowledgement of the same willingly and freely, and without being induced thereto by fear or threats of or ill usage by her husband, or fear of his displeasure. Taken and certified the day and year above written. Sam. Ogden. Thomas B Tubman

was the several hand proper handwriting of the said Ogden and Tubman both of whom are now dead, and then read the same in evidence to the Jury; and then offered evidence that Bennett Wathen the lessor of the Plaintiff acknowledged that he had sold his fifth part of the land willed to him by his father Bennet Wathen, to Walter Edelen, and then gave in evidence to the Jury the signature of Robert Edelen to the following receipt: "Recd 2d March 1816 one hundred and seven dollars and twenty five cts of Walter Edelen for my land sold him left me by my father Bennett Wathen in full &c.

Test Robt Edelen. — Bennet Wathen"

and then read the same in evidence to the jury; and then gave evidence that the land mentioned in the will of Bennet Wathen is one and the same land with that mentioned in the said Deed from Bennett Wathen to Walter and Aloysius Edelen, and that Bennet Wathen therein mentioned is the lessor of the plaintiff. The Plaintiff also offered in evidence the following deeds, to wit) from Francis Wathen and Aloysius Wathen to Walter and Aloysius Edelen, and from Wilfred and John W Wathen do same; "At the request of Aloysius Edelen, and Walter Edelen the following deed was recorded this 17th day of October Anno Domini 1812. This Indenture made this seventh day of May in the year of our Lord eighteen hundred and twelve, Between Francis Wathen and Aloysius Wathen of Charles county and State of Maryland, of the one part, and Aloysius Joseph Edelen and Walter Edelen in the other part of the county and State aforesaid Witnesseth that the said Francis Wathen and Aloysius Wathen, for and in consideration of the sum of three hundred and nine dollars current money of the United States to them in hand paid by the Aloysius Joseph Edelen, and Walter Edelen, before the sealing and delivery of these presents, the receipt whereof they the said Francis Wathen and Aloysius Wathen do hereby acknowledge, hath granted bargained, sold, aliened, enfeoffed and confirmed, and by these presents doth grant, bargain, sell, alien, enfeoff and confirm unto the said Aloysius Joseph Edelen, and Walter Edelen, their heirs and assigns, all their part or parcel of a tract of land known by the name of Saint George, since resurveyed, and now called Semmes Fragments together with all and singular the buildings, improvements, woods, ways, waters, watercourses, rights, liberties privileges, hereditaments and appurtenances whatsoever thereunto belonging or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof, and all the Estate thereof, and right title and interest whatsoever of the said Francis Wathen and Aloysius Wathen both at law and in Equity, of in and to the said land and premises hereby bargained and sold, or meant, mentioned or intended hereby so to be and every part and parcel thereof. To Have and to Hold as before described called Semmes Fragments or by whatsoever name the same may be called, together with all the buildings and appurtenances, and all and singular the the premises, hereby bargained and sold, or meant, mentioned or intended hereby so to be and every part or parcel thereof, and with all its appurtenances unto the said Aloysius Joseph Edelen and Walter Edelen their heirs and assigns forever, and to and for no other use intent or purpose whatsoever: and the said Francis Wathen and Aloysius Wathen, for themselves their heirs and administrators, do to hereby covenant, grant, promise and agree, to and with the said Aloysius Joseph Edelen, and Walter Edelen, their heirs Executors, administrators or assigns, that they the said Francis Wathen and Aloysius Wathen and their heirs the said tract or parcel of land and premises, hereby granted, bargained and sold, and every part and parcel thereof with the appertenances thereunto belonging to them the said Aloysius Joseph Edelen and Walter Edelen, their heirs and assigns, against them the said Francis Wathen and Aloysius Wathen and their heirs, and against all and every person or persons whatsoever claiming or to claim any right, title or interest in and to the same, or any part thereof, shall and will hereafter warrant and forever defend by these presents.