

Liber
P. C. R.
1658
April 29
Evans v.
Gerrard

Thursday 29^o Aprilis, 1658

All Pn^{et} as yesterday (Except M^r Nathaniel Vtye.)

To the hon^{bte} Josias ffendall Esq^r Leiu^{en}t & Gou^r of Maryland.

The humble Petⁿ of Will^m Euans.

Sheweth.

That about two yeares agoe, One Anne Browne possessed Certaine cattle in her life time & lyued in yo^r Pet^{rs} howse, W^{ch} s^d cattle, the s^d Anne did lett out to her father in Law, But the s^d Anne comming to dye, distributed all her s^d cattle to diuers persons as Legacies, as by her will appeareth, Amongst w^{ch} shee bequeathed One Cow, and her encrease to yo^r Pet^{rs} wife, W^{ch} Cow being then att her fores^d father in Laws plantaōn & on M^r Gerard Manno^e The s^d M^r Gerard hath wrongfully taken th^t s^d Cow, as his owne, & still deteynes the same from y^r s^d Pet^r & his Wife, Making diuers strange pretences, & allegaōns both of the marke & other; whereby to wrest the same to his owne use & warrant the Detineu thereof, Neyther could yo^r Pet^r euer bring the s^d M^r Gerard to any Legall tryall therein, Hee
p. 39 still making some euasion or other, for to iustify his not appearing: w^{ch} hath putt yo^r Pet^r to much costs, charge, and dammage, Agst all w^{ch} pretended allegaōns of M^r Gerard, yo^r Pet^r by diuers Oathes formerly taken concerning th^t p^ticular Beast, is ready to produce the same, Prouing & confirming yo^r Pet^{rs} iust Right & Tyle therto, in behalfe of his s^d Wife, The premises considered, yo^r Pet^r humbly Craueth th^t hee may bee possessed wth the s^d Cow & her encrease, & allowed for his Costs & hinderance therein, according to the usuall presidents of this prouince & hee shall euer pray &c:

Uppon the Petⁿ of Cap^t Will^m Euans, agst Thomas Gerard Esq^r concerning his the s^d Gerards deteyning a Cow, & her encrease w^{ch} the Pet^r sayth doth belong unto him, on the behalfe of his Wife, Thomas Gerard dēft in answeere sayth, That he fownd a Cow in the myre & pulling her out & veiwing the mark, he fownd th^t shee was marked wth his mark, & thereuppon deteyneth her-hauing formerly lost some cattle, & about the Age of th^t Cow, And wth all, threw downe uppon the Table both the Cowes eares, & the eares of a swine, cutt of, for the Court to iudge of the resemblance & nearness of both marks.

Vide De-
posns supra
pp. 16 & 17

The Depos^{ns} being reueiwd & read in open Court & the euidences appearing cleare, The Opinion & Judgm^t of the Court is, That the marks are not directly the same, & That the Cow in dispute is Cap^t Euans Cow, It is thereuppon Ordered That the Cow, now in dispute as a-fores^d wth her encerease be to the s^d Cap^t Euans.

As to the Costs & dammages The Pet^r Craueth a Jury to consider thereon, w^{ch} was graunted.

In the meane time the Gouverno^e adiornd the Court for a while warr^t to the Sheriffe to empanell a Jury of 12 men wthout delay.