

Opinion of the Court.

to a law of Kansas, which on the point here involved is not essentially different from the law of Iowa, namely, in imposing liabilities upon railroad companies for injuries to employés in its service, though caused by the negligence or incompetency of a fellow-servant, and we held that the law was not in conflict with the clauses referred to in the Fourteenth Amendment. On the authority of that case the judgment in the present one must be

Affirmed.

UNITED STATES *v.* BROADHEAD.UNITED STATES *v.* BROADHEAD.

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

Nos. 233, 234. Argued April 18, 1888.—Decided April 30, 1888.

On the authority of *United States v. Hill*, 123 U. S. 681, it is held, that an action against sureties to recover on a bail bond conditioned for the appearance of the principal to answer to an indictment for making and forging checks against an assistant treasurer is not a case for the enforcement of a revenue law, within the intent of Rev. Stat. § 699. No interest can be recovered in an action by the United States upon a bail bond conditioned for the appearance of a person to answer to an indictment for forgery.

THESE were actions against sureties on bail bonds. The case is stated in the opinion of the court.

Mr. Assistant Attorney General Maury for plaintiff in error.

No appearance for defendants in error.

MR. JUSTICE MILLER delivered the opinion of the court.

These cases are suits brought upon two bonds given by John F. Broadhead and his sureties, conditioned for his appearance in the District Court of the United States for the

Syllabus.

District of California, to answer two separate indictments for making and forging checks on the Assistant Treasurer of the United States at San Francisco. The penalty of each of these bonds was \$5000, and, according to well settled principles, no interest can be recovered in such a suit as this, nor can any recovery be had beyond the amount prescribed in these instruments, except for costs.

Section 3 of the "act to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes," approved February 16, 1875, 18 Stat. 315, c. 77, § 3, fixing the amount necessary to give jurisdiction to this court of writs of error from the Circuit Courts at a sum in excess of five thousand dollars, applies to the United States as well as to other parties, except in the cases enumerated in § 699 of the Revised Statutes. None of these exceptions apply to the present cases.

It was attempted in *United States v. Hill*, 123 U. S. 681, to establish the proposition that that case was for the enforcement of a revenue law, and, therefore, came within the exceptions specified. It was, however, overruled by this court, and the opinion in that case forbids the idea that these cases can be treated as an exception to the general rule.

As the act of 1875, above cited, requires that there shall be an amount in controversy, exclusive of costs, exceeding five thousand dollars, and as no such recovery can be had in the cases now under consideration,

The writs are dismissed.

JONES'S ADMINISTRATOR *v.* CRAIG.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF NEBRASKA.

No. 235. Submitted April 18, 1888. — Decided April 30, 1888.

A brought ejectment against B. B thereupon filed a bill in equity, (which was subsequently amended,) to remove a cloud from the title, setting up that the deed under which A claimed was a mortgage, with a written