



New York State Archives

**New York State Supreme Court of Judicature (Utica)
Calendars of Enumerated Motions J1241**

New York State Archives
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Overview of the Records

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| Repository: | New York State Archives |
| Summary: | This series consists of calendars of enumerated motions argued before the Supreme Court of Judicature. Enumerated motions were those made to arrest judgment; those arising on a "case" in Circuit Court or agreed upon without trial; those arising on a special verdict, a demurrer, a writ of error, a bill of exceptions, or a writ in the nature of a writ of error; and those made to set aside a verdict, an inquisition or report of damages, or a non-suit. |
| Creator: | New York (State). Supreme Court of Judicature (Utica) |
| Title: | Calendars of enumerated motions |
| Quantity: | 1.3 cubic feet |
| Quantity: | 28 volumes |
| Inclusive Date: | 1820-1847 |
| Series: | J1241 |

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Arrangement

Chronological.

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Scope and Content Note

These calendars list motions made to arrest judgment; those arising when a point or problem was referred to a justice for decision; those arising on a demurrer, on a bill of exceptions, or on various writs; and those made to set aside a verdict.

This series consists of calendars of enumerated motions argued before the Supreme Court of Judicature in the general terms. Enumerated motions were those made to arrest judgment; those arising on a "case" reserved at a trial in Circuit Court or agreed upon by the parties without trial (a "case" was a special point or problem referred to a justice for decision); those arising on a special verdict (in which a matter of law was referred to a justice by a jury); those

arising on a demurrer, a writ of error, a bill of exceptions, or a writ in the nature of a writ of error (including writs of mandamus and some writs of certiorari); and those made to set aside a verdict, an inquisition or report of damages, or a non-suit. The great majority of the entries on the calendars concerned "cases," demurrers to pleading or evidence, writs of error and certiorari, bills of exceptions, and motions to set aside a report of referees, a verdict, or a demurrer alleged to be frivolous.

Enumerated motions were placed on the calendar in chronological order by the date when the question arose. (For special verdict, demurrer to evidence, bill of exceptions, case reserved at trial, and motion to set aside a verdict or non-suit, this was the day the verdict was taken or non-suit granted. For demurrer to pleadings, writ of error or writ in nature of a writ of error, this was the day when the joinder in demurrer or joinder in error was received by the party demurring or assigning errors.) Some of the questions to be argued originated a year or more prior to the term in which arguments were heard.

Each entry in the calendar gives the names of the parties, the names of their attorneys, the motion to be argued, and the date of joinder in error or demurrer or date of notice of motion. Some entries have notes stating the date the motion was argued. A calendar was made up by the clerk for each term of court. The affidavits and notices of motions, error books, demurrer books, briefs, and other documents supporting the attorneys' arguments for or against enumerated motions are found in the various series containing motion papers.

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Related Information

Related Material

J0126Series J0126, New York State Supreme Court of Judicature (Utica) Motions, and

J1126Series J1126, New York State Supreme Court of Judicature (Utica) Miscellaneous Motions, contain motions filed at Utica

J0031Series J0031, New York State Supreme Court of Judicature (Utica) Writs of Error, contains related records

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Other Finding Aids

Available at Repository

Container list is available at the repository.

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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 Historical Documents Collection, Queens College, from 1973-1982.

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Access Terms

- Adjudicating
- Courts
- Judicial records
- New York (State)
- Mandamus
- Appellate courts
- Motions (Law)
- Certiorari
- Writ of error
- Appellate procedure
- Calendars

- New York (State). Supreme Court of Judicature
- New York (State). Court of Appeals