

swornous he not charging me at all for
to have spoken the words in this false or malicious
when he ought to have done it with both you not
Notion can be & this is Error as fol. 47
7 Cas. B. R. fo. 24

4th

The matter of Law was never as yett fixed on
either before or after by the Jurors by
whom it might appear: whether the words
were actionable or not. yett then I
humbly Conceiving they were not in his
answer mentioned as must be left to be
upon the Court desiring them to judge of the matter
of Law as in the Answer upon Error doth
more at large appear. This he humbly
Contributes to Error.

5th

How a Jury to give Damages beyond the capacity
is possibility of the party being damaged.
more than in Statute. Condition otherwise he was
over words of the Birth Edward's Estate of my
Honor being sufficiently obvious. yett
also humbly Conceiving is Error

6th

Thus lastly this is palpable Error in the Jury
for giving any Damages at all when my Attorney
never named any for he ought to have named
his Damages. And he has proved them for
folio 339 C. 10. 113. 13. H. 7. 16. by the plain
man shall never receive more Damages than
he hath declared for in his Declaration

Fiat Justitia

Charles Calvert

L. Barbier

Whereupon issued his writ as follows
Caritius &c. the Sheriff of St. Michael's County
Greeting because in the Returne per. &c. and
returne of judgment in a plea that was depending
between Henry Spink and Thomas his wife
the said L. Barbier. It in pursuance of an action
upon this case for Defamation and Slandour
was summoned before our Governour & Council
in Sur. Co. at Court the ninth of Febr. 1633.
as is sayd upon maine that intentione to
congruati damage of the aforesd L. Barbier
recovery was never made. This is Error in
manner to be corrected by the parties aforesd