

Conrad's Lots

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Court : US Supreme Court

Decided On : 1873

Appeal No. : 87 U.S. 115

Appellant : Conrad's Lots

Judgement :

Conrad's Lots - 87 U.S. 115 (1873)

U.S. Supreme Court Conrad's Lots, 87 U.S. 20 Wall. 115 115 (1873)

Conrad's Lots

87 U.S. (20 Wall.) 115

ERROR TO THE CIRCUIT COURT

FOR THE DISTRICT OF LOUISIANA

SYLLABUS

When, under the Confiscation Act of July 17, 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.

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

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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. JUSTICE STRONG delivered the opinion of the Court.

We have just decided in the case of *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.

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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.

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