



*New York State Archives*

**New York State Supreme Court Appellate Division Third  
Department Register of Bonds and Undertakings J0042**

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## Overview of the Records

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<b>Repository:</b>	New York State Archives
<b>Summary:</b>	This volume consists of recorded undertakings on appeal, in which persons or entities filing appeals with the State Court of Appeals engaged a surety to guarantee payment of all costs and damages which may be awarded against the appellant as a result of the appeal. Each entry includes a notarized attestation of the validity of the surety agreement or bond, as well as a sworn confirmation of the surety's address and assets.
<b>Creator:</b>	New York (State). Supreme Court. Appellate Division. Third Department
<b>Title:</b>	Register of bonds and undertakings
<b>Quantity:</b>	0.9 cubic feet
<b>Quantity:</b>	1 volume
<b>Inclusive Date:</b>	1896-1926
<b>Series:</b>	J0042

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## Administrative History

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Section 1326 of the New York State Code of Civil Procedure stipulated that in order to file a notice of appeal to the State Court of Appeals, "the appellant must give a written undertaking, to the effect, that he will pay all costs and damages, which may be awarded against him on the appeal, not exceeding five hundred dollars." Appellants would typically enter into a surety arrangement whereby a third party, often a surety company, would offer bond or guarantee payment of up to five hundred dollars in the event that the appellant was found liable for costs or damages and was unable to pay.

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## Scope and Content Note

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This volume consists of undertakings on appeal recorded by the clerk of the Supreme Court Appellate Division Third Department. Entries provide the names of parties in each case and

the ruling of the Appellate Division Third Department that is being appealed to the State Court of Appeals. This is typically followed by a statement in which one or more sureties offer bond, or guarantee payment of costs or damages which may be awarded against the appellant as a result of the appeal, not to exceed five hundred dollars. Each entry concludes with a notarized affirmation that the surety named executed the specific undertaking, coupled with the surety's notarized, sworn confirmation of its address and assets. Power of attorney statements and more detailed financial statements typically appear in cases where surety corporations offered bond.

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## Use of Records

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### Access Restrictions

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

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## Access Terms

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- Adjudicating
- Registers (Lists)
- Judicial records
- Courts--New York (State)
- New York (State)