

NATIONAL LABOR RELATIONS BOARD *v.* AUTOMOTIVE MAINTENANCE MACHINERY CO.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 188. Argued February 3, 1942.—Decided February 16, 1942.

Findings of the Labor Board sustained as supported by substantial evidence. P. 282.

116 F. 2d 350, reversed.

CERTIORARI, 314 U. S. 596, to review a judgment setting aside an order of the National Labor Relations Board, 13 N. L. R. B. 338, ordering the company to cease and desist from unfair labor practices; to cease giving effect to a contract with an "inside" union; to withdraw recognition from, and to disestablish, that union; to reinstate with back-pay three discharged employees; and to post notices, etc. A provision of the order for reimbursement of certain Government relief agencies was abandoned by the Board.

Mr. Ernest A. Gross, with whom *Solicitor General Fahy* and *Messrs. Archibald Cox, Robert B. Watts*, and *Morris P. Glushien* were on the brief, for petitioner.

Mr. John Harrington for respondent.

PER CURIAM.

Upon examination of the record, the Court concludes that the Board's findings are supported by substantial evidence. *Labor Board v. Link-Belt Co.*, 311 U. S. 584; *Westinghouse Electric & Mfg. Co. v. Labor Board*, 312 U. S. 660. The judgment is therefore reversed with directions to enforce the Board's order in full, but with the modification proposed by the Board to conform to the decision in *Republic Steel Corp. v. Labor Board*, 311 U. S.

7. The CHIEF JUSTICE and Mr. JUSTICE ROBERTS are of opinion that the order as modified should be enforced except with respect to the alleged discriminatory discharges of Warner, Jr., and Jordan, which they think are without the support of substantial evidence.

Reversed.

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

STEWART, ADMINISTRATOR, v. SOUTHERN
RAILWAY CO.*

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE
EIGHTH CIRCUIT.

No. 161. Argued January 8, 1942.—Decided February 16, 1942.

Evidence, in a railway accident case, *held* insufficient to sustain a finding on the issue whether the coupling mechanism between two freight cars was such as to comply with the Federal Safety Appliance Act. F. 286.

119 F. 2d 85, reversed.

CERTIORARI, 314 U. S. 591, to review a judgment which reversed a recovery by the administrator of a deceased railway employee in an action against the railway company for personal injuries and death. See also 115 F. 2d 85.

Messrs. William H. Allen and Charles M. Hay for petitioner.

*On petition for rehearing, it appearing that the parties had settled the case, the judgment of the Court in this case was vacated, that of the Court of Appeals reversed, and the case remanded to the District Court with directions that it be dismissed as moot, *post*, p. 784.