

Opinion of the Court.

FIRST NATIONAL BANK OF OMAHA *v.* REDICK.

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

Submitted December 17th, 1883.—Decided January 21st, 1884.

Error—Jurisdiction.

When the plaintiff below in open court, by permission of court, remits all of the verdict in excess of \$5,000 and judgment is entered for that sum and costs, the writ of error will be dismissed for want of jurisdiction.

Action below to recover penalty for taking usurious interest. On the trial verdict was rendered for the plaintiff for \$6,013.32. Plaintiff

“thereupon in open court offered to remit from the amount of said verdict the sum of \$1,013.32, and the court, upon due consideration thereof, allowed said remitter, and ordered the same to be duly entered of record, and thereupon it was ordered and adjudged by the court that the said plaintiff have and recover from the said defendant, the First National Bank of Omaha, the sum of five thousand dollars with costs of suit, etc.”

Plaintiff brought the cause here by writ of error. Defendant in error moved to dismiss.

Mr. John I. Redick for himself in support of the motion.

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

This motion is granted on the authority of *Thompson v. Butler*, 95 U. S. 694, and *Alabama Gold Life Insurance Company v. Nichols*, 109 U. S. 232.

Dismissed.