

Phillips, Petitioner.

next, file with the clerk of this court a new bond in the penal sum of twenty thousand dollars, with good and sufficient security, conditioned according to law. *So ordered.*

*Mr. T. K. Skinker* for the motion. *Mr. David P. Dyer* opposing.

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PHILLIPS, PETITIONER.

ORIGINAL.

No. 11. Original. October Term, 1879. — Decided November 10, 1879.

The court declines to hear an argument whether mandamus shall issue to the Circuit Court directing it to order stipulators for value and sureties on an appeal bond in an admiralty suit to appear for examination concerning their property: whether it has the power to issue the writ in such case *quære*.

THIS was a motion for a writ of mandamus. The case is stated in the opinion.

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

The petitioner shows that, having recovered a summary judgment in an admiralty suit against the stipulators for value and the sureties on an appeal bond, he moved the Circuit Court for an order on such stipulators and sureties to appear "for examination concerning their property, according to the laws and practice of the State of New York;" and also for an order that they "disclose all information concerning their property, with a view to the sequestration thereof, and that they be directed to convey all their said property to a sequestrator to be appointed by the court," and also that they "be punished for their contempt in not performing their stipulations and failing to comply with the provisions of the decrees." These motions were overruled by the court, and we are now asked for an order on that court to show cause why a mandamus should not issue commanding it to exercise the power and grant the remedy sought.

Even if we have the power to grant a mandamus in a case like this, the reasons assigned by the circuit judge in his opinion for refusing the motion are so satisfactory and show so clearly that he was right in what he did, that we think it quite unnecessary to hear an argument, and, therefore, deny the application for the rule.

*Rule denied.*

*Mr. H. J. Scudder* and *Mr. Frank W. Hackett* for the petitioner. No one opposing.