

PACIFIC LAND AND IMPROVEMENT COMPANY *v.* ELWOOD OIL COMPANY.

Appeal from the Circuit Court of Appeals for the Ninth Circuit.

No. 218. This case was argued with No. 217, *ante*, p. 301, and by the same counsel.

MR. JUSTICE PECKHAM: This case is covered by the foregoing decision, and the decree of the Circuit Court of Appeals herein is, therefore,

Affirmed.

Petition for modification of judgment. June 1, 1903.

MR. JUSTICE PECKHAM: *Ordered*, That the decree dismissing the bill in this case be modified by providing that the dismissal is without prejudice to such future proceedings as complainant may be advised, and as so modified, the decree is

Affirmed.

UNITED STATES *ex rel.* RIVERSIDE OIL COMPANY
v. HITCHCOCK.

ERROR TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

No. 632. Argued March 17, 18, 1903.—Decided May 18, 1903.

Congress has constituted the Land Department, under the supervision and control of the Secretary of the Interior, a special tribunal with judicial functions to which is confided the execution of the laws which regulate the purchase, selling and care and disposition of the public lands; and neither an injunction nor mandamus will lie against an officer of the Land Department to control him in discharging an official duty which requires the exercise of his judgment and discretion.