

Ex Parte Bradstreet

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Court : US Supreme Court

Decided On : 1833

Appeal No. : 32 U.S. 634

Appellant : Ex Parte Bradstreet

Judgement :

Ex Parte Bradstreet - 32 U.S. 634 (1833)

U.S. Supreme Court Ex Parte Bradstreet, 32 U.S. 7 Pet. 634 634 (1833)

Ex Parte Bradstreet

32 U.S. (7 Pet.) 634

ON APPLICATION

FOR MANDAMUS

SYLLABUS

Mandamus. In the District Court of the Northern District of New York, writs of right were prosecuted for lands lying in that district, and neither in the writs or in the counts was there an averment of the value of the premises being sufficient in amount to give the court jurisdiction. The tenants appeared and moved to dismiss the cause for want of jurisdiction, which motion was granted. Subsequently the

demandant moved to reinstate the cases and to amend, by inserting an averment that the premises were of the value of five hundred dollars, which motion was denied by the court. The demandant also moved the court to compel full records of the judgments and orders of dismissal and of the process in the several suits to be made up and filed so that the demandant might have the benefit of a writ of error to the Supreme Court in order to have its decision upon the grounds and merits of such judgments and orders. The district court refused this motion. On a rule in the Supreme Court for a mandamus to the district judge and a return to the same, it was held that the refusal to allow the amendment to the writ and count by inserting the averment of the value of the property was not the subject of examination in this Court. The allowance of amendments to pleadings is in the discretion of the judge of the inferior court, and no control over the action of the judge in refusing or admitting them will be exercised by this Court. The court granted a mandamus requiring the district judge to have the records of the cases made up and to enter judgments thereon in order to give the demandant the benefit of a writ of error to the Supreme Court.

In cases where the demand is not for money and the nature of the action does not require the value of the thing demanded to be stated in the declaration, the practice of this Court and of the courts of the United States has been to allow the value to be given in evidence.

This Court will not exercise any control over the proceedings of an inferior court of the United States in allowing or refusing to allow amendments in the pleadings in cases depending in those courts, but every party in such courts has a right to the judgment of this Court in a suit brought in those courts, provided the matter in dispute exceeds the value of two thousand dollars.

At the January term of this Court in 1832, on the motion of Mr. Jones, counsel for the demandant, the Court granted

"a rule on the District Judge of the District Court of the United States for the Northern District of New York, commanding him to be and appear before this Court either in person or by an

attorney of this Court, on the first day of the next January term of this Court, to-wit, on the second Monday of January Anno Domini, 1833, to show cause, if any he have, why a mandamus should not be awarded to the said district judge of the Northern District of New York commanding him: "

"1. To reinstate, and proceed to try and adjudge, according to the law and right of the case, the several writs of right and the mises thereon joined, lately pending in said court, and said to have been dismissed by order of said court, between Martha Bradstreet, demandant, and Apollos Cooper, tenants."

"2. Requiring said court to admit such amendments in the form of pleading, or such evidence as may be necessary to aver or to ascertain the jurisdiction of said court in the several suits aforesaid."

"3. Or, if sufficient cause should be shown by the said judge on the return of this rule or should otherwise appear to this Court, against a writ of mandamus requiring the matters and things aforesaid to be done by the said judge; then to show cause why a writ of mandamus should not issue from this Court requiring the said judge to direct and cause full records of the judgments or orders of dismissal in the several suits aforesaid, and of the processes of the same, to be duly made up and filed so as to enable this Court to reexamine and decide the grounds and merits of such judgments or orders, upon writs of error; such records showing upon the face of each what judgments or final orders dismissing, or otherwise definitively disposing of said suits were rendered by the said district court, at whose instance, upon what grounds, and what exceptions or objections were reserved or taken by said demandant, or on her behalf, to the judgments or decisions of the said district court in the premises, or to the motions whereon such judgments or decisions were found, and what motion or motions, application, or applications were made to said court by the demandant or on her behalf, and either granted or overruled by said district court, both before and after said judgments or decisions dismissing or otherwise finally disposing of said suits; especially, what motions or applications were made by said demandant or on her

behalf to said district court, to be admitted to amend her counts in the said suits or to produce evidence

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to establish the value of the lands, &c.;, demanded in such counts, together with all the papers filed and proceedings had in said suit respectively. "

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MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

After hearing counsel and considering the cause shown by the honorable the judge for the Court of the United States for the Northern District of New York, this Court is of opinion that it ought not to exercise any control over the proceedings of the district court in allowing or refusing to allow amendments in the pleadings, but that every party has a right to the judgment of this Court, in a suit brought by him in one of the inferior courts of the United States, provided the matter in dispute exceeds the sum or value of \$2,000.

In cases where the demand is not for money and the nature of the action does not require the value of the thing demanded to be stated in the declaration, the practice of this Court and of the courts of the United States, is to allow the value to be given in evidence. In pursuance of this practice, the demandant in the suits dismissed by order of the judge of the district court had a right to give the value of the property demanded in evidence at or before the trial of the cause, and would

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have a right to give it in evidence in this Court. Consequently he cannot be legally prevented from bringing his case before this tribunal. The Court doth therefore direct that a mandamus be awarded to the judge of the Court of the United States for the Northern District of New York requiring the said judge to reinstate and proceed to try and adjudge according to the right of the case the several writs of right, and the mises thereon joined, lately pending in said court between Martha Bradstreet, demandant, and Apollos Cooper, tenants.

The following mandamus was issued by order of the Court.

"United States of America, ss. To the Honorable Alfred Conklin, Judge of the District Court of the United States for the Northern District of New York, greeting:"

"Whereas one Martha Bradstreet hath heretofore commenced and prosecuted in your court several certain real actions or writs of right in your court lately pending between the said Martha Bradstreet, demandant, and the following named tenants severally and respectively, to-wit, Apollos Cooper and others [naming them]. And whereas, heretofore, to-wit, at a session of the Supreme Court of the United States held at Washington on the second Monday of January in the year 1832, it appeared, upon the complaint of the said Martha Bradstreet, among other things, that at a session of your said court, lately before holden by you, according to law, all and singular the said writs of right then and there pending before your said court, upon the several motions of the tenants aforesaid, were dismissed, for the reason that there was no averment of the pecuniary value of the lands demanded by the said demandant in the several counts filed and exhibited by the said demandant against the several tenants aforesaid, which orders of your said court so dismissing the said actions were against the will and consent of demandant, whereupon, the said Supreme Court, at the instance of said demandant, granted a rule requiring you to show cause, if any you had, among other things, why a writ of mandamus from the said Supreme Court should not be awarded and issued to you commanding you to reinstate and proceed to try and adjudge according to the law and right of the case, the several writs of right aforesaid, and the mises therein joined. And whereas, at the late

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session of the said Supreme Court, held at Washington on the second Monday of January in the year 1833, you certified and returned to the said Supreme Court, together with the said rule, that after the mises had been joined in the several causes mentioned in the said rule, motions were made therein, on the part of the tenants, that the same should be dismissed, upon the ground that the counts respectively contained no allegation of the value of the matter in dispute, and that

it did not therefore appear by the pleadings that the causes were within the jurisdiction of the court; that, in conformity with what appeared to have been the uniform language of the national courts upon the question, and your own views of the law, and in accordance especially with several decisions in the circuit court for the third circuit (see 4 W.C.C. 482, 624), you granted their motions, and assuming that the causes were rightly dismissed, it follows of course that you ought not to be required to reinstate them unless leave ought also to be granted to the demandant to amend her counts."

"And whereas afterwards, to-wit, at the same session of the said Supreme Court last aforesaid, upon consideration of your said return and of the cause shown by you therein against the said rule's being made absolute, and against the awarding and issuing of the said writ of mandamus, and upon consideration of the arguments of counsel, as well on your behalf, showing cause as aforesaid, as on behalf of the said demandant, in support of the said rule, it was considered by the said Supreme Court that you had certified and returned to the said court an insufficient cause for having dismissed the said actions, and against the awarding and issuing of the said writ of mandamus, pursuant to the rule aforesaid, the said Supreme Court being of opinion and having determined and adjudged upon the matter aforesaid, that in cases where the demand is not made for money, and the nature of the action does not require the value of the thing demanded to be stated in the declaration, the practice of the said Supreme Court and of the courts of the United States is to allow the value to be given in evidence; that, in pursuance of this practice, the demandant in the suits dismissed by order of the judge of the district court had a right to give the value of the property demanded in evidence either at or before the trial of the cause, and would have a right to give it in evidence

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in the said Supreme Court; consequently, that she cannot be legally prevented from bringing her cases before the said Supreme Court, and it was also then and there considered by the said Supreme Court that the peremptory writ of the United States issue, requiring and commanding you, the said judge of the said district

court, to reinstate and proceed to try and adjudge, according to the law and right of the case, the several writs of right and the mises therein joined, lately pending in your said court between the said Martha Bradstreet, demandant, and Apollos Cooper and others, the tenants aforesaid."

"Therefore you are hereby commanded and enjoined that immediately after the receipt of this writ, and without delay, you reinstate and proceed to try and adjudge according to the law and right of the case, the several writs of right and the mises therein joined, lately pending in your said court between the said Martha Bradstreet, demandant, and the said Apollos Cooper and others, the tenants hereinabove named, so that complaint be not again made to the said Supreme Court, and that you certify perfect obedience and due execution of this writ to the said Supreme Court, to be held on the first Monday in August next. Hereof fail not, at your peril, and have then there this writ."

"Witness the honorable John Marshall, Chief Justice of said Supreme Court, the second Monday of January, in the year of our Lord one thousand eight hundred and thirty-three."

"W. T. CARROLL"

"Clerk of the Supreme Court of the United States"

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