

BALTIMORE & OHIO RAILROAD CO. ET AL. v.
BOSTON & MAINE RAILROAD ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS.

No. 97. Argued March 27, 1963.—Decided May 20, 1963.*

Judgment affirmed by an equally divided Court.

Reported below: 202 F. Supp. 830.

Robert W. Ginnane, Jervis Langdon, Jr., and William L. Marbury argued the cause for appellants. With *Mr. Ginnane* on the briefs for the Interstate Commerce Commission, appellant in No. 99, was *I. K. Hay*. With *Mr. Langdon* on the briefs for appellants in No. 97 were *Richard R. Bongartz, Robert B. Claytor, John W. Hanifin, John Henry Lewin* and *William C. Purnell*. With *Mr. Marbury* on the briefs for appellants in No. 98 were *Chas. R. Seal, J. Cookman Boyd, Jr., Donald Macleay, John Martin Jones, Jr., Morris Duane, Warren Price, Jr., William C. Burt* and *Robert M. Beckman*.

J. William Doolittle, Thomas E. Dewey and *Robert G. Bleakney, Jr.* argued the cause for appellees. On the brief for the Boston & Maine Railroad et al. were *Robert G. Bleakney, Jr., Henry E. Foley* and *Neal Holland*. On the brief for the United States were *Solicitor General Cox, Assistant Attorney General Loevinger, Stephen J. Pollak, Robert B. Hummel, Irwin A. Seibel* and *John H. D. Wigger*. On the brief for the New York Central Railroad Company et al. were *Thomas E. Dewey, Everett I. Willis* and *Leo B. Connelly*. On the brief for the State

*Together with No. 98, *Maryland Port Authority et al. v. Boston & Maine Railroad et al.*, and No. 99, *Interstate Commerce Commission v. Boston & Maine Railroad et al.*, also on appeals from the same Court.

of New York et al. were *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, *Dunton F. Tynan*, Assistant Solicitor General, *Sidney Goldstein*, *Leo A. Larkin*, *F. A. Mulhern*, *Morris Handel*, *Samuel Mandell*, *Charles W. Merritt*, *Walter J. Myskowski*, *Arthur L. Winn, Jr.* and *Samuel H. Moerman*.

PER CURIAM.

The judgment is affirmed by an equally divided Court.

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