

A.W.T. PAPERS

Misc. Papers  
Legal 2

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

By Accretions of Compulsions

In voting for Legislative Branch

			Proportions
1 <sup>st</sup>	$\frac{280}{3} = 96 = \frac{1}{96} \times \frac{1}{17} = \frac{1}{1632}$		$\frac{1 \text{ or } 225}{16 \text{ } 3600}$
2 <sup>nd</sup>	$\frac{320}{3} = 106 = \frac{1}{106} \times \frac{1}{17} = \frac{1}{1802}$		$\frac{1 \text{ or } 200}{18 \text{ } 3600}$
3 <sup>d</sup>	$\frac{181}{3} = 60 = \frac{1}{60} \times \frac{1}{17} = \frac{1}{1020}$		$\frac{1 \text{ or } 600}{6 \text{ } 3600}$
4 <sup>th</sup>	$\frac{268}{3} = 89 = \frac{1}{89} \times \frac{1}{17} = \frac{1}{1513}$		$\frac{1 \text{ or } 240}{15 \text{ } 3600}$
5 <sup>th</sup>	$\frac{541}{3} = 180 = \frac{1}{180} \times \frac{1}{17} = \frac{1}{3060}$		$\frac{1 \text{ or } 120}{30 \text{ } 3600}$

In voting for the Executive by the former system each voter exercised

$\frac{1}{1600}$  of the appointing power of the Municipality

Under the Act of 1875 in selecting this officer it is exercised as follows - In the legislative section

1 <sup>st</sup> ward	$\frac{225}{360,000}$	being same as $\frac{1}{1600}$
2 <sup>nd</sup> "	$\frac{200}{360,000} = \frac{1}{1800}$	less than an equal vote
3 <sup>rd</sup> "	$\frac{600}{360,000} = \frac{1}{600}$	More " " "
4 <sup>th</sup> "	$\frac{240}{360,000} = \frac{1}{1500}$	" " "
5 <sup>th</sup> "	$\frac{120}{360,000} = \frac{1}{3000}$	less than an equal vote

104 + 375 = 479 - or  $\frac{30}{360,000}$ , more than double the power of appointment -

Voting Power as stated by Defts - for Aldermen

3<sup>rd</sup> Ward  $\frac{225}{5} = 50 - \frac{1}{50} \times \frac{1}{17} = \frac{1}{850}$

5<sup>th</sup> "  $\frac{480}{8} = 160 - \frac{1}{160} \times \frac{1}{17} = \frac{1}{2720}$

$3 \frac{17}{85}$

Why can't we have an election in

1124/3870 (3 6.62?)  
 $\begin{array}{r} 1124 \overline{) 3870} \\ \underline{3372} \\ 498 \\ \underline{1124} \\ 996 \end{array}$

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2018

On Ball's Review

Sikes v. Mason Co - 72 N.C. 34

State v. Cunningham 72 : 469-475-76

Arroy v. Hodge 72 : N.C. 616

4 Bill - 709 -

Com v Taylor - 36 Pa.

State - 263 -

729 -  
Vt X - Au + Dec - 730 -

Wright v Sharp 11 Mod - 175 -

B. & P - 200 - 200

1 Anstr - 183 -

What does this act effect?

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Summons } = { Petition (or Affidavit  
Complaint } and  
Alternative writ -

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- Ans {
- 1 - Returnable to writ when brought to enforce a money demand.
  - 2 - To writ when for any other purpose -
- 

Outside of these provisions the old law stands - viz: The common law as modified by statutory provisions -

Not provided for in  
Code Civ. Proc.

- 1 - Report of Commissioners.
- 2 - No provision made for a return to any personal writ -
- 3 - The only execution granted by it directed to the Sheriff.
- 4 - Reservation of Sec. 392 -

Appeal provided  
for in Code -

Title XIII - Of Appeal in Civil Actions -

- Appeal in Constitution -

Effect of appeal from an order granting an injunction to restrain irreparable damage

Effect of an Appeal -

§. 811 - C.C.P. is relied on by the respondents.

- Scope of Code of Procedure -

Action - { Constitutional Definition -  
Art. IV - Sec. 1  
Definition given in C.C.P.  
§. 9 et seq. -

Special Proceedings

The writ of Mandamus  
not a subsequent pro-  
ceeding but contemporaneous  
with the order granting it—

1-The parties are  
in contemplation of  
law before the  
court upon the  
return to the al-  
ternative writ.

Service by the of-  
ficer is simply  
a substitute for  
an oral order  
of Judge to the  
parties in person

Not being embraced in the  
C. C. P. proceedings in Man-  
damus are not affected  
by the Act suspending or  
modifying the Code—

Up to the act of 1872 then  
the proceedings in Mandamus stood  
precisely according to the law previous  
to the Constitution of 1868—



Civil action - "Private rights" Court

" " - Ordinary Proceeding - C.C.P.

Civil action as defined  
by the Constitution includes

Civil action as defined by  
the Code and

Special Proceeding -

Writ Mandamus a  
Special Proceeding

1 - Its nature - exigent in  
the extreme - not "ordinary."

2 - Analogous to - Sequestration -  
Habeas Corpus - and  
prerogative writs.

3 - Enforced by a writ  
and not by execution

4 - Must release strictly  
in his or other  
prerogative

Non-est members

People v Steele - 1 - Burkh. 5-5-4 -

X Commonwealth v Taylor - 36 - Pa St. 263

X County Judge - 7" down 186 -

Chambers v Temple 1 - down 179

Blackburn v People 5 miles - (all)