facias had been levied, the Sheriff was bound to sell the goods and bring the money into court to abide the event of the writ of error. And this becomes the more evident on adverting to the fact, that, in many other cases, where no such special directions were given to the Sheriff, the proceedings, in execution of the judgment, were intercepted and cut short at the very point at which the writ of error or *supersedeas* might happen to find them.(*j*) But it has been long established, that the writ of error, with an approved bond to prosecute it with effect, of itself, operates as a stay of further proceedings to the same extent, that might have been specially directed by a writ of *supersedeas;* which writ, owing to that, although formerly always sued out in this State,(*k*) has long since become obsolete, and is now never resorted to as a mere auxiliary to a writ of error in any case whatever.(*l*)

But, although the right to appeal, in civil cases at common law, was thus, for a long time, admitted to be absolute and beyond control; yet it was limited in its range to such facts as would have manifestly required a different course of proceeding and judgment, had they been made known to the Court; and to such errors in law as appeared upon the face of the record itself. And these errors in law, according to the common law mode of proceeding, could rarely be any thing more than such points of law as arose out of the allegations of the parties, in which no part of the evidence, which might have been offered in support of them, could appear; although, as to such evidence, and in their direction to the jury, the Court might have fallen into many and great errors. Hence it was, that the parties were, by statute, allowed to have any such matter inserted in the record, in the form of a bill of exceptions, so as to have the decision, in relation to it, revised and corrected, if erroneous, in a court of error.(*m*) But, whether the errors complained of were in fact, or in law; or whether they arose in an interlocutory proceeding, or in the last act of the Court, the party was not allowed to intercept the case in its progress, or to exercise his right of appeal, until the court of original jurisdiction had pronounced its final judgment; as in partition or account there could be no writ

(*j*) Jac. L. Dic. *vide Supersedeas.*—(*k*) Land. H. A. 146. Chan. Pro. lib. C. D. 368. A fee was formerly allowed to the Chancellor, which was afterwards directed to be paid into the treasury, for putting the great seal to a writ of error, and also a distinct fee for putting the great seal "to a *supersedeas* thereupon"—1763, ch. 18, s. 88; Oct. 1777, ch. 13; November, 1779, ch. 25, s. 22.—(*l*) 2 Bac. Abr. 477.—(*m*) Tidd, Pra. 787; 1 Hal. Const. H. Eng. 9, note.