

Raleigh, N. C., 5  
Dec. 16, 1889-3

Judge A. W. Tourgee,

Dear Sir:-

There are two sections in our constitution which have done more, I think, to impede progress in North Carolina than any other causes. I know that the cause of <sup>the</sup> education of the people has been greatly retarded because of these two sections. I refer first to Section I Article V wherein an equation between property and poll tax is established. This fixes the maximum of all taxes at  $66\frac{2}{3}$  cents on <sup>\$</sup>100 of property for State, County and <sup>State</sup> school purposes, and <sup>practically</sup> provides that whenever one cent is placed upon property, three

cents is placed upon the head. I find from the journal that you opposed this iniquitous measure, but that it was adopted by an overwhelming majority. The other measure to which I alluded is Section 7 of Article VII wherein it is provided that "no county, city, town or other municipal corporation shall contract any debt pledge its faith or loan its credit nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof unless by a vote of the majority of the qualified voters therein." I learn from the journal that you were the Chairman of the Committee on Cities, towns &c and that you reported this

section favorably. Will you be so kind as to tell me where you found this provision and whether you and the other members of the committee whose minds you knew meant to protect the property of the citizens to the extent that the Supreme Court has declared this section to mean. The court has decided that a majority of the qualified voters means a majority of all the names on the registration books. In other words to carry a local school tax it is necessary to get more than half as many votes as there are names on the registration books. This is manifestly unfair in my judgment. If the law is in force in any other State, is it construed this way? Has the Supreme Court of the United

State ever rendered a decision on this question? I cannot believe that in the ~~out~~ Northern States a majority of all names on registration books is necessary before a <sup>local</sup> school tax is levied. When you prepared or voted on that section you probably did not have schools in your mind. It is right, therefore, that I should add that the Supreme Court of the State has denied that schools are a necessary expense. I am searching for light. Can you help me? If so, I am sure that you will for the sake of a great cause.

Very respectfully,  
E. P. Moses,  
Superintendent Raleigh Public Schools.