

Case No. 7,297.

{17 Blatchf. 220.}<sup>1</sup>

THE JESSE WILLIAMSON, JR.

Circuit Court, S. D. New York.

Oct. 11, 1879.

ADMIRALTY—APPEAL—SURETY—JUDGMENT.

Where, in a suit in rem, in admiralty, in the district court, the libellant, after a decree dismissing the libel, appeals to this court, and this court dismisses the libel, and the sum claimed in the libel is sufficient to allow of an appeal by the libellant to the supreme court, which may be a super-sedeas, no summary judgment can be rendered by this court against the sureties in the appeal bond executed on the appeal to this court until after the expiration of ten days after the rendering of the decree by this court.

{Appeal from the district court of the United States for the Southern district of New York.}

In admiralty.

Benedict, Taft & Benedict, for sureties.

Scudder & Carter, for claimants.

BLATCHFORD, Circuit Judge. As the decree of this court in this case dismisses the libel [Case No. 7,296], and as the libellant, in his libel, claims damages to the amount of over \$27,000, and as the district court has dismissed the libel, it follows that this is a case in which the libellant can appeal to the supreme court and can have his appeal operate as a super-sedeas and stay of execution. As the bond of the sureties on the appeal to this court is, in its condition, the same as that in the case of *The New Orleans* [Case No. 10,181], just decided, it follows, that the motion for judgment in this case against said sureties must be denied, for the reasons assigned in the decision in that case.

<sup>1</sup> [Reported by Hon. Samuel Blatchford, Circuit Judge, and here reprinted by permission.]