
Statement of the case and opinion of the court.

COOKE v. UNITED STATES.

1. The mere fact that an act of Congress authorizes a judgment obtained by the Government against a party, to be discharged by the payment of a sum less than \$2000, is no ground to ask a dismissal of a case of which the court had properly obtained jurisdiction before the act passed. The party may not choose thus to settle the judgment, but prefer to try to reverse it altogether.
2. When the sum in controversy is large enough to give the court jurisdiction of a case, such jurisdiction once properly obtained, is not taken away by a subsequent reduction of the sum below the amount requisite.

IN this case the United States had obtained a judgment for \$3796.80 against Cooke, who to the same took a writ of error.

The Attorney-General now moved the court to dismiss the cause for want of jurisdiction, and assigned for reason that since the issuing and serving of the writ of error, an act of Congress had reduced the amount in controversy below the sum of \$2000.

On referring to the act, it appeared to authorize a remission of \$2500 from the \$3796.80, for which judgment had been obtained; but the remission was offered on condition of payment of the remaining \$1296.80: *and nothing was put before the court to show that Cooke had availed himself of the offer made.*

THE CHIEF JUSTICE: It does not appear that the proposition has been accepted; and if not, the amount in controversy remains unaffected. But had the alleged reduction been made by an actual payment, the jurisdiction of the court would not be taken away. The jurisdictional facts existed at the time of issuing and serving the writ of error. By its issue and service the court obtained jurisdiction over the cause, and this jurisdiction once acquired, cannot be taken away by any change in the value of the subject of controversy.

MOTION OVERRULED AND CASE RETAINED.