

HONEYCUTT *v.* WABASH RAILWAY CO.

ON PETITION FOR WRIT OF CERTIORARI TO THE ST. LOUIS
COURT OF APPEALS OF MISSOURI.

No. 639. Decided January 27, 1958.

In this case arising under the Federal Employers' Liability Act, *held*: The proofs justified the conclusion that employer negligence played a part in producing petitioner's injury. Therefore, certiorari is granted, the judgment reversing a judgment for petitioner is reversed and the case is remanded.

303 S. W. 2d 153, reversed and remanded.

Charles E. Gray for petitioner.

PER CURIAM.

The petition for certiorari is granted, and the judgment of the St. Louis Court of Appeals of the State of Missouri is reversed and the case is remanded for proceedings in conformity with this opinion. We hold that the proofs justified with reason the jury's conclusion that employer negligence played a part in producing the petitioner's injury. *Ferguson v. Moore-McCormack Lines, Inc.*, 352 U. S. 521; *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500.

MR. JUSTICE HARLAN, whom MR. JUSTICE WHITTAKER joins, concurs in the result for the reasons given in his memorandum in *Gibson v. Thompson*, 355 U. S. 18.

For the reasons set forth in his opinion in *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500, 524, MR. JUSTICE FRANKFURTER is of the view that the writ of certiorari is improvidently granted.