appellant. The course now proposed would be establishing a new, and, as it seems to me, dangerous precedent, and one which may in this particular case result in consequences injurious to the appellant. The argument is, that if money enough is retained to cover the dividends allowed the appellant, with interest and costs, this cannot happen, and that the court should not extend the operation of the appeal, and the effect of the appeal bond further than may be necessary to secure this object. It has been already shown, however, that the Court of Appeals may, upon this appeal, if the decree of this court is reversed, entirely recast the accounts by letting in claims and classes of claims which have been excluded, and thus prejudice the appellant, if the petitioner is permitted to receive the dividend which has been allowed him by these accounts.

There is, moreover, another view, which demonstrates conclusively, as I think, the impropriety of paying the petitioner his dividend until the appeal shall have been decided. It will be seen, upon reference to the exceptions of the appellant, Glenn and others, to the Auditor's report, that the claims of the petitioner, Vickers, numbered 61, 62 and 63, are specially objected to, as not entitled to participate to any extent in the fund for the reason set forth in the exception. Now, suppose this exception, which has been overruled by the order of this court, should be sustained by the Court of Appeals, is it not manifest that the appellant may be aggrieved, if notwithstanding the appeal and bond, the dividend to Vickers should be paid? The ground of the exception is, that these claims of Mr. Vickers should not be permitted to come in upon the fund at all. But this court thought they were entitled to come in, and let them in, and thus diminished the dividend allowed to Mr. Glenn, the appellant, and the propriety of this decree of the Chancery Court is the question to be decided by the Court of Appeals. If the appellant succeeds upon his appeal, his dividend will be augmented, and yet it is said he can receive no prejudice if the court retains as much money as will pay the dividend awarded him by these accounts, although that dividend is undeniably less than it will be if his appeal to the Superior Court is successful.