

Ex Parte De Groot

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Court : US Supreme Court

Decided On : 1867

Appeal No. : 73 U.S. 497

Appellant : Ex Parte De Groot

Judgement :

Ex Parte De Groot - 73 U.S. 497 (1867)

U.S. Supreme Court Ex Parte De Groot, 73 U.S. 6 Wall. 497 497 (1867)

Ex Parte De Groot

73 U.S. (6 Wall.) 497

APPLICATION FOR MANDAMUS TO THE JUDGES OF THE

SUPREME COURT OF THE DISTRICT OF COLUMBIA

SYLLABUS

Mandamus from this Court will not lie to reverse a judgment of a court below refusing a mandamus against the Secretary of the Treasury commanding him to pay a sum of money awarded to the relator by the Secretary of War in pursuance of a joint resolution of Congress and to compel such court below to issue one.

The petition was presented to the above court praying for the award of a mandamus to the defendant, the Secretary of the Treasury, commanding him to pay to the relator the sum of \$114,000, which had been awarded to him by the Secretary of War in pursuance of a joint resolution of Congress. The petition set out at large the grounds of the indebtedness of the government to the relator, the joint resolution, and the award of the Secretary of War for the amount above stated. The court below denied the prayer for a mandamus, and the papers were now presented to this Court for a mandamus to the court below for the purpose of reversing its decision, and commanding it to issue the mandamus.

MR. JUSTICE NELSON delivered the opinion of the Court.

The party has mistaken his remedy, if he has any, which is by writ of error to the court below to reverse the judgment there rendered in the case. The authorities are uniform on the question. *

* [Decatur v. Paulding](#), 14 Pet. 497; [Kendall v. United States](#), 12 Pet. 527; [Brashear v. Mason](#), 6 How. 92; [United States v. Guthrie](#), 17 *id.* 284.

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