

Statement of Facts.

the judgment how much was due on this claim at the date of the insolvency and make the distribution accordingly.

The trouble and expense which the relator has been put to for the establishment of his claim are but incidents to the business in which he was engaged. It was the duty of the comptroller, if not satisfied of the correctness of the claim when presented, to disallow it, and, if an attempt was made to obtain its adjudication, to make such defence as in his judgment was proper. No provision is made by law for the payment of the expenses of the claimant in his litigation beyond the taxable costs, and necessarily that loss must fall on him as it does on every one who has the misfortune to be driven to the courts for the judicial determination of his rights.

The court below having refused the mandamus, its judgment to that effect is

Affirmed.

ST. PAUL, MINNEAPOLIS & MANITOBA RAILWAY
COMPANY *v.* BURTON.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE
DISTRICT OF MINNESOTA.

Submitted April 21st, 1884.—Decided May 5th, 1884.

Evidence—Naturalization.

It is not necessary that a transcript of a decree of naturalization should be accompanied by a certificate that the judge of the court was commissioned and qualified, in order to entitle it to be received in evidence.

The defendant in error commenced this action against the plaintiff in error as a common carrier in a State court. The cause was removed to the Circuit Court of the United States on the allegation that the plaintiff below was an alien. In the Circuit Court the plaintiff below moved to remand the cause, averring that he was a citizen by reason of the naturalization of his father. Proof was offered of the father's naturalization, which was received by the court against the objection of the defendant below, and an order was made remanding the cause. The

Syllabus.

defendant below brought the case here by writ of error to review that order. The defendant in error moved to dismiss the writ of error and to affirm the judgment.

Mr. Enoch Totten for defendant in error in support of the motion.

No brief filed in opposition.

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

The order remanding this case is affirmed. The act of March 3d, 1875, c. 137, sec. 5, 18 Stat. 470, makes it the duty of the Circuit Court to remand a suit which has been removed from a State court when it satisfactorily appears that the "suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said Circuit Court." The exemplification of the record of the naturalization of Moses Burton, which was offered in evidence, did not require, to complete its authentication, the certificate of the clerk under the seal of his office that the judge of the court was duly commissioned and qualified. The certificates may be to some extent defective in form, but we think the record as a whole could properly be considered by the judge on the question of remanding the cause.

Affirmed.

BAINES, Administrator v. CLARKE & Another.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF WEST VIRGINIA.

Argued April 25th, 1884.—Decided May 5th, 1884.

Contract—Interest.

A conveyed to B a large quantity of land for \$5 an acre, to be paid in instalments with legal interest on deferred payments from June 3d, 1873. Suits were pending as to some of the lands, and it was agreed that if recovery should be had against A as in any of the suits, the land so recovered should not form part of the land sold, and the last instalment of \$50,000 was agreed to be reserved until decision of the suits and ascertainment of quantity.