

Opinion of the Court.

satisfied with the security as it has been adjudged to them, we see no reason for inquiring, on the suggestion of the railroad company only, at this late day, whether they might not have had more.

The decree is affirmed.

GUION v. LIVERPOOL, LONDON, AND GLOBE
INSURANCE CO.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE
DISTRICT OF INDIANA.

Argued October 15th, 1883.—Decided November 5th, 1883.

Appeal.

A person not a party in a suit cannot take an appeal in it.

On the 2d July, 1879, William H. Guion, claiming to have an interest in the bonds of the appellee which were the subject of controversy in the suit of *The Indiana Southern Railroad Company v. The Liverpool, London, & Globe Insurance Company*, just reported, filed his petition in that suit in the court below, asking to be admitted as a party to the suit for his own protection. This petition was denied. Guion was allowed an appeal on giving bond and security for cost, but the transcript does not show that he ever gave the bond.

The case was argued simultaneously with the case of *The Indiana Southern Railroad Company*, and by the same counsel.

MR. CHIEF JUSTICE WAITE, in delivering the opinion of the court in that case, said:

The petition of Guion was for leave to appeal from a decree in a suit to which he was not a party. We decided in *Ex parte Cutting*, 94 U. S. 14, that such an appeal could not be taken. He had applied for leave to become a party, but this leave was not given. So he is not a party to the decree from which he appeals. But if he is, he has never perfected an appeal by giving the necessary security.

Appeal dismissed for want of jurisdiction.