



New York State Archives

**New York State Supreme Court of Judicature Precipes and
Original Writs J0168**

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Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of original writs which ordered a sheriff to summon or attach a defendant to appear in court. In the early nineteenth century, the original writ was used primarily in actions where the defendant was a fictitious person, i.e. a corporation, which could not be arrested on a writ of <i>capias</i> . All the documents in this series concern promissory notes given by banks; the plaintiff is the creditor or his assignee.
Creator:	New York (State). Supreme Court of Judicature
Title:	Precipes and original writs
Quantity:	0.8 cubic feet
Quantity:	2 boxes
Inclusive Date:	1815-1825
Series:	J0168

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Scope and Content Note

Original writs issued under seal of the Supreme Court ordered a sheriff to summon or attach a defendant to appear in court. The plaintiff's demand is set forth in the writ in the same detail as is found in his declaration. On the dorso of the writ is the sheriff's certificate that he has summoned or attached the defendant. In the early nineteenth century the original writ was used primarily in actions where the defendant was a fictitious person, i.e. a corporation, which could not be arrested on a writ of *capias*. In civil actions of debt, covenant, replevin, etc. the original writ was a summons. In the quasi-criminal actions of trespass, case, etc. it was a writ of attachment. Use of the writ of attachment (except for contempt of court) was abolished by a law of 1817, and henceforth only the original writ of summons was employed. Examples of both types of writ (summons and attachment) are found in this series. There are also a few precipes, or plaintiff's instructions to a clerk of the Supreme Court to make out an original writ if sufficient surety be given for its prosecution. All the documents in this series concern promissory notes given by banks; the plaintiff is the creditor or his assignee. The following banks are represented: Manhattan Company, City Bank of New York, Ontario Bank, Bank of Chenango, and Mechanics' Bank in the City of New York.

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Use of Records

Access Restrictions

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

Administrative Information

Custodial History

The Court of Appeals placed these records on deposit at the Historic Documents Collection, Queens College, from 1973-1982. It is uncertain whether these records were filed at Albany or Utica.

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Access Terms

- Adjudicating
- Courts
- Writs
- Judicial records
- New York (State)
- Writs
- Banks and banking
- Manhattan Company
- Ontario Bank
- Mechanics' Bank in the City of New York
- Bank of Chenango
- New York (State). Court of Appeals
- City Bank of New York