

367 U. S.

June 19, 1961.

COMMISSIONER OF INTERNAL REVENUE *v.*
SCHLUDE ET UX.ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

No. 629. Decided June 19, 1961.

Certiorari granted; judgment vacated; and case remanded.

Reported below: 283 F. 2d 234.

*Solicitor General Rankin, Assistant Attorney General
Rice, Harry Baum and George F. Lynch* for petitioner.*Robert Ash and Carl F. Bauersfeld* for respondents.

PER CURIAM.

The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded for further consideration in the light of *American Automobile Association v. United States*, ante, p. 687.

MR. JUSTICE DOUGLAS dissents.

FAMILY FAIR, INC., ET AL. *v.* OHIO.

APPEAL FROM THE SUPREME COURT OF OHIO.

No. 754. Decided June 19, 1961.

Appeal dismissed and certiorari denied.

Reported below: 171 Ohio St. 322, 170 N. E. 2d 731.

J. H. Nathanson for appellants.*Fred A. Smith* for appellee.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

MR. JUSTICE DOUGLAS is of the opinion that probable jurisdiction should be noted.