

Opinion of the Court.

up in the bill, considered as a bill filed by the United States on their own behalf and for their own use ; but the bill itself shows that it was filed for the benefit of the sureties, although they may not have paid their recognizance when it was filed. Without deciding, therefore, whether, on demurrer, the bill might or might not have been sustained, considered purely as a bill filed by the United States on their own behalf, we are satisfied that its dismissal by the court below was right, considered as a bill filed on behalf, and for the benefit of, the sureties. And as it is now admitted that the United States have been satisfied and paid, and as, for this reason, if for no other, the bill should be dismissed, our conclusion is that

The decree of the court below be affirmed, but without costs—each party to pay their own costs on this appeal.

LEGGETT v. ALLEN, Assignee.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE EASTERN DISTRICT OF NEW YORK.

Submitted March 3d, 1884.—Decided March 10th, 1884.

Bankruptcy.

This court has no jurisdiction to review a judgment of a Circuit Court rendered in a proceeding upon an appeal from an order of a District Court rejecting the claim of a supposed creditor against the estate of a bankrupt. *Wiswall v. Campbell*, 93 U. S. 347, affirmed.

Motion to dismiss.

Mr. A. J. Falls for appellee, moving.

Mr. Thorndike Saunders for appellant, opposing.

MR. CHIEF JUSTICE WAITE delivered the opinion of the court.

This motion is granted on the authority of *Wiswall v. Campbell*, 93 U. S. 347, in which it was decided that this court has no jurisdiction to review a judgment of the Circuit Court, rendered in a proceeding upon an appeal from an order of the

Statement of Facts.

District Court rejecting the claim of a supposed creditor against the estate of the bankrupt, and for the reason that a proceeding to prove a debt is part of the suit in bankruptcy, and not an independent suit at law or in equity. Such being the nature of the proceeding, it is a matter of no consequence whether the appeal from the District Court to the Circuit Court was taken by the creditor or the assignee, for it has always been held that this court has no control over judgments or orders made by the Circuit Courts in mere bankruptcy proceedings. It is unnecessary to repeat here what was said in *Wiswall v. Campbell*. This case and that are in all material respects alike.

Dismissed.

THE MAMIE.

PARCHER & Another v. CUDDY, Administrator.

ORIGINAL MOTION, ENTITLED IN A CAUSE PENDING ON APPEAL
FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE
EASTERN DISTRICT OF MICHIGAN.

Submitted March 4th, 1884.—Decided March 10th, 1884.

Injunction—Limited Liability.

This court will refuse an application for injunction to stay proceedings begun in a State court before the filing of a libel to obtain the benefit of the limited liability act, Rev. St. §§ 4283-4-5, when it appears that both courts below decided against the petitioner's right to the benefit of the act, and that no cause for granting the petition is shown except the expense consequent upon trials in the State court pending the appeal.

The steam yacht *Mamie*, engaged in carrying passengers on the Detroit River, came into collision with another steamer and sank, by reason of which several passengers were drowned. Their administrator commenced suits in the State court to recover damages from the owners of the yacht. The owners then commenced proceedings in admiralty in the District Court for the Eastern District of Michigan, to obtain the benefit of the limited liability act. The District Court dismissed the libel