

affected one way or the other by the execution of the order, no matter what may be the decision of the Court of Appeals? It is not necessary to inquire into the origin of the practice of filing appeal bonds, to stay proceedings on the decrees or orders of the Court of Chancery pending the appeal, which was supposed by the Court of Appeals, in *Thompson vs. M Kim*, to have been adopted by analogy to the provisions of the second section of the Act of 1713, ch. 4. The law upon the subject is now settled by the Act of 1826, ch. 200, sec. 1, which declares "that no execution upon any judgment or decree in any County Court, or other inferior Court, or Court of Chancery, shall be stayed or delayed, unless the person or persons against whom such judgment or decree shall be rendered or passed, his, her, or their heirs, executors, or administrators, or some other person or persons on their behalf, shall enter bond," &c. Now, can it with propriety be said that the receiver in this case is a person *against* whom a judgment or decree has been passed, or does the order touch his rights? Confessedly not, for he has no rights. He is simply removed from an office, which certainly was not conferred upon him for his own benefit, and he is required to deliver up and account for property to which it is conceded on all hands he has no shadow of title. The question then is, not whether this Court, or the Appellate Court is to decide whether an appeal will lie or not, in any given case. It has been settled by the case of *Oliver vs. Palmer & Hamilton*, 11 *G. & J.*, 137, that this is a question exclusively for the Court of Appeals. But the question here is, whether the order of this Court shall be stayed, because a party outside of the cause, who has no rights, and consequently against whose rights no order or decree has been or could be passed, thinks proper to pray an appeal and give bond? As well might it be said that the Register of this Court, when ordered to draw a check for money paid into Court to the credit of a cause, could stay the execution of the order, by appealing and giving bond. It appears to me impossible to maintain such a proposition. If the Court can be thus embarrassed and delayed by its officers and agents, it