

Davis Vs. Currie

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Court : US Supreme Court

Decided On : Nov-17-1924

Appeal No. : 266 U.S. 182

Appellant : Davis

Respondent : Currie

Judgement :

Davis v. Currie - 266 U.S. 182 (1924)

U.S. Supreme Court Davis v. Currie, 266 U.S. 182 (1924)

Davis v. Currie

No. 60

Argued October 10, 1924

Decided November 17, 1924

266 U.S. 182

CERTIORARI TO THE SUPREME COURT

OF THE STATE OF SOUTH CAROLINA

SYLLABUS

A writ of certiorari will be dismissed if the case as relied on by the petitioner in argument is not the case as presented in the petition for the writ.

Writ of certiorari dismissed.

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Certiorari to review a judgment of the Supreme Court of South Carolina which sustained a judgment against the Director General of Railroads for damages alleged to have resulted to the plaintiff from the refusal of a railway gateman to allow him access to a train, accompanied by abusive language, etc.

MR. JUSTICE Mc REYNOLDS delivered the opinion of the Court.

This writ must be dismissed. The petition therefor declared: the sole question presented is:

"Can damages for humiliation and wounded feelings be awarded the respondent against the petitioner, the United States Railroad Administration, under the provisions of the Federal Control Act, the proclamations of the President, and the general orders of the Director General pursuant thereto?"

At the hearing ,counsel relied on the following:

"The judgment against the Director General of Railroads for wounded feelings and humiliation arising out of a wanton, willful, and malicious act of his servant is unauthorized, involving, essentially, the infliction of a penalty upon the government."

The argument was that, although the trial court distinctly limited the jury to actual damages, nevertheless it necessarily follows from the size of the verdict that punitive damages were assessed against and a penalty was imposed upon the United States.

The petition did not state the case presented at the bar.

Dismissed.

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