authenticated in a Court of original jurisdiction, it appears, that a long series of efforts have been made to prevent or correct the evil without materially impairing the benefit of the right of appeal itself.

So far back as the year 1485, the Court of King's Bench, laid it down as a rule of that Court, that no writ of error in Parliament should be allowed until some error was shown to it in the record, lest it should be brought on purpose to delay execution. *Tidd Pra.* 1074. And in the next year, it was provided by the statute, that the party should recover his costs, and damages for his delay, and wrongful vexation in the same by the discretion of the Court
10 before whom *the writ of error was sued. 3 *Hen.* 7, *c.* 10; *Tidd Pra.* 1131; *Kilt. Rep.* 228; *Shepherd* v. *Mackreth*, 2 *H. Blac.* 284. In the year 1581, it was made a rule of the Court of Common Pleas, that no supersedeas should be made upon any writ of error to reverse a judgment of that Court until some manifest or pregnant error therein should be notified by the party, or his counsel, to the Court or one of its Judges. *Tidd Pra.* 1074. In the year 1605, it was further provided, by statute, that in certain enumerated cases, no execution should be stayed upon any judgment unless the person, in whose name the writ of error was brought, should, with two sureties, acknowledge himself bound in a recognizance in double the sum recovered, to prosecute his writ of error with effect; 3 *Jac.* 1, *c.* 8; *Tidd Pra.* 1075; and by another statute, passed in the year 1661, the provisions of the previous law were extended to other cases, and it was declared, that, in case the judgment should be affirmed, the defendant in error should have awarded to him double costs for the delay of execution. 13 *Car.* 2, *Stat.* 2, *c.* 2, *s.* 10; *Shepherd* v. *Mackreth*, 2 *H. Black.* 286; 3 *Blac. Com.* 410. Soon after which, in the year 1664, the provisions of these statutes were further extended to almost all other cases, including by name, dower and ejectment; and it was declared, that, in case the judgment should be affirmed, the defendant should recover such costs, damages, and sums of money as should be awarded to him; and further, that the Court wherein the execution ought to be granted, upon such affirmation, should issue a writ of inquiry, as well of the *mesne* profits as of damages by any waste committed after the first judgment in dower or ejectment; and thereupon judgment should be given and execution awarded for the amount thereof. 16 & 17 *Car.* 2, *c.* 8; *Tidd Pra.* 1081.

In addition to these statutory provisions upon this subject, the common law Courts of Westminster Hall have undertaken, by the exercise of a sound discretion, to prevent the abuse of this right of appeal by refusing to stay execution where it can be shewn, that the writ of error had, in truth, been brought for the express purpose of vexation and delay. *Entwistle* v. *Shepherd*, 2 *T. R.* 78;