

September the 5th 1664

Writ issued to Col W^m Evans Cancellour to appear 13th
instant 10 o'clk in the Upper House of this present General Assembly

September the 6th 1664

At the House of Assembly according to the Adjournment
October the 3^d 1663 came Char: Calvert Esq^r Lieut. Gen^l, Philip Calvert
Esq^r Cancellour & Baker Brookes Esq^r
Henry Kewall Esq^r being called (Returned) Absent in England
Jerome White Esq^r being called (Returned) Absent through sickness
Rob^t Clark Esq^r (Returned) deceased.

Edward Lloyd Returned absent by cross winds

Jn^o Bateman Esq^r Returned Deceased

Henry Coursey Esq^r Returned Cross winds

Upon Consideration of the absence of the above mentioned persons
the Lieutenant Gen^l adjourned the House till Tuesday next 13th Inst^l
10th day of Septem^r. To the Right Honourable the Lieutenant
General of Maryland

The humble Petition of Luke Barbier

Sheweth That at Provincial Court held February the 9th
1663 in a Case depending between Henry Spinke Esq^r Pet^r & J^r
Petitioner Def^t in the proceedings of which Suit in divers
parts thereof your Petitioner humbly conceives there is Error & there-
fore humbly prays the Premises Considered -
- You Would please to grant him leave to shew the
Errors & order a Rehearing upon the same
And he shall pray

Errors Assigned

1st First the Will & the Declaration of my Adversary doth differ
and this is Error *Verme de la Loy*

2^d The Will hath nothing in it of the Declaration when
It ought to have all but only time & place & this is Error fol 20.

3^d And more chiefly even in the substantial Form of my Adversary's
Declaration it is most erroneous he not charging me at all therein to
have spoken the words either false or malicious when he ought to have
done it with both or no Action can be & this is Error fol 47 Trin 7 Car
BR & fol 24.

4th The matter of Law was never as yet concluded on either before
or after the Verdict of the Jury by which It might appear whether
the words were actionable or not your Petitioner then & still humbly