

would it be on the Courts of the State to say that in any case a party had not been tried and convicted according to the laws of the State, and the facts of his case, and that on that ground, the Legislature ought to interfere to prevent his punishment? If this suggestion be followed there would be no end to controversies; no punishment of crimes. At the time of this conviction the procedure on motion for new trials was regulated by the general law, and no appeal would lie to the Court of Appeals. It would seem to be a strange thing for a party, in any case, civil or criminal, to have resort to the law-making power, when the law itself had denied him access to a higher judicial tribunal for the correction of any supposed error. It would be nothing short of an appeal from a court of competent jurisdiction to another department of the government, in any plain violation of the bill of rights, which requires the three departments to be kept separate and distinct from each other. If there are reasons for a new trial a party has further remedy before the same Court where such motion has been made and failed, the remedy is exhausted, and the presumption is that the Court has done its duty, without favor, prejudice or partiality. But even if new evidence is discovered after such proceedings or there is reason to fear that for any cause, a party has been unjustly convicted the Constitution provides for his safety, by application to the Governor. The memorial informs us that these modes of relief have been resorted to, without effect, and its scope and purpose is to have the case re-opened before the Legislature, because, as alleged, there was error in his conviction—he being innocent—that the case is a proper one for Executive clemency, and that having been refused, the Legislature ought to interfere for his relief. We cannot see in this any thing but an application to the Legislature to revise what these departments of the government have done in the exercise of their constitutional functions; to interfere with which would violate the organic law.

The several articles of the bill of rights referred to in argument we consider as having no application to a case where the matter has been passed upon and final judgment entered by competent judicial tribunals. The reasoning of the Court of Appeals in Dorsey's case applies with great force, and we consider decisive on the point now under consideration. The power to suspend the execution of laws referred to in the ninth Article of the bill of rights, in our judgment, does not admit of the construction placed upon it by the memorialist. We do not perceive how that power can be exercised in a criminal case after conviction, without interfering with the right of the Governor to grant reprieves and pardons. If the suspension declared by the General Assembly should be without limit, the party might practically escape the execu-