

Opinion of the Court.

tions of the same class of crimes or offences," and the consolidation of two or more indictments found in such cases. Under the present statute three separate offences, committed in the same six months, may be joined, but not more, and when joined there is to be a single sentence for all. That is the whole scope and meaning of the provision, and there is nothing whatever in it to indicate an intention to make a single continuous offence, and punishable only as such, out of what, without it, would have been several distinct offences, each complete in itself.

The motion for a rule is denied and the petition dismissed.

COX v. WESTERN LAND AND CATTLE COMPANY.

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

Submitted November 16, 1887.—Decided November 21, 1887.

It appearing that the amount in controversy does not exceed five thousand dollars, the writ of error is dismissed.

This was a motion to dismiss. The case is stated in the opinion.

Mr. Alexander McCoy for the motion.

Mr. R. A. Childs opposing.

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

This motion is granted on the ground that the record shows that the value of the matter in dispute does not exceed five thousand dollars. The suit was brought originally to recover 135 head of Colorado steers, alleged to be worth \$6000. At the time of the judgment only 79 head were in dispute. As to the rest, a settlement had been made during the pendency of the suit. The court has found as a fact that the 79 head

Statement of the Case.

were sold in open market the day after they were taken possession of under the writ in this case, and that the net proceeds of the sale only amounted to \$4526.15. There is nothing to show that they were really any less valuable at the time of the sale than when they were taken. Upon the facts as found the recovery could not have exceeded five thousand dollars if there had been a judgment in favor of Cox, the plaintiff in error.

Dismissed.

LAMASTER *v.* KEELER.

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

Argued November 18, 1887. — Decided December 5, 1887.

The provisions of Rev. Stat. § 914 relating to the practice, pleadings, and forms and modes of proceeding in common law causes in Circuit and District Courts of the United States do not apply to remedies upon judgments; but those remedies, being governed by the provisions of § 916, are confined to such remedies as were provided by the laws of the State in force when § 916 was passed or reenacted, or by subsequent laws of the State adopted by the Federal Court in the manner provided for in that section.

A confirmation by the court of a sale under execution will not cure an infirmity growing out of the nullity of the judgment under which it was had.

EJECTMENT. Judgment for the plaintiff. Defendant sued out this writ of error. The case, as stated by the court, is as follows.

This case comes before us from the Circuit Court for the District of Nebraska. It is an action of ejectment to recover a parcel of land in the city of Lincoln, State of Nebraska. The plaintiff below, the defendant in error here, traces title to the premises from a purchaser at a sale under an execution issued upon a judgment, extended by the clerk of the court so as to include certain sureties, and among them the defendant