Mr. Justice STRONG delivered the opinion of the court.

The parties now before us complain that they were not allowed to take the proceeds of the sales. But they ought not to have been allowed to intervene. They had no interest, even if they were lien holders, in the confiscation proceedings. It was only the right of John Slidell, whatever that right was, that could be condemned and sold, and the sale under the judgment of condemnation in no degree disturbed their liens. By the decree of condemnation the United States succeeded to the position of Slidell, and the sale had no other purpose or effect than to make the thing confiscated available for the uses designated by the Confiscation Act. This was decided in *Bigelow* v. *Forrest*,* and more recently in *Day* v. *Micou* † The District Court, therefore, acted correctly in rejecting the claims of the appellants and plaintiffs in error, even if the reasons given for the rejection were insufficient, and the Circuit Court was not in error in affirming what the District Court did.

The action of the Circuit Court in the premises is, therefore,

AFFIRMED IN EACH OF THE CASES.

Mr. Justice BRADLEY did not sit during the argument, and took no part in the decision of any of the above causes.

CONRAD'S LOTS.

When, under the Confiscation Act of July 17th, 1862, an information has been filed in the District Court and a decree of condemnation and sale of the land seized been made, and the money has been paid into the registry of the court, and on error to the Circuit Court, that court, reversing the decree, has dismissed the information but confirmed the sale, and ordered the proceeds to be paid to the owner of the land—if on error by the United States to this court, this court reverse the decree of the Circuit Court, and affirm the decree of the District Court, that reversal will leave nothing on which a writ of error by the owner can act. The judgment having been reversed, the confirmation of the sale and order to pay the proceeds fall. The only judgment can be reversal again.

ERROR to the Circuit Court for the District of Louisiana.

On an information very similar to that in Slidell's case, filed in the District Court for Louisiana, by *The United States* v. *Ten*

* 9 Wallace, 339.

† 18 Id. 156.

Lots of Ground, the property of C. M. Conrad, the lots had been decreed by that court forfeited to the United States, and were sold accordingly; the money being paid into the registry of the court.

On error to the Circuit Court that judgment was set aside, and the information was ordered to be dismissed, but it was also ordered that the net proceeds of the property sold under the judgment be paid to Conrad, and that the sale stand confirmed.

Two writs of error were sued out, one by the United States and one by Conrad; that by the United States being to the action of the Circuit Court in setting aside the judgment of the District Court and ordering the information to be dismissed, and that by Conrad to the action of the court confirming the *sale* made under the judgment of condemnation and forfeiture.

On the writ taken by the United States this court (just after reversing the judgment in Slidell's case) reversed the judgment in Conrad's case also, and for the same reasons that it had reversed the judgment in Slidell's case, and remanded the cause, with instructions to affirm the judgment or decree of the District Court.

The present case was on the writ of error taken by Conrad, and upon it he now sought here to obtain a reversal of *so much of the judgment* as confirmed the sale made under the judgment of condemnation and forfeiture.

Mr. C. M. Conrad, plaintiff in error, in propriâ personâ; Mr. C. H. Hill, Assistant Attorney-General, contra.

Mr. Justice STRONG delivered the opinion of the court.

We have just decided in the case of the *United States* v. *Ten Lots of Ground, the property of C. M. Conrad* (it being a writ of error sued out by the United States), that the judgment of the Circuit Court was erroneous, and reversed it, ordering that the decree of confiscation be affirmed. This leaves nothing upon which the present writ of error can act. The judgment having been reversed, the order of confirmation of the sale, as well as the order of distribution, fall with it. We can, therefore, only repeat the judgment given in the former case, which was a judgment of reversal.

JUDGMENT REVERSED.

Justices CLIFFORD, DAVIS, and FIELD dissented from the judgment rendered, and were of opinion that only so much of the judgment of the Circuit Court should be reversed as confirmed the sale made under the decree of the District Court.

KNAPP *v.* RAILROAD COMPANY.

1. In determining a question whether a Circuit Court had erred in denying a motion to remand a case removed to it from the State court, and giving judgment as if the case had been rightly removed to it, this court cannot pay any attention to a certificate of the clerk of such Circuit Court, certifying that on the hearing of the motion in the Circuit Court certain things "appeared," "were proved," or "were admitted," or "agreed to" by the parties respectively; such facts not appearing by bill of exception nor by any case stated. Neither party can gain any advantage by such a statement.
2. The act of Congress of March 2d, 1867, allowing either of the parties to a suit—they being of a certain class described—to remove it from a State court into the Circuit Court of the United States, does not change the previously existing and settled rules which determine who are to be regarded as the plaintiff and defendant.
3. Hence, where two persons in one State, trustees, for bondholders, of a mortgage of a railroad owned by a company in another, foreclosed the mortgage, bought in the road in trust for the bondholders, and then leased it to a citizen of the State to which they themselves belonged, and then a majority of the bondholders in the State where the original company was, in pursuance of a statute there, formed themselves into a new corporation, to which the statute gave ownership and control of the road, and suit was brought in a State court against the lessee of the road by the trustees who had made the lease, *held*, that the defendant could not remove the suit from the State court to the Federal court on the ground that it was wholly between the new corporation and the lessee, and that the trustees were now merely nominal parties; they, the trustees, not having been discharged from, or in any way incapacitated from executing their trust, and there having been, in fact, unpaid bondholders who had not joined in the creation of the new corporation, and who had yet a right to call on the trustees to provide for the payment of their bonds.

ERROR to the Circuit Court for the District of Vermont; the only question in the case being whether the suit originally brought in a State court (the County Court for the