



New York State Archives

Insolvency papers J0154

New York State Archives
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Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of insolvency papers filed in Albany Supreme Court concerning the assignment and/or sale of debtor's property. Records include petitions of debtors and creditors requesting attachment or sale of property; creditor affidavits stating that they received no payment for petitioning for sale; debts owed to creditors; orders for assignment of property to trustees for sale; and documents discharging the debtor from further liability.
Creator:	New York (State). Supreme Court of Judicature (Albany)
Title:	Insolvency papers
Quantity:	40 cubic feet
Quantity:	72 boxes
Inclusive Date:	1795-1842
Series:	J0154

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Arrangement

Alphabetic by name of debtor.

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Scope and Content Note

Records concerning sale of property of debtors include petitions of debtors and their creditors requesting sale of property; affidavits of creditors stating that they received no payment for petitioning for sale; accounts of debts owed to creditors; orders for assignment of property to trustees for sale; and documents discharging the debtor from further liability.

Insolvency papers include documents relating to the assignment and sale of property of insolvent debtors who petitioned for relief, or the attachment and sale of property of "absconding, concealed, or non-resident debtors." A typical file contains the following

documents: petition of insolvent debtor and his creditors (representing three-fourths of the total amount owed by him) requesting that the insolvent's property be assigned to a trustee for sale; affidavit of each petitioning creditor giving amount of debt and stating that he has received no payment for requesting this assignment; accounts of debts owed by the insolvent debtor to all creditors, giving their names and the amounts; inventory and account of the real and personal estates of the insolvent debtor; order to advertise the impending sale of this property, directing other creditors to show cause why the sale should not be made; affidavit of publication, including clippings of newspaper advertisements; order for assignment of the insolvent's property to trustees for sale for benefit of the creditors; certificate of assignment by trustees (assignees), stating that the property has been delivered to them; and affidavit or report of assignment discharging the insolvent from further liability for debts incurred prior to the date of his petition.

Laws of 1786 and 1788 and an amending act of 1801 empowered any justice of the Supreme Court, or a judge of the Court of Common Pleas, or the Chancellor, to receive the petition, make the assignment, and discharge the debtor. A law of 1811 gave the Commissioners of the Supreme Court of Judicature and the Recorders of the cities of New York, Hudson, and Albany, the same powers in cases of insolvency as those exercised by Supreme Court justices. Laws of 1817 and 1818 permitted creditors of an imprisoned debtor to petition a court for an assignment, if the debtor agreed to it. Legislation of 1829 supplanted all previous acts concerning voluntary assignments, but this series contains no files relating to that type of case after the year 1829. Documents relating to "absconding, concealed, or non-resident debtors" were originally filed either with other Insolvency Papers (Utica) or separately (Albany).

The file typically includes the following documents: petition by creditors for attachment of debtor's property, itemizing and totalling all debts; affidavits of other persons stating that the debtor has absconded or concealed himself; warrant to sheriff to attach property of the debtor; and appraisal of real property and inventory of personal property of the insolvent. Other documents in a file for this type of debtor correspond to those found for voluntary assignments: court order appointing trustees to dispose of property, order for publication of notice of sale and affidavit of publication, and final report on attachment proceedings. The proceedings in the case of an absconding, concealed, or non-resident debtor were governed successively by laws of 1786, 1801, and 1829.

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Other Finding Aids

Available at Repository

Container and reel lists available.

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Use of Records

Access Restrictions

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

Alternate Formats AvailableAlternate Formats Available

Microfilm is available at the New York State Archives.

Microfilm: 17 reels; 35 mm.

Administrative Information

Custodial History

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

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Access Terms

- Adjudicating
- Debtor and creditor
- Courts
- Judicial records
- New York (State)
- Bankruptcy
- New York (State). Court of Appeals
- New York (State). Supreme Court of Judicature