

of 1830, ch. 185, an appeal by implication is given from orders appointing receivers, and appeals have been entertained from orders of that description, *Speights vs. Peters*, 9 Gill, 472; but as before said, the legislature has not yet extended it to orders discharging them. It is urged that the policy which dictated the Act of 1830, extends to orders of the kind now under consideration, and that the Courts should by construction enlarge the Act, so as to embrace them. But it appears to me that, independent of the obvious difference between an order which takes property out of the hands of its possessor, and leaves it in the hands of an officer of this Court, and one which restores it, or by which the Court surrenders its possession, the rule of construction contended for is a vicious one.

Assuming that the legislature, by the Act of 1830, designed to enlarge the right of appeal, and extend it to orders appointing receivers, is it legitimate to suppose they did not go so far as they intended to go? The subject of receivers was before them, and when they stopped short of the point now under consideration, that is, did not give the right of appeal from orders discharging receivers, it must be presumed they did not mean to do so. There are few powers exercised by the Court of Chancery which require greater caution than that of appointing receivers. It is, say the Court of Appeals, in the case of *Speights vs. Peters*, "a high power, never exercised where it is likely to produce irreparable injustice, or where there exists any other safe or expedient remedy." And it may well be that the legislature deemed it proper to provide for the revision of the exercise of this high power by a superior tribunal, when they did not choose to give an appeal, either when the Court of Chancery refused to exert the power, or having once exerted it, withdrew its authority by rescinding its order. However this may be, it is clear they have not in terms, or by any fair implication, given the right of appeal from an order like the one in question, and it would be legislation and not construction in the Courts to do it.

But if there could be a reasonable doubt upon the question, of the right of a party in interest to appeal from the order of