

Oklahoma City, Oklahoma,
April 16, 1925.

Hon. R. A. Sneed,
Secretary of State,
Capitol Bldg.,
Oklahoma City, Oklahoma.

Sir:

We hereby tender to you, as Secretary of State, for the purpose of filing, and such other purposes as are provided for by statute, an original referendum petition, which prays that House Bill No. 369, entitled "An Act Repealing Sections 11015 and 11016 of the Compiled Oklahoma Statutes, 1921; relating to Labeling Convict-Made Goods and Provide a Penalty Therefor", passed by the Tenth Legislature and approved by the Governor March 27, 1925, and ask that you file the same, and give it the proper state question number and referendum petition number, and do such other things in connection therewith as may be requisite.

Respectfully,

Wm Finley

As President of the State Federation of Labor for and on behalf of said organization.

Wm Finley

I hereby acknowledge receipt of the foregoing described referendum petition this 17th day of April, 1925.

R. A. Sneed

Secretary of State

By *Una Lee Roberts*
Assistant Secretary of State

H. V. Kahl

WARNING

"IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HE IS NOT A LEGAL VOTER."

(Twenty Names Only Allowed on a Petition of This Nature.)

PETITION FOR REFERENDUM

To the HONORABLE M. E. TRAPP, Governor of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that HOUSE BILL No. 369, entitled "AN ACT REPEALING SECTIONS 11015 and 11016 OF THE COMPILED OKLAHOMA STATUTES, 1921, RELATING TO LABELING OF CONVICT-MADE GOODS; AND PROVIDING A PENALTY THEREFOR," passed by the Tenth Legislature of the State of Oklahoma in the regular session of said Legislature and approved by the Governor March 27, 1925, shall be referred to the people of the State of Oklahoma for their approval or rejection at the regular primary election to be held on the 3rd day of August, A. D., 1926; or at the next regular election held throughout the State, or special election called by the Governor; and each for himself says: "I have personally signed this petition; I am a legal voter of the State of Oklahoma, and

County of _____ or city of _____
and my residence and postoffice are correctly written after my name."

Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded.

The question we herewith submit to our fellow voters is, "Shall the following bill of the Legislature be vetoed?"

**ENROLLED HOUSE BILL No. 369—By George, Bilbrey, Hill, Boyer,
Hanger, Coppock and Odell.**

**AN ACT REPEALING SECTIONS 11015 and 11016 OF THE COMPILED
OKLAHOMA STATUTES, 1921, RELATING TO LABELING OF
CONVICT-MADE GOODS; AND PROVIDING A PENALTY THERE-
FOR.**

Be it Enacted by the People of the State of Oklahoma:

Section 1. That Sections 11015 and 11016, of the Compiled Oklahoma Statutes, 1921, be hereby repealed.

Passed by the House of Representatives this 20th day of March, 1925.

J. B. HARPER,
Speaker of the House of Representatives.

Passed by the Senate this the 26th day of March, 1925.

W. C. LEWIS,
Acting President of the Senate.

Approved this the 27th day of March, 1925.

M. E. TRAPP,
Governor of the State of Oklahoma.

Correctly enrolled,

HARRY JOLLY, V. C.,
Chairman of Committee on Engrossing and Enrolling.

THE END.

April 17, 1925.

Hon. Geo. Short,
Attorney General,
B U I L D I N G.

Dear Sir:-

I am enclosing herein proposed ballot title
relative to State Question No. 135, Referendum Petition
No. 47 for your approval.

Yours truly,

UNA LEE ROBERTS
ASST. SECRETARY OF STATE

JD



GEORGE F. SHORT

JEK-MK

THE OFFICE OF
THE ATTORNEY GENERAL
OF THE
STATE OF OKLAHOMA
OKLAHOMA CITY

He refers on matter of log act
April 18, 1925.

Honorable R. A. Sneed,
Secretary of State,
Capitol Building.

Dear Sir:

The Attorney General acknowledges receipt of copy of petition on State Question No. 135, Referendum Petition No. 47, accompanied by a Ballot Title as follows:

" The Tenth Legislature of Oklahoma, by the passage of House Bill No. 369, approved March 27, 1925, repealed sections 11015 and 11016, Compiled Oklahoma Statutes 1921, which required the labeling of convict-made goods in the penitentiary.

The object of this referendum is to repeal said House Bill No. 369, and thus prevent the repeal of the so-called Convict Labor Law and compel the labelling of convict-made goods as such."

You are respectfully advised that the Ballot Title has been examined and is found to be in legal form and in harmony with the law, by the Attorney General.

The notification is returned to you within three days of the submission of the proposed petition and title ballot.

Yours truly,

APPROVED IN CONFERENCE *[Signature]*

FOR THE ATTORNEY GENERAL

ob.st

[Signature]
Assistant Attorney General

May 24, 1926.

TO THE HONORABLE STATE ELECTION BOARD,
OF THE STATE OF OKLAHOMA.

I, R. A. Sneed, the undersigned Secretary of State of the State of Oklahoma, do hereby certify that, on the Seventeenth day of April, A. D. 1925, there was filed in the office of the Secretary of State, of the State of Oklahoma, Referendum Petition No. 47, State Question No. 135.

I further certify that after said Referendum Petition No. 47, State Question No. 135, was filed, I caused due and legal notice of the filing thereof to be published as required by law and, thereafter, in pursuance of said notice and pursuant to a full hearing thereon, I found that said Referendum Petition No. 47, State Question No. 135, was in all things sufficient and in compliance with the Constitution and laws of the State of Oklahoma, relating to such proceedings.

I further certify that I found approximately 36,541 legal signers on said petitions and that the same constituted more than five (5) per cent of the legal voters, voting at the last general election held in the state of Oklahoma and that the same was, therefore, sufficient.

I further certify that a true and correct copy of ballot title of Referendum Petition No. 47, State Question No. 135, as duly filed in the office of the Secretary of State and approved by the Attorney General, is attached hereto.

In witness whereof, I have hereunto set my hand and caused the great seal of the State of Oklahoma to be hereto attached, this the 24th day of May, 1926.

Secretary of State

Asst. Secretary of State.

Recd: State Secy PD

5-24-26

BEFORE THE SECRETARY OF STATE OF THE STATE OF
OKLAHOMA AT HIS OFFICE IN THE CAPITOL BUILDING,
OKLAHOMA CITY, OKLAHOMA.

Hon. R. A. Sneed, Secretary of State:

In Re: State Question No. 135, Referendum petition
No. 47.

BE IT REMEMBERED, that heretofore on June 25, 1925,
J. M. Gayle, Victor Purdy, H. V. Kayle and Ira Finley, in their
individual capacities, as citizens of the State of Oklahoma, as
well as representatives of the State Federation of Labor and
the Associated League of Oklahoma Industries, filed with the
Secretary of State, in the presence of the Governor of the
State of Oklahoma, approximately eighteen ^{hundred} (18~~0~~) pamphlets contain-
ing more than thirty-six thousand (36,000) names, as a referendum
petition, thereby asking the Governor of the State of Oklahoma to
submit in due course of law to the voters of the State of Oklahoma
the question of whether or not the voters of the State of Oklahoma
would repeal House Bill No. 369, entitled "AN ACT REPEALING
SECTIONS 11015 AND 11016 OF THE COMPILED OKLAHOMA STATUTES, 1921,
RELATING TO LABELING OF CONVICT MADE GOODS; AND PROVIDING A
PENALTY THEREFOR," passed by the Tenth Legislature of the State
of Oklahoma in the regular session of said Legislature and
approved by the Governor March 27, 1925. At which said first
named date above mentioned the said petition was received by the
Secretary of State and filed according to law.

That thereafter and in due time the Secretary of State
caused to be published in the Daily Oklahoman, a newspaper of
general circulation in the State of Oklahoma, a notice setting
forth the date of such filing and giving any citizen of the
State ten days in which to protest the said petition, and, also,
giving notice that the Secretary of State would hear testimony
and argument for and against the sufficiency of such petition.

And thereafter and on, to-wit: the 30th day of June,
1925, there was filed with me, as Secretary of State, by
Messrs. Blanton, Osborn and Curtis, attorneys at law, for and

on behalf of W. J. Long, and others, a protest in writing, challenging the sufficiency of said petition; and thereafter and on July 3, 1925, said ~~same parties~~ ^{attorney} last above named filed with me ~~an amended~~ ^{a second} protest ^{in behalf of J. T. Blanton et al} against said petition and prayed that a hearing might be had thereon to determine whether or not said petition was sufficient under the law to authorize the submission of the request therein made to the voters of the State of Oklahoma. *Due notice of the filing of said protests was given the persons filing said petition according to law.* And thereafter I, the undersigned Secretary of State, acting in pursuance of the requirements of the statute did set Wednesday, July 29, 1925, at 10 o'clock A. M. of said day as the date for the hearing to be held on said petition, and the protest hereinabove referred to.

And Be it further remembered that thereafter and on the 29th day of July, 1925, at the hour of 10 o'clock A. M. said matter came on for hearing before me, the undersigned Secretary of State, on the sufficiency of said petition and the protest filed against the same, and there appeared at said time and place J. M. Gayle, Victor Purdy, H. V. Kayle, and Ira Finley, together with their attorneys, Robertson and Lillard, representing the petition, and the petitioners; and there, also, appeared at said time and place Messrs. Blanton, Osborn and Curtis, and Messrs Johnson, Embry and Tolbert, attorneys for the protestants; whereupon the hearing on said petition was commenced and had. The Petitioners introduced all the pamphlets containing in excess thirty-six thousand (36,000) names, and, to-wit: 36441 names; whereupon the undersigned Secretary of State held that said petition so filed constituted a prima facie case, and that the burden challenging its sufficiency was upon the protestants; whereupon the protestants produced divers and sundry witnesses, who were each duly sworn, according to law, and they thereupon proceeded to the examination of said witnesses

and consumed the day in the introduction of evidence in support of the allegations of their said protest. And now said hearing was adjourned until the following day.

AND BE IT REMEMBERED, that on this 30th day of July, 1925, said hearing was resumed; all parties are present and announce ready, and the introduction of testimony is continued and the entire day is consumed in the taking of evidence by the protestants, and the hearing not being completed, and by agreement of all parties hereto, it was ordered that the same be, and it was, continued until Wednesday, August 5, 1925, at the hour of 10 o'clock A. M.

AND BE IT FURTHER REMEMBERED, that on August 5, 1925, at the hour of 10 o'clock said hearing was resumed before the Secretary of State; all parties are present and announce ready; whereupon the protestants continue to introduce evidence in support of the allegations of their protest and now the protestants announce that they have finished and rest their case. Whereupon, the petitioners file their motion to strike ^{certain} ~~said~~ parts of the evidence adduced by the protestants from the record and pray that the court give the same no further consideration for the reason that the same was incompetent, immaterial and irrelevant, and did not in any manner tend to sustain the allegations of the said protest, and before presenting said motion to strike, said petitioners, also, presented a general and special demurrer, praying the court to render judgment in their favor for the reason that the testimony adduced by the protestants was insufficient in law to authorize the Secretary of State to render judgment for the protestants and against the petitioners. Whereupon, by agreement of all parties it is ordered that this hearing be continued until Friday, August 7, 1925, at 10 o'clock A. M.

AND BE IT FURTHER REMEMBERED, that on this 7th day of August, 1925, at 10 o'clock A. M. the said hearing was resumed before the Secretary of State; all parties are present and announce

ready. Whereupon, the petitioners present their motion and demurrer and argued the same together; and after argument by counsel for the petitioners, counsel for the protestants presented their argument in opposition to said motion and said demurrer, and both sides rest. And the Secretary of State, desiring further time in which to consider the various propositions involved, and by consent of all parties, does hereby adjourn this hearing until Saturday, August 8th, at 10 o'clock A. M.

BE IT FURTHER REMEMBERED, that on Saturday, August 8, 1925, at 10 o'clock A. M. this hearing was resumed for the purpose of judgment on the motion and demurrer of the petitioners, which had heretofore been presented and argued; all parties are present, and the Secretary of State, after having heard all the testimony offered in the case, and after having heard argument by counsel and being fully advised in the premises, do th hereby sustain said demurrer as interposed by said petitioners, to which action, ruling, judgment and order the protestants then and there objected and excepted, and exception was allowed.

And now it is hereby ordered, held, ruled and adjudged by the Secretary of State that said petition on said Question No. 135, Referendum Petition No. 47, is in substantial compliance with the requirements of the Constitution and the Statutes of Oklahoma; that it is signed by more than 24,000 ~~number~~ of qualified electors of the State of Oklahoma as required by statute; that the same is valid in all things and is hereby approved and the question submitted thereby should be, and it is, hereby ordered submitted to the qualified electors of the State of Oklahoma in accordance with the requirements of the statute, and that the protest filed herein be, and the same is, hereby overruled and denied; to all of which the protestants then and there objected and excepted, and exceptions were allowed, and the said protestants then and there gave notice orally that they would take an appeal

Whereupon said protestants requested the secretary to make an order giving them 24 hours in which to file a written motion setting forth their leave to introduce additional evidence in support of their protest, which motion was overruled by the secretary with an appeal as protestants.

from the action, order and judgment of the Secretary of State on said petition, and on said protest, to the Supreme Court of the State of Oklahoma.

IN WITNESS WHEREOF I, the undersigned duly elected and qualified Secretary of the State of Oklahoma, hereunto subscribe my name and affix ^{the Great} seal of the State of Oklahoma, at my office at Oklahoma City on this the 8th day of August, 1925.


Secretary of State

o. Kirby Fitzpatrick
Robertson & Hillard
Attorneys for Petitioners

Orville Low *Emory Johnson* *Richard*
Attorneys for Protestants.

Sept 20

Sept. 20, 1926.

To His Excellency,
Hon. H. H. Trapp,
Governor of the State of Oklahoma,
Building.

I, R. A. Sneed, Secretary of State of the State of Oklahoma, do hereby certify that on March 27th, 1925, House Bill No. 369 was duly approved by the Governor, and filed in this office on March 30th, 1925. This Referendum has been given a number in this office, Referendum Petition No. 47, State Question 135, filed April 17, 1925.

I further certify that a true and correct copy of ballot title of Referendum Petition No. 47, State Question No. 135, as approved by the Attorney General, is duly filed in the office of the Secretary of State, a copy of which is attached hereto.

I further certify that there is also attached hereto, a true and correct copy of House Bill No. 369, passed at a regular session of the State Legislature in 1925, duly approved by the Governor, under date of March 27, 1925, and filed in this office on March 30th, 1925, as aforesaid.

I also further certify that there is attached hereto a copy of the petition as circulated.

In witness whereof, I have hereunto set my hand and caused the great seal of the State of Oklahoma to be attached, this the 20th day of September, 1926.

Secretary of State.