

Per Curiam.

358 U. S.

the defendant . . . is so against the weight and preponderance of the evidence as to require a new trial in the interest of justice, and, upon the basis of its said adjudication, to either affirm the judgment of the trial court or grant a new trial." The determination of that issue was foreclosed by *Deen v. Gulf, Colorado & Santa Fe R. Co.*, *supra*. The motion for leave to file a petition requesting this Court to mandamus the Texas Supreme Court to conform its decision to our mandate in that case is granted. Assuming as we do that the Supreme Court of Texas will of course conform to the disposition we now make, we do not issue the writ of mandamus.

MR. JUSTICE STEWART took no part in the consideration or decision of this case.

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FONK ET AL. *v.* TOWN OF YORKVILLE.

APPEAL FROM THE SUPREME COURT OF WISCONSIN.

No. 332. Decided October 27, 1958.

Appeal dismissed for want of a substantial federal question.

Reported below: 3 Wis. 2d 371, 88 N. W. 2d 319.

*Wm. J. P. Aberg* for appellants.

PER CURIAM.

The appeal is dismissed for want of a substantial federal question.