

STATE OF OKLAHOMA
LEGAL DEPARTMENT
OKLAHOMA CITY

CHARLES WEST, ATTORNEY GENERAL
EDWARD G. SPILMAN, ASSISTANT ATTORNEY GENERAL
WILLIAM C. REEVES, ASSISTANT ATTORNEY GENERAL
CHARLES L. MOORE, ASSISTANT ATTORNEY GENERAL
SMITH C. MATSON, ASSISTANT ATTORNEY GENERAL

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

~~WCR-s~~

LB-

January 27, 1912.

To the

Secretary of State.

S i r:

There was filed with me on January 26th, 1912,
a copy of State Question No. 38, Initiative No. 23, also pro-
posed Ballot Title submitted by Honorable Campbell Russell,
a copy of which is presented herewith.

The Ballot Title proposed, "is in legal form
and in harmony with the law," and is approved by this office.

Very respectfully,

THE ATTORNEY GENERAL,

By Reeves

Enclosure.

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

A N A C T

PROPOSING A NEW SECTION TO THE Constitution of the State of Oklahoma, to be in lieu of section thirty-one, Article VI., creating a State Board of Agriculture, providing qualifications and duties of members, and the manner of electing same.

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

Section 31, Art. VI.:

(a) A Board of Agriculture is hereby created to be composed of eleven members, all of whom shall be farmers, and shall be selected in manner prescribed by law. Said Board shall be maintained as a part of the State Government and shall have jurisdiction over all matters affecting animal industry and animal quarantine regulations, and shall be the Board of Regents of all Agricultural and Mechanical Colleges and shall discharge such other duties and receive such compensation as may be provided by law.

(b) Until other wise provided by law said Board shall consist of a President and Ten Directors; each Director shall be an actual farmer for three years next preceding his election; such Director to be elected by an Annual State Institute, which shall assemble at Stillwater, Oklahoma on the second Tuesday in August of each year; such state institute to be composed of one delegate from each county on this state; such delegate to be elected at the Annual County Institutes which shall be held at the county Seat of each county on the second Tuesday in July

in each year between the hours of two and five o'clock P. M.; Provided, that after the first State Institute held hereunder at which Directors for each of the Five Supreme Court Judicial Districts shall be elected, only such counties as are contained within the Supreme Court Judicial Districts wherein the term of a Director will expire, or a vacancy shall occur, will be required to elect delegates. Each Director shall be elected by the County delegates from the Supreme Court Judicial District within which he resides.

(c) No Director and no employee of the State Board of Agriculture shall receive any compensation for attendance at such county institute, nor for attendance upon or around any session of the State Legislature unless requested by such legislature to attend for the purpose of furnishing desired information.

(d) The County delegate to the State Institute shall be a farmer, and elected by the votes of such. Any farmer who is a legal voter of the county shall be entitled to vote for such delegate without the payment of any fee.

(e) No employee of the State Board of Agriculture shall be eligible as such delegate, nor shall any delegate be eligible to appointment to any position under such Board for twelve months after the date of the State Institute at which he is delegate.

(f) On the third Tuesday after the issuance of the Governor's proclamation declaring this section adopted

the Annual County Institutes for the current year shall be held in each county and shall be in lieu of the annual county institute herein provided to be held on the second Tuesday in July of such year; and four weeks after the date of such county institutes the State institute shall meet at Stillater, which state institute shall be in lieu of the Annual State Institute for the current year herein provided to be held on the second Tuesday in August.

(g- At such State Institute ten Directors of the State Board of Agriculture shall be elected, two from each Supreme Court Judicial District, and they shall immediately thereafter determine by lot their respective terms of office. Two of such Directors shall hold office for a term of one year, two for two years, two for three years, two for four years and two for five years; added to the term of each shall be the time intervening between the date of such election and the second Tuesday in August next following.

(h) Two Directors shall be elected by each Annual Institute thereafter. No Director shall be elected to succeed himself.

(i) No Director shall be appointed to any salaried position under the Board during the term for which he was elected.

(j) Directors shall receive such compensation and perform such duties as now provided for the members of the State Board of Agriculture, or such as may be hereafter be provided by law: Provided that no director shall receive pay for more than sixty days in any one year.

(k) Any Director removing from his district shall cease to be a member of the Board.

(l) The President of the State Board of Agriculture who is serving at the time of the adoption of this section shall, unless removed for cause, continue in office for the remainder of the term for which he was elected, and the President shall continue to be elected as by law provided.~~TEXT~~

(m) All laws in force with reference to the duties or compensation of the State Board of Agriculture or the State or County Institutes, not in conflict with this Section, shall continue in full force and effect.

(n) All that portion of this section, beginning with paragraph "b" and continuing to the end of the section, shall be subject to amendment by the Legislature or by initiative petition as other laws are subject to amendment.

THE END

Prepared and submitted by the Peoples Power League of Oklahoma.

Name	Residence of Postoffice	St. & No.
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PROPOSED BALLOT TITLE FOR STATE QUESTION

No. 38, INITIATIVE PETITION No. 23.

Proposition enacts new Section in lieu of Section Thirty-One, Article Six, State Constitution, removing old, and providing for election of new, Board of Agriculture, except President.

Members, designated Directors, must all be farmers, and two from each Supreme Court Judicial District, to be selected by County delegates from their respective districts; delegates to be farmers, elected by farmers; employes of Board ineligible as delegates; Directors ineligible to salaried positions. Prohibits payment of Directors or employes for attending annual County Institute, or sessions of Legislature, except when duly requested, and amending present legislation in conformity therewith.

WARNING

“It is a felony for any one to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter.”

(STATE QUESTION NO. 38—INITIATIVE PETITION NO. 23.)

To the Honorable Lee Cruce, Governor of Oklahoma:

We, the undersigned citizens and legal voters of the State of Oklahoma, County of _____ respectfully order that the following proposed Section to the Constitution of this State shall be submitted to the legal voters of the State for their approval or rejection, at the regular election to be held on the first Tuesday succeeding the first Monday in November, A. D. 1912, being the fifth 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 same may be submitted, and each for himself says:

I have personally signed this petition, and am a legal voter of the State of Oklahoma, and of the County of _____ my residence and postoffice are written correctly after my name. The time for filing this petition expires ninety days from the twenty-sixth day of January, 1912. The question we herewith submit to our fellow voters is, shall the following proposed section of the Constitution be adopted, in lieu of Section thirty-one, Article VI, to-wit:

A BILL ENTITLED AN ACT

PROPOSING A NEW SECTION TO THE CONSTITUTION OF THE STATE OF OKLAHOMA, TO BE IN LIEU OF SECTION THIRTY-ONE, ARTICLE VI, CREATING A STATE BOARD OF AGRICULTURE, PROVIDING QUALIFICATIONS AND DUTIES OF MEMBERS, AND THE MANNER OF ELECTING SAME.

Be it enacted by the people of the State of Oklahoma:
SECTION 31, ART. VI.:

(a) A Board of Agriculture is hereby created to be composed of eleven members, all of whom shall be farmers, and shall be selected in manner prescribed by law. Said Board shall be maintained as a part of the State government and shall have jurisdiction over all matters affecting animal industry and animal quarantine regulations, and shall be the Board of Regents of all Agricultural and Mechanical Colleges and shall discharge such other duties and receive such compensation as may be provided by law.

(b) Until otherwise provided by law said Board shall consist of a President and ten Directors; each Director shall be an actual farmer for three years next preceding his election; such Director to be elected by an Annual State Institute, which shall assemble at Stillwater, Okla., on the second Wednesday in August of each year; such State Institute to be composed of one delegate from each county in this state; such delegate to be elected at the Annual County Institute which shall be held at the County Seat of each County on the second Wednesday in July in each year between the hours of two and five o'clock P. M.; Provided, that after the first State Institute held hereunder at which Directors for each of the five Supreme Court Judicial Districts shall be elected, only such counties as are contained within the Supreme Court Judicial Districts wherein the term of a Director will expire, or a vacancy shall occur, will be required to elect delegates. Each Director shall be elected by the County Delegates from the Supreme Court Judicial District within which he resides.

(c) No Director and no employee of the State Board of Agriculture shall receive any compensation for attendance at such Annual County Institute, nor for attendance upon or around any session of the State Legislature unless requested by such Legislature to attend for the purpose of furnishing desired information.

(d) The County Delegate to the State Institute shall be a farmer, and elected by the votes of such. Any farmer who is a legal voter in the County shall be entitled to vote for such delegate without the payment of any fee.

(e) No employee of the State Board of Agriculture shall be eligible as such delegate, nor shall any delegate be eligible to appointment to any position under such Board for twelve months after the date of the State Institute at which he is a delegate.

(f) On the third Wednesday after the issuance of the Governor's proclamation declaring this section adopted the Annual County Institutes for the current year shall be held in each County and shall be in lieu of the Annual County Institute herein provided to be held on the second Wednesday in July of such year; and four weeks after the date of such County Institutes the State Institute shall meet at Stillwater, which State Institute shall be in lieu of the Annual State Institute for the current year herein provided to be held on the second Wednesday in August.

(g) At such State Institute ten Directors of the State Board of Agriculture shall be elected, two from each Supreme Court Judicial District, and they shall immediately thereafter determine by lot their respective terms of office. Two of such Directors shall hold office for a term of one year, two for two years, two for three years, two for four years, and two for five years; added to the term of each shall be the time intervening between the date of such election and the second Wednesday in August next following:

(h) Two Directors shall be elected by each Annual State Institute thereafter. No Director shall be elected to succeed himself.

(i) No Director shall be appointed to any salaried position under the Board during the term for which he was elected.

(j) Directors shall receive such compensation and perform such duties as now provided for the members of the State Board of Agriculture, or such as may hereafter be provided by law; Provided, that no Director shall receive pay for more than sixty days in any one year.

(k) Any Director removing from his District shall cease to be a member of the Board.

(l) The President of the State Board of Agriculture who is serving at the time of the adoption of this Section shall, unless sooner removed for cause, continue in office for the remainder of the term for which he was elected, and the President shall continue to be elected as by law provided.

(m) All laws now in force with reference to the duties or compensation of the State Board of Agriculture or the State or County Institutes, not in conflict with this Section, shall continue in full force and effect.

(n) All that portion of this Section, beginning with Paragraph "b" and continuing to the end of the Section, shall be subject to amendment by the Legislature or by Initiative Petition as other laws are subject to amendment.

THE END.

Prepared and submitted by the Peoples Power League of Oklahoma.
Genuine if signed by

Campbell Russell
Pres.

*Campbell Russell
First Hearing*

Oklahoma City, February 14, 1912.

OFFICE OF THE SECRETARY OF STATE.

IN RE. Protest Marle Woodson.

Pursuant to adjournment taken at Muskogee, Oklahoma on the 7th of February, 1912, all parties appearing as before and the following proceedings were had:

O. T. Smith attorney for the Protestant asked for a continuance for the purpose of having witnesses subpoenaed in various county where it was proposed to take additional testimony.

The Secretary advised the attorney for the Protestant that it would be necessary for him to make up a list of the witnesses in the various places, together with the matters and things proposed to be proven before any additional hearings would be called.

Whereupon, by agreement of the parties and the Secretary it was agreed that the case would be continued indefinitely, and when the Protestant should be ready to present his list of witnesses together with what they would attempt to prove by them, the Secretary should give Hon. Campbell Russell five days notice of the time said list and proof would be submitted, at which time the dates for further hearing might be agreed upon.

Oklahoma City, February 14, 1912.

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Whereupon, by agreement of the parties and the Secretary it was agreed that the case would be continued indefinitely, and when the Protestant should be ready to present his list of witnesses together with what they would attempt to prove by them, the Secretary should give Hon. Campbell Russell five days notice of the time said list and proof would be submitted, at which time the dates for further hearing might be agreed upon.

April the 25, 1912.

I, Benjamin F. Harrison, Secretary of State,
state of Oklahoma, hereby certify that Hon. Campbell
Russell, President of Peoples Power League of Oklahoma,
has this day filed, for and on behalf of said league, ~~filed~~
21,60 pamphlets of State Question 38, Initiative Petition
23, containing 41,394 signatures, with me as Secretary of
State.

Secretary of State.

BEFORE BANJAMIN F. HARRISON,

SECRETARY OF STATE.

In the matter of the protest of Marle Woodson, a citizen and legal voter of Cimarron County, State of Oklahoma, against Initiative Petition No. 23, State Question No. 38, being an initiated petition to submit a proposed constitutional amendment entitled "A Bill Entitled an Act Proposing a New Section to the Constitution of the State of Oklahoma, To be in Lieu of Section Thirty-one, Article VI., Creating a State Board of Agriculture, Providing Qualifications and Duties of Members and the manner of Electing same.

Now on this 4th day of May, A.D., 1912, comes Marl Woodson, and filed in the office of the Secretary of State of the State of Oklahoma, his protest against the sufficiency of Initiative Petition No. 23, State Question No. 38, being a proposed initiative measure entitled "A Bill Entitled and Act Proposing a New Section to the Constitution of The State of Oklahoma, To be in Lieu of Section Thirty-one, Article VI., Creating a State Board of Agriculture, Providing Qualifications and Duties of Members and the manner of Electing Same."

IT IS THEREFORE ORDERED that the 28th day of May, 1912, be and the same is hereby designated as the date of hearing of testimony and arguments upon the above mentioned protest.

WITNESS my hand this ~~fourth~~ ^{Fourth} day of ~~April~~ ^{May} 1912.


SECRETARY OF STATE.

BEFORE BENJAMIN F. HARRISON, SECRETARY OF STATE.

In the matter of the protest of Marle Woodson, a citizen and legal voter of Cimarron County, State of Oklahoma, against Initiative Petition No. 23, State Question No. 38, being an initiated petition to submit a proposed constitutional amendment entitled "A Bill Entitled an Act Proposing ~~in~~ a New Section to the Constitution of the State of Oklahoma, To Be in Lieu of Section Thirty-one, Article VI., Creating a State Board of Agriculture, Providing Qualifications and Duties of Members and the Manner of Electing Same.

To the above named Benjamin F. Harrison, Secretary of State and to Campbell Russell:

You and each of you will please take notice that Marle Woodson, a citizen and legal voter of Cimarron County in the State of Oklahoma, does hereby object and protest against initiative petition filed by said Campbell Russell in the office of the Secretary of State of the State of Oklahoma on the Twenty-fifth day of April, A.D., 1912, seeking to submit a proposed constitutional amendment entitled "A Bill Entitled an Act Proposing a New Section to the Constitution of the State of Oklahoma, To be in Lieu of Section Thirty-One, Article VI., Creating a State Board of Agriculture, Providing Qualifications and Duties of Members, and the Manner of Electing Same" and for grounds of his protest says that said petition is insufficient, illegal and invalid for the following reasons:

I.

That there is not attached to said petition the genuine signatures of fifteen percentum of the legal voters based upon the total number of votes cast at the last general election for the state office receiving the highest number of votes at such election as required by Section 2, Article V of the Constitution.

II.

That Twelve Thousand Five Hundred (12,500) pretended signatures attached to said petition are false, forged, fictitious and spurious, and that said pretended signatures and each of them were attached to said petition by divers persons to ~~the~~ your protestant unknown, for the purpose of fraudulently causing said proposed constitutional amendment to be submitted to the people of the State of Oklahoma.

III.

That there are attached to said petition the pretended signatures of Twelve Thousand Five Hundred (12,500) persons who are not legal voters of the state of Oklahoma.

IV.

✓ ✓ That there are attached to said petition the pretended signatures of Twelve Thousand Five Hundred (12,500) persons whose postoffice address is not correctly given as required by law.

V.

✓ ✓ That Eight Hundred (800) pamphlets containing the names of Sixteen Thousand (16,000) pretended legal voters ~~are~~ do not show the county in which each of said pretended voters resides, as required by law.

VI.

That Eight Hundred (800) petitions to which are attached the names of Sixteen Thousand (16,000) pretended legal voters, show that said voters and each of them are residents of more than one county.

VII.

That the affidavits attached to Eight Hundred (800) petitions, containing the names of Sixteen Thousand (16,000) pretended legal voters do not show, as required by law, the county ~~of~~ which each of the voters named therein is a resident.

VIII.

That the verifications attached to Eight Hundred (800) pamphlets, containing the names of Sixteen Thousand (16,000) pretended legal voters, show, or pretend to show, that each of said voters is a resident of more than one county and that it is impossible to determine from said affidavits in ~~what~~ what county any of said voters reside.

IX.

√√ That there are One Thousand (1,000) alleged signatures attached to said petition that purport to have been signed by mark without having been witnessed as required by law.

X.

That there are Two Thousand (2,000) names attached to said petition where the signers thereof do not show that they are residents of any county of the state of Oklahoma.

XI.

That there are Five Hundred (500) names attached to said petition that are not properly verified in this that the affidavits purporting to verify said signatures do not show that the signers thereof are legal voters of any county in the state of Oklahoma.

XII.

√√ That there are Twenty-five (25) pamphlets, containing Five Hundred (500) pretended signatures forming a party of said petition in which the notary before whom the same were verified assumed or pretended to act in a different county from that given as his residence.

XIII.

✓✓ That there are Twenty-five (25) pamphlets, containing Five Hundred (500) names, forming a part of said petition, in which the venue of the affidavit verifying the said pamphlets and each of them is laid in a different county from that of the attesting notary.

XIV.

✓✓ That there are Fifty (50) pamphlets, containing One Thousand (1,000) names, forming a part of said petition, in which no venue is given in the affidavit verifying said pamphlets ~~and~~ each of them, and which do not appear to have been sworn to in any county in this state.

XV.

That there are Three Hundred (300) pamphlets, containing Six Thousand names in which the venue was changed by the subscribing notary after the same were subscribed and sworn to.

XVI.

That there are Three Hundred (300) pamphlets, containing Six Thousand (5,000) names, forming a part of said petition in which the affidavit verifying the same was changed in a material respect after the same had been made.

XVII.

That there are Three Hundred (300) pamphlets, containing Six Thousand (6,000) names, in which the venue of the affidavit verifying the pamphlets were materially changed after the making of said affidavits.

XVIII.

✓✓ That there are Four Hundred (400) pamphlets, containing Eight Thousand (8,000) names, forming a part of said petition, which were changed in a material respect after the alleged signatures were attached thereto.

XIX.

✓✓ That there are Ten (10) pamphlets, containing Two Hundred (200) names, attached to said petition in which the venue of the affidavits verifying the pamphlets is laid in two different counties by the same notary.

XX.

✓✓ That the names written on Pamphlet No.218 were never written on the back of the petition and verified as required by law.

XXI.

✓✓ That the notary's certificate attached to Pamphlet No.219 does not show when same was sworn to, if at all.

XXII.

✓✓ That Pamphlet No.1606, containing twenty names, was not verified or sworn to before any officer of the State of Oklahoma.

XXIII

That there are Ten Thousand Four Hundred and Forty~~four~~ (10,440) names attached to said petition, and forming a part thereof, that are not ~~legibly~~ ^{legibly} written on the affidavits verifying ~~some~~ the respective pamphlets on which they appear as required by law.

XXIV.

✓✓ That there ate Ten pamphlets containing Twb Hundred (200) names, forming a part of said petition, the affidavits verifying which are not signed or sworn to by anyone.

XV.

✓✓ That there are ten (10) pamphlets, containing Two Hundred (200) names, forming a part of said petition, the verifications of which are not attested by any officer.

XVI.

✓✓ That there are fifteen (15) affidavits, verifying pamphlets forming a part of said petition, wherein the seal of the attesting officer is not affixed.

XVII

✓ ✓ That there are Five Thousand (5,000) names on said petition which ~~WERE~~ have been duplicated or written thereon more than once.

XVIII.

That while the various pamphlets forming said petition were being circulated and at the time same were signed and sworn to, there was, and for a long time prior thereto, had been, pending undisposed of Initiative Petition No.12, State Question No.27, filed by said Campbell Russell, entitled "A Bill Entitled an Act, Proposing a New Section to the Consitution of the State of Oklahoma to Be In Lieu of Section Thirty-One, Article VI., Creating a State Board of Agriculture, Providing Qualifications and Duties of Members and the Manner of Electing Same" which was identical in terms, meaning and effect with said proposed constitutional amendment attempted to be submitted by said Initiative Petition No.23, State Question No.36.

WHEREFORE your protestant prays that a time be fixed for the hearing of testimony in support of this protest; that process be issued to compell attendance of witnesses and the production of books, ^{and} papers, records to be used as evidence upon such hearing; that proper orders be made to enable your protestant to take testimony at various points ~~xxxx~~ in the State of Oklahoma, to be read in evidence in support of this protest at the final hearing thereof; and that upon such hearing said Initiative Petition No.23 State Question No.36 be held and declared to be insufficient, illegal, invalid and contrary to law in such cases made and provided and that the prayer of said petition for an election be denied.

Marle Woodson,
Protestant

By

Orville Smith
His Attorney.

5
BEFORE BENJAMIN F. HARRISON
SECRETARY OF STATE

In the Matter of the
Protest of Marie Woodson
against Initiative Petition
No. 23, State Question No. 38.

Filed May 4 at
9 o'clock A.M. 1914.
B. F. Harrison
Secy of State

Orville F. Smith, Atty. for
Protestant.

IN THE MATTER OF THE PROTEST OF EARLE WOODSON,
AGAINST INITIATIVE PETITION
NUMBER 23.

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MEMORANDUM ABSTRACT.

I.

VARIANCE BETWEEN NAMES SIGNED AND AS SWORN TO:

H. A. Smilie testified that an examination had been made under his direction of the names signed to the petition and the same carefully compared with the names as given in the affidavit and found that there were sixty-three hundred, eighty-one (6381) names purporting to be signed to the petition that did not correspond with the names given in the affidavit. (Rec. p. 34.)

I.

VARIANCE BETWEEN SIGNATURES AND AFFIDAVITS:

A critical examination of these show that in some few instances the difference between the names signed and the name as sworn to on the back of the petition were so slight that the rule of idem sonans would apply, if it could properly be applied in a case like this, which we do not admit. The most careful examination of the entire list of 6381 names testified to by Smilie, and under a most liberal application of the rule of idem sonans show that there were nine hundred, ninety-one (991) names that might be applicable to this rule, still leaving fifty-

three hundred, ninety (5390) names where there was a plain and substantial variance between the names as signed and as sworn to.

II.

SIGNATURES BY MARK AND BY THUMB PRINTS:

Mr. Smilie also testified, beginning on page 746, in detail as to the signatures signed by mark or thumb prints. Total number so signed are as follows:

By mark	.....	296	.....
By thumb prints	.....	231	.....
Total	.....	527	.....

III.

DUPLICATION OF NAMES:

Smilie testified in detail, beginning in the record at page 807, as to the duplication of names on the petition.

Total number of names so shown to be duplicated are 746. (Rec. 1194.)

IV.

MORE THAN ONE COUNTY NAMED IN PETITION AND AFFIDAVIT:

Beginning with the record on page 1100, total number of pamphlets shown to be in this condition are

.....	456	.....
	20	
	<hr/>	
	9170	

V.

NO POSTOFFICE SHOWN:

Beginning on record page 1202 evidence introduced showing names signed to the petition without giving postoffice address. Total number so shown are ... *417* ...

VI.

RETURNED ENVELOPES:

Returned envelopes addressed to the signers of the petition at the postoffice addresses given by them were offered in evidence, beginning at record page 1282, of the number of more than 4500.

VII.

It was stipulated that at the time the signatures were being procured on this petition that petition number twelve (12) was pending before the Secretary of State undisposed of, and it also appears by reference to said petition number 12 that it is identical in terms with the petition under investigation as to subject matter, except that it gives a different time of the week for the meeting of the county and State institutes than that named in pamphlet number 12, and in all other respects the proposed measures being identical.

To the Hon. Benj. F. Harrison,
Oklahoma City, Okla. Sec'y of State,

In the matter of the Protest of members of the State Board of Agriculture, filed with the Sec'y of State on May 4th by O.T. Smith, the paid Att'y of the said Board members- said Protest being against the sufficiency of Initiative Petition No. 23. and filed in the name of Marle Woodson, an employe of said Board:-
Comes now Campbell Russell, representing himself and other petitioners, and for answer says, that a large majority of the 27 points raised in the said Protest are extremely technical and can have *no* force against the plain law of this State governing Initiative and Referendum Petitions (even if true), and as to the remainder of said points of Protest, they are wholly untrue and fictitious, and are well known to be untrue and fictitious. Said points are not raised by the Protestants or their Att'y with the hope of sustaining same, but are made for the sole purpose of delay, and with the hope and intent that the "Hearing" thereon may be continued from day to day and from time to time, so that this question may not be submitted to the voters of this State at the Aug. Primary, but will be delayed until the general election in Nov. at which time party lines are expected to be tightly drawn and party loyalty and prejudice strong.

It is hoped by the Protestants that at such an election many voters will consider and act upon such measure as a "Party matter", and *will* by others overlooked and neglected *same* during the excitement of a General election, and that thereby their "Hides may be saved from the tan yard", and the Initiative power which the Constitution intended to reserve to the people of this State shall be nullified, and its usefulness in the hands of the plain citizen destroyed.

Therefore this Petitioner and his fellow Petitioners ~~do~~ most respectfully and earnestly ask that while the Protestants be given the opportunity to substantiate each and every material point raised in their Protest that they be required to produce the evidence therefor promptly and continuously in accordance with the spirit of the Initiative and Referendum laws of this State.

This is not an unreasonable request, or one which will unduly burden the (real) protestants in this case--in addition to the individual resources of the Protestants and their "Friends", they have already clearly shown that they are not over scrupulous about using the Public Funds in their ~~effort~~ ^{determination} to defeat the ~~intent~~ ^{efforts} of the people of this State ^{to use} using the Initiative Power to themselves reserved. The substance of this Petitioner and of other Petitioners, and of every tax payer in Oklahoma (collected by the tax gatherer) has been so used, or misused; and it is not unreasonable to suppose that the tax monies of this State will continue to be drawn on for this purpose until such time as all connection between this Board (as at present constituted) and the State Treasury is permanently severed, and suitable safe guard^s placed around their successors, as provided in the measure carried^d by Initiative Petition No. 23.

41,394 citizens of Oklahoma have filed their "Order" instructing that at the "next election held throughout the State" the voters be given an opportunity to ~~do these things~~ sever the connection now existing between these men and the State Treasury and to adopt the safeguards which will minimize the temptations to which their successors may be subjected.

The substance of all the above is:- 1st, ~~We~~ dare 'em to prove the fictitious, spurious, made to Order, charges, set out in their protest;

2nd, We insist that their thinly veiled scheme to carry this question over to the General election and settle it as a "Party measure" be not winked at;

3rd, This Petitioner avails himself of this opportunity, and of every other opportunity, "In season and out of season", to denounce the action of the public officials who have so grossly abused the power so lavishly bestowed upon them by the First Legislature of this State, as to MISuse the tax monies of its citizens, to fight the efforts of those same citizens when they attempt to use the right (which we still believe is ours) to correct public abuses through the Initiative.

Campbell Russell

Representing the petitioners on State Ques-

Warner, Okla.

tion No. 38, Initiative Petition No. 23.

May 6th.

*But I have no clerk to put a book
on this, and no lawyer to dictate,
"State of Oklahoma S.S.", but I hope
I make myself clear
R.*

Campbell Russell.
New hearing

IN THE MATTER OF THE PROTEST OF MARLE WOODSON,
A CITIZEN AND LEGAL VOTER OF CIMMARRON COUNTY, STATE
OF OKLAHOMA? INITIATIVE PETITION NUMBER 23, STATE QUES-
tion NUMBER 38, BEING INITIATIVE TO SUBMIT A PROPOSED
CONSTITUTIONAL AMENDMENT ENTITLED "ENTITLED A BILL,
ENTITLED AN ACT PROPOSING A NEW SECTION TO THE CONSTI-
TUTION OF THE STATE OF OKLAHOMA" to be in lieu of Sec-
tion 31 Article 6, creating a State Board of Agricul-
ture, providing qualifications and duties of members
and the manner of electing same.

OKLAHOMA CITY, Oklahoma, May 28, 1912.

BE FORE THE HONORABLE BENJAMIN F. HARRISON, Sec-
retary of State.

APPEARANCES:

Protestant Woodson appeared by Counsel,

O. T. Smith.

In support of the petition, Campbell Russell.

At nine o'clock A.M. on this 28th day of May, 1912,
this cause coming on for hearing on said protest, as
heretofore agreed to, and the time of the Secretary being
taken up with other matters, the Honorable Secretary on
his own motion continued same until the hour of 1.30 P.M.
June 17, 1912.

There were no objections interposed to said con-
tinuance.

IN THE MATTER OF THE PROTEST OF MARLE WOODSON,
A CITIZEN AND LEGAL VOTER OF CIMMARRON COUNTY, STATE
OF OKLAHOMA; INITIATIVE PETITION NUMBER 23, STATE QUES-
tion NUMBER 38, BEING INITIATIVE TO SUBMIT A PROPOSED
CONSTITUTIONAL AMENDMENT ENTITLED "ENTITLED A BILL,
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At nine o'clock A.M. on this 28th day of May, 1912,
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taken up with other matters, the Honorable Secretary on
his own motion continued same until the hour of 1.30 P.M.
June 17, 1912.

There were no objections interposed to said con-
tinuance.

Oklahoma City, Okla. July 29, 1912.

The further hearing in the matter of the protest of Marle Woodson against State Question No. 23 Initiative Petition No. 38 is by agreement of counsel continued to the hour of 1.30 P. M. August 7, 1912.

August 7, 1912, at the hour of 1.30 P. M. this cause was convened pursuant to adjournment, the further adjournment to August 14, 1912 at 9. 30 A. M. and stipulation was agreed upon, as follows:

Before the Honorable Benjamin F. Harrison, Secretary of State.

In the matter of the Protest of Marle Woodson, a citizen and legal voter of Cimarron County, State of Oklahoma against the sufficiency of Initiative petition number 23, State Question number 38, being initiative to submit a proposed Constitutional amendment entitled A Bill, entitled an Act proposing a new section to the Constitution of the State of Oklahoma to be in lieu of Section 31, Article 6, creating a State Board of Agriculture, providing qualifications and duties of members and the manner of electing same.

It is stipulated and agreed between counsel for the proponent and counsel for the protestant that the following agreed statement of facts may be read in evidence in the above entitled matter:

That prior to the filing of the initiative petition number 23, being the petition under investigation in this

proceeding, to-wit, on or about the 12th day of December, 1911, initiative petition number 12 was filed by Campbell Russell, Esq., a true and correct copy whereof is hereto attached and marked exhibit "A", and made a part of this stipulation.

That thereafter, and within the time provided by law, a protest against the sufficiency of said initiative petition number 12 was filed by Marle Woodson, Protestant, in the office of the Secretary of State; that the Secretary of State fixed a time for the hearing of testimony upon said petition and protest, and that said testimony and hearings were begun on the day so fixed by the Secretary and were continued from day to day and from week to week thereafter until on or about the 24th day of April, 1912, when said initiative petition was by said Russell withdrawn.

That during a portion of the period aforesaid, while said initiative petition number 12 was pending undisposed of before the Honorable Secretary of State, petition number 23 was being circulated and the signatures thereto being obtained, and that no signatures were obtained or procured to said petition number 23 except during the time while said petition number 12 was pending undisposed of before the Secretary of State.

Dated at Oklahoma, this 9th day of August, 1912.

Orville T. Smith,
Attorney for Proponent,

Lewis P. Mosier,
Attorney for Protestant.

State Question- Initiative Petition No. 12.

W A R N I N G .

" It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly sign his name more than once for the measure, or to sign such a petition when he is not a legal voter."

STATE QUESTION -- INITIATIVE PETITION NO.12.

TO THE HONORABLE LEE CRUCE, GOVERNOR:

We, the undersigned citizens and legal voters of the State of Oklahoma, County of _____, respectfully order that the following proposed Section to the Constitution of this State shall be submitted to the legal voters of the State for their approval or rejection, at the regular election to be held on the first Tuesday succeeding the first Monday in November, A.D. 1912, being the fifth 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 same may be submitted, and each for himself says:

I have personally signed this petition, and am a legal voter of the State of Oklahoma, and the County of _____; my residence and post office are written correctly after my name. The time for filing this petition expires sixty days from the fourteenth day of September, 1911. The question we herewith submit to our fellow voters is, shall the following proposed section of the Constitution be adopted in lieu of section thirty-one, Article VI., to-wit:

BEFORE THE HONORABLE BENJAMIN F. HARRISON,
SECRETARY OF STATE.

IN THE MATTER OF THE PROTEST OF MARLE WOODSON, A
CITIZEN AND LEGAL VOTER OF CIMMARON COUNTY, STATE OF
OKLAHOMA, AGAINST THE SUFFICIENCY OF INITIATIVE PETITION
NUMBER 23, STATE QUESTION NUMBER ~~23~~³⁸, BEING INITIATIVE
TO SUBMIT A PROPOSED CONSTITUTIONAL AMENDMENT ENTITLED
"ENTITLED A BILL, ENTITLED AN ACT PROPOSING A NEW SECTION
TO THE CONSTITUTION OF THE STATE OF OKLAHOMA" TO BE IN
LIEU OF SECTION 31, ARTICLE 6, CREATING A STATE BOARD
OF AGRICULTURE, PROVIDING QUALIFICATIONS AND DUTIES OF
MEMBERS AND THE MANNER OF ELECTING SAME.

It is stipulated and agreed between counsel for the
proponent and counsel for the protestant that the following
agreed statement of facts may be read in evidence in the above
entitled matter:

That prior to the filing of the initiative petition
number 23, being the petition under investigation in this pro-
ceeding, to-wit, on or about the 12th day of December, 1911,
initiative petition number 12 was filed by Campbell Russell,
Esq., a true and correct copy whereof is hereto attached and mark-
ed Exhibit "A", and made a part of this stipulation.

That thereafter, and within the time provided by law,
a protest against the sufficiency of said initiative petition
number 12 was filed by Marle Woodson, Protestant, in the office
of the Secretary of State; that the Secretary of State fixed
a time for the hearing of testimony upon said petition and
protest, and that said testimony and hearings were begun on the

day so fixed by the Secretary and were continued from day to day and from week to week thereafter until on or about the ..24.. day of ...*April*....., 1912, when said initiative petition was by said Russell withdrawn:

That during a portion of the period aforesaid, while said initiative petition number 12 was pending undisposed of before the Honorable Secretary of State, petition number 23 was being circulated and the signatures thereto being obtained, and that no signatures were obtained or procured to said petition number 23 except during the time while said petition number 12 was pending undisposed of before the Secretary of State.

Dated at Oklahoma City, this *9th*..... day of August, 1912.

Orville Smith.....

Attorney for
Proponent.

Lewis G. Mosier.....

Attorney for
Protestant.

At the hour of 9. 30 A. M. August 14, 1912, all parties appearing for further hearing in said cause, the following proceeding were had:

BY O. T. SMITH:

At the last hearing of this case it was verbally understood between the counsel that a stipulation would be filed covering the ground of one question in the protest that during the period while the signatures on the petition under investigation were being procured there was another petition pending in this office undisposed of covering the same subject matter and identical in form except as to the day and week of the county and state meetings were to be had. I have the stipulation complete except one date to be filled in, and that is the date when the other petition was withdrawn and also except the supplying the copy of the other petition, which can be procured from the files of this office.

I would like to have the Secretary's finding show the total number of votes cast at the last general election for the State office receiving the highest number of votes and the total number of names required to initiate a Constitutional amendment and also the total number of purported signatures as counted by the Secretary at the time the petition under investigation was filed.

PROTESTANT RESTS.

PROPONENT RESTS.

ARGUMENT OF BOTH ARE HEARD BY SECRETARY.

It is contended that there are 417 signatures that do not show Post Office address of said signers.

Forty five hundred returned envelopes addressed to the signers of the petition at the Post Office address given on said pamphlets were offered in evidence. *No additional evidence was introduced to support this contention.*

It is further contended by said Protestant that there are 9120 signatures to the pamphlets where more than one county is named in said Petition and Affidavit, thus making it impossible to determine by the face of the pamphlet, of which county the signer is a voter. As to this particular contention the Proponents conceded to be true, as shown by the pamphlets themselves.

Sufficient evidence was introduced in support of said contentions by said protestant to compel me to sustain the protest and find the Petition insufficient.

WITNESS my hand and Official Seal, this the 14th., day of August, A. D. 1912.



Benjamin F. Harrison

SECRETARY OF STATE.

BY *W. S. Fitzpatrick*

ASSISTANT SECRETARY OF STATE.
Acting.

FINDINGS OF THE SECRETARY,

In Re Initiative Petition
No. 23, State Question No.
38.

Initiative Petition No. 23, State Question No. 38, filed in the Office of the Secretary of State of the State of Oklahoma, on the 26th, day of January, A.D., 1912, seeking to submit a proposed Constitutional Amendment entitled " A BILL ENTITLED AN ACT PROPOSING A NEW SECTION TO THE CONSTITUTION OF THE STATE OF OKLAHOMA, TO BE IN LIEU OF SECTION THIRTY-ONE, ^{Article} ~~SECTION~~ SIX, CREATING A STATE BOARD OF AGRICULTURE, PRESCRIBING QUALIFICATIONS AND DUTIES OF MEMBERS AND THE MANNER OF ELECTING SAME".

Said Initiative Petition after being circulated, was filed on the Twenty-fifth day of April, 1912, containing 41,454 signatures.

There were 247,666 votes cast at the General election in 1910 for the highest State Office.

The number of signatures necessary to an Initiative Petition to amend the Constitution, based on the total vote cast at the 1910 General Election, is 37,150.

On the 4th day of May, 1912, a protest to said Initiative Petition was filed by Marle Woodson, protesting against the sufficiency of said Petition. The hearing on said protest being set for May 28th, 1912.

It is contended by said Protestant that there are 5390 names signed to said petition, which show a variance between the names signed and as sworn to in the affidavit.

It is further contended by Protestant that there are 296 names signed by mark, same not being witnessed according to law, and 231 names signed by thumb print.

It is further contended that there are 746 names duplicated.

UNITED STATES OF AMERICA,)
STATE OF OKLAHOMA,) SS.

In the Matter of Initiative Petition No. 23,
State Question No. 38.

To the Secretary of State, of the
State of Oklahoma:

✓ You are hereby notified that the undersigned petition-
ers, in the above entitled matter, appeals from your decision of
the 14th day of August, 1912, rejecting said entitled petition
and State question, to the Supreme Court of the State of Okla-
homa.

Campbell Russell
~~Petitioner~~ Appellant
By Lewis P. Mosier, Attorney

To the Secretary of State,

You will kindly transmit to the Supreme Court all the
records and papers, testimony and evidence in the above entitled
matter.

Very respectfully,

Campbell Russell
Appellant
By Lewis P. Mosier
Attorney

14

18 Aug 9

H. Arce

Oklahoma City, Okla., Aug., 19, 1912.

Received of Benjamin F. Harrison, Secretary of State, the following Records and Papers In Re Initiative Petition No. 23, State Question No. 38;

Copy Initiative Petition #23, State Question #38,

Proposed Ballot Title;

Twenty-one hundred & sixty-three Pamphlets,

Receipt of Secretary for Pamphlets,

Protest,

Letter from Campbell Russell to Sec'y. of State, dated 5/6/'12.

Stipulation between Counsel,

Memorandum Abstract,

Findings of the Secretary,

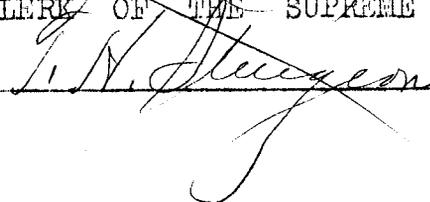
Forty-five hundred returned envelopes,

Transcript of Testimony, Vols. One and Two, containing 1841 pages,

Nine pages additional Transcript.

Notice of Appeal.



CLERK OF THE SUPREME COURT.
BY 

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA.

Campbell Russell, et al.,
Plaintiffs.

vs.

NO. 4085

Ben F. Harrison, Secre-
tary of State of the
State of Oklahoma,

Defendant.

(SYLLABUS BY THE COURT)

The word "will", as used in Section 2 of an act approved March 19, 1911, entitled "an act amending Section 2, Art. 1, Chapter 66 of the Session Laws of 1910, and providing "Any citizen of the state may, within 10 days, by written notice to the Secretary of State and to the party or parties who filed such petition, protest against the same, at which time he will hear testimony and arguments for and against the sufficiency of such petition", means "shall" and is mandatory and being addressed to a public official excludes the idea of discretion.

ORIGINAL PROCEEDING IN MANDAMUS.

WRIT GRANTED.

Campbell Russell, Attorney for Plaintiff.
Ben F. Harrison, Attorney pro se.
Orville T. Smith, Amicus curiae.

- - - o o o o o - - -

OPINION OF THE COURT

BY TURNER, C.J.

On a petition filed by Campbell Russell for himself and on behalf of 41,393 other citizens and qualified voters of the state, alleging in substance that the defendant, Ben F. Harrison, is the duly elected, qualified and acting Secretary of State of Oklahoma; that on April 25, 1912, petitioner filed with him as such an initiative petition No. 23, State Question No. 28, signed by petitioner and that many other qualified voters of the state, which proposed an amendment to the Constitution of the State of Oklahoma, a copy of which was filed as "Exhibit A" to the petition; that on said day it became and was the duty of the defendant to proceed

at once to examine the sufficiency of said petition, but that disregarding his duty defendant has failed and refused so to do; that defendant has postponed an examination or determination thereof until June 17, 1912, at which time it is his purpose to again refuse and continue so to do so as to defeat and postpone the right of the citizens and qualified voters of the state to vote upon said proposed amendment, and praying for an alternative writ of mandamus commanding the defendant to proceed at once to determine the sufficiency of said petition or to show cause, and for proper relief: said writ was, on May 29, 1912, issued by the court as prayed. On June 4th, 1912, came defendant, as Secretary of State, and showing cause, after admitting that said petition was filed as alleged, states that protest thereto was filed May 4, and a hearing thereon set for May 28, 1912, at which time plaintiff appeared but that defendant was unable to hear said protest for the reason that a hearing was in progress upon the protest against the sufficiency of an initiative petition filed prior thereto, which had been set for hearing May 14, 1912; that in as much as both hearings could not be had at the same time, defendant felt that precedence should be given to the hearing already in progress, and being advised and believing that he had authority under section 2 of Chapter 66 of the Session Laws 1910, to use his discretion in setting and time for hearing such protest, provided the same be set for hearing not less than five days from the filing of protest, the hearing of the protest to initiative petition No. 23 was postponed until June 17, 1912; that plaintiff was present at the time of said postponement and offered no objection thereto; that the attorney protesting and the protesting parties were the same as those representing the parties protesting against the sufficiency of initiative petition No. 21, and said attorney requested that the hearing be postponed until some time in July, whereupon plaintiff objected, for the reason that he had several picnic engagements for the month of July and that when June 17th

was suggested plaintiff offered no protest. Further answering he denies it to be his purpose or intention to postpone said hearing from time to time so as to defeat the ends of justice, and prays to be discharged. The return was insufficient and the writ should run.

On the hearing in open court petitioner relied on an act entitled:

"An Act to provide for carrying into effect the initiative and referendum powers. . . ."

approved April 16, 1908, which provides:

"Sec. 6. Whenever an initiative petition or referendum petition shall be filed with the Secretary of State, he shall at once proceed to examine into its sufficiency. If any one desires to appear for or against it he shall receive testimony and arguments. . . ."

and insisted that "at once" as used in that connection, meant just what it said and that it was the duty of the Secretary to proceed at once to examine into the sufficiency of the petition immediately on its filing. On the other hand the Secretary relied on; an act entitled:

"An Act carrying into effect provisions relating to the initiative and referendum; . . . repealing sections 6, 7 and 16 of article one, chapter forty-four of the Session Laws of Oklahoma, 1907-08."

approved March 17, 1910, which provides:

"Sec. 2. When such original petition is filed in said office it shall be the duty of the Secretary of State to forthwith cause to be published in at

least one newspaper of general circulation within the state, a notice setting forth the date of such filing. Any citizen of the state may, within ten days, by written notice to the Secretary of State and to the party or parties who filed such petition, protest against the same, whereupon the Secretary of State shall fix a day, not sooner than five days thereafter, at which he will hear testimony and arguments for and against the sufficiency of such petition."

which repealed said act and insisted that thereby he was given a discretion after protest filed to fix the date for the hearing which he had exercised by fixing June 17, 1912. Both were in error as to the law, and it is since conceded in the briefs that this latter act was amended by an act entitled:

"An Act amending section 2 of article 1, chapter 66, of the Session Laws of 1910, the same being a bill entitled 'An Act carrying into effect provisions relating to the initiative and referendum, . . .'"

approved March 18, 1911, Section 2 of which provides:

"When such original petition is filed in said office it shall be the duty of the Secretary of State to forthwith cause to be published in at least one newspaper of general circulation within the state, a notice setting forth the date of such filing. Any citizen of the state may, within ten days by written notice to the Secretary of State and to the party or parties, who filed such petition, protest against the same at which time he will hear testimony and arguments for and against the sufficiency of such petition - "

and which is the governing statute here. In this brief petitioner, in effect, contended that

~~that nevertheless~~ when the last sentence of said act said that "Any citizen of the state may . . . protest against the same at which time he will hear testimony and arguments for and against the sufficiency of such petition", the act meant just what it said and that the word "will" as used in that connection meant "shall" and that it was mandatory upon the Secretary of State to hear testimony and arguments for or against the sufficiency of such petition at the time of protest filed, leaving him no discretion in the premises to postpone said hearing. We think so too. The word "will" is frequently misused for "shall". This is noted by Webster's International Dictionary for 1907, where it is said:

"In Ireland, Scotland and the United States, especially in the Southern and Western portions of the United States, "shall" and "will", "should" and "would" are often misused, as in the following examples;- 'I am able to devote as much time and attention to other subjects as I will (shall) be under the necessity of doing next winter' . . . 'I feel assured that I will (shall) not have the misfortune to find conflicting views . . . 8"

The last expression of the legislature upon the subject was the act approved March 18, 1911, section 2, supra, of which amended section 2 of the act of March 17, 1910, by omitting the five days mentioned, and providing in effect that at the time of the filing of the protest, the Secretary "will hear testimony and arguments for and against the sufficiency of such petition." The whole spirit of ^{this legislation} ~~these acts~~ ^{the purpose to have} indicate immediate action in the premises by the Secretary. ~~Being of opinion, as we are, that~~ the word "will" as used in this connection, means "shall" and that the part of the last section quoted is mandatory, and that it is the duty of the Secretary to ~~lay aside his other duties and~~ proceed to an immediate hearing of testimony and arguments for and against the sufficiency of the petition; ~~we think the writ should go. This for the reason that the word "shall" is manda-~~ tory and when addressed to a public official excludes the idea ^{The word shall being mandatory}

3-1-72
of discretion. (In re O'Rourke, 80 N. Y. Supp. 375)

In contemplation of law, this hearing when begun is always open until finally concluded.

For the reason, however, that we believe the Secretary will conform to the views here expressed, the writ is withheld.

(Filed Oct 8 1912
W.H.L. Campbell, Clerk)

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA.

In re Initiative Petition
No. 23, State Question No. 38.

No. 4289.

S Y L L A B U S.

1. The appeal from a decision of the Secretary of State to the Supreme Court under the provisions of chap. 107, Sess. Laws 1910-11, p. 235, is a transference of the proceeding to this court for a trial de novo and it has jurisdiction to hear and determine the same.

2. Under the provisions of chap. 107, Sess. Laws 1910-11, p. 235, on appeal being taken, this court secures jurisdiction of the Secretary of State by virtue of the notice served as provided for therein and on finding an initiative or referendum petition sufficient, it may by its mandate compel said officer to comply with statutory requirements.

3. The names attached to an initiative or referendum petition regularly filed in the office of the Secretary of State, sufficient in number and for the purpose of having the question therein contained submitted at an election, are presumed to be the signatures of legally qualified citizens and electors of the state, and that the post offices and places of residence given therein are correct and to defeat the submission of the said question, the burden is on one protesting to produce evidence sufficient to overcome this presumption, and the mere fact that of letters addressed to all the signers of the said petition at post offices given thereon, about ten per cent were returned to the writer undelivered, or that the circulators of the petition in their affidavits attached thereto set forth more than one county as the residence of the signers of some of the different pamphlets, or that they failed or neglected in a number of instances to legibly write or typewrite the names of the signers of the said petitions on the back thereof, will not be held sufficient in the absence of other proof to overcome such presumption and establish that the signers of the said petition were not at the time they signed the same, citizens and legal voters of the state.

APPEAL FROM THE SECRETARY OF STATE.

R E V E R S E D.

Orville T. Smith,
Attorney for Protestants.

Lewis P. Mosier,
Attorney for Petitioners.

October 14, 1912.

To His Excellency,

The Governor.

Sir:--

This is to certify that on April 25, 1912, there was filed in the office of the Secretary of State an Initiative Petition which is styled State Question No. 38, Initiative Petition No. 23, having a ballot title regularly approved by the Attorney General, as follows:

"Proposition enacts new Section in lieu of Section Thirty-One, Article Six, State Constitution, removing old, and providing for election of new, Board of Agriculture, except President.

Members, designated Directors, must all be farmers, and two from each Supreme Court Judicial District, to be selected by County delegates from their respective districts; delegates to be farmers, elected by farmers; employees of Board ineligible as delegates; Directors ineligible to salaried positions. Prohibits payment of Directors or employees for attending annual County Institute, or sessions of Legislature, except when duly requested, and amending present legislation in conformity therewith."

The said petition has 41,454 signatures, being a greater number than is required by law to initiate a bill of its provisions; That on May 4th, 1912, a protest was filed against the sufficiency of said petition, on which a hearing was given until August 14th, 1912, at which time the petition was held insufficient and notice of appeal to the Supreme Court given, as provided for by the Statutes; That on October 8th, 1912, the Honorable Court held the said petition to be sufficient and ordered all papers in the case returned to this office, which order was substantially complied with this day by the Clerk of said Court.

Very respectfully.

Secretary of State.

STATE OF OKLAHOMA
LEE CRUCE, GOVERNOR
OKLAHOMA CITY

October 16, 1912.

Hon. Ben F. Harrison,
Secretary of State,
Oklahoma City, Okla.

Dear Mr. Harrison:

I beg to acknowledge receipt of your favor of the 14th, certifying to me the Supreme Court decision and other matters pertaining to petition styled "State Question No. 38, Initiative Petition No. 23."

Yours truly,



LC-CC

Governor.

PROPOSED BALLOT TITLE FOR STATE QUESTION

No. 38, INITIATIVE PETITION NO.

23.

Proposition enacts new Section in lieu of Section Thirty-One, Article Six, State Constitution, removing old, and providing for election of new, Board of Agriculture, except President.

Members, designated Directors, must all be farmers, and two from each Supreme Court Judicial District, to be selected by County delegates from their respective districts; delegates to be farmers, elected by farmers; employes of Board ineligible as delegates; Directors ineligible to salaried positions. Prohibits payment of Directors or employes for attending annual County Institute, or sessions of Legislature, except when duly requested, and amending present legislation in conformity therewith.

Oklahoma State Board of Agriculture

OFFICE OF SECRETARY

OKLAHOMA CITY, OKLA..

October 16th, 1912.

Mr. Ben. Harrison,
Secretary of State,
Oklahoma City, Okla.

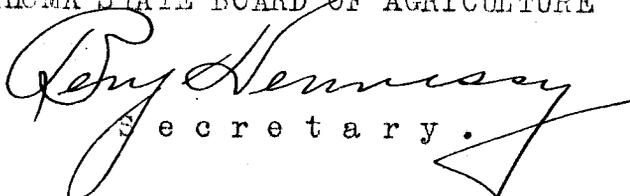
Dear Sir:

This is to inform you that the Oklahoma State Board of Agriculture has made a request of the Attorney General's office for a rehearing of the Campbell Russell measure passed on affirmatively by the Supreme Court a few days ago.

Yours very truly,

OKLAHOMA STATE BOARD OF AGRICULTURE

By,


Secretary.

BFH/E.

October 18, 1912.

To His Excellency,

The Governor.

Sir:--

This is to certify that on April 26, 1912, there was filed in the office of the Secretary of State an Initiative Petition which is styled State Question No. 38, Initiative Petition No. 23, having a ballot title regularly approved by the Attorney General, as follows:

"Proposition enacts new Section in lieu of Section Thirty-One, Article Six, State Constitution, removing old, and providing for election of new, Board of Agriculture, except President.

Members, designated Directors, must all be farmers, and two from each Supreme Court Judicial District, to be selected by County delegates from their respective districts; delegates to be farmers, elected by farmers; employees of Board ineligible as delegates; Directors ineligible to salaried positions. Prohibits payment of Directors or employees for attending annual County Institute, or sessions of Legislature, except when duly requested, and amending present legislation in conformity therewith."

The said petition has 41,454 signatures, being a greater number than is required by law to initiate a bill of its provisions; That on May 4th, 1912, a protest was filed against the sufficiency of said petition, on which a hearing was given until August 14th, 1912, at which time the petition was held insufficient and notice of appeal to the Supreme Court given, as provided for by the Statutes; That on October 8th, 1912, the Honorable Court held the said petition to be sufficient and ordered all papers in the case returned to this office, which order was substantially complied with this day by the Clerk of said Court.

Very respectfully.

Secretary of State.

STATE QUESTION NUMBER 38

INITIATIVE PETITION NUMBER 23.

	YES	NO
ADAIR	977	640
ALFALFA	2687	792
ATOKA	1496	617
BEAVER	1619	513
BECKHAM	2220	855
BLAINE	1257	796
BRYAN	2664	835
CADDO	4217	1651
CANADIAN	1443	942
CARTER	2184	828
CHEROKEE	976	272
CHOCTAW	1808	707
CIMARRON	<i>No. Election</i>	
CLEVELAND	1953	830
COAL	816	398
COMANCHE	2755	1087
COTTON	1430	534
CRAIG	2148	932
CREEK	2531	849
CUSTER	2682	1293
DELAWARE	1123	500
DEWEY	1972	895
ELLIS	2114	746
GARFIELD	3850	1264
GARVIN	2745	1039
GRADY	2962	1393
GRANT	2727	911
GREER	1421	609

	YES	NO
HARMON	922	454
HARPER	NO ELECTION	
HASKELL	2375	484
HUGHES	2781	1091
JACKSON	1736	1080
JEFFERSON	1279	559
JOHNSTON	1723	658
KAY	3794	1295
KINGFISHER	2267	822
KIOWA	2784	841
LEFLORE	2160	922
LATIMER	923	396
LINCOLN	4050	1557
LOGAN	4168	761
LOVE	711	502
McCLAIN	1663	572
McCURTAIN	959	597
McINTOSH	1874	512
MAJOR	2004	549
MARSHALL	1390	522
MAYES	1546	621
MURRAY	1279	416
MUSKOGEE	5193	1083
NOBLE	1907	861
NOWATA	1024	360
OKFUSKEE	1580	643
OKLAHOMA	8429	5120
OKMULGEE	2057	631
OSAGE	2758	864
OTTAWA	1735	895
PAYNE	2573	1049
PAWNEE	2124	903
PITTSBURG	3196	1243
PONTOTOC	2284	1004

	YES	NO
POTTAWATOMIE	4535	1613
PUSHMATAHA	1085	433
ROGER MILLS	1574	334
ROGERS	1762	907
SEMINOLE	1616	756
SEQUOYAH	1590	620
STEPHENS	2431	707
TEXAS	1022	344
TILLMAN	2087	684
TULSA	2150	1182
WAGONER	844	171
WASHINGTON	2322	809
WASHITA	2489	1050
WOODS	2648	738
WOODWARD	2350	643
	<u>167530</u>	<u>63586</u>

STATE ELECTION BOARD)
STATE OF OKLAHOMA) SS

Honorable Lee Cruce,
Governor of the State of Oklahoma.

Sir:

I, Ben W. Riley, Secretary of the State Election Board, of the State of Oklahoma, hereby certify that the above and foregoing is a true and correct vote cast for and against State Question Number Thirty-eight, Initiative Petition Number Twenty-three, in the above Counties in the State of Oklahoma, at the General Election held in said State of Oklahoma on the 5th day of November, A.D. 1912, as shown by the official returns of the respective County Election Boards of the State of Oklahoma, as now appears of record in the office of the State Election Board of the State of Oklahoma.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of office this the Twenty-sixth day of November, A.D. 1912.

Ben W. Riley

SECRETARY STATE ELECTION BOARD.



1105
Notes on Stats

Question No. 38

Sud. Cal. No. 23

Prof. [unclear]

UNIVERSITY OF CALIFORNIA
SCHOOL OF LAW

W. L. [unclear] [unclear]

A. D. 1912 at [unclear]

Record in [unclear]

Exhibit No. [unclear]

Benjamin J. [unclear]
[unclear]

X