

of the Court's opinion as to the nature and extent of the citizen's right of appeal, I therefore deemed it proper to appoint a day for hearing, so as to allow an interval within which the parties might be permitted to take testimony in support of their allegations, and so as to give time to look into the practice of the Court in relation to appeals, for the purpose of having the subject carefully reviewed and maturely considered.

It has always been regarded here, as well as in England, as a constitutional right of every citizen to have his case reviewed, in one form or other, by a court of error.(b) Under the Provincial government, this right of the citizen to have a revision of a judgment, in any civil case, affecting his interests, was extended, in many instances, beyond the court of the last resort, in the Province, to the king in council.(c) In reference to which extended right of appeal, the Constitution of the Republic has emphatically declared, "that there be a Court of Appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive in all cases."(d) So as thereby, in the most distinct and positive terms, to exclude and prevent the further prosecution of appellate proceedings, in any case, from that ultimate tribunal of the Republic, as had been before allowed under the government of the Province.(e)

This right of appeal seems to have been conceded to the citizen by the common law, in all civil cases, without check, or control of any kind whatever.(f) A writ of error was granted, on demand, as a matter of right;(g) and, if the appellant was at all apprehensive, that proceedings, in execution of the judgment which had been so taken up by the writ of error, would not be stayed, he might, as of course, sue out a writ of *supersedeas* for the purpose of having all such proceedings suspended until a decision was had upon the writ of error.(h) The form of the writ of *supersedeas*, which followed, as the adjunct and auxiliary of the writ of error, was thus, "that if the judgment be not executed before the *supersedeas*, the Sheriff is to stay from executing any process of execution until the writ of error is determined."(i) Hence it was, and not from the quaint notion, that an execution being an entire thing which, when once begun, must be completed, that, if the *fieri*

(b) *Christie v. Richardson*, 3 T. R. 78.—(c) 1773, ch. 7, s. 5.—(d) Const. art. 56.
 (e) *Hammond v. Ridgely*, 5 H. & J. 268.—(f) Tidd, Pra. 1074.—(g) *D. Regina v. Paty*,
 2 Salk. 504.—(h) *Jac. L. Dic. vide Supersedeas*.—(i) *Meriton v. Stevens, Willis*, 281.