

UNITED STATES *v.* HUTTO (NO. 2).

ERROR TO THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF OKLAHOMA.

No. 692. Argued April 11, 1921.—Decided June 1, 1921.

Decided upon the authority of *United States v. Hutto, No. 1, ante, 524*.
Reversed.

THE case is stated in the opinion.

Mr. Leslie C. Garnett, Special Assistant to the Attorney General, for the United States.

Mr. Sam K. Sullivan, with whom *Mr. Henry S. Johnston* was on the brief, for defendant in error.

MR. JUSTICE PITNEY delivered the opinion of the court.

This is a writ of error under the Criminal Appeals Act of March 2, 1907, c. 2564, 34 Stat. 1246, to review a judgment sustaining a demurrer to an indictment which, in essential respects, is precisely like that passed upon in *United States v. Hutto*, No. 691, just decided, *ante, 524*. In this case the demurrer was sustained upon the ground that § 2078, Rev. Stats., was inapplicable to transactions involving property with respect to which the Government had no interest or control. For the reasons stated in the opinion in No. 691, the judgment herein is

Reversed, and the cause remanded for further proceedings in conformity with this opinion.