

Shipman Vs. Dupre

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Court : US Supreme Court

Decided On : Apr-24-1950

Appeal No. : 339 U.S. 321

Appellant : Shipman

Respondent : Dupre

Judgement :

Shipman v. DuPre - 339 U.S. 321 (1950)

U.S. Supreme Court Shipman v. DuPre, 339 U.S. 321 (1950)

Shipman v. DuPre

No. 689

Decided April 24, 1950

339 U.S. 321

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF SOUTH CAROLINA

SYLLABUS

In this case, a three-judge federal district court erred in ruling on the merits of a suit to restrain enforcement of a state statute on the ground of its invalidity under the Federal Constitution when it did not appear that the statute had been construed by the state courts; but the federal court should retain jurisdiction pending a reasonable time to afford an opportunity for complainants to obtain such a construction. Pp. [339 U. S. 321](#) -322.

88 F.Supp. 482, judgment vacated.

Appellants' application for a declaratory judgment and injunction, on the ground of the alleged invalidity under the Federal Constitution of certain sections of South Carolina statutes regulating the fisheries and shrimping industry, was dismissed on the merits by a three-judge federal district court. 88 F.Supp. 482. On appeal to this Court, *the judgment is vacated and the cause is remanded*, p. [339 U. S. 322](#).

PER CURIAM.

Appellants sought a declaratory judgment that certain sections of the South Carolina statute regulating the fisheries and shrimping industry were unconstitutional and interlocutory and permanent injunctions restraining the state officials from carrying out those provisions. The

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statutory three-judge District Court assumed jurisdiction, decided the issues on the merits, and dismissed the complaint. 88 F.Supp. 482. From the papers submitted on appeal, it does not appear that the statutory sections in question have as yet been construed by the state courts. We are therefore of opinion that the District Court erred in disposing of the complaint on the merits. *See American Federation of Labor v. Watson*, [327 U. S. 582](#) , [327 U. S. 595](#) -599.

The judgment of the District Court is vacated, and the cause is remanded to that court with directions to retain jurisdiction of the complaint for a reasonable time to afford appellants an opportunity to obtain, by appropriate proceedings, a

construction by the state court of the statutory provisions involved.

MR. JUSTICE DOUGLAS dissents.

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