

**Seward Vs. Corneau**

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**SooperKanoon Citation :** [sooperkanoon.com/83887](http://sooperkanoon.com/83887)

**Court :** US Supreme Court

**Decided On :** 1880

**Appeal No. :** 102 U.S. 161

**Appellant :** Seward

**Respondent :** Corneau

**Judgement :**

Seward v. Corneau - 102 U.S. 161 (1880)

U.S. Supreme Court Seward v. Corneau, 102 U.S. 161 (1880)

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**102 U.S. 161**

*MOTION TO DISMISS APPEAL FROM THE CIRCUIT COURT*

*OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA*

## **SYLLABUS**

A bond is not sufficient for the purposes of either an appeal to this Court or a supersedeas if the obligors are not thereby bound for the payment of costs should the appellant fail to make his plea good.

This suit, brought in a state court of Louisiana to enjoin a proceeding known as an order of seizure and sale, was, on the petition of the complainants, removed to the circuit court, where, on a final hearing, their bill was dismissed. From the decree they prayed for an appeal, which was allowed, with an

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order that it should

"operate as a supersedeas and stay of execution until the final decree of the Supreme Court should be rendered therein, on the complainants giving bond in the sum of \$1,000."

The bond given was approved by the district judge. It is subject to the condition that we, the appellants,

"will well and truly pay to the said defendants in said appeal and suit all such damages as they may recover against us in case it should be decided that the said appeal was wrongfully obtained."

The appellees now move to dismiss the appeal upon the ground that the bond does not conform to the requirements of the statute or to the twenty-ninth rule of this Court.

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

The bond in this case is insufficient in form either for the purposes of a supersedeas or an appeal inasmuch as it contains no security for costs. This, however, does not necessarily avoid the appeal, but we may impose such terms on the appellants for the omission as, under the circumstances, shall seem to be proper. [Martin v. Hunter's Lessee](#), 1 Wheat. 304; [Davidson v. Lanier](#), 4 Wall. 447. The appeal will therefore be dismissed unless the appellants, on or before the first Monday in January next, give bond with good and sufficient security in due form of law to prosecute their appeal to effect and to answer all damages and costs if they fail to make their plea good, the bond to be in the penal sum of \$1,000 and the security taken and approved by the Justice of this Court assigned to the

fifth circuit, and it is

*So ordered.*

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