and to make any points they may think proper, that yet they are not suffered, by an appeal, to cast their case into a new shape; or to give it a new, or different aspect in any respect whatever; since the sole object of an appeal, in all cases, whether at law, or in equity, is not to allow the appellant to present a different, or a better case; but merely to enable the Appellate Court to correct such errors as it may appear the inferior Court had fallen into, upon a review of the identical case upon which the Court below had decided, and nothing more.

No statutory provisions have been made in England for the purpose of regulating the right of appeal from the Court of Chancery, or for preventing its abuse; and therefore the matter has been hitherto entirely governed by such rules as have been laid down by the original and appellate tribunals themselves, upon due consideration of the peculiar nature of the subject. 2 *Fow. Exch. Pra.* 202. It is admitted, that very grave reasons should be required to induce the Court to refuse the benefit of appeal; *Wood* v. *Griffith*, 19 *Ves.* 551; and that any interference with the right of appeal is a delicate subject, to be applied with jealousy. *Way* v. *Foy*, 18 *Ves.* 454. Nevertheless, as it would be attended with consequences most oppressive, to suitors in equity, if an appeal were allowed, of itself, to operate as a stay of proceedings, it has long been the established practice of the Court of Chancery to consider an appeal as, in no case, having the effect of suspending its proceedings, unless an order for that purpose is made by the Court itself; or unless, in special cases, the Appellate Court should interpose by a special order. *Waldo* v. *Caley*, 16 *Ves.* 213. And, even if the decree were absolute and final, yet, if it were of such a nature, that the consequence of suspending its execution would, in effect, be, if the party in whose favor it had been made should die before the appeal could be heard, a reversal of the decree without any judgment of the Court, the proceedings would not be stayed. *Waldo* v. *Caley*, 16 *Ves.* 214; *Wood* v. *Milner*, 1 *Jac. & Wal.* 616. The Court of Chancery appears to have *been governed, in this respect, by a sound discretion upon a consideration of the peculiar nature of each case; so that, in fact, the hearing of a petition, to stay its own proceedings, pending an appeal, is, in some sort, a summary rehearing of the case itself. *Willan* v. *Willan*, 16 *Ves.* 217; *Monkhouse* v. *The Corporation of Bedford*, 17 *Ves.* 380; *Wood* v. *Griffith*, 19 *Ves.* 551. **16**

Upon all such occasions, however, the Court gives a certain degree of credit to its own decree, supposing it to be right, unless strong ground is shewn for a contrary conclusion, more than the mere dissatisfaction of the party appealing. And, in order to induce the Court to regard the case as reasonably doubtful, at least two counsel, who the Court will not presume to act so unworthily as to state what they do not know and believe, must certify, that, in