

356 U. S.

April 14, 1958.

a seaman at the time of the accident within the meaning of the Jones Act, and I think that if a jury were so to find, its verdict would have to be set aside. *Desper v. Starved Rock Ferry Co.*, 342 U. S. 187. Because I would affirm the judgment of the Court of Appeals on this ground, I do not reach the question whether the accident was attributable in any way to respondent's negligence.

GEORGIA ET AL. v. UNITED STATES ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA.

No. 774. Decided April 14, 1958.

156 F. Supp. 711, affirmed.

Eugene Cook, Attorney General of Georgia, *E. Freeman Leverett*, Assistant Attorney General, *W. H. Swiggart*, *E. R. Leigh*, *Joseph L. Lenihan* and *W. L. Grubbs* for appellants.

Solicitor General Rankin, *Assistant Attorney General Hansen*, *Robert W. Ginnane*, *Samuel R. Howell* and *Isaac K. Hay* for the United States and the Interstate Commerce Commission, and *Henry L. Walker*, *Arthur J. Dixon* and *James A. Bistline* for the Southern Railway Co. et al., appellees.

PER CURIAM.

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