

reverses the decision only if errors of law have been made in the lower court. An appeal subjects the law and the facts both to a review and a retrial, and it can result in a reversal if there have been errors in either. There were in 1671-1675 ten counties in the Province; from seven of them, Anne Arundel, Baltimore, Cecil, Charles, Kent, Talbot and Worcester, no cases at all appear. From Calvert County, in the case of Daniel Gouldson and William Hallett *v.* Demetrius Cartwright (*post*, pp. 299-300) both parties appeared in court, by attorneys, on the appointed day, but the plaintiffs on appeal had not filed the new declaration against the defendant on appeal which they should have filed. For that reason the Court ordered a non-suit against them and charged them with Cartwright's costs. In the other Calvert County case, that of John Troster *v.* William Melton, Admr. John Foster (*post*, 370, 406, 492, 555, 593), Melton had refused to allow some accounts, and, in the lower court, Melton won. Troster tried to appeal the decision, but the county court refused to enter the appeal. Now he petitioned the Provincial Court, and, on October 16, 1674, the higher court ordered the appeal admitted, upon the usual triple security to prosecute. Troster seems also to have sued Melton personally (*post*, p. 406); and Melton as administrator sued Troster. On December 12, 1674, Troster imparled the case Melton had brought against him (p. 396) and got a continuance of his case against Melton (p. 406). On February 15, and again on May 7, 1675, both cases were continued (*post*, pp. 483, 492, 553, 555) and on November 16, 1675, both cases were agreed (*post*, pp. 592, 593). Carville was Melton's attorney, Robert Ridgely was Troster's.

From Dorchester County two cases came up to the Provincial Court. One was that of Timothy Lowe *v.* Thomas Ball. On February 9, 1674/5, the case was continued (*post*, 498), and on November 26, 1675, when it should have been heard, neither party appeared, and it was therefore discontinued (*ibid.*, p. 611). The other Dorchester case was that of John Hudson *v.* Thomas Taylor. Although it was Hudson who brought the appeal, he did not appear when, on May 7, 1675, it was to be heard, and therefore the defendant in error was granted a *procedendo*, which had the effect of sending the case back to Dorchester. The Provincial Court also allowed Taylor his costs of 940 pounds of tobacco (*ibid.*, p. 566).

From a decision of the St. Mary's County Court, Thomas Oakely appealed against Lydia Solly, administratrix of her deceased husband Benjamin Solly. Like so many cases, it was continued, February 9, 1674/5 (*post*, p. 497) and was settled by agreement on May 6, 1675 (*ibid.*, 548).

In Somerset County, John Hilliard appealed from a decision of the county court in his case against George Johnson, but, on December 12, 1674, he failed to appear in the Provincial Court. Accordingly Johnson was given a *procedendo* and the case was closed (*post*, p. 388). Another Somerset case, that of James Price *v.* Henry Smith, was continued in the Provincial Court on May 4, 1675 (*ibid.*, p. 581), and on November 24, 1675, when neither party appeared, it was discontinued (*ibid.*, p. 615).

Two verdicts delivered by the Court at these sessions were appealed from it to the Upper House of Assembly, wherein sat the same men who were justices