

Are Plaintiffs entitled to the relief if the fact Act of '75 did not exist.

Is act of '75 Constitutional? ^{Equality of electoral power acquired since Van Bokkelen Case}

1st Disproportion in the election of Legislative Branch. Van Bokkelen v. Wilkeson

2nd Disproportion ^{of} inequality of election of Executive.

3rd Power vested in persons not citizens of the municipality - County Commis to appoint - Judges of election and Registrars - Sheriff of Wake -

4th Indirect election of Mayor.

5th The Qualification of voters.

6th Can the act of '75 be upheld in part and rejected in part? + if so how far?

1st pt the Rule applicable? -

2 Application of the rule.

Does the act of '75 work a repeal of previous statutes!

1st Repeal

2nd Expressed conditional repeal. (Lyon v. ...)

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Can the reply of disproportion in previous²
statutes avail? —

1st Statute of '75 an aggravation of existing evil

2nd Even if previous statutes would not be up-
held upon application to nullify, yet
their invalidity will not be determined
except upon application of injured parties

3rd Invalidity of previous statutes, no ground
on reason for sustaining another, that of
'75, —

If disproportion existed in previous statutes
it has been so long waived that Court
will not declare it void upon a mere
suggestion and without action moved
to that end. —

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Edinburgh, N. D.

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If the disproportionate power conferred by previous statutes is so great as not to be sustained by the Court, it does not vitiate other provisions of the statutes, because their invalidity arose from subsequently occurring events, and not from any vitious motive in the legislative mind.

So that

Even if the division into wards, by the act of '57, gave so disproportionate power, as to be held invalid, yet the act of incorporation still remains, the system of municipal government is unaffected except as to the means of its constitution and the inhabitants of the territory designated constitute the city of Raleigh and each voter is entitled to vote for a commissioner and

1871 Raleigh, N.C.

a Mayor because the Court will not permit the purpose of an act to fail

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because of some of its provisions
being incompatible with a sub-
sequently adopted constitution

Injunction as an end and injunction
as a means. —

If entitled to mandamus, injunction
made necessary by the circumstances

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