

355 U. S.

November 18, 1957.

awarding the petitioner damages of \$46,600. *Urie v. Thompson*, 337 U. S. 163.

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.

MR. JUSTICE BURTON dissents.

MR. JUSTICE HARLAN, while believing that certiorari should be denied, considers that *Rogers v. Missouri Pacific R. Co.*, *supra*, requires him to concur in the result.

CITY OF NASHVILLE ET AL. *v.* UNITED STATES ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE.

No. 365. Decided November 18, 1957.*

Judgment affirmed.

Reported below: No. 365, 155 F. Supp. 98.

Allison B. Humphreys, Harold Seligman and William Waller for appellants in No. 365.

Judson Harwood for appellants in No. 519.

Solicitor General Rankin and Robert W. Ginnane for the United States and the Interstate Commerce Commission, appellees.

W. L. Grubbs, John J. Hooker and William H. Swiggart for the Louisville & Nashville Railroad Co., appellee.

PER CURIAM.

The motions to affirm are granted and the judgment is affirmed.

*Together with No. 519, *Lambert et al. v. United States et al.*, also on appeal from the same court.