

Opinion of the Court.

UNITED STATES *v.* GRIFFITH.

APPEAL FROM THE COURT OF CLAIMS.

No. 114. Submitted December 5, 1890.—Decided December 8, 1890.

It is irregular for counsel for an appellant to file, with a motion to dismiss, the appeal papers stating the grounds on which the motion is made.

THE case is stated in the opinion.

*Mr. Assistant Attorney General Maury* for the motion.

No appearance for appellee.

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

The motion by appellant for leave to dismiss its appeal in this cause is accompanied by certain correspondence which is referred to as stating the grounds on which the motion is made. We cannot be called upon to examine into these papers for the purpose of arriving at a conclusion as to whether the dismissal is justifiable or not, and must decline to permit them to be filed and to thereby leave it to be inferred hereafter that we may have acted upon them. Appellant undoubtedly has the right to dismiss its appeal with the leave of the court, and may renew its motion to that effect unaccompanied by other matter, and the order of dismissal will be entered.

*Mr. Assistant Attorney General Maury* thereupon withdrew the papers, and renewed the motion without them, and the appeal was ordered to be

*Dismissed.*