

Case No. 1,525.

THE BLANCHE PAGE.

{17 Blatchf. 221.} ¹ _

Circuit Court, S. D. New York.

Oct. 11, 1879.

ADMIRALTY—APPEAL—BOND—SUMMARY JUDGMENT AGAINST SURETIES.

Where, in a suit in rem, in admiralty, in the district court, the claimant, after a decree for the libellant, appeals to this court, and this court decrees for the libellant for a sum not sufficient to allow of an appeal by the claimant to the supreme court, a summary judgment can be rendered at once by this court against the sureties in the appeal bond executed on the appeal to this court.

{Cited in *The Sydney*, 47 Fed. 262.}

{In admiralty. Motion by libellants in the cause of *The Blanche Page*, Case No. 1,523, for judgment against sureties on claimant's bond on appeal to the circuit court after affirmation by such court. Granted.}

Scudder & Carter, for libellants.

Benedict, Taft & Benedict, for sureties.

BLATCHFORD, Circuit Judge. As this is not a case in which the claimants can appeal to the supreme court, there can be no supersedeas or stay of execution on the decree made by this court against the vessel libelled. Hence, the claimants, as appellants to this court, are obliged to pay at once the amount of such decree, and the obligation of the sureties in the appeal bond to this court came into force without waiting for ten days to expire after the rendering of such decree. The motion for judgment against such sureties must, therefore, be granted.

{NOTE. For subsequent proceedings on the summary judgment against the sureties, see *Ex parte Phillips*, 25 U. S. (Lawy. Ed.) 781.}

BLANCHE PAGE, *The*. See Cases Nos. 7,296 and 7,297.

¹ {Reported by Hon. Samuel Blatchford, Circuit Judge, and here reprinted by permission.}