

# Finding Aid for the New York State Supreme Court of Judicature (Albany) Motions and Declarations series.

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Finding Aid Publication Date: Dec 7th, 2015

**Online Finding Aid Record:**

<http://iarchives.nysed.gov/xtf/view?docId=ead/findingaids/J0011.xml>

## Overview of Records

**Repository:**

New York State Archives

**Summary:**

This series contains two main groups of documents interfiled. The first group consists of plaintiffs' declarations or pleadings (in Latin, "narratio" or "narr."), with notices of the rule to plead; affidavits and admissions of service of these declarations; and related documents. The second group of documents found in this series is "motion papers," or notices of motions before the court, with affidavits stating the grounds on which the court is moved for a ruling.

**Creator:**

New York (State). Supreme Court of Judicature (Albany)

**Title:**

Motions and declarations

**Inclusive Dates:**

1815-1847

**Quantity:**

188.5 cu. ft.(440 boxes)

**Series Number:**

J0011

## **Arrangement:**

Chronological by year, then alphabetical by name of attorney.

## **Scope and Contact Note:**

Two main groups of records are interfiled. One group consists of plaintiffs' declarations, affidavits and admissions of service of these declarations, and related documents such as common bail pieces, demurrers, cognovits, etc. The second group of records is motion papers with affidavits stating the grounds on which the court is moved for a ruling. This series contains two main groups of documents interfiled. The first group consists of plaintiffs' declarations or pleadings (in Latin, "narratio" or "narr."), with notices of the rule to plead; affidavits and admissions of service of these declarations; and related documents such as common bail pieces, demurrers, stipulations, replications, rejoinders, cognovits, writs of inquiry and inquisitions, and reports of damages as determined by clerks or referees. There are also other documents, such as assignments of error; petitions for partition of real estate held jointly or in common; petitions for appraisal of land taken for street openings in New York City; records remitted, or sent back, by the Court for the Trial of Impeachments and Correction of Errors, and interrogatories and answers thereto, taken down and returned by commissioners in execution of a writ of commission. The second group of documents found in this series is "motion papers," or notices of motions before the court, with affidavits stating the grounds on which the court is moved for a ruling. Motions were made for a great variety of purposes: for judgment as in case of non-suit; to stay proceedings; to change a venue; to obtain a writ ( of certiorari, error, or mandamus); to submit a case to referees; to quash a demurrer; to attach the property of a judgment debtor; to set aside a default of judgment; to amend the record; to issue a writ of execution; to stay an execution; to set aside a judgment or an inquisition; and so on. Motions might also be made to oppose any other special motion. The affidavit of motion is a sworn deposition of the attorney for the party moving the court, stating the grounds for the motion. It specifies the form of action, the venue, the date when issue was or is to be joined, and all other facts pertinent to the motion. The notice of motion is addressed to the attorney for the opposing party. It states that the court will be moved on a certain day during general or special term and specifies the ruling sought from the court. The notice is endorsed with an affidavit of service and an admission of service by the person served. The motion papers occasionally bear annotations made apparently by a justice or clerk, concerning the motion and its merits. The series also contains a few briefs, demurrer books, and error books which state legal arguments in some detail. Documents filed by an attorney for several different cases may be found together. The series contains plaintiff's declarations only through 1837. The original bundles of documents comprising this series were wrapped with pieces of paper on which were written in

alphabetical order the names of the attorneys found in that bundle. Some of these labels survive occasionally mutilated, for the years 1815-1835.

### **Use of Records:**

#### **Access Restrictions:**

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

### **Related Information:**

#### **Related Materials:**

Series J0001, New York State Supreme Court of Judicature Albany and Geneva Miscellaneous Motions, contains some missing records from this series

Series J0241, New York State Supreme Court of Judicature (Albany) Calendars of Enumerated Motions, contains related motions filed at Albany

Series J1001, New York State Supreme Court of Judicature (Albany) Remittiturs from the Court for the Corrections of Errors, contains other remittiturs

Series J1014, Reports of Commissioners Appointed to Appraise Lands Taken for Street Openings in New York City and Brooklyn, contains related records

#### **Other Finding Aids:**

Original labels listing attorneys alphabetically for 1815-1835.

Container list is available at the repository.

### **Access Terms:**