

356 U. S.

Per Curiam.

FERGUSON v. ST. LOUIS-SAN FRANCISCO  
RAILWAY CO.ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF MISSOURI.

No. 799. Decided March 17, 1958.

In this case arising under the Federal Employers' Liability Act, *held*: The proofs were sufficient to submit to the jury the question whether employer negligence played a part in producing petitioner's injury. Therefore, certiorari is granted, the judgment below is reversed, and the case is remanded for further proceedings.

Reported below: 307 S. W. 2d 385.

*Jo B. Gardner* for petitioner.*James L. Homire* and *Frank C. Mann* for respondent.

## PER CURIAM.

The petition for writ of certiorari is granted. We hold that the proofs were sufficient to submit to the jury the question whether employer negligence played a part in producing the petitioner's injury. *Wilkerson v. McCarthy*, 336 U. S. 53; *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500; *Webb v. Illinois Central R. Co.*, 352 U. S. 512; *Shaw v. Atlantic Coast Line R. Co.*, 353 U. S. 920; *Futrelle v. Atlantic Coast Line R. Co.*, 353 U. S. 920; *Deen v. Gulf, C. & S. F. R. Co.*, 353 U. S. 925; *Thomson v. Texas & Pacific R. Co.*, 353 U. S. 926; *Arnold v. Panhandle & S. F. R. Co.*, 353 U. S. 360; *Ringhiser v. Chesapeake & O. R. Co.*, 354 U. S. 901; *McBride v. Toledo Terminal R. Co.*, 354 U. S. 517; *Gibson v. Thompson*, 355 U. S. 18; *Honeycutt v. Wabash R. Co.*, 355 U. S. 424. The judgment of the Supreme Court of Missouri is

Per Curiam.

356 U. S.

reversed and the case is remanded for further proceedings in conformity with this opinion.

MR. JUSTICE HARLAN 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.

MR. JUSTICE WHITTAKER dissents.

---

HURLEY *v.* RAGEN, WARDEN.

ON PETITION FOR WRIT OF CERTIORARI TO THE CIRCUIT COURT OF WILL COUNTY, ILLINOIS.

No. 225, Misc. Decided March 17, 1958.

Certiorari denied without consideration of questions raised and without prejudice to institution of proceedings in an Illinois state court under the Illinois Post-Conviction Hearing Act of August 4, 1949.

Petitioner *pro se*.

*Latham Castle*, Attorney General of Illinois, for respondent.

PER CURIAM.

The petition for writ of certiorari is denied without consideration of the questions raised therein and without prejudice to the institution by petitioner of proceedings in any Illinois state court of competent jurisdiction under the Illinois Post-Conviction Hearing Act of August 4, 1949. Ill. Rev. Stat., 1957, c. 38, § 826.