

Petition - copy of circulated petition requesting relocation of state capital.

A BILL ENTITLED An Act

PROVIDING FOR THE PERMANENT LOCATION OF THE CAPITAL OF THE STATE OF OKLAHOMA, CREATING A BOARD OF CAPITOL COMMISSIONERS AND DEFINING ITS POWERS AND DUTIES, AND MAKING AN APPROPRIATION.

Be it enacted by the people of the State of Oklahoma:

Section 1. That the permanent location of the Capital of the State of Oklahoma shall be selected, located and determined as herein provided.

Under the legislative power reserved to the people of the State in the Constitution, to propose laws and to enact or reject the same at the polls, independent of the Legislature, an election shall be held for the purpose of determining the permanent location of the Capital of this State on the first Tuesday succeeding the first Monday of November, 1910, being the 8th day of said month, or at the next election held throughout the State or at any special election which the Governor of the State may call for such purpose, at which the question of the permanent location of the Capital of this State may be submitted to and determined by the qualified electors of the State.

SECTION 2. The city, town or place which shall receive a majority or a plurality of the votes cast at any such election as herein provided, or at the final election hereinafter provided for, shall be and remain the permanent Capital of the State of Oklahoma.

The selection of any city, town or place as the permanent Capital of the State as herein provided shall be construed to mean that the necessary land for Capital purposes and for all the buildings and institutions which the State may establish thereon, and to create the special fund herein provided for, may be procured for and on behalf of the State in the manner hereinafter set forth, and that such land may be definitely located within or at a distance of not exceeding five miles from such Capital city, town or place, as may be determined by the State Capitol Commission, created by this Act.

SECTION 3. Oklahoma City, Shawnee and Guthrie are hereby declared to be candidates for the permanent location of the Capital of this State, and shall be voted for at the election or elections herein provided for, and their names shall be placed upon the ballots voted and used at such election or elections.

Any other city, town or place may become and shall be deemed a candidate to be selected as the permanent Capital and voted for at such election or elections, if within thirty days after this bill and the petitions accompanying same shall be offered to the Secretary of State, to be filed therein, five thousand qualified electors of the State shall file with the Secretary of State, a petition or petitions requesting that the name of such city, or town, or the description of such place, be placed upon the ballots to be voted for therein. Said petition or petitions shall be verified by affidavit and shall be substantially in the following form:

Petition asking that the city, town or place of -----
be placed on the ballots to be voted for throughout the State at the election or elections at which the permanent Capital of the State shall be selected.

State of Oklahoma, }
County of } ss.

To the Secretary of the State of Oklahoma:

I most respectfully represent that I am years of age, and am now and have been for years a resident of the county and State above mentioned; and that I am a qualified elector in said County. And I most respectfully request that the name of (city, town or place) be placed upon the ballots to be voted at the general or special election to be held in the State of Oklahoma, to determine the location of the permanent Capital of this State.

Subscribed and sworn to before me this day of
....., 1909.

.....
Notary Public.

My commission expires 19.....

The ballots and ballot title to be used and voted at such elections shall be prepared, certified and printed as provided by the Act of the Legislature approved April 16, 1908, entitled: An Act to Provide for Carrying into effect the Initiative and Referendum Powers, reserved by the People in Article V and XVIII of the Constitution of the State of Oklahoma, to regulate elections thereunder, etc., but shall read in substance as follows: Shall the Capital of the State of Oklahoma be permanently located as provided in State Question, Initiative Petition, No. (Insert here number petition submitting this bill will bear).

Yes.

No.

Shall the Capital of the State of Oklahoma be permanently located at:

Oklahoma City, Yes.

Shawnee, Yes.

Guthrie, Yes.

..... Yes.

..... Yes.

And said ballots shall contain the number of squares and the names of cities, towns or places corresponding with the number of candidates for the location as prepared and certified by the Secretary of State.

SECTION 4. If this act shall be adopted and become a law, but no city, town or place shall receive a majority of all the votes cast at the election at which this act shall be voted upon, then all such cities, towns or places which were candidates for the location of the Capital, except the two receiving the highest number of votes, shall not be eligible to become candidates at the final election herein provided for.

If within twenty days after the result of said first election shall have been ascertained as provided by law, the city, town or place which received next to the highest number of votes at said election shall cause to be filed with the Governor a petition or petitions signed by five thousand qualified electors, verified by oath, and in substantially the same form as the first petitions herein provided for, requesting that a final election be called to locate the permanent Capital of the State, it shall be the duty of the Governor and he is hereby directed to issue his proclamation calling a final election not later than ninety days from and after the date on which the first election was held, to locate the Capital, which said final election shall be conducted under the general election laws of the State, and each and all election officers in the State shall perform the same duties at said final election as they are required to perform at the general elections, and the returns thereof shall be made in the same manner as required by the general election laws of the State: provided, that no such final election shall be called unless the city, town or place receiving next to the highest number of votes cast at said first election shall execute or cause to be executed a good and sufficient bond, payable to the State of Oklahoma, in the sum of one hundred thousand dollars, to be prepared by the Attorney General and approved by the Governor, conditioned for the payment of the expenses of said final election within sixty days after the same shall be held, in case such city, town or place shall not be selected as the permanent Capital of the State. Provided, further: that if said petition shall not be filed and said bond shall not be executed by or on behalf of such city, town or place, within the time herein provided, then it shall thereupon become the duty of the Governor to issue his proclamation reciting and proclaiming the result of said first election to be that the city, town or place which received the highest number of votes cast at said first election was selected as the permanent Capital of the State of Oklahoma.

SECTION 5. A commission to be known as the State Capitol Commission is hereby created. Said Commission shall be composed of three qualified electors to be appointed by the Governor within thirty days after the Capital shall be located, as herein provided, but not more than two of them shall be of the same political party. Each of the members of said Commission shall subscribe the oath required by law of other State Officers, and shall execute bond, to be approved by the Governor, in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties imposed upon them by law, and each of them shall be paid a salary of four thousand dollars per annum. The term of office of said Commissioners shall be two years, and said Commission shall terminate at the expiration of two years from and after the first day of January, 1911, unless it shall be continued by Act of the Legislature.

As soon as practicable after their appointment and qualification they shall organize by electing one of their number Chairman. A majority of the members shall constitute a quorum to do business and perform the duties and exercise the powers conferred on the Commission. Said Commission is hereby constituted a body corporate, and shall have the power to sue or be sued, and to defend or be defended, in any and all actions or proceedings in any way effecting its powers or duties. Said Commission shall have power to definitely locate and procure for and on behalf of the State, the title to all land necessary for Capitol purposes, and for all buildings and institutions which the State may establish thereon and to create the special fund herein provided for, not to exceed two thousand acres; said land to be located within or at a distance of not more than five miles from the city, town or place selected as the permanent Capital of the State.

If said Commission shall be unable to agree with the owners, occupants or lessees of any land selected by it for Capitol purposes, it shall have the authority to exercise the power of eminent domain and to institute, and to prosecute to final determination, proceedings for the condemnation of such land as provided in the Act of the Legislature approved May 20, 1908, entitled: An Act Amending Section 28 of Article XIX of Chapter 17 of the Statutes of Oklahoma of 1903, regulating the method of procedure in the condemnation of private property for both public and private use.

The fee simple title to all land condemned for and on behalf of the State as herein provided shall vest in the State and the owner thereof shall receive compensation for such fee simple title.

If said State Capitol Commission shall select any land for Capitol purposes belonging to the State, said State Capitol Commission and the School Land Commissioners

of the State shall be and are hereby authorized and empowered to appraise the value of said land as well as the value of any improvements, claim, right, lease, or preference right to lease the same, held by any person pursuant to the Constitution and laws of the State or any Act of Congress.

The value of such improvements, claim, right or lease and such land shall be appraised separately. The appraised value of the land shall be paid by said Capitol Commission into the State Treasury, out of the money hereby appropriated or out of the Special Fund hereinafter created, and held by the State in trust to be devoted and appropriated for the purpose for which said land may have been appropriated, as may be provided by law; and the appraised value of such improvements, claim, right or lease shall be paid to the owner thereof.

SECTION 6. When said land shall have been procured and the fee simple title thereto vested in the State for Capitol purposes, as herein provided, it shall be the duty of the State Capitol Commission to set apart a portion of said land as the site for the Capitol of the State, and for such other buildings or institutions as the State may probably locate thereon; and to survey and plat the remainder of said land into parks, squares, blocks, lots, streets and alleys, and to make in duplicate an accurate map thereof, to be approved by the Governor, and file one of said maps in the office of the Register of Deeds in the County where said land is located, and keep the other for the use of the Commission in its records; said maps shall be executed by said Commission in the same manner maps and plats of lands are required by law to be executed for town-site purposes, and said map shall have the same effect as is given by law to maps and plats when executed and filed for town-site purposes.

Said Commission shall have power to employ a competent engineer and architect and to procure all help and assistance, legal, clerical and otherwise, necessary to facilitate the proper discharge of its duties, and to fix the compensation therefor.

It shall be the duty of said Commission, as soon as practicable, to procure such information as in its judgment will be useful in determining what would be a suitable Capitol for the State of Oklahoma, and to cause to be prepared plans and specifications for the same, and make estimates or receive bids for the cost of the construction thereof; and report the same, together with such information as it may have procured, with its recommendations to the Governor.

Said Commission, with the approval of the Governor, shall have power to make and enter into all necessary contracts and agreements for the construction of the Capitol, but no such contract shall be binding on the State until approved by the Legislature.

It shall be the duty of the Governor to transmit the report of said Commission and any contract it may have made for the construction of the Capitol, to the Legislature as soon as practicable.

The Capitol shall be constructed of granite, marble or other material quarried within the State of Oklahoma.

SECTION 7. The State Capitol Commission, with the approval of the Governor, shall have power to make and publish rules and regulations governing the sale of all lots surveyed and platted for sale, and shall publish therein the methods and terms of sale, and fix a minimum price at which said lots may be sold. Said Commission shall have the general supervision and control of the sale of all of said lots; but the title to no lot shall be vested in any purchaser thereof until the sale thereof has been approved by the Governor.

All lots shall be conveyed by patent from the State, to be executed by the Governor.

The proceeds of the sale of said lots shall constitute a Special Fund, to be known as the State Capitol Fund, and shall be deposited in the State Treasury. Said fund shall be used to pay the expenses of procuring the title to said land and platting, mapping and selling the same, and for the purpose of constructing a State Capitol, as may be hereafter provided by law.

The sum of six hundred thousand dollars is hereby appropriated and shall be immediately available out of any money in the State Treasury not otherwise appropriated for the purpose of carrying the provisions of this Act into effect.

The State shall be reimbursed for the amount of money hereby appropriated out of the Special Fund hereby created as may be hereafter provided by law.

STATE QUESTION NO.----- INITIATIVE PETITION NO. 7,
measure initiated for the purposes stated below:

BALLOT TITLE.

Proposes to permanently locate State Capital; creates Commission of three to be appointed by Governor, January 1, 1911, or sooner; defines powers and duties; appropriates six hundred thousand dollars to purchase not to exceed two thousand acres, State to be reimbursed from sales of lots; Capital Fund created therefrom; Board may exercise power of Eminent Domain. Said Commission and School Land Commissioners to appraise value of lands and improvements separately. Makes Oklahoma City, Guthrie, Shawnee, candidates; provides for others by petition.

Proposed separately to determine questions: (1), Shall Capital be located; and (2), Where.

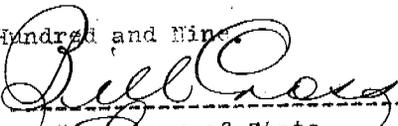
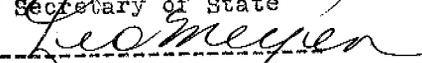
Guthrie, Oklahoma.

July 21, 1909

Received of A. B. Newbern, a legal resident and voter of Oklahoma City, Oklahoma, a petition containing 27, 944 names, same being an Act providing for the permanent location of the capital of the State of Oklahoma, creating a board of capital commissioners and defining its powers and duties and making an appropriation,

and
Said initiative petition was offered for filing in the presence of the Governor and the person offering the same for filing, the sheets containing the signatures and the affidavits were detached and then attached to one or more copies of the measure so proposed; said petition has been duly filed as State Question No. 15, Initiative Petition No. 7.

IN WITNESS WHEREOF, I have hereunto
affixed my name and caused to be
affixed the Great Seal of the State of
Oklahoma. Done at the City of Guthrie
this twenty-first day of July,
Nineteen Hundred and Nine.


Secretary of State
By 
Assistant Secretary.

State Question
15

Ind. Pet. # 7

Proceeding
For the permanent
Location of the
State Capital

Receipts

AB Newkum
one of the

Petitioners

IN THE OFFICE OF THE SECRETARY OF STATE OF THE
STATE OF OKLAHOMA.

IN THE MATTER OF THE INITIATIVE PETITION #7 ENTITLED
A BILL, ENTITLED AN ACT PROVIDING FOR THE PERMANENT LOCATION
OF THE CAPITAL OF THE STATE OF OKLAHOMA, CREATING A BOARD OF
CAPITOL COMMISSIONERS AND DEFINING ITS POWERS AND DUTIES, AND
MAKING AN APPROPRIATION.

OBJECTIONS TO THE SUFFICIENCY OF THE INITIATIVE PETITION
AND OBJECTIONS TO THE RIGHT TO CALL AND HOLD AN ELECTION BASED
UPON INITIATIVE PETITION NO. 7, LODGED IN THE OFFICE OF THE
SECRETARY OF STATE BY A.B. NEWBERN, July 21' 1909.

Come now the undersigned residents, citizens, voters
and tax payers of the City of Guthrie, Logan County, Oklahoma,
and herein object to the sufficiency of the initiative petition
#7, and object to the calling of an election for the purpose
of submitting the Act described in said petition to the people
to be voted upon and as grounds of said objections allege:

FIRST: That heretofore to-wit, June 16, 1906, the
Congress of the United States passed an act entitled "An Act
to enable the people of Oklahoma and Indian Territory to form
a Constitution and State Government and be admitted into the
Union on an equal footing with the original states; and to
enable the people of New Mexico and Arizona to form a Con-
stitution and State Government and be admitted into the Union
on an equal footing with the original states."

That as a part of section 2 in said Enabling Act
it was provided among other things that "the capitol of said
State shall temporarily be at the City of Guthrie in the

present Territory of Oklahoma and shall not be changed therefrom previous to Anno Domini Nineteen Hundred Thirteen, but said capitol shall after said year be located by the electors of said State at an election to be provided for by the Legislature." That it was further provided by section 22 of said Enabling Act, "that the Constitutional Convention provided for herein shall, by ordinance irrevocable, accept the terms and conditions of this act."

And your objectors aver and assert that after said Enabling Act providing for the creation of a state out of what was formerly the territory of Oklahoma and Indian Territory, the people of said described territory held an election and duly elected delegates to formulate and prepare a constitution for the State of Oklahoma to be submitted for adoption or rejection to the qualified electors therein; that said constitutional convention did prepare and formulate a constitution to be submitted to the voters of the two territories aforesaid for adoption or rejection; that as a part of the proceedings of said constitutional convention, said convention did, on the 22nd day of April, 1907, by ordinance irrevocable, accept the terms and conditions of the Enabling Act of Congress hereinbefore referred to, and did adopt and pass the following provision:

ACCEPTING ENABLING ACT.

Be it ordained by the Constitutional Convention for the proposed State of Oklahoma, that said Constitutional Convention do, by ordinance irrevocable, accept the terms and conditions of an Act of the Congress of the United States, entitled, "An Act to Enable the people of Oklahoma and the Indian Territory to form a Constitution and State Government and be admitted into the Union on an equal footing with the original states; and to enable the people of New Mexico and Arizona to form a Constitution and State Government and be admitted into the Union on an equal footing with the original states," approved June the sixteenth, Anno Domini, Nineteen Hundred and Six.

I hereby certify that the foregoing ordinance accepting the terms and Conditions

of the Enabling Act as the same has heretofore been passed and engrossed, was engrossed with the engrossed copy of the Constitution on parchment, was read as engrossed and roll call had thereon and the same duly adopted by a majority of the votes of all of the delegates elected to and constituting this Convention at 11:41 o'clock, a.m., this 22nd day of April, Anno Domini, 1907.

Wm. H. Murray,
President,
The Constitutional Convention of
the proposed State of Oklahoma.

ATTEST: John McLain Young,
Secretary."

And your objectors allege that it is the purpose and intention of the parties initiating petition #7, and the law styled: "A Bill Entitled An Act providing for the permanent location of the Capital of the State of Oklahoma, creating a board of Capital Commissioners and defining its powers and duties, and making an appropriation" to ignore, violate and hold for naught the provisions of the Enabling Act of the Congress and the ordinance of the Constitutional Convention of the State of Oklahoma as hereinbefore set forth and accepting the terms of the Enabling Act by the submission to the people to be voted upon of the bill initiated under initiative petition #7, That no authority exists within the people of the State of Oklahoma to vote upon the adoption or rejection of the act sought to be initiated under petition #7, for the reason that said act and all of its provisions are in direct conflict with the said provisions of the Enabling Act and the ordinance irrevocable hereinbefore set out and referred to.

SECOND: The undersigned further aver that initiative petition #7 being an act providing for the permanent location of the capitol of the State of Oklahoma, creating a board of capitol commissioners and defining its powers and duties

and making an appropriation, ought not to be submitted to the people for their adoption or rejection because heretofore to wit, on the 3rd day of November, 1908, there was submitted to the people for their adoption or rejection, the following:

"J.H.R.No.11.

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF OKLAHOMA .

Be it Resolved by the Legislature of the State of Oklahoma:

That the following amendment to the Constitution of the State of Oklahoma be and the same is hereby proposed, and shall be submitted to a vote of the people under Articles Five and Twenty-four of the Constitution of the State of Oklahoma, and an Act entitled "An Act to provide for carrying into effect the initiative and referendum powers reserved by the people in Articles Five and Eighteen of the Constitution of the State of Oklahoma, to regulate elections thereunder and to punish violations of this Act," approved April sixteenth, nineteen hundred eight. Article Twenty-one of the Constitution of the State of Oklahoma shall be and the same is hereby amended by adding thereto the following:

Section 2. The permanent capital shall be at such place within the State as the people may at any time select by a majority of the votes cast on the question at any election wherein the question is submitted, either by petition of the people under the initiative, or by act of the Legislature, and until said permanent location is made, the temporary location shall be such as may be provided by law.

Approved May 27, 1908."

And the undersigned aver that said measure so submitted as aforesaid, was submitted as an amendment to the constitution of the State of Oklahoma, and ~~was~~ was voted upon and failed to receive a sufficient number of votes for its adoption; that the same was referred by the Legislature of the State of Oklahoma under the powers of the initiative and referendum of the constitution of said state and that to permit the people of the State of Oklahoma to again vote upon the same or substantially the same question, requires a petition containing twenty-five percentum of the legal voters of the State of Oklahoma; that the initiative petition #7 has not the re-

quisite number of petitioners of legal voters of the State of Oklahoma to permit the question to be voted upon until after three years from the election held on the 3rd day of November, 1908.

THIRD: As a further ground of objection herein, said objectors say that by the provisions of section 2 of said Enabling Act, it is provided "That the capital of said State shall temporarily be at the City of Guthrie in the present Territory of Oklahoma, and shall not be changed therefrom previous to Anno Domini Nineteen Hundred and Thirteen, but said capital shall, after said year be located by the electors of said state at an election to be provided by the Legislature." Said Enabling Act having been adopted by ordinance irrevocable that the action sought to be taken under initiative petition #7 attempting to locate said capitol by a vote of the people is in contravention of and in violation of the Enabling Act and particularly, that provision of Section 2 thereof, hereinbefore set forth, and the State Legislature having never provided for any election to locate the state capitol.

FOURTH: That said initiative petition has never been legally filed with the Secretary of State of the State of Oklahoma; that at the time said petition was taken to the office of the Secretary of State, the Honorable Bill Cross, who was the duly elected, qualified and acting Secretary of State, was absent from his office and confined to his private room on account of illness, and said petitions were delivered to Leo Meyer, and not to said Secretary of State.

FIFTH: That ever since the 21st day of July, 1909, the Secretary of State has been unable, by reason of illness, to perform the duties of his office and the sufficiency of said petitions has never been passed upon by the Secretary of State.

That said objectors are informed and believe and, therefore, allege the fact to be that since the 21st day of July, 1909, the said Secretary of State has not been present at his office in the City of Guthrie, and that said petition has never been submitted to him in any manner to be scrutinized, or examined or passed upon, and that said Secretary of State has not at any time inspected, examined or scrutinized said petition, and has not passed upon nor attempted to pass upon in any manner, its sufficiency.

SIXTH: Your objectors further aver that the City of ^{is} Guthrie, one of the ~~three~~ placed named in the initiative petition #7. That said petition has a provision therein styled "section 3" which is as follows:

"Section 3. Oklahoma City, Shawnee and Guthrie are hereby declared to be candidates for the permanent location of the Capital of this State, and shall be voted for at the election or elections herein provided for, and their names shall be placed upon the ballots voted and used at such election or elections."

That the incorporation of the said provision above set forth was done at the instance and under the supervision of persons residing at Oklahoma City, and without the knowledge, consent or authorization of any of the citizens of the City of Guthrie or Shawnee or any persons acting for or on behalf of either the City of Guthrie or the City of Shawnee.

That the City of Guthrie is a city of the first class under the laws of the State of Oklahoma; that it has as its officers, Mayor, City Council, City Attorney, and it also has a civic organization known as the Chamber of Commerce, which civic organization has for its purpose the advancement in a general way of the material interests of the City of Guthrie; that the petition in question was without the knowledge, consent, or authorization of any of the citizens of the City of Guthrie or of Shawnee, or of the officers thereof, or of the civic or-

ganizations of either Guthrie or Shawnee, taken to the office of the Secretary of State on the 21st day of July, 1909 and there deposited; that no notice was given to any persons residing within the corporate limits of the City of Guthrie or to its Mayor, City Attorney or to the city civic organization referred to of the time when said petition would be lodged in the office of the Secretary of State; that the first intimation or knowledge which any of the citizens of the City of Guthrie had of the action taken in lodging said petition in the office of the Secretary of State, was on the 26th day of July, 1909. That the undersigned objectors have at all times been diligent in their efforts to learn when said petition would be filed or lodged in the office of the Secretary of State in order that they might within five days thereafter file written objections to the sufficiency thereof; that none of said citizens of said City of Guthrie, nor the objectors herein named, were notified of the fact that said petitions were lodged in the office of the Secretary of State until the 26th day of July, 1909.

Said objectors aver that the local press, also many influential newspapers located in adjacent cities of Oklahoma and in states other than Oklahoma whose papers circulate generally in said State of Oklahoma, maintain regular correspondents and reporters at the said City of Guthrie for the purpose of acquiring news of general interest to the people of said state and that it is the practice and custom of said newspaper correspondents to visit public offices of said state at the City of Guthrie daily, in order to gather and acquire important and interesting news items of the day, and that it is the practice of the daily papers circulating in said city of Guthrie and in the State of Oklahoma to publish from day to day all happenings of general concern taking place in any of the state offices which

~~which~~ are known or come to the notice and attention of said correspondents. And these objectors aver that although it is claimed by the persons who lodged said petition #7 at the Secretary of State's office, that they lodged the same there on the 21st day of July, 1909, that no notice thereof appeared in public place or in any other manner accessible to the public until the 26th day of July, 1909, as herein before stated.

These objectors further say that the said newspaper correspondents as was their practice and custom visited the office of the Secretary of State on the 21st day of July, 1909, and on each succeeding day thereafter for the purpose of gaining and acquiring such news items as they might at said office, and particularly for the purpose of acquiring knowledge of the filing and lodging of said petition in said office in case it should be done because of the great and general interest to the people of the state relative to the matter.

Said objectors aver that it is customary at said Secretary of State's office to give out to said newspaper correspondents from day to day items of public interest to the people as to transactions and matters occurring in said office, in order that the same may be published in the public press, and that the people of said state may have notice of acts and matters taking place in said office. That there is kept in said office a general reception record or book, in which it has been the practice and custom of said office and officers thereof, to note the reception of all papers and documents lodged in said office seriatim and in chronological order, and that it has always been the practice and custom of said office and officers and employes therein to make the entries upon said record immediately upon the depositing or lodging of any of such papers or documents in said office; that said record is a public record and is open

to the inspection of the public and especially, to said newspaper correspondents, who have been and are in the habit and practice of going to said office daily and running over the items noted and entered on said record for the day in order that they may gain information as to what has taken place in the office during the day.

Said objectors aver that when the said petition #7 was lodged in the Secretary of State's office as aforesaid, with the said Leo Meyer, Assistant Secretary of State, the lodging of the same was not noted in any way on said reception record, nor upon any other record of said office open to the general inspection of the public, nor was said petition exhibited in any way to the public nor was any news given out either by the persons who lodged the same in the said office nor by any other person, neither in nor out of said office, that said petition had been lodged in said office, and that during all of the time from July 21, 1909 until July 26, 1909, the reception of said petition in said office was kept off the record of said office, and especially was not entered or noted on said reception record, nor any notice thereof given out to the public press or to these objectors or to any other person, and that the fact that said petition was left at said office remained wholly unknown to these objectors ~~and~~ and to all other persons excepting those immediately concerned in the lodgment of said petition in said office, and those persons in the office who, by reason of the fact of their being in said office, may have become acquainted with said fact.

That by reason of the circumstances herein set forth and alleged, these objectors nor any other person interested in said petition and the subject matter thereof, excepting persons who by reason of their connection with said petition and the lodging of ~~said~~ the same in said office, had the opportunity

to know that the same was lodged there, or had any opportunity to inspect and scrutinize said petition or to make and file any objections thereto until on and after said 26th day of July, 1909.

SEVENTH: Your objectors further allege that said petition is insufficient in this to-wit: That there are not a sufficient number of legal voters signing said petition to authorize the initiation of the law under the initiative and referendum provisions of the Constitution and laws of the State of Oklahoma; that numerous persons whose names are now unknown to your objectors, have signed said petition who are not legal voters under the laws of the State of Oklahoma and who were not such legal voters at the time of the signing of said petition; that said petition was signed in numerous instances by women and persons under the age of twenty-one, who were not qualified to vote at the election proposed to be held and who were not qualified to sign said petition under the constitution and laws of the State of Oklahoma..

Said objectors in addition to the foregoing grounds of objections and exceptions to said petition, aver generally that the said petition is insufficient, both in form and substance under the law to initiate any change in the constitution of the laws of said State or to authorize any action whatever to be taken under said petition.

WHEREFORE, your objectors state that they desire to appear against said petition, and pray that the Secretary of State will fix a time when he will hear and receive testimony and arguments in opposition to the sufficiency thereof and of the right of the petitioners to initiate by petition the law and act hereinbefore referred to.

Grace Dale

W. Lockman
J. J. Kille
Charles Seely
A. R. Eastman
Frank Adler

C. H. Hamon
J. W. Neal
M. Weinberger
T. H. Reynolds

STATE OF OKLAHOMA }
LOGAN COUNTY } SS

Frank Dale

being sworn upon his oath,
states that he is over the age of twenty-one years; a resident,
citizen, taxpayer and legal elector of the City of Guthrie,
Logan County, Oklahoma; that he is personally acquainted with all
of the individuals whose names appear as objectors above; that
each and every one of said persons is a resident, citizen, tax
payer and legal voter and resides in the City of Guthrie,
Logan County, Oklahoma; that he has read the foregoing ob-
jections and knows the averments contained therein and that the
several allegations contained therein are true as he verily
believes.

Frank Dale

Subscribed and sworn to before me this 3rd day of July,
1909.

Dorothy W. Whitehall

My commission expires April 29-1913

INITIATIVE PETITION
NO. 7.

BEFORE THE HONORABLE SECRETARY OF STATE OF THE STATE OF OKLAHOMA.

OBJECTIONS TO THE SUPREMACY OF THE INITIATIVE PETITION NO. 7.

SECRETARY'S MEMORANDUM
GUTHRIE STATE OF OKLAHOMA
Secretary's Office.

This instrument was filed for record this

3rd day of *July*
190*9* at *10* o'clock *A.*M.

Filed in _____ County, Oklahoma

Record No. *7*

Edell Cross
Secretary-Okla. State
By Geo Meyer

Frank Dale and others.

STATE OF OKLAHOMA
LEGAL DEPARTMENT
GUTHRIE

CHARLES WEST, ATTORNEY GENERAL
EDWARD G. SPILMAN, ASSISTANT ATTORNEY GENERAL
GEORGE A. HENSHAW, ASSISTANT ATTORNEY GENERAL
WILLIAM C. REEVES, ASSISTANT ATTORNEY GENERAL
CHARLES L. MOORE, ASSISTANT ATTORNEY GENERAL

ADDRESS ALL COMMUNICATIONS TO
"THE ATTORNEY GENERAL" AND
REFER TO INITIALS

CW-s

Guthrie, Oklahoma, January 15, 1910.

To The

Secretary of State.

S i r:

I herewith transmit to you Ballot Title for
STATE QUESTION NO. _____, INITIATIVE PETITION NO. 7,
measure initiated for the purposes stated below:

BALLOT TITLE.

Proposes to permanently locate State Capital; creates
Commission of three to be appointed by Governor, January 1,
1911, or sooner; defines powers and duties; appropriates
six hundred thousand dollars to purchase not to exceed two
thousand acres, State to be reimbursed from sales of
lots; Capitol Fund created therefrom; Board may exercise
power of Eminent Domain. Said Commission and School Land
Commissioners to appraise value of lands and improvements
separately. Makes Oklahoma City, Guthrie, Shawnee,
candidates; provides for others by petition.

Proposes separately to determine questions: (1),
Shall Capital be located; and (2), Where.

STATE OF OKLAHOMA
LEGAL DEPARTMENT
GUTHRIE

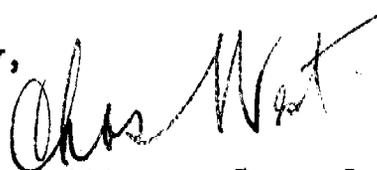
CHARLES WEST, ATTORNEY GENERAL
EDWARD G. SPILMAN, ASSISTANT ATTORNEY GENERAL
GEORGE A. HENSHAW, ASSISTANT ATTORNEY GENERAL
WILLIAM C. REEVES, ASSISTANT ATTORNEY GENERAL
CHARLES L. MOORE, ASSISTANT ATTORNEY GENERAL

ADDRESS ALL COMMUNICATIONS TO
"THE ATTORNEY GENERAL" AND
REFER TO INITIALS

Secretary of State-- 2.

I also enclose you a copy to send to W. B. Perkins,
authorized agent of the Petitioner, whose address is
Oklahoma City.

Respectfully,


Attorney General.

Ballot Little
Initiator Oct # 7

Received Files
Jan 15th 1910

Jan. 19, 1910

Hon. C.W.Haskell, Governor,
City,

Dear Sir:

Pursuant to the provisions of Section 8 of Chapter 44, Session Laws of 1907-8, I have the honor to advise you that there was filed in the office of the Secretary of State an Initiative petition No. 7, entitled, "An Act providing for the permanent location of the capital of the State of Oklahoma, creating a Board of Capital Commissioners and defining its powers and duties, and making an appropriation," a copy of which said petition is hereto attached. That said petition has been accepted, and that its ballot title has been decided upon by the Attorney General as follows:

"BALLOT TITLE.

Proposes to permanently locate State Capital; creates Commission of three to be appointed by Governor, January 1, 1911, or sooner; defines powers and duties; appropriates six hundred thousand dollars to purchase not to exceed two thousand acres, State to be reimbursed from sales of lots; Capitol Fund created therefrom; Board may exercise power of Eminent Domain. Said Commission and School Land Commissioners to appraise value of lands and improvements separately. Makes Oklahoma City, Guthrie, Shawnee, candidates; provides for others by petition.

C.N.H---#2

"Proposes separately to determine questions:
(1) Shall Capital be located; and (2), Where."

Sincerely yours,

Secretary of State.

Copy of letter
to C. M. Packard
re: trying him
to call elect

on
Mr. DeX # 7

Jan 19 1910

(STATE QUESTION--INITIATIVE PETITION NO. 7.)

THE PERMANENT LOCATION OF THE CAPITAL OF THE
STATE OF OKLAHOMA.

Measure Initiated to Permanently Locate the
Capital of the State of Oklahoma.

BALLOT TITLE.

Initiative Petition No. 7 proposes
an Act to Permanently locate the Capital of the State
of Oklahoma, creates a Board of Capitol Commissioners,
defines their powers, appropriates money to build State
Capitol and creates Special Fund to reimburse State
for money appropriated, provides that the qualified
voters of the State may permanently locate the Capital;
that not to exceed two thousand acres of land may be
procured for State Capitol purposes and to locate
thereon other State institutions.

Shall it be adopted? (Yes)
(No)

Shall the Capital of the State of Oklahoma
be permanently located:

- At Oklahoma City, (Yes)
- At Shawnee, (Yes)
- At Guthrie (Yes)
- At _____ (Yes)
- At _____ (Yes)

Handwritten notes:
Proposed
#1
#2

S T A T E O F O K L A H O M A

DEPARTMENT OF STATE

BILL CROSS

SECRETARY OF STATE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, BILL CROSS, Secretary of State of the State of Oklahoma, do hereby certify that the within is a true and correct copy of a transcript of the evidence offered and rejected at the hearing before the Secretary of State in the matter of the Initiative petition Number 2, State Question No. 6 being a bill entitled:-

" An Act to create a District to be known as a new "~~Territorial District~~" and providing for and acquiring, the location, survey, control and management of the same, and making an appropriation therefore."

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the great Seal of State. DONE at the City of Guthrie this Eleventh day of March Nineteen Hundred and Ten.



Bill Cross
Secretary of State.

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I N T H E M A T T E R O F

INITIATIVE PETITION NO. 6. BEING AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF OKLAHOMA, BY ADDING TO ARTICLE TWENTY-ONE OF THE CONSTITUTION, A PROVISION AUTHORIZING THE LOCATION OF A STATE CAPITAL BY LAW.

A L S O

I N T H E M A T T E R O F

Initiative Petition No. 7, entitled a Bill entitled An Act providing for the permanent location of the Capital of the State of Oklahoma, Creating a Board of Capital Commissioners and defining its powers and duties, and making an appropriation.

APPEARANCES:

For the Objectors: JOHN H. BURFORD and C.C.HORNOR

For the Petitioners: W.A.LEDBETTER.

F.H.Greer, a witness for the Objectors being first duly sworn to testify the truth, the whole truth and nothing but the truth, deposeth and says as follows:

DIRECT EXAMINATION BY
MR. BURFORD.

Q. State your name?

A. F.H.Greer,

Q. Where do you reside?

A. Guthrie, Oklahoma.

Q. What is your business.

A. Editor of the Oklahoma State Capital

Q. What is the Oklahoma State Capital.

A. A daily newspaper published in the City of Guthrie.

Q. How long has it been printed and published in the City of Guthrie?

A. Since April 22nd, 1889.

Q. How long have you been its Editor?

A. Since the first publication.

Q. You may state as Editor, what effort you make to obtain the general news relating to public affairs in the State and Guthrie, at the capital city?

A. Well, the managing Editor attempts to get all the news that is turned out.

Q. Where do you reside personally.

A. Number 616 E. Warner Avenue, Guthrie.

Q. As a citizen of Guthrie and editor of the daily State Capital you may state whether you have been taking any interest in the matters pertaining to the public.

A. I have.

Q. And whether you have been taking any special interest in the question of the locating of the State Capital, or the relocation of it.

A. I have a special interest in the re-location of the capital.

Q. You may state what efforts your paper made, and what you made to get information and news relating to matters pertaining

to measures, having for their purpose, the location or relocation of the State Capital.

A. When I learned that the Oklahoma City people were circulating petitions to initiate a proposition for the location of the capital, I directed the managing editor of the paper to keep a very careful watch at the office of the Secretary of State as to when the said petitions were filed, and to ascertain when said petitions were filed.

Q. You may state whether prior to the filing of the petitions referred to in this proceeding, you had information that the petitions were being circulated, having in view, the purpose of changing the Constitution in relation to the location of the capital?

A. I knew that petitions were being circulated.

Q. What information did you or your paper have as to the filing of these petitions in the office of the Secretary of State at the time they were filed, or soon thereafter.

A. I had no information whatever until a week or probably more after they were filed.

Q. You may state whether or not you gave publicity to the fact as soon as the information came to your office?

A. The information was printed in the very next issue after we obtained it.

Q. You may state whether or not, to your knowledge, any publicity was given to the fact in any other newspaper circulating in Guthrie.

A. No sir.

Q. You read the Guthrie Daily Leader do you not?

A. Yes sir.

Q. Do you know when the information first appeared in the Guthrie Daily Leader as relates to the publication in the Capital

A. My recollection is that it appeared the afternoon after we printed it in the morning. I remember it was late at night when I discovered it myself.

Q. What other newspapers, if any, from Oklahoma City, have a general circulation and are generally read in the City of Guthrie?

A. The Oklahoman

Q. The Daily Oklahoman?

A. The Daily Oklahoman, the Daily Times and the Daily News, and the Weekly New State Tribune.

Q. You may state whether or not prior to the publication in the Daily State Capital, either of the Oklahoma City papers circulating in the City of Guthrie, had any notice of the filing of the petitions relating to the location of the State Capital?

A. I know the Oklahoman did not have it. I took occasion to look that up, and I did not think any other Oklahoma City paper had anything in it.

Q. Do you read the daily papers from other large cities, -Kansas City, Wichita, St. Louis, Chicago, circulating in the City of Guthrie, to any extent?

A. Yes sir.

Q. You read them every day?

A. Yes sir.

Q. You may state whether or not the information was published in any of the St. Louis, Kansas City, Wichita, or Dallas papers, circulating in the City of Guthrie, in relation to the filing of these petitions, prior to the time the information appeared in the Leader or Capital?

Q. This information appeared in the outside papers at about the same time it did in the Guthrie State Capital. The reporters got their information at about the same time.

Q. From your information as a newspaper man, and your examination of newspapers circulating here, do you know whether the information as to the filing of these petitions referred to appeared in any newspaper, prior to the time it appeared in the Leader and Capital, in this City?

A. My recollection is that it appeared first in the Muskogee Times-Democrat, on the afternoon before the State Capital printed the fact.

Q. What that the first notice that you know of now, in which this information appeared in any newspaper?

A. Yes sir.

Q. Did you publish the information in the first issue of your

paper after it came to your knowledge?

A. Yes sir.

Q. Would this have appeared as a matter of news in your paper if you had had information of it prior to the time you speak of.

A. It certainly would.

CROSS EXAMINATION BY MR LEDBETTER.

Q. Mr. Greer, are you in favor of removing the Capital from Guthrie to Oklahoma City.

A. No sir.

REDIRECT EXAMINATION BY MR. BURFORD.

Q. Mr. Greer, do you recall now the first article that you saw in the Daily Oklahoman referring to the filing of these petitions and the headlines given out over that article?

A. Well, my recollection now is that it appeared in the Oklahoman after the State Capital had it.

Q. Do you remember the head lines of the article?

A. No sir, I do not remember them.

Q. To refresh your memory a little, do you not remember the headlines, something like this "Guthrie sleeps on her rights, etc?"

A. I remember it was "Guthrie sleeps on her rights" or something to that effect.

Q. Do you know, from your general information, and circulating with the people of this city, for news, whether there was any knowledge on the part of the people of this city that these petitions were on file prior to the time it was given out through the papers, - from the expression of the people, have you any knowledge on the subject?

A. Not that I know of. They did not know they were filed prior to the discovery of the information on the night before the State Capital published it.

Q. You may state whether you know, from your knowledge of the sentiments of the people, and their purposes here, that it was their intention to take prompt action to protest against

any act for the removal of the State Capital or the re-location of it prior to the time provided in the Enabling Act?

A. Yes sir, I remember I had heard that the Board of Directors of the Chamber of Commerce had arrived at the determination to file protest at once on discovery that petitions were filed with the Secretary of State.

Q. You may state whether at the time these papers were filed, and up to the time the information was given out through the Guthrie Press, your reporters visited the various state offices and amongst others, the Secretary of State's office for all matters of public import?

A. Our reporters visit the office of the Secretary of State every day, to get the routine business to be given to the public.

Q. You may state if it was generally given out to your reporters and they did obtain it?

A. Well, the reporters received it from the Secretary's office, - the filing of the corporation papers, and other routine matters of that character.

Q. Then state whether or not it was the daily practice to obtain that information, and you did obtain it, and publish it?

A. It was the daily practice for the Secretary of State to give out this information to all newspapers.

Q. To your knowledge nothing was ever withheld from your reporters, by the Secretary of State's office?

A. Nothing that I remember of except the information on these two petitions.

Q. Were your reporters ever denied access to the office, to your knowledge?

A. No sir, I never heard of their being denied any access to any information that was asked for except on this occasion.

RE-CROSS EXAMINATION BY MR. LEDBETTER.

Q. Do you mean to swear, Mr. Greer, that the Secretary of State withheld from your reporters the information that these two

initiative petitions had been filed in his office?

A. I mean to swear that the reporters were here every day and this information was not given out to them voluntarily as other information was. That's what I mean to swear to. Not knowing such a petition was filed, they would not think to ask questions as to such a petition.

Q. But you anticipated it?

A. Yes sir. They expected it would be put on record and they called every day.

Q. Did you not know the record was open to the public at all times.

A. No sir, I did not think this was put on record.

Q. So you are basing your testimony on the assumption that there was no record made in regard to the filing of these petitions?

A. That is what our reporters I talked to declared.

Q. And your testimony is based on the assumption that there was no record of these petitions made in the office, at the time they were filed?

A. My testimony is based on the statements made to me by the reporters.

Q. And what you testify to is hearsay from the reporters?

A. And the fact that I had given instructions to my reporters to get this news the moment it was filed in the Secretary's office.

Q. You have no personal knowledge of this matter yourself, have you, Mr. Greer?

A. No sir, except that they were unable to get the news - I have that personal knowledge.

Q. Did you try to get it, - did you make any effort through your reporters to get this information, that is the information of the filing of these petitions, between the date of the filing and the time it was finally published?

A. I had given instructions to the managing editor, and the

reporters, to watch carefully and report to me and for the newspaper, this news the very moment it occurred in the Secretary's office.

Q. Do you know whether any of your reporters inquired at the office of the Secretary of State, about the filing of these petitions during that time.

A. They said they did. I had their information.

Q. Which one of your reporters told you that he had inquired at the office of the Secretary of State about the filing of these petitions, between the date of the filing and the date it was finally published.

A. Well, I think it was the managing editor who had charge of the matter at the time.

Q. Who was he?

A. Mr. Burr. Claud S. Burr.

Q. Is he here?

A. Yes sir.

Q. Do you mean to state, before the Secretary, that Mr. Burr told you that between the date of the filing of these petitions and the time it was finally published, that he inquired of the Secretary of State, about the filing of these petitions?

A. No sir, I did not say that.

Q. Is it not a matter of fact that you know he did not inquire about it.

A. No sir. I do know he had instructions to look after that matter personally and very carefully, so that the information should come to us the very moment it occurred.

Q. But you now state that he did not tell you he had inquired at the office of the Secretary of State about the filing of these petitions.

A. He did not make that state.

Q. I am trying to find out what he told you about trying to find out---

A. Mr. Burr can tell you that better than I can. He is here.

Q? Did he make any report -- did he ever tell you that between the time of the filing and the time it was published that he had made inquiry --

A. I said they came here every day to get the information, and the information was not given out voluntarily. I am swearing that I had given instructions to watch carefully for this one thing.

Q. And that they had not inquired for it?

A. I do not know whether they asked for it. I was not following them around personally.

REDIRECT EXAMINATION BY MR. BURFORD.

Q. As a newspaper man of long experience and familiar with the people and conditions in the City of Guthrie, was the riling of these petitions, as a matter of news, a question of great importance?

A. Yes sir, a question of very great importance.

10.

L.G.Niblack, a witness for the Objectors, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says as follows:

DIRECT EXAMINATION
by Judge Burford.

- Q. Mr. Niblack, state your name and business.
- A. L.G.Niblack, editor of the Leader, Guthrie.
- Q. What is the Guthrie Leader.
- A. Daily newspaper.
- Q. How long has it been published in the city of Guthrie?
- A. Eighteen years.
- Q. How long have you been its managing editor.
- A. Sixteen years.
- Q. Where do you reside?
- A. Guthrie?
- Q. You may state whether or not as an editor, you are interested in any of the news relating to the location, relocation or removal of the State Capital?
- A. Well, yes.
- Q. You may state what importance you would give to a question of that character, as a matter of news.
- A. It is a matter of very great news I take it, locally as well as to the state. Momentous.
- Q. You may state whether it is your practice and the practice of your paper to gather all the news of such importance and publish it daily.
- A. It is.
- Q. What facilities have you Mr. Niblack for getting the information at the various state offices.
- A. We have a special man, a reporter, whose duty it is to cover all the departments of the city and state. It is regular routine, but he is supposed to cover these places at least once and sometimes twice a day.

-#-

Q. You may state whether or not it has been customary for your reporter to obtain matters of public importance and especially in the office of the Secretary of State.

A. It has been the custom and order of the office as in every well regulated newspaper to instruct its men to follow a routine and visit the different departments of state and whatever news is of sufficient public importance to be given out, they are supposed to take it, and amplify it and write it up for publication the same day.

Q. What do you know as to it having been the custom of the Secretary of State's office to give out for publication all matters which are of a public character and in which the people are generally interested.

A. Well, the secretary of state's office is regarded by all daily newspaper men as practically the fountain of news giving. This present Secretary as I find it personally and through my reporters has been very courteous in giving out any information which may concern the public and in which the public may be interested and in as much as all matters in regard to charters, commissions and petitions are of the greatest public interest, this department is considered the best in the news line and is very carefully covered each day.

Q. Had you any information, prior to the publication of the fact that initiative petitions had been filed with the secretary of state, relating to the removal or location of the state capital, that such petitions were being circulated at Oklahoma City and other points.

A. Yes, I had such information.

Q. Had you called the attention of any of your reporters or news gatherers to that fact, if you now remember.

A. No, I cannot say specifically. Of course our man who does this work is supposed to take everything in that line. I cannot recall now whether I gave any specific instructions or whether any instructions of that kind were given.

Q. In what newspaper, if you now remember, did you see the publication of the fact of the filing of these petitions?

A. Well, as I recall it, I believe the first was an outside paper.

Q. Do you know what paper it was.

A. The Kansas City Journal I think my attention was first called to it in that paper. I think it appeared in the Journal one morning and perhaps the same morning in the State Capital of this city, but I am not absolutely clear on that. I know our paper did not have it first.

Q. About how long after the filing of the petitions was that publication.

A. I could not say positively, but it must have been perhaps a week.

Q. It was after the five days statutory limitations had expired was it not?

A. Well it was sometime along after it was supposed to have been filed. I am not clear on that point.

Q. Are you a member of the Chamber of Commerce of the City of Guthrie?

A. At the present time?

Q. Yes.

A. No - yes, I am a member.

Q. Contributor to it.

A. Yes, contributor to it. I thought you meant an officer.

Q. No.

A. Yes I am a member.

Q. Do you know whether the matter had been brought up and discussed in the city of Guthrie, as to the purpose and intention of the citizens here to take action and resist any efforts made toward the removal of the capital, prior to the time specified in the Enabling Act.

A. Yes, the matter had been discussed several times in the Chamber of Commerce and committees appointed to take charge of the matter and very active efforts were made.

Q. You read the Oklahoma City newspapers that circulate here generally?

A. Yes sir.

Q. You may state whether or not the publication of this matter appeared in any Oklahoma City paper prior to the time it appeared in the Guthrie papers.

A. I cannot recall. Possibly. I do not believe it did though.

Q. Have you any recollection of an article that appeared in the Oklahoman calling attention to the fact that the people of Guthrie had slept on their rights and neglected to file objections within the statutory limit for filing such objections.

A. I remember reading an article in the Oklahoma City times that the people of Guthrie had slept on their rights and had gone over the time for the filing of the protest.

Q. Was that the first publication you saw of it in the Oklahoma City paper.

A. Yes sir, that's the first publication--

Q. If you had had information at your office of the fact that these petitions had been filed, you would have given it publication in the first issue of your paper as a matter of public news.

A. I certainly would, as a matter of public news, and I was personally interested.

Q. You are opposed to removing the Capital to Oklahoma City.

A. I am

~~CROSS EXAMINATION~~ MR. LEDBETTER, offers the following objection:
The petitioners move to strike out all the testimony of Mr. Niblack for the reason that it is incompetent, irrelevant and immaterial and for the further reason that it does not show any information was withheld from the objectors concerning the filing of these petitions.

Claud S. Burr, a witness for the Objectors, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says as follows:

Q. State your name.

Claud S. Burr.

Q. Where do you live.

A. Guthrie, Oklahoma.

Q. How long have you resided here.

A. Twenty-eight years.

Q. What has been your business during that time.

A. Managing Editor of the State Capital.

Q. Is that the paper of which Mr. Frank H. Greer is editor?

A. Yes sir.

Q. As managing Editor of that paper, what are your duties with relation to gathering information for publication.

A. I have a city editor who has charge of the city department, including Mr. Greer and myself and whose duties are to look news and cover the field as much as possible.

Q. Is it the custom of your paper to publish all matters of general importance in the state of Oklahoma.

A. We publish it as soon as we make the issue of the paper.

Q. As a newspaper man, how would you regard the filing of a petition for - having for its purpose the removal or re-location of the state capital.

A. of the utmost importance.

Q. From your information, what is the attitude of the people of the city of Guthrie upon that question, and as a matter of news.

A. The people of Guthrie would be greatly interested in any information which would inform them as to the filing of a petition that would ultimately remove the state capital.

Q. What facilities do you have for getting the news from the Secretary of State's office?

A. A man works in the departments and an interchange of courtesies between correspondents of newspapers who have staff correspondents here.

Q. How many papers published outside of the City of Guthrie maintain offices and staff correspondents in the City of Guthrie?

A. Seven I believe.

Q. Name them.

A. In that regard there are men here who represent a number of other papers besides being staff officers. Mark Goodwin represents the Dallas news entirely. E. Croxton who is the staff correspondent of the Wichita Eagle and I think the Oklahoma City post, or news. Mr. T.P. Moore, who is the staff correspondent of the Daily Oklahoman at Oklahoma City, and I believe he has other newspapers that he corresponds with. Fred Bard who represents the Kansas City Star and possibly other papers. Mr. Hall, who is the representative of the Kansas City Journal and possibly other papers. Frank Post, who represents the Oklahoma City Times and the Wichita Eagle and possibly others. Mr. Sarchet, who represents, St. Louis, Chicago and New York papers. Besides, there is the associated press representative in Guthrie, both night and day who keep run of things of general interest.

Q. Were the persons you have named all here and engaged in that business during all of last year.

A. Yes sir.

Q. And did you have relations with them by which all of them by which you exchange information of interest in relation to matters of public news or import.

Question interrupted by another from Mr. Horner.

Q. What is the practice among these staff correspondents and local reporters as to exchanging information and furnishing each other information in relation to matters of public in-

portance.

A. There are times when a correspondent will get a story he thinks is exclusive and which he does not trade out. Ordinary routine affairs are practically traded every day. It would be impossible and unnecessary for each man to cover the same place in routine work.

Q. You may state whether or not, you, as Managing Editor of the Capital, through your reporters or arrangements with other press representatives received any information as to the filing of initiative petitions in relation to the locating, relocating or removal of the State Capital referred to in this case.

A. I did.

Q. When did you receive the information.

A. About seven or eight days after the petitions had been filed.

Q. Was that the first information you had as to the filing?

A. It was.

Q. In what newspaper did you see the information first published?

A. I saw the information first published in the Oklahoma State Capital. It was published however simultaneously in several morning papers.

Q. Do you know what news reporter first obtained the information and gave it out to the other press representatives?

A. Mr. Hall.

Q. Representative of what paper.

A. The Kansas City Journal I believe.

Q. You may state if you know whether your reporters and the other press representatives you have spoken of had visited the office of the Secretary of State for news of public importance during the period between the filing of these petitions and when Mr. Hall obtained this information.

A. They told me they had.

Q. Do you know whether other matters occurring in the Secretary of State's office was given publicity during that period.

A. It was.

CROSS EXAMINATION BY ATTORNEY LEDBETTER.

Q. You are the Mr. Burr that Mr. Greer referred to a while ago when he was on the stand, are you not.

A. Yes sir.

Q. Did you ever tell him that you had applied to the office of the Secretary of State between the date of the filing of these initiative petitions and the time they were published in the newspapers, for information as to whether or not these petitions had been filed.

The question is objected to by counsel for the objectors for the reason that it is not proper cross examination.

A. You mean that I had personally called at the office?

Q. Yes sir?

A. I never told him that I had personally called at the office.

Q. As a matter of fact, you had never between the days indicated applied to the office of the Secretary of State for information concerning the filing of these petitions.

A. I never asked anything in regard to these petitions.

Mr. Ledbetter---that's all.

F.S.Bard, a witness for the Objectors, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says as follows:

DIRECT EXAMINATION BY

JUDGE BURFORD.

Q. State your name?

A. F.S.Bard,

Q. What is your business,

A. Newspaper correspondent.

Q. For what paper.

A. Kansas City Star and Times.

Q. How long have you been a correspondent for the Star and Times.

A. About sixteen years.

Q. Where is your field.

A. The State of Oklahoma.

Q. Where do you reside.

A. Guthrie.

Q. Do you maintain an office here as newspaper correspondent?

A. Yes sir, I do.

Q. You may state what efforts you make personally daily to gather information of public affairs.

A. I visit the different state departments to get such routine news as they may have that is of interest to me.

Q. As a newspaper man, you may state what importance you would give to the fact of the filing of an initiative petition in the Secretary of State's office, having for their objects the location, relocation or removal of the State Capital.

A. It would be of interest to me for publication for the reason that practically all of the people of the state would be interested in it as a matter of news.

Q. What had been your custom prior to the giving out of the information in relation to the filing of the ^{State} ~~xxii~~ Capital Initiative petitions, as to getting news from the Secretary of State's office?

A. I knew the gentlemen, the Secretary of State personally and well, and had always been given information when I called and to the extent that I would usually come in and see some one and ask them if there was any news and if there was, he would say so and if there was not, he would say there was not anything.

Q. You may state whether or not you made it a custom to examine filing records and reception records, etc?

A. No sir, it was not my custom to do it. I knew the Secretary and Mr. Meyer and Mr. Keys and when I asked them whether there was anything doing and they told me, I relied on it.

Q. You may state whether or not between the date of the filing of these initiative petitions and the time the information was published, some seven or eight days later whether you called at the office of the Secretary of State's office and asked concerning the same.

A. Well, as to those particular dates I don't know, except this, that I am here practically every day and would not have been absent for any period of that kind.

Q. You remember of the fact of the first publication of that news that came to your knowledge?

A. Well, I only remember that in a way that it merely surprised me that I had been here and had not heard anything about it. Someone else got it before I did. I don't know who it was now.

Q. Can you now state whether or not you were here in the City of Guthrie at the time of its publication and for a number of days prior thereto?

A. I can state that ---How long a period is this supposed to have been?

Q. Say from five to eight days.

A. I have not been absent from the City for a longer period than three days at a time for at least eight or nine months.

Q. Can you now recall whether or not you were in the City during that time. Do you now recall whether you were absent during the seven or eight days prior to the time this was given to the papers.

A. I cannot do that, I would have to look back and see whether I was or not.

Q. If you were absent, then from your statement, you were not absent over three days.

A. No I would not be absent, probably more than two. Most of my absence has been going over to Oklahoma City and Chandler, going in the day and getting back at night.

Q. What are your relations with the other staff correspondents as to exchanging information of that character and conferring with each other about such subjects.

A. Why in routine news, department news, why it is a courtesy to give one man what you find if he asks you for it.

Q. You may state whether or not the first information you had after the filing of these petitions was through the publications that you read in the newspapers.

A. Yes, that is what it was.

Q. You did not obtain any information ~~therefrom~~ through the Secretary of State's office on the subject.

A. No sir.

Q. Do you recall what papers you read it in first?

A. No I don't. I get a large number of papers.

Q. Is it your custom to examine the papers published in Oklahoma City and Guthrie?

A. Yes sir.

Q. And the other papers that circulate here.

A. Yes sir, throughout the state.

O.D.Hall, a witness for the Objectors, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says as follows:

DIRECT EXAMINATION BY JUDGE BURFORD.

Q. State your name?

A. O.D.Hall.

Q. Where do you live Mr. Hall.

A. Guthrie, Oklahoma.

Q. How long have you lived in Guthrie.

A. About four years.

Q. What is your business.

A. Newspaper correspondent.

Q. How long have you been in the newspaper business as a correspondent or reporter.

A. Eight years.

Q. What paper do you now represent and have you reported for for the past year.

A. Kansas City Journal.

Q. YOU may state whether or not that paper has an office here for the receiving and dissemination of news.

A. Yes sir.

Q. Are you in charge of that office.

A. Yes sir.

Q. What are your habits and customs and what have they been for the past year in regard to visiting the various state offices and gathering news.

A. I visit them once a day as a rule. Sometimes I miss an office, but I expect it will average once a day for each office.

Q. How was the Secretary's office regarded as a source of public information and news.

A. Good source.

Q. You may state as a newspaper man and correspondent how you would regard the fact of the filing of initiative petitions to locate, relocate or remove the State capital,

as a matter of public news.

A. Well, I would regard it as a matter of public news as soon as it was officially filed.

Q. What importance would you give to it.

A. State wide, local or otherwise?

Q. Of what importance?

A. I would consider it ~~as~~ as a very important piece of news.

Q. What was your manner in getting news from the Secretary of State's office.

A. I would just come in and ask Mr. Meyer or Mr. Cross what was going on.

Q. What has been their custom?

A. They have always been very courteous when they thought of anything.

Q. You may state whether you ask for special or general information.

A. No, it is not my custom to ask especially, unless I had something at the time I wanted to look up.

Q. What was the custom of the Secretary of the Assistant Secretary as to giving out information as to public matters when they were inquired of for news.

A. They gave it out if it was legitimate news. Matters that were held up for any reason, like requisitions or matters of that kind ~~were~~ where no arrest was made, they would not give it out until the proper time.

Q. Did you have any information of the fact that initiative petitions were being circulated, having for their purpose, the location, relocation or removal of the Capital prior to the time of the filing of these petitions in this office?

A. Yes sir.

Q. Had you made any story upon that subject?

A. Several of them at various times.

Q. And what attention was you giving to the fact of the

anticipated filing of those petitions in the Secretary's office?

A. Well, I was not watching it very closely. I expected to get it when it was filed. For quite a period I did not ask anything about it.

Q. Did you during that period ask generally for news at the office as was your custom.

A. Yes, I would drop in. Sometimes I would go into the other departments and look over charters and if I saw Leo or whenever I saw Leo or Mr. Cross I would ask them.

Q. You may state what was the first information you had as to the filing of these petitions and how you obtained it?

A. I don't remember the date. I remember one morning I came in and I just happened to think about asking if they had been filed. It happened to come into my mind and I asked Leo.

Q. Asked who?

A. Leo Meyer and he said, yes, they had been filed, but that he was holding them up for some additional signatures and probably he would give them out in the afternoon. That was in the morning and in the afternoon, I think Mr. Moore was with me, one other newspaper man was with me, either Moore or Croxton and we met Leo and he told us to come down and he would give them to us. That was in the afternoon of that day, I don't remember what the day was though.

Q. Did you give it any publication, the information you obtained, when you first spoke to him and he said he had been holding it for further news.

A. No, I held it until he gave me permission - until he gave me the official news of it. Of course I had no way of using it until the afternoon. I represent a morning paper.

Q. How long was that after the petitions had in fact been filed with the Secretary.

A. I do not remember the exact time. In fact, I didn't

know at that time but what they were just filed, and I understood that after that that this was some six days after, but I do not know of course whether Mr. Meyer considered them legally filed six days before or not.

Q. How soon after you received this information from Mr. Meyer did the publication of the facts appear in the Kansas City journal?

A. Next morning.

Q. Have you a copy of that issue.

A. I have not got it with me. I might possibly be able to get it.

Q. Can you recall the date.

A. no, I cannot.

Q. Will you obtain it and let us have it for this record?

A. I will try to, I think probably I can get it.

Q. You may state whether it appeared in the Oklahoma State capital the same morning it appeared in the Journal.

A. Well, I don't know as to that. I did not see the Capital. I do not get it on exchange.

Q. What are your relations with other staff correspondents as to giving them your valuable dope.

A. Well, if I happen to be making the rounds I divide up, and if one asks me about a story, I give it to them. I am in the same office with Mr. Post and we dope each other up pretty well.

Q. How did you regard that information, as a scoop or a matter for general information.

A. I didn't know at first but what I had a scoop on it, when I saw Leo, because possibly I thought he had forgotten about it and would not think anything more about it. When I got it I asked him the question in a casual manner and did not say anything about it, but when I was coming down from the convention hall with another man, I then knew it would go clear around. I was not going out of my way to tell

Q. You may state whether it was generally disseminated then.

A. Yes, I think practically every newspaper had it.

Q. Same day.

A. Yes sir, got it the same day.

Q. From your knowledge of the other newspaper men and the information they had, do you know whether this matter was a matter of news, or open to publicity prior to the time that you got the information from Mr. Meyer.

A. Well, as far as I am concerned, I know it was not. My impression was at the time that nobody else had it before that. I don't know it to be an absolute fact.

Q. Do you read the Oklahoma City papers.

A. The Oklahomah. The times once in a while.

Q. Had any publication of the filing of these petitions occurred in the Oklahoman prior to the time you speak of.

A. No, I don't think so.

Q. Do you read the other papers which have staff correspondents here daily?

A. No, the Oklahoman is about the only one, that I get, besides my own paper on exchange.

Q. Had you any knowledge of a Muskogee paper giving any publicity to this matter prior to the time it appeared here.

A. I believe I did. I seem to have a recollection that the Times-Democrat got it the day before.

Q. The day before you published it or the day you received the information.

A. I don't remember, but it seems to me now that they did have it the day before that.

Q. Do you mix around with the people of Guthrie pretty generally here, that is since your residence here?

A. not so very much. Most of my news sources are among the State offices.

Q. Do you visit the Chamber of Commerce and get information

there?

A. No, I don't visit any local sources at all, except possibly the district or superior court once in a while.

Q. From your information as to the sentiment of the people of Guthrie and your association with the people, what do you know of their purposes and intention to take legal steps at all times to protest or object to any proceedings having for their purpose the location, relocation or removal of the capital prior to the time fixed in the enabling act.

A. I do not, except judging from the history of the past. They usually fight every proposition that comes up that looks like it might be an attack on the state capital. They seem to be ready to fight every proposition of that kind, and defend the

Q. The fort,

A. Yes sir.

Q. Mr. Hall, what is meant in newspaper phraseology by the term "holding up" a matter, that is referring to what Mr. Meyer said that he was holding this up for further names.

A. Well in the sense that he used it if he had a legitimate excuse for holding it up, I would consider it all right from a newspaper standpoint.

Q. What do you mean by the term that it was not given publicity - that it was not completed.

A. I inferred ~~from~~ at the time that it was not completed sufficiently to give it out. That was what he told me. I did not know when the petitions were filed.

Q. Did you make any examination of any record which he called your attention to in regard or in relation to the matter.

A. I don't remember. I saw some papers. I saw the petitions.

Q. You saw the petitions.

A. Yes sir, and my impression is that they were filed five

or six days before that. I did not however, pay much attention to it at the time. The impression I have now is that the fact is, I am quite certain that they had been filed at lease six days before that, but I do not know.

Q. Do you now recall what publications were made in the Oklahoma City papers, if anything, with reference to Guthrie having slept on her rights.

A. The Oklahoman partly said that Guthrie petitioners had slept on their rights and allowed five days to expire without taking action - without filing objections.

Q. Was that the first notice you saw of the matter, in the Oklahoma City papers?

A. I do not remember whether that was the day that they had the news or whether or not it was sometime subsequent to that.

Q. I believe you stated you had seen no notice of this in any publication prior to the time you had this talk with Mr. Meyer.

A. No, I had not seen it. It seems possibly later on I saw something in the Times-Democrat that appeared the afternoon before the morning that we got it. The Oklahoman had kept still about it and had not said anything in regard to the petitions and had not given any advance notice that they were going to be filed if I remember correctly.

Q. You may state from your knowledge of the conduct of the affairs of the Oklahoman and its publications and its manner of obtaining information at this place, whether it was its custom to publish the departmental news here daily?

A. Yes sir. Sometimes they would hold stories over like other papers.

Q. Do you know whether they had at that time a staff correspondent in the city of Guthrie.

- A. Yes sir:
- Q. Who daily published the news in regard to state offices,
- A. Yes, some of the news. Sometimes though they would hold stories over for a day or two before they published it.

CROSS EXAMINATION BY MR LEDBETTER

- Q. Did I understand you to say Mr. Hall that the Oklahoman had not published anything concerning the intention to file this petition.
- A. No, I did not mean to say that.
- Q. As a matter of fact it did publish from time to time that this petition would be filed and that it was being circulated.
- A. Yes sir. I meant that they didn't advise the day when it would be filed.
- Q. You mean before time?
- A. Yes, which is usually the custom. They usually give some advance notice of it - immediately before it is filed.
- Q. You say that you happened to think one day about the contemplated filing of these petitions and asked Mr. Meyer if they had been filed.
- A. Yes.
- Q. He promptly told you that it had been filed.
- A. Yes sir.
- Q. He told you he was expecting some additional names to be filed on one of the petitions.
- A. Yes - that morning.
- Q. Did he say that he had withheld from the public the information that the petitions had been filed some days before that?
- A. No sir, he did not say anything about it at the time, except that he was waiting for additional names and that he would let us know in the afternoon.

Q. Did you make any effort to see how long the petitions had been filed.

A. Well, I looked at the record, but I do not remember the exact time that they had been filed before.

Q. You looked at the record.

A. Well, I looked at the petitions, not the petitions but the record of the filing.

Q. His record book.

A. Yes sir.

Q. You looked at the book in which he kept all of the initiative and referendum petitions filed.

A. Yes sir.

Q. That was on the same afternoon that you had inquired of him.

A. I think I looked at that the next day, I am not sure though.

Q. He showed you the record.

A. Oh yes.

Q. That record showed that the petition had been filed on the 21st day of July didn't it?

A. I don't remember.

Q. Where was the record.

A. Well I think it was in that record there (Indicating)

Q. Were you familiar with the place where that record had been kept before that time.

A. No, I had not been in the habit of going to the records here.

Q. You had not been.

A. No sir.

Q. He didn't withhold any information from you at all.

A. No sir, and for that reason I never went to the records.

Q. And he promptly gave you the information.

A. Yes sir.

Q. And when you asked him to show you the record, he showed you the record.

A. Yes sir.

REDIRECT EXAMINATION BY JUDGE BURFORD.

Q. But you understood from the information that he gave you that you did not have permission to publish it until he turned it loose.

A. Yes, I understood that.

Q. You say that prior to that time on asking for news that he had generally given you out everything of a public character?

A. Yes - he is one of the best men around the state house.

Q. He never has required you to go to the records to find out the sources of this information.

A. No, no.

Q. You say it was in the small room off from this room

A. That's where I looked at it, I am not sure where he got it.

Q. Now that 's the room kept by Mr. Meyer as his private office is it not.

A. Yes.

Q. The large room adjoining that is where the clerical force works mostly.

A. Yes sir.

Q. That's where the business of the public is generally transacted.

A. In there, yes sir - now that publication of mine will show the date on which I published it and that was the day ~~before~~ after I got it.

Q. You got it the day before it appeared in the Kansas City Journal?

A. Yes sir.

Q. When was that.

A. I did not make any record at that time to fix it in my mind, not knowing that I would be called here.

Q. That's a good proposition of law

(Laughter)

A. I will say that my impression was at that time that it

M. G. Goodwin, a witness for the objectors, first being duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION BY JUDGE BURFORD.

Q. State your name?

A. M. L. Goodwin.

Q. Where do you reside.

A. Guthrie.

Q. How long have you lived in Guthrie.

A. For about three years.

Q. What is Your business.

A. Correspondent for the Dallas news.

Q. How long have you been in the nexspaper business.

A. About twentyone years.

Q. Does the Dallas news maintain an office in the City of Guthrie.

A. Yes sir.

Q. You are the manager of that office.

A. Yes sir.

Q. You do the gathering of news and the transmitting of it for publication.

A. A portion of it, yes sir.

Q. You may state what your custom or habit has been in visiting the various state offices for departmental news and matters of public importance.

A. Usually, twice a day I make the rounds visiting places, in the morning between 10.00 and 12.00 oclock and in the afternoon after 4.00 o'clock.

Q. W/ere you in the City of Guthrie last July?

A. Yes sir.

Q. You may state whether or not you visited the Secretary of State's office daily for information.

A. Yes sir.

Q. How do you get your information for publication at the Secretary of State's office, by examining records or

by inquiries.

A. By inquiry, only except as to the charters, and commissions. We know where they are kept and we usually get that ourselves.

Q. What was the custom of the office as to answering your inquiries for matters of information.

A. Always very free.

Q. Well, you may state whether they furnished it or denied it to you.

A. Always gave it to us very freely.

Q. State from your information as to whether they generally gave you all matters of public importance.

A. Well, if anything was omitted, it was usually an oversight and when perhaps I called and asked my questions they might overlook it, but as a general proposition they always gave me what I asked for.

Q. As a newspaper man of long experience, how would you regard it as a matter of news, the filing of petitions on the matter of locating, relocating or removal of the capital.

A. Great importance to the state.

Q. How would you have considered the omission to give information of the fact that such petitions were on file to your inquiries about matters of public news.

A. Well, if it was purposely withheld, I would be kind of sore about it.

(Laughter)

Q. Would you regard that of such importance that it would not ordinarily be omitted as a matter of importance.

A. Yes sir.

Q. Think you ought to have it?

A. Yes sir.

Q. What was the first information you received from any source as to the filing of these petitions.

A. I think it was on the afternoon of the day the matter became public. I came in and applied the usual question

to Mr. Meyer if there was anything doing and he then told me about these petitions having been filed and as I recall it he said his memory had been jogged by Hall, either that morning or that afternoon. I do not remember the date, but I do say as I recall it that I asked him when the petitions had been filed and he said five or six days ago, but it was on the same date that Hall got his information.

Q. Whom did you first obtain the information from.

A. Mr. Meyer.

Q. Mr. Meyer himself?

A. Yes.

Q. You had not seen Mr. Hall.

A. No sir.

Q. Did you have any conversation with him then as to why he had not given it out as a matter of news before.

A. I talked with him, but I do not recall the conversation in detail - there was something said about more names and I asked him how long it had been here and as I recall it he said either five or six days and I said they would kick against them and he said, no, the time has passed. That was the matter I was interested in more than anything else.

Q. What was your information in view of your association with the people of Guthrie as to whether or not they would kick if they had a chance.

A. My information is that they were preparing and watching for the petitions to be filed, for the purpose of protest. In fact I had talked with Mr. Solberg and probably Judge Dale and that was the information - that they proposed to object.

Q. Had you information prior to that time that these petitions were being circulated.

A. Yes sir.

Q. Had you made some news items of that character to your paper.

A. Yes sir.

Q. Had you seen any publications of the information that these

petitions were filed prior to the time that you speak of, that Mr. Meyer called your attention to it?

A. No sir, but that he told me that it had been published in a Muskogee paper, the Times-Democrat and that's one of the papers that I usually read very carefully, but I failed to see it. It could have been in there however, and I not found it.

Q. What is your relation with the other news staff correspondents - newspaper men, -

A. Very friendly.

Q. As to exchange of matters of that character.

A. Usually very cordial.

Q. If they had have possessed this information prior to that time for publication, according to your usual custom, would you have had the privilege of using it.

A. Well, they might not have repeated it. It might have been given to them as a matter of confidence which they would not have violated.

Q. I believe you have a kind of code of honor amongst yourselves that anyone that gives you information and asks you not to publish it that you don't.

A. Yes sir.

Q. You correspondents follow that.

A. Yes sir.

Q. Especially to officials.

A. Yes sir.

Question by Mr. Cross.

Q. What time a day was it that Mr. Meyer told you about the filing of the petitions.

A. I think it was around between three and five o'clock in the afternoon.

P.T. Moore, a witness for the Objectors, first being duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION BY

JUDGE BURFORD.

Q. State your name.

A. P.T. Moore.

Q. Where do you live?

A. Guthrie.

Q. How long have you lived in Guthrie.

A. About two years.

Q. What business.

A. Newspaper man.

Q. What papers do you represent?

A. The Oklahoman among others.

Q. What do you mean by the Oklahoman.

A. The Daily Oklahoman of Oklahoma City.

Q. That's a daily newspaper published at Oklahoma City.

A. Yes sir.

Q. State whether or not that paper circulates extensively throughout the State of Oklahoma.

A. They have about four times the circulation of any other newspaper in the state.

(Laughter)

Q. Does it circulate generally and extensively in the City of Guthrie.

A. Yes sir, they have a good circulation in the City of Guthrie.

Q. Have a good circulation here.

A. Yes sir, but I don't know that it is larger than the combined circulation of the other papers here.

Q. (Laughter)

Q. What do your duties consist of as a newspaper reporter in the city of Guthrie for the Oklahoman.

A. To gather all the ^{news} ~~next~~ of interest to the state generally and of interest to Guthrie.

Q. Prior to the filing of the initiative petitions in controversy in this case, were you aware of the fact that such petitions were being circulated for signatures in the State of Oklahoma.

A. I have heard so.

Q. Did you know of the fact that such petitions were to be filed at the time they were filed?

A. No sir.

Q. When was the first information received by you as to the filing of these petitions.

A. Well, it was on the day preceding the general publication throughout the state that these petitions had been filed.

Q. Up to the date of the publication of that information, you visited the Secretary of State's office for the purpose of obtaining news for the purpose of publication.

A. I did, practically every day.

Q. What was your means of obtaining information which you desired for publication, search of records, or by inquiry?

A. Why we took the charters direct from the documents themselves and sometimes from inquiries, but we searched no records.

Q. Referring to your own individual custom, what was your custom or habits as to making inquiries at the Secretary's office for matters of public importance and for publication?

A. It might be a week before I would ever make an inquiry. I would come and look at the charters and get the charters and go on out and if there was anything I wanted to ask, I would ask.

Q. Have you since learned who filed the petitions with the Secretary of State.

A. No sir, I do not know.

Q. Was you acquainted with the party.

A. I have forgotten his name.

Q. Newburn - You don't know Mr. Newburn.

A. No sir.

Q. Did you make any inquiry at the office of Secretary of State for information as to the filing of these petitions prior to the time this information was generally published that you have spoken about.

A. Well on that question judge, I am not certain. I may possibly have in the months that these petitions were being generally circulated, I may have asked something about it, but whether during the interval that they were filed and between that time and the time of the general publication of the fact, I do not know, but I would think honestly that I did not.

Q. That is the week or two preceding the time that the information was published generally.

A. Yes sir - I know it was not in my mind.

Q. Is the news that is published in the Oklahoman under Guthrie date line, in reference to matters occurring in the various ~~etc~~ departments of state, sent to that paper by you for publication as a rule.

A. Not always, but as a rule it is.

Q. Was it about that time in July.

A. Yes sir.

Q. And you say you had no information as to these petitions being on file, as to the date of the filing, and the day this general publication went out?

A. No sir.

C.M.Sarchet, a witness for the objectors, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION BY JUDGE BURFORD.

Q. State your name.

A-C.M.Sarchet. S-A-R-C-H-E-T.

Q. Where do you reside.

A. Guthrie.

Q. How long have you lived in Guthrie?

A. Ten years.

Q. What is your business.

A. Newspaper correspondent.

Q. How long have you been in the newspaper business and a correspondent.

A. 16 years.

Q. What papers do you represent in Guthrie.

A. I represent a syndicate of newspapers outside the state, including the Globe Democrat at St. Louis and others.

Q. Do you maintain an office in the City of Guthrie?

A. Yes sir.

Q. Is that for the purpose of gathering information to be published in the papers you represent.

A. Yes sir.

Q. What has been your custom, or what was it last July, with reference to visiting state offices and obtaining information from the various state departments for publication?

A. I visit the state offices only occasionally. I just handle what we term the biggest stuff and I have arrangements made with other men by which we exchange, which makes it unnecessary for me to visit all of them.

Q. As a newspaper man of a number of years experience, what class of information would you consider the filing of initiative petitions having for their purpose the location,

or relocation or removal of the State capital.

A. I would consider it of telegraphic importance, which is

in newspaper circles considered the best class of news.

Q. How many different persons have you arrangements with for the gathering of news of such character as you use.

A. Three or four other correspondents.

Q. Are they the persons who are engaged as staff correspondents for other papers here.

A. Yes sir.

Q. You may state whether or not you received any information of any character of the filing of these petitions prior to the date it occurred in the Kansas City Journal.

A. None whatever.

Q. Did you give out any telegraphic information as to the filing of these petitions.

A. If I remember correctly, I did.

Q. Do you remember the date.

A. I do not. I just remember of the matter coming up at the time that it did and the fact that they had been filed for sometime before we knew anything about it.

Q. Do you now recall whether or not you were at the Secretary's office during that time between the filing of the petitions and the publication.

A. No sir.

Q. Do you read the newspapers published throughout the state and circulating throughout the state.

A. Practically all of them.

Q. You may state whether or not there was any notice appeared in any of these papers between the date of the filing of these petitions and the date of the article appearing in the State Capital and the Leader here.

A. If I remember correctly, there was nothing of the kind published in the state in the papers I saw. I look over them daily.

Q. Did you hear any general expression of the people of Guthrie immediately after the information was given out that they had been filed as to why the information had not

been given out sooner.

A. I think there was a general discussion of the matter among the citizens generally. I heard quite a good deal of it on the streets in regard to why the matter had not been made public before.

Q. Do you know what the sentiment and feeling of the citizens of Guthrie were as to taking action to prevent any action on the capital question.

A. My understanding is that that is one of the main objects of the Commercial Club organization of the city, to watch that closely, so that they will be ready at any time to take whatever action is necessary.

Q. If this information had been in the possession of news correspondents prior to the time it was published in the Capital and Journal, you would have received information of it from your news gathering force.

A. I think there is no doubt of that

CROSS EXAMINATION BY MR. LEDBETTER.

Q. You say one of the chief purposes of the Guthrie Board of Trade or Commercial Club is to wage a fight on this capital question.

A. I said it was my understanding that one of the main objects was to watch the capital proposition closely and take whatever action was necessary.

Q. You understand that organization desires to keep the capital at Guthrie?

A. Yes sir - that would be my opinion about it. I do not know what other more important object they could be organized for.

Q. That's the general purpose of its existence.

A. One of the general purposes, yes sir.

Earl Croxton, a witness for the Objectors, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says:

EXAMINATION (DIRECT) BY JUDGE BURFORD

Q. State your name.

A. Earl Croxton.

Q. Where do you reside.

A. Guthrie.

Q. How long have you lived in Guthrie?

A. 7 years.

Q. What is your business.

A. Newspaper correspondent.

Q. How long have you been a correspondent for the newspapers.

A. I have been a correspondent for newspapers in newspaper business in Guthrie all but one year of seven.

Q. What paper do you represent, especially in the last year?

A. The Wichita Eagle.

Q. Does the Wichita Eagle maintain an office here.

A. Yes sir.

Q. Are you the manager of that office.

A. Yes sir.

Q. What were your means, or custom as to obtaining information for publication as a matter of news last July?

A. I usually made the rounds of all the state offices where I could usually get news and occasionally met people from various parts of the state and got matters from them and from the exchanges.

Q. You may state during the period between the time of the filing of the petitions in controversy and the time the information was published in the State Capital, Leader and Journal and other papers, whether you visited the Secretary's office each day for news.

A. Yes sir, that's the one office I aim to make each day.

Q. How did you obtain the items, by personal inspection of the records, or by inquiries.

A. Yes sir, the charters are all kept in a bunch and the paroles and other general matters of that nature are usually kept on the desk in the large room in there. We go in there and if we see Mr. Meyers or Mr. Cross we ask them and they have always given us everything in connection with the office. I never have taken anything from the records myself, except the charter stuff.

Q. You may state whether or not it is usual in that office for the Secretary or his assistant to give you the items of interest for publication.

A. Yes sir, either in answer to inquiries or they step in and give it to us. It's the one office where we have everything given voluntarily.

Q. How do you regard that office as a source of information for publication.

A. It is usually news of a routine nature, but it is ~~always~~ matters that we always try to get - probably not as big stories as we get in some other offices, as it is generally routine.

Q. Had you received any information as to the circulating of these petitions prior to the time of filing.

A. I had from the various exchanges, and I noticed in the Oklahoman and other papers that they were circulating them throughout the state.

Q. From the information you had were you anticipating that they were to be filed in the Secretary of State's office.

A. I had anticipated it before they were filed, but up to that time there had been a ~~lull~~ little lull in it. I was not expecting it that day, but I was expecting it sometime.

Q. What efforts were you making aside from the general course of your business to ascertain that they would be filed.

A. I think I asked Judge Medbetter on one or two occasions when they expected to file them and I would also ask when

Chamber of Commerce - otherwise I may have been only waiting for them to be filed.

Q. Did you have any information that the Oklahoma City Chamber of Commerce was interested in the circulation of the petitions and the filing of them?

A. I don't know about the chamber of commerce, but the Business Men as a body. Mr. Ames and Mr. Newburn were in charge of the field work, but as a matter of reading, I knew they were circulating them and the business men were behind it.

Q. What was your relation with the other newspaper correspondents as to exchanging news you had.

A. I had no regular arrangement with anyone, but usually whenever rushed and the offices were scattered, I will trade and they will make some other department and trade, because we cannot make the whole field.

Q. Had you any information from any source as to the filing of these petitions from the date they were filed - at the date they were filed.

A. No sir.

Q. Did you have any information as to them having been filed up to the time that the news was published generally some six or seven days afterward.

A. Yes sir, I had - the day before it was published.

Q. What time a day.

A. I was coming over on the hill - I think it must have been about noon, or a little after 12.00 o'clock, about that, and we came down and about at the Carnegie Library, I was with Mr. Hall of the Journal, and Mr. Meyer stopped us and told us that it had been filed and we were free to use them.

Q. What did you do then--

A. I went to the house and got dinner and put in a call for the News, Oklahoma City news and they published it the evening before the morning it appeared in the Kansas

Q. Was that the evening before the morning it appeared in the Kansas City Journal.

A. Yes.

Q. Do you remember the date of that publication?

A. No sir. I had a call in before I came up. I wanted a copy of the paper. I told them it was about the 27th, I judged, it was 5 or 6 days after they had been filed.

~~Q. I was~~ What time in the day did you get that information from Mr. Meyer.

A. I think it was about 12.00 o'clock. I think Mr. Meyer was going home to dinner. I go all the way from 12.00 to 1.00. It was at the noon hour though.

Q. Are you acquainted with the office hours of the Secretary?

A. I think his office hours are about like a newspaper man's. He goes when he can

Q. I mean opening and closing?

A. No, I don't. I think they close in the evening about 5.00 o'clock and at noon when not rushed at 12.00, but I don't know what the regular hours are.

Robert Solberg, a witness for the objectors, first being duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION BY JUDGE BURFORD.

Q. State your name.

A. Robert Solberg.

Q. Where do you live Mr. Solberg.

A. Guthrie.

Q. How long have you lived in Guthrie?

A. A little over seven years.

Q. What is your business?

A. Banking business.

Q. What bank?

A. Guthrie National.

Q. What is your position.

A. Cashier.

Q. Are you acquainted pretty generally ~~with~~ ⁱⁿ the City of Guthrie.

A. Yes sir:

Q. You may state whether you have any knowledge as to what the purposes and intentions the City of Guthrie were to protest against the resisting of any movement towards the removal of the capital or relocation of the capital prior to the time specified in the enabling act.

A. As soon as it became known that the petitions had been filed the citizens of Guthrie became active in filing a protest and as a member of the Chamber of Commerce, I attended meetings where we made plans to look after the matter and for our attorneys to represent us.

Q. That meeting you speak about was immediately after the information was given out that they had been filed.

A. Yes sir.

Q. It was discussed in the chamber of Commerce that you had prior to the time the petitions were filed, as to taking action

whenever the matter arose.

A. Yes sir, that had been talked that as soon as they were filed, the citizens would take action in the matter.

Q. How soon after these petitions were filed was it until you had any information that they had been filed, do you remember?

A. As near as I recollect, it was after the time limit for filing protests, whatever the time limit is, had expired.

Q. Did you have any information on this subject that they had been filed until the newspapers published the fact.

A. I believe I got the information from some reporter about the time that the Leader came out with it, or some paper came out with it..

Q. You attended the meeting of the Chamber of Commerce immediately after the publishing of the news.

A. Yes sir.

Q. And there you say the action was taken providing for the taking of as complete action as possible opposed to it?

A. Yes sir.

CROSS EXAMINATION BY MR. LEDBETTER.

Q. You are a member of the Guthrie Board of Trade.

A. Yes sir.

Q. And you have employed attorneys to fight the holding of elections on the question as to whether the Capital shall be removed, or relocated?

A. We have employed attorneys to represent the Chamber of Commerce in the matter and the citizens, to take action - if the petitions had - or if the filing of the petitions had been made known when they were filed, to prevent action being taken as to removal of the capital.

Q. To prevent any action on the part of the people to remove it at all.

A. Any illegal action.

Q. Your purpose was to prevent an election on the question as to whether or not the capital should be removed?

A. I cannot say as to the action to be taken. We merely employed attorneys to represent us.

Q. What instructions did you give the attorneys.

A. I personally gave them none. We appointed a committee to do that and as a member of the Chamber of Commerce, we merely appointed the committee.

Mr. Horner interrupting---Not that we care anything about it, but the objections/^{that} have been made are in writing and speak for themselves. From a legal standpoint, the relations between Client and Attorney are not open to examination, but so far as the facts are concerned, our objections are on file, showing what objections have been made.

Q. You say you were not informed that the petitions had been filed until after it was too late to file a protest.

A. My understanding was that when it was made known that the time limit was passed for filing objections.

Q. Had you employed counsel before that time, or did you employ them to make this fight.

A. I could not say, I am second vice President and could only act in the absence of the president and first vice president, and I don't attend all the meetings and I could not say.

Q. Then you really didn't know what kind of a fight was going to be made did you.

A. Not altogether.

C.H. Martindale, a witness for the Objectors, after first having been duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION BY JUDGE BURFORD.

Q. State your name.

A. C.H. Martindale.

Q. Where do you live.

A. 810 E. Cleveland, Guthrie.

Q. How long have you lived in Guthrie.

A. Five years last May.

Q. What is your business.

A. Iron and steel business.

Q. What is your relation to the business organization of the City of Guthrie?

A. ~~Former~~ President of the Chamber of Commerce.

Q. Were you president last July.

A. Yes sir.

Q. About how many members has that organization of the business men of Guthrie?

A. About one hundred and seventy-five or one hundred and eighty, somewhere along there.

Q. State whether that represents the business interests in the city generally.

A. It represents the general business interests of the city.

Q. All classes of business.

A. Yes sir.

Q. You may state what you know of the purposes and intention of the citizens of Guthrie to take such action at any time as is proper to resist any efforts to locate, or relocate or remove the capital prior to the time provided in the enabling act.

A. We are naturally opposed to taking any action to remove it prior to the time specified in the enabling act and will fight any movement along that line prior to that time.

Q. State whether or not it had been talked of in the Chamber of Commerce to resist any such proceedings during that period.

A. It was talked of after Oklahoma City was circulating such a petition, calling an election and we had it up and appointed some special committees, and it was their intention to watch it closely and if anything was filed to protest it.

Q. You may state what information you as President of the Chamber of Commerce had as to the filing of these petitions prior to the general publication of the information in the State Capital, and Leader and other newspapers.

A. Well, I was out of the city at the time. I had left Guthrie I think something along about the 22nd or 23rd of July and was gone for three weeks and I was not here at the time of the filing of the petitions.

Q. The publication of the information in the newspapers was the first you knew of it.

A. Yes sir.

CROSS EXAMINATION BY MR LEDBETTER.

Q. You were giving this matter special attention were you not?

A. Prior to the time of this filing?

Q. Yes sir?

A. We simply had a committee to look after it

Q. But as President of the Chamber of Commerce, you had this matter especially in charge did you not?

A. No, not specially.

Q. It was a matter of great moment to the people of the City of Guthrie.

A. Yes sir.

Q. Naturally it was--

A. Yes sir.

Q. Was it not an important matter that your Chamber of Commerce had in charge, the watching of any petition that might be filed having for its object the locating, relocating or removal of the capital.

A. Certainly, it was a matter of great importance.

Q. Matter of great importance?

A. Yes sir.

Q. You were looking for it.

A. Yes sir, not especially.

Q. You had a number of special committees

A. Yes sir.

Q. Now then, you are ex officio chairman of all these committees?

A. Yes sir.

Q. And you were ex officio chairman of this committee were you not.

A. Well, I think this committee had been permanently organized and they had a regular chairman appointed, but I would have been in the absence of the regular chairman.

Q. You would have been?

A. Yes sir.

Q. The watching of this petition was a matter you had in mind and was going to give attention.

A. If it was filed and I ~~had~~ was at home, I would have given it attention immediately.

Q. You left the 21st.

A. I did not say the 21st - somewhere along the 21st to 23rd.

Q. You left a day or two after it was filed.

A. After it was reported.

Q. While you were absent, your committee did not look after the matter.

A. I think they did.

Q. They did not find out about it having been filed until

A. I do not think anybody did. The newspaper men didn't know it.

Q. Your committee didn't find it out.

A. Our committee was not going to the Secretary's office.

Q. Why didn't they.

A. Naturally the newspaper men would find it out.

Q. You trusted to newspaper reporters on this important--(interrupted by answer.

A. Of course our people were around and we naturally(Interrupted with question)

Q. Did you instruct your committee to apply from day to day ~~xx~~ to the Secretary of State's office to find out whether or not these petitions had been filed.

A. No sir, I didn't.

Q. Is it your information that your committee didn't ask?

A. I have no information on that subject.

Q. You did not ask whether they did or not?

A. No sir.

Q. You as chairman of this particular important committee left town about the 22nd.

A. About that date.

Q. And while you were absent, your committee did not make any inquiry, as to whether or not these petitions had been filed.

A. I do not know.

Q. Did they ever report to you that they had.

A. The members of the Chamber~~x~~ of Commerce Report?

Q. The members of the committee report that they had made any inquiries?

A. I don't know.

Q. You don't know whether or not they made any inquiries?

A. I do not know, no sir.

Q. How long were you absent Mr. Dartindale.

A. I must have been gone three or four weeks. Something

Q. Who composed that special committee to look after this capital question.

A. I do not know, you could call on the Secretary and get that.

Q. Don't you remember the members of this important committee you appointed yourself.

A. I know some of the members, but I don't remember who composed it.

Q. Who were the members.

A. There were about 20 or 25 of them.

Q. You appointed a committee of 25, especially charged to watch the progress of these petitions to bring on a vote on the capital question.

A. Especially charged to watch this one proposition?

Q. To watch that proposition.

A. Yes sir.

Q. In all its phases and developments?

A. Yes sir.

Q. And your information is that no member of the committee applied to the office of the Secretary of state to find out whether or not such a petition had been filed.

A. As I explained before, I do not know.

Q. Your information is a blank on that subject?

A. I have not made inquiries as to whether they did or not. They never told me - I don't know whether they inquired or not.

A.O. Farquharson, a witness for the objectors, being duly sworn to testify to the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION BY JUDGE BURFORD.

Q. State your name.

A. A.O. Farquharson.

Q. Where do you reside.

A. Guthrie.

Q. How long have you lived in Guthrie?

A. About 20 years.

Q. What is your business.

A. Clothing business.

Q. What official position do you occupy.

A. Mayor of the City.

Q. How long have you been mayor.

A. I have been I think since the 3rd of last May.

Q. Are you acquainted generally with the people of the City of Guthrie.

A. Yes sir, I think I am.

Q. Are you acquainted with the general sentiment, purposes and intention of the people of Guthrie with reference to their intention regarding any efforts to remove or relocate the capital prior to the time required in the Enabling Act?

A. Yes sir.

Q. What was that purpose and intention.

A. To try and carry out the provisions of the Enabling Act as near as we could - to prevent any movement of the capital until the enabling act said it should be moved, 1913 I believe.

Q. Were you here in the city during the month of July, 1909

A. I think I ~~was~~ so. I think I was here after the 17th. I was gone from about the 5th to the 17th.

Q. You were here during the time from the 20th to the

A. Yes sir.

Q. Did you have any information as Mayor of the City from any source as to the filing of initiative petitions to remove, locate or relocate the capital, until the information was generally published in the Leader, and Capital and Kansas City Journal and other papers.

A. Well we had rumors that there were petitions being circulated and we rather expected that they would be filed, but we had no knowledge of them being filed until it was reported through the papers.

Q. You may state whether or not you are a member of the Chamber of Commerce and Retailers' Association.

A. Yes sir, a member of both of them.

Q. State whether or not this subject had been talked of in these associations.

A. I think so - I think they were talked of. I don't know of any particular action taken. They were talked of and it was understood that we would look after their interests when the time came.

Q. You say it was the purpose of the people to resist any movement having for its purpose the removal or relocation of the capital prior to the time mentioned in the Enabling Act.

A. Yes sir.

CROSS EXAMINATION BY MR. BERDEBETTER.

Q. Were you on this special committee appointed to look after this capital question.

A. I am not quite certain whether I was or not. I could not answer that - I am on several committees, but I could not be certain about that.

Mr. Horner---We have to have a little oral evidence that we cannot get here today. It will only take a very few minutes to finish that phase of it. We want to put in a little record of it here and we would like to have the opportunity to put that in--

Mr. Ledbetter--- What is that -- What is it you want. I might admit it?

Mr. Horner - it has come up since we have been here. We can go ahead and practically finish up and get the part we desire within the next three or four days.

Mr. Ledbetter--I would be very much opposed to that. I would rather come back after supper and take it. We want to make this statement that the petitioners, while not conceding that the Secretary of State at this time has any jurisdiction to inquire into this matter at all, are willing and now invite opposing counsel to offer any testimony they may have, tending in any way to impeach the regularity or sufficiency of ~~their~~ either of the two initiative petitions now under consideration, and we are here, ready to continue this hearing from day to day, hour to hour until the objectors are afforded full and complete opportunity to investigate every phase of these petitions.

Mr. Horner--This morning I suggested that we were losing time and that you would want to get away and you suggested that you were here and had this month to spare if necessary, and of course, while I did not take that literally, I understood that probably it was not a matter of very extreme urgency to you personally, and for that reason, at the noon hour, we did not make any special effort to phone or see Judge Dale. We figured we could finish this out this afternoon and perhaps if we should offer any more evidence, it wouldn't require more than an hour, but we would consult your pleasure on that - when it suited you best, if you are going to be here anyhow.

Mr. Ledbetter. No, I am not going to be here anyhow in this matter.

Mr. Horner---Well Judge Dale, we cannot get him now and - well, lets put in this other evidence anyhow and then determine about that

Mr. Ledbetter---before we get off this point, I want to ask if you ~~am~~ have any other oral testimony, only Judge Dale,

(No Answer)

Mr. Burford---Have You the original papers in this case -
(Speaking to Mr. Cross)

Mr. Cross here produces papers)

Mr. Horner-(after looking at papers.) We are looking for
the ones we filed. They don't seem to be here. Oh, yes,
here it is. Let's put in this.

Objectors offer evidence. House Joint Resolution of the
legislature of the State of Oklahoma for the year 1908,
being house joint resolution No. 11 and we would like to
have that made a part of the record.

"H. J. R. NO. 11

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE
STATE OF OKLAHOMA.

Be It Resolved by the Legislature of the State of Okla-
homa.

That the following amendment to the constitution
of the state of Oklahoma be and the same is here-
by proposed and shall be submitted to a vote of the
people under Articles Five and Twenty-four of the
Constitution of the State of Oklahoma, and an Act
entitled, "An Act to provide for carrying into effect
the initiative and referendum powers reserved by the peo-
ple in Articles Five and Eighteen of the Constitution
of the State of Oklahoma, to regulate elections there-
under and to punish violations of this Act," approved
April sixteenth, nineteen hundred eight. Article
Twenty-one of the Constitution of the State of Okla-
homa shall be and the same is hereby amended by addi-
ng thereto the following:

Section 2. The permanent capital shall be at such
place within the State as the people may at any time
select by a majority of the votes cast on the question
at any election wherein the question is submitted, either
by petition of the people under the initiative, or by act

of the Legislature, and until said permanent location is made, the temporary location shall be such as may be provided by law.

Approved May 27, 1908."

Mr. Horner to Mr. Cross--Now you will have to call Mr. Meyer, I expect.

Leo Meyer, Witness for the objectors, first being duly sworn to tell the truth, the whole truth and nothing but the truth, deposes and says:

DIRECT EXAMINATION BY

JUDGE BURFORD.

Q. Mr. Meyer, What is your official duty.

A. Asst. Secretary of State.

Q. Asst. Secretary of State for Oklahoma.

A. Yes sir.

Q. Have you got in the office of the Secretary here a record of the vote of the people of Oklahoma at the General Election of November 3rd, 1908.

A. Yes sir.

Q. You have all of that.

A. Yes sir.

Q. Now included in that is the vote of the people on the initiative proposition, proposed by Joint House Resolution Number 11.

A. Yes sir.

Q. In regard to permanently locating the state capital under that proposition.

A. Yes sir.

Q. Well, we will offer in evidence the record of the vote on that proposition. We do not care to produce it here but consider it in.

"State Question No. 4	New Jerusalem
Yes 117,441	Majority for yes 41,649"
No 75,792	

Mr. Horner---We will offer in evidence the vote case for state officers at the election in 1908. Parts of it probably we do not care anything about.

Mr. Meyer--The law provides for the highest vote case for any state officer. Watson carried the biggest vote.

Mr. Horton--that was in 1907--

Mr. Meyer--No, 1908, he ran against--He carried the highest

vote cast for any state officer.

(Highest vote cast for the head of the
State Ticket at last state election.1908)

Total	Democrats	121,290
	Republicans	108,702
	Socialists	<u>21,128</u>
Grand Total		251,120
Plurality for Democrats		12,588"

(Judge Burford proceeding with examination of witness)

Q. During the month of July, 1909, you were occupying the position of Asst. Secretary of State.

A. I was.

Q. Where was Mr. Cross, at that time Secretary.

A. He was sick in bed.

Q. He was not able to do any business.

A. No sir.

Q. Didnt

A. Didn't.

Q. He was not at the office at all.

A. No sir.

Q. How long was Mr. Cross out of the office. Do you remember when he was able to return to the office?

A. He took sick on the 7th day of July, sick in bed on the 7th day of July and I think he stayed in bed just sixteen weeks to a day. Sixteen weeks in bed and about three weeks before he came out. That was July, August, September, October. I believe he came out about the middle of October.

Q. Now about the figures in this record--

Mr. Pedbetter---Let him put them in.

Q. What are the office hours Mr. Meyer.

A. Our regulation office hours, we have none. We are supposed to be here at eight o'clock, but we are not supposed to leave before we do our work. Sometimes we come back at night. If we are not through we come back at night.

Q. What hours do you keep the office open to the public.

A. Well from eight to twelve and from one to five.

Mr. Burford. I believe that's all Mr. Meyer. I want to ask Mr. Cross a few questions.

Mr. Ledbetter--suppose you let me cross examine him.

DIRECT EXAMINATION OF MR MEYER

BY MR. LEDBETTER.

Mr. Meyer, were you in charge of the office on the 21st day of July last, when the two initiative petitions were filed, touching the removal of the capital.

A. I was.

Q. Do you remember what time a day those petitions were brought to the office.

Mr. Horner---The Court please, the objectors object for the reason that it is not the proper cross examination.

Mr. Ledbetter--I am making him my witness.

Mr. Horner--Let the record show that then

Mr. Ledbetter(continuing question

Q. whether in the ~~morning~~ afternoon or the morning.

A. I think they were brought here just about noon, if I am not badly mistaken - I think it was about noon.

Q. Had you been acquainted with Mr. Newman, the man who filed these petitions.

A. Never saw him before.

Q. Were those petitions regularly presented to you on that day and filed.

A. They were.

Q. In what part of the office were they deposited first.

A. Right in here, in this room.

Q. Was the Governor present when they were offered to you for filing?

A. He was.

Q. When you say in here, you mean the room that this hearing is now taking place in.

A. Yes sir, right in here. We attend to the initiative and referendum work in this room.

Q. In this room, and all other petitions that have been filed.

A. As to all other initiative and referendum petitions since we have had this office.

Q. Were the affidavits and signatures attached from the petitions in this room.

A. ~~xxx~~ Detached you mean.

Q. Detached, yes sir.

A. Yes sir, they were

Q. Do you remember whether the actual work of detaching the signatures and affidavits started at once or later in the afternoon.

A. I think we waited on the Governor a little while. He said he was busy and as soon as he appeared, we got busy and went to work.

Q. Do you remember whether there were any number of persons present when that was going on.

A. Yes sir, there were quite a ~~number~~ number.

Q. Were those proceedings open to the public just like similar proceedings as to other petitions.

A. They certainly were.

Q. After the affidavits and signatures were all detached, was any official receipt delivered to the person representing the petitioners.

A. There was.

Q. Have you a duplicate of that.

A. I think I have.

Q. We offer these two certificates dated July 21st, 1909.

Mr. Ledbetter---Objected to as incompetent, irrelevant and immaterial.

(Copies of receipts here inserted in the record)

"Guthrie, Oklahoma.

July 21, 1909

Received of A.B.Newbern, a legal resident and voter of Oklahoma City, Oklahoma, a petition containing 39,764 names, same being an Act initiated for the purpose of amending the Constitution of the State of Oklahoma by adding to Article 21, the following which shall be known as Section 2, of Article 21, of the Constitution of this State.

"The capital of this state may be permanently located at such place as may be selected by the qualified electors of the State under the provisions of an Act, initiated and adopted in the year 1909, or as may be thereafter provided by law."

Said initiative petition was offered for filing and in the presence of the Governor and the person offering the same for filing the sheets containing the signatures and affidavits were detached and then attached to one or more copies of the measure so proposed; said petition has been duly filed as State Question No. 14, Initiative Petition No. 6,

un

(Seal)

IN WITNESS WHEREOF, I have here-
unto affixed my name and caused
the Great Seal of the State of
Oklahoma to be affixed thereto.
Done at the City of Guthrie, State
of Oklahoma, on the twenty-first
day of July, Nineteen Hundred and
Nine.

(Signed) Bill Cross

Secretary of State.

By

(Signed) Leo Meyer

Asst. Secretary.

Guthrie, Oklahoma.

July 21, 1909.

Received of A.B.Newbern, a legal resident and voter of Oklahoma City, Oklahoma, a petition containing 27, 944 names, same being an Act providing for the permanent location of the Capital of the State of Oklahoma, creating a board of capital commissioners and defining its powers and duties and making an appropriation.

Said initiative petition was offered for filing and in the presence of the Governor and the person offering the same for filing, the sheets containing the signatures and the affidavits were detached and then attached to one or more copies of the measure so proposed; said petition has been duly filed as State Question No. 15, Initiative Petition No. 7.

(Seal)

IN WITNESS WHEREOF, I have hereunto affixed my name and caused to be affixed the Great Seal of the State of Oklahoma. Done at the City of Guthrie this twenty-first day of July, Nineteen Hundred and Nine.

(Signed) Bill Cross

Secretary of State

By
(Signed) Leo Meyer
Assistant Secretary

Q. Were these certificates delivered to Mr. Newbern on the afternoon of July 21st?

A. Yes sir, they were.

Q. What was done with the petitions.

A. The signatures were bundled up and a copy of the bill attached and put in the vault and the torn part of the bill was given back to Mr. Newbern as provided by law.

Q. Was any entry made in any public record in the office of Secretary of State, showing the filing of these petitions?

A. There was.

Q. What record was that.

A. In the Initiative and Referendum book, which I have for that purpose.

Q. What documents are recorded in that book.

A. Only those in the way of petitions on initiative and Referendum matters.

Q. Have you the possession of that book now.

A. Yes sir.

(Handing book over)

Q. What is the page.

A. Pages 21-23.

Mr. Horner--We offer in evidence the contents of pages 21,22 and 23 of the record kept in the office of the Secretary of State for initiative petitions.

"21

Filed July 21, 1909 39764 names.

#14
(State Question-Initiative Petition No. 6.

A B I L L E N T I T L E D

A N A C T

PROPOSING BY AMENDMENT TO THE CONSTITUTION OF THE STATE OF
OKLAHOMA, BY ADDING TO ARTICLE XXI OF THE CON-
STITUTION A PROVISION AUTHORIZING THE LOCA-
TION OF THE STATE CAPITAL BY LAW.

Be It Enacted and Ordained By the People of the State of Oklahoma:

SECTION 1. That the Constitution of the State of Oklahoma be and the same is hereby amended by adding to Article XXI, the following, which shall be known as Section 2 of Article XXI of the Constitution of this State.

SECTION 2. The Capital of this State may be permanently located at such place as may be selected by the qualified electors of the State under the provisions of an Act, initiated and adopted in the year of 1909, or as may be thereafter provided by law.

(PAGE 22 IS BLANK) 22

Filed July 21, 1909 27944 Names. 23

#15
(State Question-Initiative Petition No. 7.

A B I L L E N T I T L E D

AN ACT

PROVIDING FOR THE PERMANENT LOCATION OF THE CAPITAL OF THE STATE OF OKLAHOMA, CREATING A BOARD OF CAPITOL COMMISSIONERS AND DEFINING ITS POWERS AND DUTIES, AND MAKING AN APPROPRIATION."

(EXAMINATION HERE PROCEEDS)

- Q. Were these entries made in that book on July 21st.
- A. They were.
- Q. Where is that book usually kept? Where has it been kept since you began keeping it in this office.
- A. Top of my desk all the time.
- Q. In a public place
- A. Yes sir, public place.
- Q. Was it kept on top of your desk in that public place continuously from July 21st until, how long?
- A. Every day since.

Q. Mr. Meyer, did any newspaper correspondent ask about the filing of those petitions on that day.

A. No sir.

Q. Did any newspaper correspondent ask you about the filing of these petitions on the next day.

A. They did not.

Q. Or the next day?

A. No sir.

Q. How long before any newspaper correspondent did ask you about the filing of these petitions or whether they had been filed or not.

A. About six days- I think it was on the 7th day after the filing, including the day of filing. It was on the 27th day of July.

Q. Who was the first newspaper correspondent who asked you about the filing.

A. Mr. Hall, Mr. O.D.Hall.

Q. You remember the conversation between you and Mr. Hall, the first conversation you had on the subject?

A. I believe that I remember - the question that was asked was to the effect that Mr. Hall said it was about time that the Oklahoma City people were filing their petitions--

Q. What did you say to him in reply?

A. I said told him that the petitions had been filed several days ago, to which he replied, is that so, and I then showed him this book - initiative and referendum book - and he examined it and looked up the petitions, examined them and then he asked me several little questions all immaterial ones not directly pertaining to the petitions and asked me if they were going to file any more. I told him I did not know, but the petitioner in filing, after receiving his receipt told me they had a good many of these petitions that they would like to file them later on, the balance of them, and I would know later on that evening whether there was going to be any more filed.

Q. Were there any more filed.

A. There were none.

Q. Did you withhold any information concerning the filing of these petitions from the public.

A. I did not.

Q. In the meantime did you talk to any other people in Guthrie about the petitions being filed?

A. There was nothing said to me or by me. The question never came up.

Q. Did any of the petitioners request you to keep the fact of the filing of these petitions secret.

A. They did not.

Q. Did any attorney or representative of the petitioners ask you to keep the fact that they had been filed a secret.

A. They did not.

Q. Was there any agreement or understanding between ~~in~~ yourself and anyone connected with this petition or anyone connected with the Oklahoma City Chamber of Commerce, that the filing of these petitions should be kept a secret.

A. There was not.

Q. If any newspaper representative or other person had asked you in the meantime about the filing of these petitions, would you have given them the information.

A. I certainly would.

Q. Were these records open to the inspection of newspaper correspondents, representatives of the Board of Trade and the public Generally from and after the 21st day of July.

A. Yes sir, this and every other record filed in this office are open to the public at all times.

Q. The first newspaper correspondent who asked you about the matter was given the information that they had been filed some time before.

A. Yes sir.

Mr. Ledbetter--I believe that's all

(CROSS EXAMINATION BY OBJECTORS)

Q. You did not disclose to anyone from the time these petitions were filed with you on the 21st day of July until Mr. Hall asked you about it about a week afterwards, that they had been filed?

A. I believe I had a conversation with one newspaper man, who runs a paper in Chandler, Lincoln County about three days afterwards. he was the first man who spoke to me about the petition being filed. But he didn't examine anything and did not know the petition had been filed several days ago.

Q. Who was that, George Smith?

A. Yes sir, Geo. Smith I believe it was.

Q. Are you sure you told Smith.

A. Yes sir, I think it was him. I don't know that I told George Smith before Hall, but I think I did. It was in a Chandler paper before any other paper in the state.

Q. George Smith was at that time manager of the Democratic Press Bureau.

A. Yes sir - but now I am not positive about that statement whether I told him first, or whether someone gave him the information, but it seems to me he was the first one to get the information.

Q. You didn't disclose it to any of the newspaper boys in Guthrie who were in the habit of coming into your office daily.

A. No sir, I didn't.

Q. It had been your custom to give them information of a public character.

A. Well, as a general thing, if they inquired I did. They come in here and have free access to this department and they invariably go ahead and help themselves to whatever there is here.

Q. Well, you had been in the habit of telling them when they asked if there was anything out of the ordinary or unusual?

A. Yes, when they asked me.

Q. Didn't you know that these petitions regarding the removing of the capital was something the public was generally concerned in.

A. Yes sir, I knew that.

Q. And when they asked for news from the office, why didn't you disclose the fact that these petitions had been filed.

A. I am not sure that anybody asked me about that time. I am pretty sure nothing was said to me about anything particular being filed there at the time. Frequently they come here and don't ask me anything for a week.

Q. How many employes were working here at the time.

A. The same force that's here now - five.

Q. Did any of them know ~~these~~ this petition had been filed in this office?

A. Yes sir, they assisted in the work of detaching -

Who Who assisted?

A. Keys and Lisman.

Q. Who - Keys and Lisman?

A. Keys and Lisman.

Q. Did they know what they were.

A. Yes sir.

Q. Didn't you tell Judge Dale when he asked you why there was nothing said in your office that they might not have known just exactly what it was.

A. They knew they were detaching a petition.

Q. Didn't you thereafter, after these petitions had been filed - didn't you state that none of the clerks knew what they were.

A. I don't believe I made that statement.

Q. Didn't you tell him none of the clerks knew that the petition was on file was the reason it had not been given out.

A. No sir. I did not. They did nearly all the clerical work on it. They performed all the work on it. They may not have known what the petition contained, but they knew such

a petition was filed here.

Q. Didn't they tell you at that time that they expected to file some more names and didn't intend to perfect the petition until the other names were added.

A. No sir - they didn't make that statement. Mr. Newbern told me that there were considerable more petitions out and if agreeable, he would like to file additional petitions before the five days elapsed and I suggested to him that I believed it would be all right. I had given them two receipts and they insisted on having an official receipt and said in case there is some more, will I accept them, and I said yes, if you file them in five days.

Q. You keep a reception record in your office which is open to the public? and newspaper boys generally?

A. Yes sir

Q. And ~~upon~~ upon that you enter all matters of public importance.

A. No sir, nothing but documents which are filed for recording and for which a fee is paid goes in that reception record

Q. You say this book which you have offered here, which is marked "Secretary of State, Initiative and Referendum record" and contains a record of all the initiative and referendum petitions which have been filed in the office of the Secretary of State.

A. Yes sir.

Q. When did you begin keeping this.

A. Immediately after the election on the five state questions.

Q. You didn't have those in here did you.

A. No sir, I didn't have anything - this is given the ballot titles of the five questions and started after the election.

Q. These simply consist of the printed title or form which you paste in the book.

A. Yes sir.

Q. Then you make a memorandum in the book of when it was filed and who filed it-

A. No, I do not say who filed it. I put down the number of names on the petition and ~~the~~ ~~file~~ date of the filing.

Q. Date of filing?

A. Yes sir.

Q. I find on page three a statement of the number of votes cast on each of the five state questions voted on November 3rd, 1908. You did not make any record in this book until after that time.

A. No sir.

Q. And on page 5 is a bill antititled, "An Act to create a district to be known as a "New Jerusalem District", and providing for the acquiring, location, survey, control and management of the same, and making an appropriation therefor. At the top of that page written in ink is "Filed 12/31/09, 22,891 names. Is that your writing.

A. Yes sir.

Q. On page 7, is state question No. 7, referendum petition No. 5, An Act relating to the time, manner and means of Holding Elections. Before that is written, filed, Dec. 28, 1909, 20,835 names. How does it come that your entry on page five is several days later than your entry on page seven.

A. I can very well explain that. It is customary when parties come here to this office to get the number of their petition for me to give them the next number and immediately on giving them that number I get a sample of that petition and paste it in the book, whether they ever file anything or not and as soon as their petitions are filed, I note it and on some of them you will find nothing at all. For instance on four questions of Campbell Russell, numbers were given to him, but there is no record showing that he ever filed any petition. I keep my record by giving them a record and number in that book, whether they ever file any petitions or not. The samples I put in there immediately

upon giving them a number.

Q. And your file mark is put in--(Interrupted)

A. Put in as they file petitions.

Q. On page nine I notice that the amendment to the constitution of the State of Oklahoma is State Question 8, initiative petition 3, filed January 6th, 1910, 38,543 names.

A. Yes sir - I never got a sample of that until they brought the petition up here the same day. I never had a sample of that at all

Q. And from pages 11 to nineteen, containing copies of titles pasted in, there is no memorandum made by you.

A. No sir I only have the samples of the bill - they were referendums by Campbell Russell. He didn't get the required number of signatures and made no petition or filing.

Q. Is this No. 4, Initiative petition to locate the institution for feeble minded thro one of his.

A. Yes sir.

Q. One to create the Eastern Preparatory school at Claremore, that one of his?

A. Yes sir.

Q. Creating the Industrial school for Girls at Chickasha, that one of his.

A. Yes sir. - and that is a bill by Roddie, Creating a Normal School at Ada, and making an appropriation for the erection of--

Q. Never was filed?

A. No sir- when the time arrived he did not have the required number of names and he did not file any petition.

Q. When did you write this entry on page 21.

A. The day it was filed.

Q. Did you write it there on the 21st day of July.

A. I certainly did.

Q. You keep this book on your desk.

A. Right on my desk in my office.

Q. You never offered this to anybody to inspect.

A. Never needed to hand it to anybody. It is always there, day and night

Q. You keep it more especially for your private information.

A. No sir - it was more of a check on what was going on, regarding initiative and referendum laws.

Q. You did not find any law requiring you to keep that book?

A. No sir.

(Mr. Cross @ at Conclusion of testimony)

You can find it (meaning book in question) there on top of his desk (indicating next room) any time, day or night. I thought you might think he kept it locked up.

(Mr. Meyer) I keep this there with several other books.

Judge Burford) I see that you are taking it down - I do not think the statement of the court should go in.

(Mr. Ledbetter) It certainly should. I think it should.

(Judge Burford) I don't know any rule that permits a court to testify.

Mr. Ledbetter) I don't know, I raised that before Judge Wheaton and he quit the stand and got down and testified.

Mr. Cross) I did that for your information.

Mr. Ledbetter) The statement is all right.

(Mr. Cross). I thought you were under the impression that he kept it locked up.

(Mr. Burford) I think the secretary made this mistake. I think it would be unfair. I have no objection to Mr. Cross making any statement, but I object to a statement of Mr. Cross going into the records.

(Mr. Cross) (To Stenographer) You may scratch it out. I was only trying to make the matter clear.

Mr. Burford) But what I am objecting to is this stenographer taking it all down as a part of the record.

Mr. Ledbetter--I will get that in the record in this way.

Revised
~~CROSS~~ EXAMINATION OF MR. MEYER.

By Mr. Ledbetter.

Q. Where is the office in which this initiative and referendum record is kept.

A. In the secretary of State's office.

Mr. Burford ---I will have to ask you to excuse me, I have to go to Enid.

Q. Is that one of the public offices in connection with the Secretary of State's office.

A. It is.

Q. You transact public business at that place.

A. I certainly do.

Q. Is that office between the large reception room and the vault.

A. It is.

Q. Was this record at all times kept at a public place in the office of the Secretary of State.

A. It was.

Q. And at all times open to the inspection of the public.

A. It was.

CROSS EXAMINATION BY MR. HORNER

Q. That book referred to as a record has never been referred to by the public nor by persons coming to the office to get information has it Mr. Meyer.

A. Yes, in regard to initiative and referendum information. I generally turn the book over to them

Q. You didn't do that in reference these particular petitions now in question.

A. I don't believe the book was asked for or looked at during that period of time. It may have been - I don't know, it is always there. Someone may have looked at it.

Q. The usual practice of the newspaper man has been correctly stated by them has it not - in this that their custom is to come and perhaps look over the charters or applications for charters and then ask the general question if there is anything doing or something to that effect.

Q. That is the general practice. Not perhaps the daily practice. It may be that some newspaper men wont ask me that question in a week, though he might ask me that every day the next week..

Q. You knew that this was a matter of general importance throughout the state Mr. Meyer.

A. Yes sir, I did.

Mr. Horner ---We cannot quite finish this this afternoon. We will have to ask for an opportunity to put in just a little more testimony and I think we can get it tomorrow, or if some other day would suit you better Judge (speaking to Mr. Ledbetter), why it is all right.

Mr. Ledbetter---Along what line Mr. Horner?

Mr. Horner--I would like to talk to Judge Dale before I suggest just what.

Mr. Ledbetter--Well I want to go to Ardmore as soon as I can get there. I have a matter there that I want to attend to. I am likely to be called up from there tomorrow. I am going down there tonight.

Mr. Horner--It might be that we will close it and not care to put in any more. If I do, I will call you up and notify you and not put any more in.

Mr. Ledbetter-I realize this, that I am anxious to get this thing through and you may not be--

Mr. Horner--Yes, this is not a view to delay

Mr. Ledbetter-continueing--And I would not be so discourteous as to exclude this, but what I want to do is to get it done as early as possible.

Mr. Horner--You are going down tonight?

Mr. Ledbetter--I may, I don't know.

State of Oklahoma, |
 |
Executive Department: |

P-R-O-C-L-A-M-A-T-I-O-N.

Whereas the undersigned Governor of the State of Oklahoma has received notice in writing from the Secretary of State that pursuant to the provisions of an Act entitled, "An Act provided for carrying into effect the initiative and referendum powers reserved by the people in Articles five and eighteen of the Constitution of the State of Oklahoma to regulate elections thereunder and to punish violations of this Act", approved April 18th, 1908, that there has been filed in his office Initiative Petition Number Seven, the said petition being in words and figures following, to-wit:

And whereas the said Secretary of State has further notified the undersigned Governor of the State of Oklahoma in writing that he has examined said petitions above set forth, and found the same to be signed by twenty-seven thousand nine hundred ninety-four (27994) legal voters of the State, and in all respects to be sufficient and in all things to comply in manner and form with the requirements of the law, and that a copy hereof was fully transmitted to the Attorney General and the said Attorney General has returned to the undersigned Secretary of State a ballot title for said measure, and whereas no appeal has been taken from the action of the Secretary of State in approving the sufficiency of said petition or in relation thereto.

NOW THEREFORE, I, Charles N. Haskell, Governor of the State of Oklahoma, by virtue of the authority vested in me by the Constitution and laws of the State of Oklahoma, do hereby proclaim and make known that the date of the referendum vote on said measure will be on the ^{eleventh (11)} ~~fourteenth (14th)~~ day of June in the year of our Lord One Thousand Nine Hundred and Ten, and I do hereby further proclaim and call a special election to be held throughout the State of Oklahoma on the said date for the express purpose of such referendum vote.

I do further proclaim and make known that said Act provides for the permanent location of the capital of the State of Oklahoma, creates a Board of Capital Commissioners, defines the powers and duties of said Board, and makes an appropriation of Six Hundred Thousand Dollars (\$600,000.00) for the purpose of carrying out the provisions of said Act, and provides for a special fund to reimburse the State for money so appropriated.

The measure set forth in said initiative petition, shall be submitted to such referendum vote at said election as State Question Number Fifteen (15), initiated by Initiative Petition Number Seven (7).

I do further proclaim and make known that the petitioners are hereby given two weeks from the date of this proclamation to file arguments in support of said measure, and the opponents of said measure are hereby given two weeks thereafter in which to file arguments against the said measure, --- reply arguments to be filed within five days thereafter.

IN TESTIMONY WHEREOF I have hereunto set my hand, and caused the great seal of the State of Oklahoma to be hereto affixed this 28th day of March in the year of our Lord One Thousand Nine Hundred and Ten, and of the Independence of the United States of America, the one hundred and thirty-fourth.



C. Haskell
.....
GOVERNOR.

ATTEST.

G. Cross
.....
SECRETARY OF STATE

"

SECRETARY'S MEMORANDUM

GUTHRIE, STATE OF OKLAHOMA, }

Secretary's Office

This instrument was filed for record this

28th day of March A. D., 1910, at 5:30 o'clock P. M.

Recorded in _____ Corporation

Record No. Bill Crow at Page _____

Secretary of Oklahoma

Proclamation
By the Governor
calling an election
to be held June 11, 1910
on Initiative Act.
No 7.

Filed March 28, 1910
5:30 P. M.
Bill Crow
" "
Sec State

A. H. T. A. OFFICERS.

Campbell Russell, President, Warner
J. B. Hallum, Vice-President, Afton
Wm. H. A. Harrison, Sec.-Treas. Checotah
I. H. Long, Chaplain, Afton

EXECUTIVE COMMITTEE:

John H. French, Collinsville; E. T. Sorrels,
Milton; J. W. Duncan, Tahlequah.

Next state meeting will be held in Tahlequah, Ok., the 4th Wednesday in October, 1910.

Next national meeting will be held on the first Thursday in October, 1910, at Jacksonville, Illinois.

I. T. DIVISION
INCORPORATED

ANTI-HORSE THIEF ASSOCIATION



OFFICE OF

CAMPBELL RUSSELL, President,
WARNER, OKLAHOMA.

3/30/'10.

Aim and Object of the A. H. T. A.

The aim and object of the A. H. T. A. are concisely stated in the following preamble to the constitution of the association:

We, the State order, including the delegates representing the subordinate orders of the "ANTI-HORSE THIEF ASSOCIATION," of the I. T. Division and its jurisdiction.

In order to aid in the upholding of civil laws. To insure the safety of our people and the security of their property against loss by thieves, robbers, murderers, vagrants, tramps, incendiaries and ALL violators of law, and to secure to us and our families the enjoyment of life, and the pursuit of happiness in the possession of our honest reward of labor with equal and just rights to all.

Dear Mr. Cross:-

I just notice call for special election for Oklahoma City. I want to serve notice now that I will claim a division of the space allowed by law for replying to the argument in favor of this bill. Please send me copy of their argument as soon as filed and also notice as to how much of the (2,000 word) space I will be entitled to use in reply.

"School is never out , 'till the big class spells".

Your friend,

Campbell Russell.

W. H. C. S.

7607

A R G U M E N T S,

AGAINST INITIATIVE QUESTION NO. 7 TO BE VOTED JUNE 11,
1910 FOR THE IMMEDIATE LOCATION OF THE CAPITAL OF OKLAHOMA,
AND AGAINST MOVING SAID CAPITAL FROM GUTHRIE.

First. Because the Enabling Act provides:

"The capital of said State shall temporarily be at the City of Guthrie, in the present Territory of Oklahoma and shall not be changed therefrom previous to Anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the Legislature. - -"

That Act was adopted by Sec. 497 of the State Constitution and by section 498:

"Was engrossed with the engrossed copy of the Constitution on parchment." (Bunn's Constitution; Snyder's Constitution.)

The Enabling Act protects the rights granted by Congress to Indians and their lands; prescribed toleration of religious liberty; prohibited liquor in the Indian Territory; Territorial debts to be paid; provided for public schools; restricted abridgements of the right of suffrage; granted millions of acres of school, college, indemnity and public lands to the State, and protected rights therein; and these and many other rights, protected by the Enabling Act can be violated, if the State Capital can be located before 1913. This attempt to violate the Constitution and Enabling Act should be voted "NO".

Second. This measure, unconstitutionally, would appropriate \$600,000.00 to be placed in the hands of three persons, selected by the Governor. This is done to move the capital twenty (20) miles nearer Oklahoma City but not necessarily at Oklahoma City.

Third. There is no necessity for this violation of the Enabling Act and the State Constitution and expenditure of \$600,000 to be followed by millions more, for the time will soon enough come for the location of the capital, and in the mean time the state is

kept busy providing moneys for the other institutions of greater necessity. The institutions already located have required and are requiring millions of dollars of the people's money; the state debt on November 30, 1909, was over \$2,000,000.00; the recent special session of the legislature alone authorized the issuance of over \$2,000,000 more in warrants, liens on the funds derived from public building lands, and bear 5% interest. No necessity exists for appropriating, immediately, \$600,000.00 more for State Capital site to be followed by appropriating millions to construct capital building, because Guthrie is centrally located, with nine railroads connecting this city with all sections of the State and one more being built. Guthrie is nearer the majority of the people of the State than Oklahoma City, which proposes the change; Guthrie is naturally situated for being and is one of the healthiest of the State's cities, with splendid drainage, the best of sanitary sewerage, with pure filtered water in abundance, with streets paved and beautified at a cost of a million dollars; it has electric lights, natural gas and the latest system of street railway. When it was designated as the Capital originally, more than twenty years ago it set apart, on as fine and commanding a site as there is in the State, four blocks of ground on the principal street and only eight blocks from the geographical and business center for State Capital purposes, and under an Act of the State Legislature, it has expended in money of its own people, costing the State nothing, in beautifying these grounds, building Convention Hall -- A State Capital -- used ever since as legislative Halls, Supreme Court and Criminal Court of Appeals rooms, Chambers for Judges, Offices for Attorney General, and State Library, used by the State on a five year lease, rent free, -- \$1.00 a year, -- approximately a quarter of a million of dollars, and these grounds and building, worth a half million dollars are the State's, having been provided by Guthrie for the State, temporarily and permanently, and are, with the one hundred acres in a beautiful

park nearby, which is also provided for the State, worth more than the \$600,000.00 which Oklahoma City asks the State to appropriate. The other executive offices are using the magnificent Court House, built by the people of Logan County. The buildings provided are serving every present need of the State and at a small cost to the tax payers.

Fourth. You may vote twice at the election; a vote "NO" on the measure and "YES" opposite "Guthrie" will support the Constitution and the Enabling Act, and leave the Capital to be located when the Law provides, and save much trouble and expense.

Fifth. The bill is unfair; it attempts to locate the State Capital on terms dictated by one of the candidates; it permits a commission of town lot boomers to select the site for the capital and erect the capital building; it creates jobs for three commissioners at \$4,000.00 a year each and gives them unlimited power to fix any number of employees and their salaries; it requires the city that loses the capital to pay the expenses of the second election and relieves the city that wins from any expenses; it bars all cities that might be capital aspirants from the race excepting those selected by Oklahoma City; an unnecessary special election is called at the request of Oklahoma City when the proposition could have as well been submitted at a general election at the time fixed by law and without this expense; the bill makes no minimum limit of the amount of land that may be purchased for the enormous sum of \$600,000.00 and does not exclude interested parties from being members of the capital location commission.

COMMITTEE ON BEHALF OF THE PEOPLE OF
THE CITY OF GUTHRIE.


Secretary.


Chairman.

A. H. T. A. OFFICERS.

Campbell Russell, President, Warner
J. B. Hallum, Vice-President, Afton
Wm. H. A. Harrison, Sec.-Treas. Checotah
I. H. Long, Chaplain, Afton
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**I. T. DIVISION
INCORPORATED**

ANTI-HORSE THIEF ASSOCIATION



OFFICE OF
CAMPBELL RUSSELL, President,
WARNER, OKLAHOMA.

4/20/'10.

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In order to aid in the upholding of civil laws. To insure the safety of our people and the security of their property against loss by thieves, robbers, murderers, vagrants, tramps, incendiaries and ALL violators of law, and to secure to us and our families the enjoyment of life, and the pursuit of happiness in the possession of our honest reward of labor with equal and just rights to all.

Dear Mr. Cross:-

I enclose my argument against the adoption of the Capital Location Bill- if No.4 is not correct please change No. to fit. If this is more space than I am entitled to I can "Comb it down some". Please let me know in regard to this.

Your friend,

Campbell Russell.

A. H. T. A. OFFICERS.

Campbell Russell, President, Warner
J. B. Hallum, Vice-President, Afton
Wm. H. A. Harrison, Sec.-Treas. Checotah
I. H. Long, Chaplain, Afton
EXECUTIVE COMMITTEE:
John H. French, Collinsville; E. T. Sorrels,
Milton; J. W. Duncan, Tahlequah.

Next state meeting will be held in Tahlequah, Ok., the 4th Wednesday in October, 1910.

Next national meeting will be held on the first Thursday in October, 1910, at Jacksonville, Illinois.

I. T. DIVISION
INCORPORATED

ANTI-HORSE THIEF ASSOCIATION



OFFICE OF
CAMPBELL RUSSELL, President,
WARNER, OKLAHOMA.

4/25/'10.

Aim and Object of the A. H. T. A.

The aim and object of the A. H. T. A. are concisely stated in the following preamble to the constitution of the association:

We, the State order, including the delegates representing the subordinate orders of the "ANTI-HORSE THIEF ASSOCIATION," of the I. T. Division and its jurisdiction.

In order to aid in the upholding of civil laws, and the security of our people and the security of their property against loss by thieves, robbers, murderers, vagrants, tramps, incendiaries and ALL violators of law, and to secure to us and our families the enjoyment of life, and the pursuit of happiness in the possession of our honest reward of labor with equal and just rights to all.

Dear Mr. Cross:-

I notice the law requires 25 copies of argument filed so I am sending that number ~~14~~ under separate cover.

I desire that the words "President Oklahoma Tax Payers League" be placed after my name inasmuch as I have been regularly elected and installed in that position.

Your friend,

Campbell Russell.

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Fellow tax payers:-

My reasons offered for opposing the adoption of Initiative Petition No. ~~47~~¹ *(Capital Excess Bill)* shall be selfish reasons-call it narrow and stingy, if you will.

I am not "Broad guaged" (?) and "Generous" (?) enough to get enthused over which town shall have a "Watermelon" cut for its speculators, so long as I must help furnish the "Melon".

Probably "Good 'Fellers' ", and entitled to all the "Pie", "Plums", and "Cake" available, so long as my "Bowl" does not furnish the "Sugar" nor my nor my hens the eggs, with which these "Sweetmeats" are prepared.

I object to this Bill because its provisions do not safeguard the interest of Oklahoma's taxpayers.

True the Commissioners are required to give Fifty Thousand Dollars Bond for "Faithful performance of duties REQUIRED BY LAW", but alas, this proposed law PERMITS almost any thing, but REQUIRES practically nothing.

These three Commissioners MAY buy Two Thousand Acres: they MAY pay Six Hundred Thousand Dollars for Ten Acres (for the state) and then get a private option upon Two Hundred Acres each, for themselves (adjoining land) at Fifty Dollars per Acre.

True the Governor has the power to appoint the Commissioners, approve their bond, and supervise their action. Ample protection, I agree, during the present Administration; but eight months ends present Administration, and one, probably two Special Elections to be held before this money is available.

Can we trust the next administration as implicitly as we do this? //

not knowing within half dozen men of who will be next Governor. Some states have elected dishonest men. Some have elected "Weaklings", tools of designing men.

Bill; otherwise I vote NO.

The Commissioners ,under this Bill may make DEALS, profitable to the State, or profitable to THEMSELVES and THEIR FRIENDS. It is entirely optionally with them which they do.

Picture overdrawn? It is NOT overdrawn. READ the Bill. STUDY its abundant "PERMISSIONS" and its woeful lack of "REQUIREMENTS" Then go to the polls and vote for the interest ~~to~~ yourself and your home. This is not a contest between three towns. That talk is intended to draw attention away from the ~~///~~ ACTUAL POSIBILITIES of this Bill. This is a contest "For Blood" between the grafter and the taxpayer. Shall the grafter win, while the taxpayers are away from the polls.

Strip this Bill naked and take one look at it- I admit it is ugly; but after you have taken one straight look, you will get your ~~///~~ ballot and help to bury it.

I, my wife, and five of our seven children are taxpayers. We have only my vote to protect us. THAT VOTE WILL BE CAST JUNE 11th, if the plow stands.

It will be cast NO.

Campbell Russell,
President Oklahoma Tax Payers League.
Warner, Okla.

Are we sure Oklahoma will never do either?

Suppose Commission, appointed by present Governor, composed of able, patriotic, incorruptible citizens, should purchase Two Thousand Acres of desirable land, securing same for only Two Hundred and Fifty Dollars per Acre, paying salaries of themselves and Assistants, (including lawyers fees, which they are authorized to pay without limit) and expense of platting land with the other One Hundred Thousand. They will certainly not have time to sell, to the best advantage all these lots during this Administration- hurried work is usually not economically done.

Suppose we are willing to trust implicitly each of the present known candidates for Governor. If we adopt this Bill, a new "Richmond" may enter the field, defeating all nine.

He could spend Half Million Dollars in the campaign, and easily recoup sufficient to reimburse himself, and to liberally reward his "Henchmen", out of the possibilities of this Bill. Lots for which you and I would gladly pay One Thousand Dollars, could, under this Bill, be sold to "Political Ward Heelers" for Fifty Dollars each, at PRIVATE TREATY.

Are you ready to swallow that section?

After the Six Hundred Thousand Dollars tax money, has been squandered, you and I can furnish additional tax money, not only to build a Capitol, but for maintaining a State Government, DEBAUCHED and CORRUPTED by the division of the spoils (not REQUIRED but) PERMITTED by the provisions of Initiative Petition Number Four.

"Oh, men will not do such as that" you say? Maybe not. Maybe not.

Turn fifty hungry steers in ripe corn field; send wagon through field; leave it optional with each steer whether he pluck the corn carefully and put it in the wagon, or eat it himself: if the wagon return filled with nice corn, and the steers come back to the barn for their regular allowance of feed; I will vote for this

Amendment against
cap. Location Bill
Int. Pet. # 7.
By Campbell Russell

Filed Apr 21-1910

LEGISLATURE OF OKLAHOMA
STATE SENATE

CAMPBELL RUSSELL
DISTRICT NO. 27
WARNER

ARGUMENT AGAINST THE ADOPTION OF THE CAPITOL LOCATION BILL.

By Campbell Russell, Chairman Oklahoma Tax Payers League.

Fellow Tax Payers:-

The best argument against this bill is the bill itself, but as many people will not take the time to read the full bill, I have prepared here the substance of the Bill in abbreviated form.

CAPITOL LOCATION BILL TO BE VOTED ON JUNE 11TH, 1910.

BOILED DOWN FOR THE BENEFIT OF BUSY PEOPLE.

(With such additions and interlineations as seem pertinent to the author.)

A Bill by the "Peepul", entitled " An Act to Immediately Dispose of the State Capitol and \$600,000.00 in tax monies and to authorize the obligating of this State for the Payment of Any Additional Sun desired."

Be It Enacted, By the Oklahoma City Lot Owners, and their Confederates and Allies, in Special Election assembled, June 11th, 1910:

Section 1: The Governor of this State is hereby authorized to appoint three Agents or Commissioners who are hereby declared to be a Real Estate Corporation, permitted to do business in the name of the State of Oklahoma; said Commissioners shall receive from the State a salary of Four Thousand Dollars each per annum, and shall have authority to employ Lawyers, Clerks, Architects,

Engineers, and anybody else desired, and to Pay them with State Money any Salary they see fit.

Section 2: The sum of Six Hundred Thousand Dollars is hereby appropriated and shall be immediately available, out of the general funds of this State, to start the above authorized Real Estate Company in business; conditioned only that they must not purchase over Two Thousand acres of Land, and that within Five Miles of Oklahoma City.

Section 3: The said Company is hereby authorized to make such location of the State Capitol as will best enhance the value of any real estate purchased by them, or owned by their Friends, Confederates or Allies.

Section 4: Said Company is authorized to investigate plans and pay Architects Fees without Limit; also to contract for the Erection of a "Grand and Beautiful Structure" as the Capitol of this State, and with no Limit as to price; and no other Limitations except that it shall be built of Oklahoma material: Provided, However, That the Contract provided for in this Section shall not be binding upon the State until all of our State Institutions shall have received "Nice Appropriations", and the Members of the Legislature otherwise "Pacified"/ as may be necessary to secure their approval of the Contract.

Section 5: Should it develop upon Final Consummation of this "Deal" that same is likely to be so burdensome or otherwise objectionable to the people of this State as to cause apprehension that the Referendum might be invoked against the Act of the Legislature approving the Contract for Capitol Building, nothing herein contained,

or elsewhere found in the law, shall be permitted to interfere with the right of the Legislature to locate a few more State Institutions and make such appropriations therefor as will secure the "Emergency Clause" for the "Whole Cheese".

Section 6: Should any future Legislature discover any Money in the "Special Fund" for which the company above chartered have found no use, and which their Conscience have not permitted them to retain, same shall be used to reimburse the State for the Six Hundred Thousand Dollars appropriated by this Act.

Section 7: A Department is hereby created in the State Treasury, to be known as the "Conscience Fund Department"; and any person desiring to unburden his soul by the Pocket Book Route, before answering the call of the Boatman to cross the Dark River to the Great Beyond, may do so by remittance to this Department. All Receipts therein to be added to the "Special Fund".

Section 8: All Laws or parts of Laws (and Public Sentiment as well) that interfere with the privilege of the State Capital Commission doing what it pleases, are hereby repealed.

SUPPLEMENTAL ARGUMENT AGAINST INITIATIVE QUESTION NO. _____

FOR THE LOCATION OF THE STATE CAPITAL ON THE PLAN
PROVIDED IN THE BILL TO BE VOTED ON JUNE 11th.

The said bill is a direct attack upon the integrity of the Constitution, and a violation of the Enabling Act which was made a part of the Constitution.

It repudiates our contract with the general government and sets aside, without preliminary amendment, the solemn obligations of the Constitution itself.

It binds the tax payers of the State to the unlimited expenditure of millions of dollars of the public funds, and places in the hands of an appointive commission the ultimate location of the Capital and the expenditure of the public funds without sufficient safeguard and restraint.

It denies participation in its benefits to all the cities of the State, and arrogates to the three places named in the bill the sole right to participate in the benefits sought and to be derived under its provisions.

It places the selfish purposes of those three cities above the rights of the people and the tax payers in every section of the State who not only have a vital interest in where their state capital is to be located but who have the first right to know how such that state capital is to cost before voting upon its location.

It attempts to take snap judgment on the tax payers of the State by hurrying the settlement of this important question to a final vote without arousing statewide interest or providing for intelligent discussion and deliberative action by the people.

It is not offered in response to any demand from the tax payers for the immediate settlement of this matter, and is in violation of the spirit and letter of the Constitution and Enabling Act.

It aims to bind, by action irrevocable, the tax payers of this State to the extravagant expenditure of the public funds by plans and methods now unknown, and that are to be devised, not by representatives or commissioners selected by the people, but by a board selected by the Governor, by and with the consent of the successful candidate.

It provides for the location of the State Capital by a plurality vote, notwithstanding a majority of the people of the State may be uncompromisingly opposed to that location.

It is not supported in whole or in part by the tax payers and citizens of two out of the three candidates named in the bill.

It has no affirmative support in any other city in the State outside of the city in which the plan was originated.

It has been drawn to serve a private and selfish purpose instead of serving a public necessity and the general good.

It prohibits by its terms (which require a bond of \$100,000 from the candidate receiving the second highest number of votes) any final election to decide the location by a majority vote of the people of the State.

It leaves every loop hole open for an appeal to the higher courts of the land on questions involving the rights of the Federal Government, and insures years of litigation, factional dissension and civil commotion that will retard the growth of the State, injure and destroy the commercial development and prosperity of its leading cities, and may result in a condition of civil and political warfare that will bring shame and ignominy on the State and its citizens from which they cannot recover in a decade.

All the citizens of Shawnee repudiate its selfish and unfair provisions and will oppose its passage.

SHAWNEE EXECUTIVE COMMITTEE,

By M. F. Eggeman

Chairman.

Chas. F. Barrett

Secretary.

REPLY TO ARGUMENT AGAINST INITIATIVE PETITION

NO. _____.

The statement in the Argument for Guthrie that the provision of the Enabling Act, relating to the location of the Capital, was adopted by Sections 492 and 497 of the State Constitution, is untrue and was made to deceive the voters.

The Convention complied with the requirements of the Enabling Act, and put into the Constitution Prohibition in Indian Territory, and certain other provisions, and they were ratified by the vote of the people. But these did not include the location of the Capital because the Enabling Act did not require it.

The Constitution which was approved by the President leaves the location of the Capital to the People. 114

All Enabling Acts for the admission of New States are temporary measures, and in cases of *Permolli* vs. Municipality, 3 How. ~~300~~ ^{and} *Escanaba vs. Chicago*, 17 Otto: ~~422~~, and four other cases, the United States Supreme Court held that their provisions are abrogated and repealed when the States are admitted, unless continued in force by the State Constitution; that

"Equality of Constitutional right and Power is the condition of all the States of the Union, old and new."

In the effort to locate the Capital, the highest attribute of sovereignty guaranteed to every voter by the Oklahoma Constitution is invoked. Guthrie's contention is an argument against the Initiative and Referendum.

The criticism against the Legislature for alleged excessive appropriations is not an argument against the location of the Capital by vote of the people. This power has been exercised by the voters of all the States, and the voters of Oklahoma have the same power in this subject as the voters in the other States.

The argument for Guthrie states that the bill initiated attempts to locate the Capital on terms dictated by one candidate, and that it permits a commission of town-plot boomers to select the site for the Capital and erect the Capitol building. This is a gross misstatement of the facts, but it is characteristic of Guthrie's attitude upon all public matters since the Constitutional Convention was organized, and against the State Administration.

The Bill initiated is fair in every particular. It is an appeal to the intelligence and patriotism of the voters of the State to determine whether or not they will now permanently locate the State Capital, and whether it shall remain at Guthrie, the one city in this State whose every energy has been opposed to Statehood and the organization and progress of the State Government. It provides for the acquisition of not to exceed two thousand acres of land, ~~at or not to exceed~~ five miles from the city, town or place which the voters select as the Capital, and that a portion of the land selected shall be set apart for the Capitol and such other institutions as may be located thereon, and that the remainder shall be subdivided into lots and blocks and sold to create a fund to reimburse the State for the money appropriated for Capitol purposes.

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Reply Argument
on Int. Pet. # 7
Filed Apr. 30-1920
By W. A. Ledbetter

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Elections of 1910

SPECIAL ELECTION

June 11, 1910

STATE QUESTION NO. 15

The gist of the proposition is as follows:

"A proposition to permanently locate State Capitol; Creating Commission of three to be appointed by Governor, January 1, 1911, or sooner; defines powers and duties; appropriates six hundred thousand dollars to purchase not to exceed two thousand acres; State to be reimbursed from sale of lots; Capitol fund created therefrom; Board may exercise power of eminent domain.

Said Commission and School Land Commission to appraise value of lands and improvements separately. Makes Oklahoma City, Guthrie and Shawnee candidates; Provides for others by petition.

Proposed separately to determine questions; (1) Shall Capitol be located, and (2) Where."

(1) Yes.....	96,448
No.....	64,522

ACT ADOPTED.

(2) Guthrie.....	31,301
Oklahoma City.....	96,261
Shawnee.....	8,382

Oklahoma City's majority.....	56,578
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INITIATIVE PETITION NO. 7

*Filed
July 21
1909*

*27.944
naules*

#15
(State Question—Initiative Petition No. 7.....)

A BILL ENTITLED An Act

PROVIDING FOR THE PERMANENT LOCATION OF THE CAPITAL OF THE STATE OF OKLAHOMA, CREATING A BOARD OF CAPITOL COMMISSIONERS AND DEFINING ITS POWERS AND DUTIES, AND MAKING AN APPROPRIATION.

Be it enacted by the State of Oklahoma:

*Proclamation by the Governor issued
Mch 28th 1910 at 5:30 P.M. calling an
election June 11th - 1910.*