

And the Court ordered the Verdict be entered for the Judgment

True Copy Examined by the Clerk of the Provincial Court & the Clerk of the Upper House of Assembly before me

Signed Philip Calvert Chancellor

Luke Barber pl<sup>t</sup>

Henry Spinke Def<sup>t</sup>

The Plaintiff & Def<sup>t</sup> appearing at the same appointed & the Transcript of the Record of the process & Judgment against Barber being brought into the House of Assembly the Plaintiff proceeded to assign & make good the Error & first was read the first Error viz

First the Writ & Declaration doth differ & this is Error Termed de la loye

The Record saith Henry Spinke & Minor his wife demands Writ ag<sup>t</sup> Luke Barber Action Case upon Defamation

Warrant to the Sheriff of St<sup>t</sup> Mary's County to arrest & return next Provincial Court 8<sup>th</sup> September next at Sequa

And a little below

To the Rt<sup>t</sup> honorable the Lord Lieutenant & Council of the Province of Maryland

The humble Petition of Henry Spinke Sheweth or - which was in the Declaration put in by Spinke The Defend<sup>t</sup> Spinke alledged that the Difference between the Writ & Declaration is not Error, because it was only Matter of Form & for that alledged the Law of the Country but could not produce any Law of the Country to prove his Allegation The pl<sup>t</sup> replies It is matter of Substance & not of form only & therefore Error.

And the Vote of the house Nemine Contradicent was that the Error was Substantial & not in form of the Declaration only & therefore Vote the Judgment erroneous & that they both pay their own Charge Mr Jerome White present

Then was taken into Consideration the Articles of peace with the Susquehannah Indians dated 5<sup>th</sup> July 1652

Upon reading of which Articles made with the Susquehannah Indians as also the Articles made 21<sup>st</sup> May 1661 the House thought fit to communicate the said Articles with the Lower House to desire them to Consider.

First which way these Articles should be made good to the Susquehannahs, and secondly the danger that may arise from the breach or Delay of the performance of the said Articles

Ordered that the said Articles be sent to the Lower House to desire their Answer to these two Questions & if they think fit to have a Conference about them some time this Afternoon

Mr White Absent

John Gillinge