



*New York State Archives*

**New York State Supreme Court of Judicature (Geneva) Writs  
of Capias ad Respondendum J0028**

---

New York State Archives  
222 Madison Avenue  
Albany, NY 12230  
[archref@nysed.gov](mailto:archref@nysed.gov)  
URL: <http://www.archives.nysed.gov/>

---

## Table of Contents

---

Overview of the Records .....	3
Arrangement .....	3
Scope and Contents .....	3
Related Information .....	4
Use of Records .....	4
Access Terms .....	4

## Overview of the Records

---

<b>Repository:</b>	New York State Archives
<b>Summary:</b>	This series consists of writs of capias ad respondendum (cap. ad resp.), which were orders to a sheriff to arrest and take into custody a defendant for appearance in court to answer the plaintiff's declaration. The writ states the name of defendant, the court term when he was required to appear, the name of the plaintiff, the type of action, and the names of the justice, clerk, and plaintiff's attorney.
<b>Creator:</b>	New York (State). Supreme Court of Judicature (Geneva)
<b>Title:</b>	Writs of capias ad respondendum
<b>Quantity:</b>	9.9 cubic feet
<b>Quantity:</b>	23 boxes
<b>Inclusive Date:</b>	1829-1847
<b>Series:</b>	J0028

[^ Return to Table of Contents](#)

---

## Arrangement

---

Pre-1837 records: chronological by court term, then by defendant's county of residence.

1837-1847 records: roughly alphabetical by name of plaintiff's attorney.

[^ Return to Table of Contents](#)

---

## Scope and Content Note

---

A writ of capias ad respondendum (cap. ad resp.) was an order to the sheriff to arrest and take into custody a defendant for appearance in court to answer the plaintiff's declaration.

The writ states the name of defendant, the court term when he was required to appear, the name of the plaintiff, the type of action, and the names of the justice, clerk, and plaintiff's attorney. On the dorso of the writ is the sheriff's certificate of service (cepi corpus, "I seized the body") or non-service (non est inventus, "he is not found"), and the amount of bail, if any. When

bail was not required, there is an endorsement by the defendant agreeing to appear in court. A few scattered writs of execution (fieri facias or capias ad satisfaciendum) are found in the early years of this series. Similar writs filed at the other offices of the Supreme Court are lost.

[^ Return to Table of Contents](#)

---

## Related Information

---

### Related Material

J0025Series J0025, New York State Supreme Court of Judicature (Geneva) Writs of Execution, contains most Geneva writs of execution.

[^ Return to Table of Contents](#)

---

## Use of Records

---

### Access Restrictions

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

---

## Access Terms

---

- Adjudicating
- Arrest
- Writs
- Sheriffs
- Writs
- Courts
- Judicial records
- New York (State)
- New York (State). Court of Appeals
- New York (State). Supreme Court of Judicature