



*New York State Archives*

**New York State Supreme Court of Judicature (Utica) Copies  
of Pleadings Furnished to Circuit Courts J0023**

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New York State Archives  
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Albany, NY 12230  
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URL: <http://www.archives.nysed.gov/>

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## Overview of the Records

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<b>Repository:</b>	New York State Archives
<b>Summary:</b>	This series contains records of the pleas, issue, trial, and verdict in civil causes in Circuit Courts. Each record has the following parts: the placita, which gives the names of the parties; the memorandum; the subsequent pleadings by both defendant and plaintiff; the imparlance, or allowance to the defendant of time to plead; the award of jury process in Circuit Court; and the continuances, or postponements, if any in the cause.
<b>Creator:</b>	New York (State). Supreme Court of Judicature (Utica)
<b>Title:</b>	Copies of pleadings furnished to Circuit Courts
<b>Quantity:</b>	22.8 cubic feet
<b>Quantity:</b>	49 boxes
<b>Inclusive Date:</b>	1828-1847
<b>Series:</b>	J0023

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## Arrangement

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Rough alphabetic by name of losing party.

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## Scope and Content Note

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Records documenting civil causes provide name of court; term; names of plaintiff and defendant; plaintiff's initial declaration and subsequent pleadings of plaintiff and defendant; names of the judge, attorneys, jurors, and witnesses; and the jury's verdict and its award of damages and costs.

This series contains records of the pleas, issue, trial, and verdict in civil causes in Circuit Courts. Prior to 1830 the series consists of what were called nisi prius records. Each record has the following parts: the placita, which gives the name of the court, the court term, the names of the presiding justices and the clerk, and the names of the attorney representing the

parties to the action; the memorandum, which starts with the phrase "Be it remembered..." and gives the name of the court, the term, the names of plaintiff and defendant, and the plaintiff's initial declaration; the subsequent pleadings by both defendant and plaintiff; the imparlance, or allowance to the defendant of time to plead; the award of jury process in Circuit Court (issuance of writ of venire facias juratores); and the continuances, or postponements, if any in the cause. The postea, a summary of the trial proceedings in Circuit Court, is subscribed or attached at the end of the record, or enclosed as a separate document. The nisi prius record bears on the dorso the name of the court, names of the parties and plaintiff's attorney, and the time and place for return of record.

It is signed by a clerk of the Supreme Court. Often accompanying the nisi prius record is the writ of venire facias juratores, an order to the sheriff of the county where the Circuit Court is to be held, commanding him to empanel a trial jury. On the dorso of the writ are written the name of the court, names of the parties and plaintiff's attorney, and return by the sheriff. (Writs of venire to the sheriff of Montgomery and perhaps other counties sometimes have attached to them printed lists of jurors, giving occupations and residences.) Also found with the nisi prius record is a certified copy of the minutes of the trial in Circuit Court, giving the names of the judge, the parties to the action, their attorneys, the jurors, and any witnesses; the jury's verdict; and its award of damages and cost, if any were made. The document is signed by the clerk of the court. A law of 1786 provided that a transcript of the record of a cause, with an award of jury process, should be sent under seal of the Supreme Court of Judicature to the justice holding Circuit Court in the county where the issue was to be tried. A law of 1796 required the court clerk to deliver the nisi prius record and a certified copy of the trial minutes to the attorney for the winning party. The attorney, not the clerk as formerly, was to draw up the postea. The provisions concerning the nisi prius record were repeated in legislation of 1813. Legislation of 1829

made important changes in the name and content of the record submitted to the justice holding a Circuit Court. The record was now called a "circuit roll," and it omits the award of jury process "nisi prius", substituting a simple statement that the issue is ordered to be tried in Circuit Court. The seal and the nisi prius clause formerly found in the writ are henceforth to be omitted. The writ of venire facias juratores was declared to be no longer necessary. Between 1830 and 1840 the series therefore consists of a circuit roll with postea and a certified copy of the minutes of the trial. A law of 1840 abolished the circuit roll and postea and required instead that a copy of the pleadings be furnished to the Circuit Court holding trial. After the trial, the pleadings and a certified copy of the minutes were returned to the clerk of the Supreme Court. However, documents called "circuit rolls" are still found occasionally after 1840.

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## Related Information

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### Related Material

J1013Circuit rolls in Series J1013, New York State Supreme Court of Judicature (Utica) Declarations and Motions, may be estrayed from Series J0023.

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## Other Finding Aids

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### Available at Repository

Container list is available at the repository.

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## Use of Records

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### Access Restrictions

There are no restrictions regarding access to or use of this material.

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## Administrative Information

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### Custodial History

The Court of Appeals placed these records on deposit at the Historic Documents Collection, Queens College, from 1973-1982.

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## Access Terms

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- Adjudicating
- Jury
- Trials
- Courts
- Judicial records
- New York (State)
- New York (State). Court of Appeals
- New York (State). Supreme Court of Judicature
- United States. Circuit Court (New York : Northern District)
- United States. Circuit Court (New York : Southern District)