

247 U. S.

Decisions Per Curiam, Etc.

DECISIONS PER CURIAM, FROM MAY 6, 1918,
TO JUNE 10, 1918, NOT INCLUDING ACTION ON
PETITIONS FOR WRITS OF CERTIORARI.

No. 863. LUIS HULLER ET AL., PLAINTIFFS IN ERROR, *v.* STATE OF NEW MEXICO ON THE RELATION OF NORTH-WESTERN COLONIZATION & IMPROVEMENT COMPANY OF CHIHUAHUA. In error to the Supreme Court of the State of New Mexico. Motion to dismiss submitted April 29, 1918. Decided May 6, 1918. *Per Curiam*. Dismissed for want of jurisdiction upon the authority of (1) *Equitable Assurance Society v. Brown*, 187 U. S. 308, 311, 314; *Delmar Jockey Club v. Missouri*, 210 U. S. 324; *Consolidated Turnpike Co. v. Norfolk, etc., Ry. Co.*, 228 U. S. 596, 599-600. (2) § 237, Judicial Code, as amended by the Act of September 6, 1916, c. 448, 39 Stat. 726; *Philadelphia & Reading Coal & Iron Co. v. Gilbert*, 245 U. S. 162. *Mr. Walter D. Hawk, Mr. Samuel S. Holmes, Mr. A. B. Renahan, Mr. Charles A. Douglas and Mr. Jo V. Morgan* for plaintiffs in error. *Mr. James R. Garfield, Mr. D. J. Cable, Mr. Harry L. Patton and Mr. Francis C. Wilson* for defendant in error.

No. 245. E. B. HOWARD, AS AUDITOR OF THE STATE OF OKLAHOMA, ET AL., APPELLANTS, *v.* GIPSY OIL COMPANY;

No. 246. E. B. HOWARD, AS AUDITOR OF THE STATE OF OKLAHOMA, ET AL., APPELLANTS, *v.* INDIAN TERRITORY ILLUMINATING OIL COMPANY;

No. 247. E. B. HOWARD, AS AUDITOR OF THE STATE OF OKLAHOMA, ET AL., APPELLANTS, *v.* OKLAHOMA OIL COMPANY; and

No. 248. E. B. HOWARD, AS AUDITOR OF THE STATE OF OKLAHOMA, ET AL., APPELLANTS, *v.* BARNSDALL OIL COM-

PANY. Appeals from the District Court of the United States for the Western District of Oklahoma. Argued March 26, 1918. Decided May 6, 1918. *Per Curiam*. Judgments affirmed with costs upon the authority of *Choctaw & Gulf R. R. Co. v. Harrison*, 235 U. S. 292; *Indian Territory Illuminating Oil Co. v. Oklahoma*, 240 U. S. 522. *Mr. R. E. Wood* and *Mr. S. P. Freeling*, for appellants, submitted. *Mr. James B. Diggs*, *Mr. Frederick de C. Faust*, *Mr. Charles F. Wilson*, *Mr. F. C. Proctor* and *Mr. D. E. Green* for appellee in No. 245. *Mr. John H. Burford*, *Mr. John H. Brennan*, *Mr. I. B. A. Robertson*, *Mr. Frank B. Burford* and *Mr. Burdette Blue* for appellees in Nos. 246 and 248. No appearance for appellee in No. 247.

No. 813. DONALD STEPHENS, PLAINTIFF IN ERROR, *v.* UNITED STATES. In error to the District Court of the United States for the District of Delaware. Motion to dismiss or affirm submitted May 20, 1918. Decided June 3, 1918. *Per Curiam*. Judgment affirmed upon the authority of *Selective Draft Law Cases*, 245 U. S. 366; *Yan-yar v. United States*, 246 U. S. 649. *Mr. Henry Budd* for plaintiff in error. *The Solicitor General* for the United States.

No. 5. ATLANTIC, GULF & PACIFIC COMPANY, APPELLANT, *v.* UNITED STATES; and

No. 6. UNITED STATES, APPELLANT, *v.* ATLANTIC, GULF & PACIFIC COMPANY. Appeals from the Court of Claims. Argued March 9, 10, 1916. Restored to docket for reargument November 13, 1916. Reargued January 23, 24, 1917. Decided June 3, 1918. *Per Curiam*. Judgment affirmed with costs by an equally divided court.

247 U. S. Decisions on Petitions for Writs of Certiorari.

(Mr. Justice McReynolds took no part in the consideration and decision of these cases.) *Mr. George A. King, Mr. William B. King and Mr. W. E. Harvey* for Atlantic, Gulf & Pacific Company. *Mr. Assistant Attorney General Thompson and Mr. P. M. Ashford* for the United States.

No. ——. Original. *Ex parte*: IN THE MATTER OF GEORGE O. KITZEROW, PETITIONER. Submitted May 20, 1918. Decided June 3, 1918. Motion for leave to file petition for writ of mandamus denied. *Mr. Frank T. Boesel* for petitioner.

DECISIONS ON PETITIONS FOR WRITS OF CERTIORARI, FROM MAY 6, 1918, TO JUNE 10, 1918.

No. 957. W. GORDON McCABE, JR., AND WILLIAM F. GRAY, PETITIONERS, *v.* GUARANTY TRUST COMPANY OF NEW YORK, AS SUBSTITUTED TRUSTEE, ETC., ET AL. May 6, 1918. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied. *Mr. David Hunter Miller and Mr. Gordon Auchincloss* for petitioners. *Mr. Emanuel J. Myers and Mr. Gordon S. P. Kleeberg* for respondents.

No. 924. GREAT BEAR SPRING COMPANY, PETITIONER, *v.* BEAR LITHIA SPRINGS COMPANY. May 6, 1918. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia denied. *Mr. Edward S. Beach* for petitioner. *Mr. Fritz V. Briesen* for respondent.