



New York State Archives

**New York State Supreme Court of Judicature Writs of
Mandamus J4013**

New York State Archives
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Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of writs of mandamus, issued under seal of the Supreme Court of Judicature, commanding a public officer or public corporation to show cause why he or it should not perform a duty (alternative mandamus), or to perform it (peremptory mandamus). Most writs served on courts of common pleas ordered that judges perform or vacate a rule, set aside a verdict, or quash an appeal.
Creator:	New York (State). Supreme Court of Judicature
Title:	Writs of mandamus
Quantity:	0.5 cubic feet
Quantity:	1 box
Inclusive Date:	1822-1845
Bulk Date:	bulk 1822, 1825-1845
Series:	J4013

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Scope and Content Note

Writs of mandamus commanded a public officer or corporation to perform a duty or to show cause why they should not perform it. Most writs served on courts of common pleas ordered that judges perform or vacate a rule, set aside a verdict, or quash an appeal.

This series consists of writs of mandamus issued under seal of the Supreme Court of Judicature, commanding a public officer or public corporation to show cause why he or it should not perform a duty (alternative mandamus), or to perform it (peremptory mandamus). The formal plaintiff in the cause is the "people of the State of New York ex rel" (ex relatione, "on the relation of" a private individual, who is known as the relator). The attorney for the plaintiff is the Attorney General when the relator is the People on its own behalf. In other cases private attorneys represent the relator. The defendants may be judges of a county Court of Common Pleas (the majority of cases in this series), sheriffs, town commissioners of highways, judges of a mayor's court, the Canal Commissioners or Canal Appraisers, a county board of supervisors, or any other public officer or body. One case (1845) involves a charge that the Governor and

Secretary of State had not distributed surplus volumes of the Natural History of the State of New-York as required by law.

Most writs of mandamus served on courts of common pleas demanded that the judges perform or vacate a rule, set aside a verdict, or quash an appeal. The sheriff's return to a writ usually includes transcripts of court proceedings, affidavits of public officers, and other documents relating to the actions of the public officer or corporation under challenge. The issuance of a writ of mandamus and the proceedings thereon followed the provisions of a law of 1829. The original office of filing of these writs is difficult to determine because they were found estrayed in several different series.

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Related Information

Related Material

J1025Series J1025, New York State Supreme Court of Judicature (Albany) Writs of Certiorari, Error, Habeas Corpus, and Mandamus, contains additional writs of mandamus.

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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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