

Cases Omitted in the Reports.

LE MORE *v.* UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE
SOUTHERN DISTRICT OF ILLINOIS.

No. 107. December Term, 1867. Motion made in the case at December Term, 1868. — Decided
March 22, 1869.

This court will not recall a mandate at the term following the one when
it was sent to the inferior court.

THIS was a motion for the recall of a mandate sent down at the
last term of court. The case made by the motion is stated in
the opinion.

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

THIS is a petition that the court will cause to be brought before
it, the record and proceedings in a cause which was argued and dis-
posed of by decree at the last term, in order to correct an error in
the printed transcript of the record.

To make the allowance of the prayer of the petitioners available
to them through the correction of the alleged error, it would be
necessary to recall the mandate sent to the inferior court, to set
aside the decree rendered at the last term, to rehear the cause and
make a new decree.

THIS cannot be done without reversing the settled and uniform
practice of the court, and the petition must, of course, be *Denied*.

Mr. Caleb Cushing for the petitioner. No one opposing.

CLARK *v.* UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

No. 113. December Term, 1867. — Decided March 30, 1868.

THE question of law in this case ought not to have been made, either below
or here, and the judgment below is affirmed.

THE case is stated in the opinion.

MR. JUSTICE GRIER delivered the opinion of the court.

THE plaintiff's claim in this case is on a contract made with Major
Du Barry, an Assistant Commissary of Subsistence, acting in be-
half of the United States. The only question of law raised upon
the record was, whether the written agreement between the parties