

Counsel for Parties.

fair conclusion from this record is that the proper certificate was given.

The judgment of the Court of Appeals will, therefore, be

*Affirmed.*

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UNITED STATES v. HERRON. Appeal from the Court of Claims. No. 272. Submitted with No. 205.

MR. JUSTICE BREWER delivered the opinion of the court. This case, like the preceding, is one for the recovery by a district attorney for services rendered in a Court of Appeals outside the limits of his district. But in this record there is a distinct finding by the Court of Claims that the certificate required by section 365, Revised Statutes, was not given. We are constrained, therefore, under *United States v. Crosthwaite*, 168 U. S. 375, to hold that the judgment cannot be sustained.

*The order will be that the judgment be reversed and the case remanded to the Court of Claims for further proceedings.*

*Mr. Assistant Attorney General Pradt* for appellants.

*Mr. W. W. Dudley, Mr. L. T. Michener and Mr. F. P. Dewees* for appellee.

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## UNITED STATES v. GARTER.

### APPEAL FROM THE COURT OF CLAIMS.

Submitted April 14, 1898. — Decided May 9, 1898.

It is not part of the official duties of the District Attorney of the district, in which, at the time, a session of the Court of Appeals is held, to assume the management and control of the government cases in that court.

THE case is stated in the opinion.

*Mr. Assistant Attorney General Pradt* for appellants.

*Mr. W. W. Dudley, Mr. L. T. Michener and Mr. F. T. Dewees* for appellee.