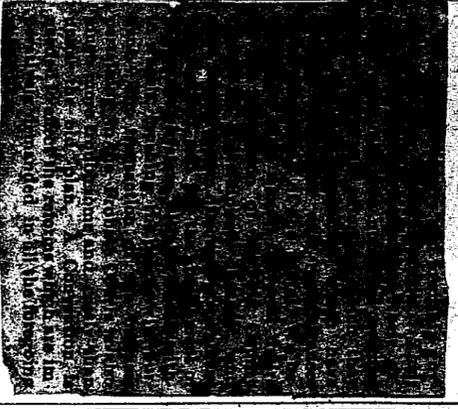


Sovereignty.

Western Address:
Jan'y 19th. 1851.

Nov-25th 1851 = G. F. Fisher of Mass
was introduced a Bill
providing for a Council
of Select men &c.
See. Rec- 1851-1852

County and
Township
Governments
Their abolition
recommended



The present mode of appointing Justices of the Peace is
well adapted to the present state of the country. As the
people are more numerous than ever, and the business
of the courts is more extensive, it is necessary to
have a more efficient mode of selecting the Justices.
The present mode is not well adapted to the present
state of the country. The Justices are appointed
by the people, and are not well qualified to
perform the duties of the office. It is necessary
to have a more efficient mode of selecting the
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selecting the Justices. The present mode is not
well adapted to the present state of the country.

and is one of those customs of our Legislature long known
and never departed from. They are frequently selected by the
Legislature, for the influence each can exert at home in some
neighborhood. And it is well known that many of those appointed are
wholly unfit for the proper performance of the duties which are
imposed on them. And some of those duties are of the highest importance to their
respective communities. They are not only unqualified to perform
the duties of the office, but they are also unqualified to perform
the duties of the office. It is necessary to have a more efficient
mode of selecting the Justices. The present mode is not well
adapted to the present state of the country. The Justices are
appointed by the people, and are not well qualified to perform
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adapted to the present state of the country.

CHAUTAUQUA COUNTY NY

Judicial System

Rushmore	
Burrows	
Brinkley	Modern Address -
David	January 1st 1854 -
Franklin	
Stanley	John Jay System
Wells	Dr. W. Woodfin
Lyndall	S. W. S. S. S.
Robinson	John C. Williams
Davidson	John C. Williams
Ash	J. W. Davis
Moore	J. H. W. W.
Colwell	
Wright	
Moore	
Wright	
Wright	
Wright	
Wright	
Wright	

This Constitution has returned our ancient judicial system, once the pride of the State, and had introduced in its stead a novel one so full of deformities that it has become a byword of reproach and contempt. The old method of practice and proceeding in the courts has been abolished, and a code of procedure substituted, so ill-digested, crude and contradictory in its provisions, that our highest tribunals confess themselves unable fully to understand it or to administer it successfully by judicial legislation. The substance of rights and the redress of wrongs have to be sought by such tortuous and expensive channels that it is often cheaper to submit to injustice than to seek a remedy through the courts. The Code of Procedure cannot be repealed or essentially changed by the Legislature; for either this or something like it is prescribed by the Constitution. A Convention alone can rid us of this incubus and ailment. The number of judicial districts is too great, entailing much useless expense. Many other features of the present system are incongruous with purity, efficiency and cheapness in the administration of justice, which some of the prime objects of all good government. The people, have, by experience, begun to feel the necessity of a reform in the judicial system that we will not dwell longer upon the subject. A reform is absolutely necessary to prevent our judiciary from falling into general contempt.

Goodrich's Message.
20. Nov. 1832.

Wells

Example of our citizens are generally opposed to the election of Judges by the Legislature, as is required by the Constitution. It cannot be disputed that our own Legislature has, in many instances, been the same of our citizens in regard to our own ideas of the purity of the bench, and in which it was shown that neither character, nor qualifications, were made the tests for Judges for office, but simply party services. Parties are small bodies, usually elected upon political party grounds; and that the Legislature of the best interests of the people. Under these circumstances many believe that the people would be the best judges of the power. The appointment of Judges for corruption and intrigue would not exist, and the people in ordinary, would not be influenced by the fear of demerit or punishment of party men. The system has been tried in many States of the Union, and found to operate so well that it is much to be doubted whether it will not be adopted in all.

When ought to be held office for a limited period. There is no office known to our laws, but who is limited to a short period, after which his power is laid down at the feet of those from whom he received it; and in determining whether they will again place him in power. That power upon the manner in which his duties have been discharged. Many of these officers are of the highest character and importance, and equally requiring in the instrument, purity and integrity of character. No able man is excluded from giving the duties of these officers to the people; and certainly no consequence of the people, nor of the officer has been the consequence. And it is certainly in our opinion of much difficulty, whether we should be content with a bad Judge during his life, or in despite of all precautions, we should be unquestionably elected. For no other instance is such a course in fields - can any other be greater.

Michigan Convention - 10th. of June, 1850.

many people of the State have indicated a desire that the present mode of electing Judges of the Supreme and Superior Courts, Governor, Comptroller, Secretary of State, Justices of the Peace, and other State officers, shall be changed, so as to give the election of said officers directly to the people themselves; and whereas, the voice of the people without distinction of party, should be consulted in this, as in every other matter involving an alteration or amendment to the Constitution; Resolved, in the opinion of this Convention, that the Legislature should adopt some mode, in accordance with the provisions of the Constitution, by which the voice of a majority of the people of the State may be clearly ascertained, and their wishes carried out, in relation to the manner of electing said officers on any of them.

"The election of Judges and Justices of the Peace by the people, and for some less than for life, are also questions of reform, which I recommend to the favorable consideration of the General Assembly."

"As well regulated Judiciary system is necessary to the security of the rights of persons and property. As the banking has been pre-eminently blessed in the Anderson administration of justice in her courts. This has doubtless been more the result of the integrity and wisdom of her Judges, than of the provisions of the system itself. This belief, with the Supreme Court could suggest a course of your Judges, independent of them. It is the

See Reicks laws: Sec. 1852a

quorum number, then the Court is divided, and the majority are for over-riding the decision of the lower Court, counting the Judge who tried the case, the weight of authority, & give as the number of Judges are concerned is equal on both sides. If, in such cases, the decision below is reversed, and impo-rtant legal questions finally adjudicated. If the Court consists of four Judges, three on an equal division of the Court, the decision below would stand. To override the question, and reverse the decision below, would require the concurrence of three of the Judges of the Supreme Court.

No. 25: 1852: Question introduced a Bill to divide the State into 9 judicial circuits-

27th 28th Bill introduced a Bill to amend the Constitution - 1800 to elect Judges of the Court by the people

Section a Bill to amend the Const. 1800 to elect Judges for a term of years-

Bynum, a Bill to divide the State into 10 Circuits-

Singley a Bill providing for Judges in the Co. Courts - Phillips, a Bill regarding the practice in the Courts -

No. 16: 52nd Amendments to Section 18 Bill

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY

By independent to elect the
Judges & Juries in this
State. This might be accomplished
by making the duties of the
Judge & the County and Town
Jury boards to make annual
returns to the Officers General
of the State. To be completed,
upon the part of the General As-
sembly.

Gov. Birds Message.
20 Nov. 1854.

Gilmer

Editorial Resolutions

Can must submit
the question to the
people -

Stop off Judges

County Courts

The men who are
favoring this are
acting at the dic-
tion of office
holders -

His Excellency

Election of Mag-
istrates + Judges

Census

Regular part of
the amendments

Too many Officers.

Western Governors.

See Review of Michigan Com.
1880 - No. 2.

"It is made a question, too by many, whether the division of Secretary of State, Comptroller and Treasurer, ought not to be given to the people, and all other officers now elected by the Legislature, of a general character, whose other duties connect them with the whole State."

It has been proposed, too, to provide for the election of a Clerk, Vice, to preside in the Senate, and who shall assume the office of Chief Magistrate of the State upon the death of the incumbent. We all remember the long struggle to elect a presiding officer of the Senate, six years ago, and again two years ago, when the body was equally divided, a Clerk, Vice, would have removed that difficulty.

Good. See also 1800-1850.

Recommend a four departmental body instead of three.

"It is believed that public convenience requires that the administrative branches should be separated and the corresponding number of Senators and Legislative Appointees."

The Attorney General is at present required to perform the duties of Justice of the Peace. He ought to be relieved of those duties, and, as directed above, appointed to perform them. The Attorney General for the time being, should reside in Lansing, and in addition to attending the Supreme Court, as now required, he should attend to the business of the public Deputies in all the counties. It would also be proper, that if he make the duty of Chief Officer, to represent the Government, & give bills and resolutions passed by the Senate to the Governor, and when requested to give witness & give to the hands of the Department.

The Chicago

In the year 1852, the Chicago spent in the Senate, the following

Resolution and Resolution, which was read and laid on the table.

"Whereas, the great increase of the number of Legislators in the State has imposed upon the Judges of the Superior Courts heavy additional duties and expenses, without any corresponding compensation, and for the due and proper administration of justice in such Courts:

Resolved, That the House of Commons concerning that the State ought to be divided into a judicial circuit; and that a joint committee of the Senate and House be appointed to bring in a bill for that purpose."

Multitude of Offices.

There are a multitude of useless offices, established by the Constitution, which ought to be abolished. The holding of a virtual, is a serious evil not now prohibited.

No. of Commissioners:
1500: 30-1860.
It, also on the same day in
it passed a "Bill to amend
the Revised Code concerning
the Courts - Granting
and Superior."

"The Administration (in the year) or reduction in the number of Commissioners on the Judiciary, to organize into the expediency of establishing an advisory Council Circuit, and also the appointment of an additional Judge of the Supreme Court."

See also
1860

Constitution, Art. 11, Sec. 1. "No person shall hold more than one Executive Office, under the State, at the same time."

No. of townships, Dec. 31 1860: 44. Part of includes a Resolution in answer to the petition of petitioners by the people -

State Journal
and Sun
1860

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

The cost of carrying on the Government upon the present plan, from the chief departments down to the court clerks and justices of the peace, is vastly greater than it ought to be. The taxes for the last two years have been heavy, and yet the Treasury is bankrupt; and it is difficult to devise the means to meet current expenditures. According to the recent message of Governor Holden, at least *seven hundred thousand* dollars will be required to pay the expenses of the State Government for the current fiscal year. This alone is a ruinous tax upon an impoverished people, being twice as much as they were taxed last year; the last General Assembly not having levied half as much as they knew would be needed. A Convention, by simplifying and cheapening our system of Government, would save money enough in one year to pay its own expenses several times over; to say nothing of what it *might* save in all the future. No party can administer our State Government, on the present plan, for less than about *six hundred thousand* dollars annually, reduce salaries as we may. Ten years ago, under the old system, the annual cost of the State Government was about *two hundred thousand* dollars. A Convention of true and patriotic men will give us a frame of government by which we can return to those old figures, and save seven hundred thousand dollars a year to the counties, counties, and to the people. So that the call of a Convention, no matter how demagogues may cavil, is a measure of obvious and immediate economy.

We promised the people relief, and we are anxious to give it. But in devising the means for its accomplishment, this General Assembly is met at every turn by some constitutional *objection*; so that we are compelled to call upon the people to unburden our hands, by making the necessary constitutional amendments, that we may be able to legislate effectually for their benefit.

Should Congress be called a Convention?

Wm. Gov. 1850.
10th June -

Wash. Stand.
May 3, 1851.

Wiggin. 1852.

Wash. Stand. Meeting.
21st Feb. 1851.

W. St. Camb.
March 4, 1851.

W. M. Wash. Stand. Conv. in
9th Nov. 1851.
Wash. Stand. 6th Nov. 1851.

The General Assembly have not pre-
sented to call a Convention themselves.
We had no official expression of the wish
of the people in justice in doing
that. We simply submit the question to
the people. They bear the burden; they
suffer the evil; and they also are the
beneficiaries. Article 1, Section 5 of our
present Constitution declares that the
people of this State have the right, and
exclusive right, of altering and
abolishing their Constitution and form
of government. "Every such right
should be exercised in pursuance of law,
and consistently with the Constitution of
the United States." Our Act only pro-
vides a method by which the people may
exercise this inherent right in a regular
and orderly manner, in pursuance of
law.

W. M. Wash. Stand.
15th Nov. 1851.
W. M. Wash. Stand.

Wm. Gov. 1850. 10th June.

W. M. Wash. Stand. 6th Nov. 1851.

W. M. Wash. Stand. 20th Nov. 1851.

W. M. Wash. Stand. Dec. 15, 1851.
W. M. Wash. Stand. Dec. 15, 1851.
W. M. Wash. Stand. Dec. 15, 1851.

"1. Wm. Gov. 1850. 10th June.
Should we adopt some method, in accordance with the provisions of the Constitution, by which the sense of the people may be directly ascertained, and those wishes carried out, in reference to said proposed amendments to the Constitution. (See 2nd page).
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Mr. Briggs' speech - Dec-1852.

Goodman

of determining the point would be to pass a law at once for limiting the terms of the voters upon the question of change - You will know what public opinion is. Just as the constitution of that kind shall have sundry amendments that is intended to be passed upon the popular will, must not be so considered. This certainly is a matter of the utmost importance. If the result of the report on the whole show either indifference or hostility to the change, none ought to be attempted by the General Assembly. If, on the other hand, it shows a decided approval of the change, the question is, how far should it go? This report also will be subject to review by the Legislature. The Legislature shall be subject to any law called upon to pass.

Notes - speaking

Substitutions -

The Bill calling the Convention of 1861, recites - "That the rights of all the members of each House are equalizing"

Substitution on this particular question as in my volume 1855? - and which is so according to the proceedings. The next question is, should it be done by the Legislature? - With bright luminous to those members who have done more than justice. The Senate read that opening the names of the judges by name on this subject, and saw that it is not a question to be done in my opinion was far from sustaining the Senate position. But the reason more of the wisdom and morality of the Bill. The Committee had been approved, the report which amendments might be made to the Constitution by a majority of two successive Legislatures. Mr. Means of Sampson moved a substitute for this, and in the words of the 2nd Sec. of the Article it was adopted, 1847 to 1851. There all with Mr. Weston took issue about majority, a part of which Mr. Weston reads.

Judge Weston

In the Senate, during 1851. Mr. Overmyer said - "According to the reading of the Constitution, even a proposition would be carried along by a law which the people have passed."

"This was one of the most important questions which came before the Convention, and the question whether we may have proposed amendments from our State body, in passing the amendments of our Constitution on equal rights and civil privileges, by our part in the power of these legislative majorities to be proposed, these and other laws which are in our mind. He was not only supported, but given with the support of the Convention. It appears with this body, the Convention of 1851, were doing nothing from one extreme to another. Because distinctly has been proposed in carrying a Convention to amend our Constitution, we are given minute to have a proposition concerning the Constitution."

What is the proposition recommended in the report? That the Legislature should have the power to amend the Constitution, in any part of the United States which the Convention, or any principle in the Bill of Rights.

Remember - Legislature of 1861, said - "If we could have a Convention, that could be absolute, and not conditional. The Legislature cannot control the Convention, but can call them together in pursuance of the Constitution."

Senate - January 1861

In the House, Mr. Overmyer said - "The members of the Convention, in order to have the Convention called, must depend upon their own legislation. State Government January 23rd, 1861."

In the House, Mr. Overmyer said: "The members of the Convention, in order to have the Convention called, must depend upon their own legislation. State Government January 23rd, 1861."

High Convention, 1854:

1 Resolved, That we are of opinion that the people of this State do
not desire the consolidation of the State, and that we can be most wisely
and safely done by a Convention of delegates elected by the people. — *See Message
of the State
for Session
of 1850-51*
We recommend to the Legislature to call such a Convention, and in submitting
the action of delegates to the people shall provide as to preserve the present basis
of representation in the Legislature —
" "
" "

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 233

It is hoped that they will meet with the general approval of the people. Some of them are perhaps unnecessary, because they only prohibit what no State Convention has power to do under the Federal Constitution. But we have permitted their insertion, in order that the people of all parties and of the entire Union may readily comprehend the true intent of our act, and the spirit in which it has been adopted.

In truth, it is no spirit of violence, of revolution, or of reaction, which moves us. All these things we most earnestly deprecate. Our aim is to secure, so far as possible, relief from the intolerable burdens of debt and taxation, by which they are now oppressed. And we long to see once more a North Carolina Constitution for North Carolina, which, while conforming to all the requirements of Federal law, shall yet be instinct with the genius of our people, and under which all our citizens may live in peace and harmony; a Constitution which will enable the State to recover her former prosperity and high credit, and ultimately to fulfill all her just obligations. We sincerely trust that thinking and patriotic men of all parties will unite in the call of a Convention, as an essential step towards the attainment of these happy results.

(Signed):

- | | |
|---------------------|----------------------|
| Thos. J. Jarvis, | E. J. Warren, |
| E. B. Withers, | W. M. Robbins, |
| J. G. H. Mitchell, | John W. Graham, |
| J. H. Hill, | A. J. Dargan, |
| Wm. L. Lyles, | H. O. Jones, |
| Robert Gambrel, | A. C. Gwiler, |
| W. F. Shill, | G. L. Cook, |
| C. W. Broadfoot, | Rufus K. Speed, |
| Wm. H. Crawford, | L. C. Edwards, |
| J. G. Scott, | C. W. McClammy, Jr., |
| J. Henry Currie, | J. M. Worth, |
| Hugh B. Regan, | V. Mauney, |
| Thos. D. Johnston, | Jas. O. Skinner, |
| John Furr, | L. G. Latham, |
| Nellis S. Stewart, | J. A. Gilmer, |
| S. A. Ashe, | K. Z. Lincy, |
| J. D. Stanford, | L. R. Waddell, |
| Ira M. McAfee, | E. Crovell, |
| O. M. T. McCauley, | R. J. Ledbetter, |
| B. K. Dickey, | F. O. Robbins, |
| Thos. A. Nicholson, | W. O. Troy, |
| David Kincaid, | R. M. Norman, |
| Geo. H. Gregory, | J. D. Currie, |
| Jonathan Lassiter, | W. B. Connell, |
| R. P. Waring, | Livingston Brown, |
| J. O. Wilcox, | Jas. A. Graham, |
| S. C. Rankin, | W. L. Love, |
| Jacob Olinard, | G. M. Whiteside, |
| C. O. Gore, | O. T. Murphy, |
| W. Atwater, | W. W. Fleming, |
| J. R. Maxwell, | S. Adams, |
| Henry T. Jordan, | W. G. Albright, |
| J. S. Anderson, | W. A. Allen, |
| J. A. Womack, | Law. F. Battle, |
| Nat. Kelsey, | J. Turner Morehead, |
| J. A. Drake, | Jas. H. Merrimon, |
| W. C. Smith, | N. E. Armstrong, |
| T. D. Byson, | R. J. Powell, |
| C. F. Young, | F. N. Lucey, |
| J. A. Kelly, | J. S. Reid, |
| D. P. Smith, | Tyre York, |
| Jesse Hinant, | J. Harris, |
| J. C. Grayson, | Wm. Paylor, Jr., |
| L. W. Martin, | A. B. Jones, Jr., |
| John L. Henderson, | David Settle, |
| John W. Dunham, | J. C. Mills, |
| J. E. Ribston, | Edmund Jones, |
| R. B. B. Houston, | T. A. McNeill, |
| Calvin Joyner, | J. M. Woodhouse, |
| A. C. McAlister, | J. L. Chamberlain, |
| B. S. Atkinson, | F. N. Strudwick, |
| S. F. Tomlinson, | W. P. Welch, |
| T. Sparrow, | J. C. Duckworth. |

Convention pronounced in
1871 & done in 1872
almost unanimously

Search -

Official Office Holders
& position

The platform is not present
in countries where they are sworn
of a member

Revolutionary Conduct

Tax section - of Constitution
Recently imported into the state -

Reduce officers
Townships

Penitentiaries

-Nigger-

Intermarriage

Suppose I were to hold you to
what your editors say -

Nov 1874

Engl, introduced a Bill providing for a general franchise.

Nov 1874
Dodd, a Bill concerning the franchise.

See Gooden's speech
Nov 1874

Restrictions

... have the General Assembly attempt to themselves any right or power of their own mere motion to impose restrictions upon the Convention when assembled. But being well assured, by extensive acquaintance with the wishes of our constituents, that the people desire to preserve unchanged some features of our existing Constitution, we have so framed our act that the people themselves may, by approving it, impose such restrictions as will prevent alterations, which, in our judgment, are not wished for. Our act, when thus approved by the sovereign people, will utter their voice, not ours merely; and that voice will be recognized as imperative. This act, with all its provisions, will be the people's power of attorney to their delegates, which they can not go beyond. No candid man will contend that a Convention, having only a delegated sovereignty can override and disregard the original sovereignty of the people. And to make assurance doubly sure, an oath is embodied in the act binding the delegates to observe its restrictions; and the people will certainly not choose delegates who would either neglect or violate that obligation.

The proposed restrictions will limit and shorten the work of the Convention, shorten its session and reduce its cost. It will not cost half as much as the unnecessary taking of the census in 1876, which the present Constitution requires shall be done, but which a Convention will no doubt dispense with.

Among the restrictions which we ask the people to impose on the Convention is the one which will forbid any interference with the homestead and personal property exemptions. The Conservative party, now dominant in this State, is certainly as much interested (if not more so) as its political opponents, in maintaining the homestead provision; and this party is fully determined that said provision shall never be abolished. The opposite party may become willing to see it abrogated; but the Conservative party will not consent that this shall be done. On this point we perceive the enemies of a Convention and busily at work trying to frighten and deceive the people. To guard against any possible danger on this homestead question, the General Assembly have incorporated into the act very stringent provisions on that subject. We do not deem it necessary for us to do more than simply invite attention to them as they appear in the act. They certainly show the earnest purpose of the Conservative party to preserve the homestead and exemption rights intact.

Others of the proposed restrictions will prevent any interference with the rights of citizens of the different races, and any requirement of a property qualification for officers or voters. The revised Constitution must also be submitted to the people for ratification, and be ratified by them before it becomes of any validity. But it is needless to refer in detail to the several restrictions; they are to be seen in the act, and will explain themselves.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY