

to examine as well the record and process aforesaid as the matters aforesaid above for errors assigned, and that the judgment aforesaid may in all things be affirmed &c.

Then, after a time, and often after a very long time, would come the hearing and the decision. The judges voted separately, sometimes announcing reasons, but usually not doing so; and they noted dissents as judges still do. The Governor voted last. They often took time for reflection and consultation, and in such cases the entry was made: *curia advisari vult*; and this caused a continuance to the next term of court. The formal judgment rendered consisted of a written recital of the steps in the presentation of the case for decision, concluding with a statement of the decision in about the form already quoted from Chew v. Tench. The form given in the appendix of 3 Blackstone's Commentaries is the same, and dispenses with any need of repeating here. There were never any written opinions or statements of reasons for decision. Perhaps lay judges would not have filed any if it had been customary for professional judges in England to do so; but it was not customary even with the professional judges. Both in England and America, as will be seen, written opinions were developments of the last few years of the eighteenth century and the first of the nineteenth.

There was no new trial given in case a judgment for a plaintiff was reversed; a new suit was his only recourse. But the Court of Appeals when the case permitted entered the judgment which they found should have been entered by the court below and would order execution issued. The