



*New York State Archives*

**New York State Supreme Court of Judicature (Geneva)  
Copies of Pleadings Furnished to Circuit Courts J0146**

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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. Records documenting civil causes provide name of court; term; names of plaintiff and defendant; names of the judge, attorneys, jurors, and witnesses; and the jury's verdict and its award of damages and costs.
<b>Creator:</b>	New York (State). Supreme Court of Judicature (Geneva)
<b>Title:</b>	Supreme Court of Judicature (Geneva) copies of pleadings furnished to circuit courts
<b>Quantity:</b>	7.3 cubic feet
<b>Quantity:</b>	17 boxes
<b>Inclusive Date:</b>	1837-1847
<b>Series:</b>	J0146

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## Arrangement

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Chronological by court term, then alphabetical by name of losing party's attorney.

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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; 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 part: 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 attorneys 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 the record. It is signed by a clerk of the Supreme Court.

Often accompanying the nisi prius record is the writ of venire facias, 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. After the circuit roll was returned to the clerk of the Supreme Court and filed there, the attorney for the winning party prepared the judgment roll. This was filed and docketed by the clerk. After the circuit roll was returned to the clerk of the Supreme Court and filed there, the attorney for the winning party prepared the judgment roll. This was filed and docketed by the clerk. A law of 1786 provided that a transcript of the records 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. A law 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 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. Geneva circuit rolls prior to 1838 were evidently destroyed pursuant to a court rule adopted at Utica on July 16, 1836.

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## Related Information

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### Related Material

J0138Series J0138, New York State Supreme Court of Judicature (Albany) Transcripts of Docket of Judgments (Geneva), identifies losing parties in cases documented in Series J0146.

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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