be omitted. This part, therefore, cannot be considered as surplusage. It is a component part of the debt for which the action is given. Being a necessary part, its amount ought to be stated with as much certainty as the amount of the bill. As this is a mere technical objection, the court would disregard it, if it was not a principle, deemed essential in the action of debt, that the declaration should state the demand with certainty.

The cases cited by the counsel for the defendant in error do not come up to this case. They relate to different debts; this to a single debt, composed of different parts.

Judgment reversed and arrested.(*a*)

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*212] *Clarke *v.* Bazadone.

Jurisdiction in error.

A writ of error does not lie from the supreme court of the United States, to the general court for the territory northwest of the Ohio.

This was a writ of error issued from this court to the general court for the territory northwest of the river Ohio, to reverse a judgment rendered in that court against Clarke, the plaintiff in error, in favor of Bazadone, on a foreign attachment, for $12,200 damages, and $95.30 costs.

The general court of the North-western Territory was established by the ordinance of the old congress, under the confederation, and the principal question was, whether a writ of error would lie from this court to the general court of that territory? There was no appearance for the defendant in error.

Mason, for the plaintiff in error, contended: 1st. That this court possesses a general superintending power over all the other courts of the United States, resulting from the nature of a supreme court, independent of any express provisions of the constitution or laws of the United States. 2d. That this court has the power, under the constitution of the United States.

1. It is a general principle, that the proceedings of an inferior tribunal are to be corrected by the superior, unless the latter is expressly restrained from exercising such a control. This is a principle of the laws of that country from which we derive most of our principles of jurisprudence, and is so intimately connected with them, that it is difficult to separate them.

In the Saxon times, the Wittenagemote was the supreme court, and had the general superintendence. But in the time of William the Conqueror, the *aula regis* was established as the sovereign court of the kingdom, *213] *and to that court devolved all the former judicial power of the Wittenagemote; the power of superintending the other courts was derived from the principle of supremacy. 1 Crompton's Practice, 3, 5, 12, 21, 22, 26, 27, 28; 1 Bac. Abr. 553; 2 Ibid. 187. A writ of error is a commission to judges of a superior court, by which they are authorized to examine the record, upon which a judgment was given in an inferior court, and on such examination, to reverse or affirm the same, according to law. 2 Bac. Abr. 213. The court of king's bench superintends the proceedings of all

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(*a*) See the case of Rudder *v.* Price, 1 H. Black. 550.

other inferior courts, and by the plenitude of its power corrects the errors of those courts; hence it is, that a writ of error lies in that court, to a judgment given in the king's bench in Ireland. And upon a judgment in Calais, when under the subjection of the king of England, a writ of error lay in the king's bench. 4 Inst. 282. A writ of error would have laid to the king's bench from these colonies, before the revolution, but for the particular provisions of charters, &c. 2 Bac. Abr. 194. Wherever a new jurisdiction is erected by act of parliament, and the court acts as a court of record, according to the course of the common law, a writ of error lies on their judgments. The power is inherent in every superior court, to revise the judgments of its inferior.

2. By the constitution of the United States, Art. III., § 1, 2, the judicial power is vested in one supreme court, and such inferior courts as congress shall, from time to time, ordain and establish; and shall extend to all cases arising under the constitution and laws of the United States, and to controversies in which the United States shall be a party. And the supreme court is to have appellate jurisdiction, in all these cases, with such exceptions, and under such regulations, as congress shall make. Congress has made no exception of the present case; and no regulation of congress was necessary to give this court the appellate power. It derives it from the constitution itself.

This is a case arising under the laws of the United States. *The very existence of the court whose judgment is complained of, is derived from the United States. The laws adopted for the North-western Territory derive their whole obligatory effect from the ordinance of the old congress, and are, in fact, laws of the United States, although copied from state laws. All power and authority exercised in that territory have emanated from the United States; and all offences there committed are against the authority of the United States. [*214

If, then, this is a case, by the constitution, cognisable by the judicial authority of the United States; if, by the constitution, this court has appellate jurisdiction in all such cases, and if this case is not within any exception made by the constitution, or by any act of congress, nothing is wanting but to devise a mode to bring the cause before this court. The writ of error is the common and well-known process in like cases, and by the 14th section of the judiciary act of 1789, every court of the United States is expressly authorized "to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law." If, then, the court has jurisdiction, no difficulty can occur as to a mode of exercising it.

The Court quashed the writ of error, on the ground, that the act of congress had not authorized an appeal or writ of error from the general court of the North-western Territory, and therefore, although from the manifest errors on the face of the record, they felt every disposition to support the writ of error, they were of opinion, they could not take cognisance of the case.