

Opinion of the Court.

HUDSON ET AL. v. MOONIER.

PETITION FOR WRIT OF CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

No. 938.—Decided May 23, 1938.

The liability of the lessor of a truck for personal injuries to a third party, in its operation, due to lessor's breach of a duty to maintain it in safe condition, depends upon the *lex loci delicti*. *Erie Railroad v. Tompkins*, ante, p. 64.

Certiorari granted; 94 F. 2d 193, reversed.

PETITION for certiorari to review a judgment affirming a recovery in an action for personal injuries, which had been removed from a state court.

Messrs. James C. Jones, Lon O. Hocker, and James C. Jones, Jr. were on a brief for petitioners.

Mr. Mark D. Eagleton entered an appearance for respondent.

PER CURIAM.

Respondent brought this suit to recover damages for personal injuries alleged to be due to the defendants' negligence. He was struck by a truck which was operated without proper equipment, in that it had no horn or other signaling device. He sued the driver and also the person who had leased the truck to the driver's employer upon the ground that the lessor was charged with the duty of maintaining the truck in a reasonably safe condition.

Judgment against both defendants was affirmed by the Circuit Court of Appeals. The court treated the question of the liability of the lessor as one of general law. The court should have applied the law of Missouri where the injury occurred. *Erie R. Co. v. Tompkins*, ante, p. 64.

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Certiorari is granted, the judgment is reversed, and the cause is remanded for further proceedings in conformity with this opinion.

Reversed.

MR. JUSTICE CARDOZO took no part in the consideration and decision of this case.

LACLEDE GAS LIGHT CO. *v.* PUBLIC SERVICE
COMMISSION ET AL.

APPEAL FROM THE SUPREME COURT OF MISSOURI.

No. 947.—Decided May 23, 1938.

In a case involving the adequacy of rates fixed for a public utility, a judgment of a state court remanding the matter to the rate-fixing commission for a reëxamination which may result in a new basis of fair value and a new schedule of rates, is not final for purposes of review here.

Appeal from 341 Mo. 920; 110 S. W. 2d 749, dismissed.

Messrs. Jacob Chasnoff, George C. Willson, and Hugo Monnig were on a brief for appellant.

Messrs. H. G. Waltner, Jr., James H. Linton, and Daniel C. Rogers were on a brief for appellees.

PER CURIAM.

Appellee, the Public Service Commission of Missouri, moves to dismiss the appeal upon the ground that there is no final judgment.

The Supreme Court of Missouri had before it an appeal from a judgment of the Circuit Court which had affirmed an order of the Public Service Commission fixing the value for rate making purposes of the property of the Laclede Gas Light Company and ordering a reduction in rates. The Company contended that the Com-