

Testimony At the execution of the annexed Commission, issued out of the Circuit Court for Frederick County, sitting in Equity, & to me directed, and empowering me to examine evidence in the cause therein depending between Eugene L. Dev & Fanny Dev, his wife, et al. as Complainants, and Elizabeth Dev et al. as Defendants, J. William B. Nelson, Commissioner thereof named, did, on the 20th. day of December A. D. 1877, at my Office in Frederick City, Md. in the absence of John C. R. Wood, Commissioner, then and there proceed to take the following testimony, to wit:

The Complainants filed with the Commissioner as evidence "Exhibits Nos 1. 2. 3. 4. 5 6. 7. 8 9 10 11. & 12. which are herewith returned by said Commissioner

Eugene L. Dev, a witness of lawful age, produced upon the part of the Complainants, being duly sworn & examined to Interrogatories filed with the Commissioner by the Complainants & herewith returned, deposes and says To the

1st. Int. I am acquainted with all of the parties to this suit, & have known them all for some years

2^d Int I was. He was my father. He is dead. He died in Frederick County, Md. in July, Eighteen hundred and sixty six. He died intestate

3^d Int He left a widow named Elizabeth Dev, & the following children, namely: Mary L. Dev, adult, & residing in Frederick County, Md.; Alice V. Dev, adult & residing in Frederick County, Md.; - John J. Dev, since deceased; Eugene L. Dev, adult, married to Fanny Greenman & residing in Frederick County, Md.; William P. Dev, adult, married to Frances B. Estinger & residing in Frederick County, Md.; Charles W. Dev, adult, & residing in Frederick County, Md.; & Ezra L. Dev, adult, & residing in Frederick County, Md.; - A daughter Margaret A. married Edward A. Shinn & died before the said John Dev, deceased, leaving a child named Edward D. Shinn, who is an infant under twenty one years of age & who resides in Frederick County, Md.;

4th Int I was He was my brother. He is dead. He died in Frederick County, Maryland, in December 1869.

5th. Int. He left a widow named Annie C. Dev, adult, residing in Baltimore City, Md, but left no children

6th. Int. I look at "Exhibits Nos 1. 2. 3. & 4" now here shown me - said lands are fully described in said Exhibits

7th. Int Said lands cannot be divided amongst the parties entitled thereto without loss & injury to all parties concerned; and it would be to the interest and advantage of all parties interested that said real estate should be sold and the proceeds thereof distributed amongst the parties entitled, because said real estate consists of four different tracts of land, of different values and no equal division could be made of it

8th. Int I know the lands of which John J. Dev died seized & possessed. His interest in said lands cannot be divided amongst the parties entitled & it would be for the benefit & advantage of the parties interested, that