

Return of Capias records, 1816 – 1842

Ontario County Records and Archives Center

Overview of the Records:

Creator:

Ontario County Court Clerk

Extent:

3 volumes

Arrangement:

Volumes are arranged numerically with record entries in chronological order by Court Term.

Language:

Materials are in English, with some Latin legal terminology.

Finding Aid by:

Marjorie Prak, June 2015

Use of Records:

Access Restrictions:

All of the public records of Ontario County are available for the use of the public. However, there may be restrictions provided by various statutes.

Available Alternate Formats:

No other form exists.

Administrative History:

The Return of Capias is a writ commanding the sheriff to locate the defendant and bring him for an appearance in Court. The sheriff was required to return the writ to the Court clerk's office during the next court term. Prior to 1824 Ontario County included all of present day New York west to Lake Erie and the Niagara River. The Court held four terms per year, in February, May, August, and November.

Scope and Content Note:

These handwritten volumes contain entries that include the names of the plaintiff and defendant, last name of the attorney, fees of the case, and whether the defendant was arrested (“Cepi Corpus,” meaning I have taken the body) or if he had not been found (“Non est”).

Each Volume contains headings identifying the Court term and year of the following entries. It is uncertain whether the May term of 1817 is missing or included in Volume I without a heading. In Volume II, the August and November terms from 1819 are paginated and indexed by attorney name. Volume II also includes notes at the end of each term indicating that the sheriff must bring in the defendant within twenty days or be fined.

Detailed Description:

Location	Volume	Dates
Shelved volume	I	Aug. 1816 – 1817
Shelved volume	II	Aug. 1819 – Feb. 1822
Shelved volume	III	May 1822 - Aug. 1842