

LAW OFFICES OF

DEVEREUX & HILDRETH

JOHN DEVEREUX

JOHN J. HILDRETH

*Guthrie, Oklahoma,*

4/17/12.

The Honorable Secretary of State,  
Oklahoma City, Oklahoma.

Dear Sir:

Enclosed we hand you copy of a proposed amendment to the Constitution of the State of Oklahoma by initiative petition.

We have sent a copy of this to the Attorney General by this same mail and ask you kindly to file this paper in your office, to-day.

Yours truly,

J D/EJ

*John J. Hildreth*

*40  
EJ*

April 18, 1912.

Devereux & Hildreth, Attys.,

Cuthrie, Okla.

Gentlemen:--

I acknowledge receipt of your favor of the 17th instant enclosing copy of proposed amendment to the Constitution of Oklahoma by initiative petition.

The same was filed at 8:30 o'clock this morning and was given the following number: State Question No. 40, Initiative Petition No. 25.

Very respectfully,

Secretary of State.

**ARTICLE.**

" 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 purpose, or to sign such petition when he is not a legal voter."

INITIATIVE PETITION.

To the Honorable Lee Cruce, Governor of Oklahoma: We, the undersigned citizens and legal voters of the State of Oklahoma, and the County of \_\_\_\_\_, respectfully order that the following proposed amendment to the Constitution shall be submitted to the legal voters of the State of Oklahoma, for their approval or rejection at the regular general election to be held on the First Tuesday after the First Monday, (the Fifth day) of November 1912, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma and the County of \_\_\_\_\_; My residence and postoffice are correctly written after my name. The time for filing this petition expires ninety days from \_\_\_\_\_, 1912.

The question we herewith submit to our fellow voters is:  
Shall the following proposed amendment to the Constitution be adopted?  
TITLE:

An Act amending Article Twenty One (21) of the Constitution of the State of Oklahoma by adding to said Article a section numbered two (2) locating the Capitol and seat of Government of said State.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Sec. 2. The Capitol and seat of Government of the State of Oklahoma is hereby located at the City of Guthrie in said State.

BALLOT TITLE.

The gist of this proposition is to locate  
the Capitol of the State of Oklahoma at Guthrie, Oklahoma.

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-j

April 18, 1912.

To the  
Secretary of State.

S i r:

There has been filed in this office a copy of an Initiative Petition, proposing an amendment to Article 21 of the Constitution of Oklahoma, by adding a section numbered Two (2) locating the Capital and seat of government of said State. Accompanying the petition is a proposed ballot title as follows:

"Ballot title.

The gist of this proposition is to locate the capital of the State of Oklahoma at Guthrie, Oklahoma."

It is the opinion of this office that the proposed ballot title is in legal form and in harmony with the law, and the same is approved as provided by law.

Very respectfully,

THE ATTORNEY GENERAL,

By *Reeves*

CC to Devereux & Hildreth,  
Guthrie, Okla.

7/15/12  
40-25



STATE OF OKLAHOMA  
DEPARTMENT OF STATE  
OKLAHOMA CITY

BENJAMIN F. HARRISON  
SECRETARY

HUGH L. HARRELL  
ASST. SECRETARY

July the 15th, 1912.

Received of Devereux and Hildreth, Attys.,  
Guthrie, Oklahoma, thirty-three hundred and forty-  
three pamphlets, containing fifty-one thousand,  
four hundred and ninety-nine (51,499) signatures  
to the original petition of State Question No. 40,  
Initiative Petition No. 25, a copy of which was  
filed in this office before the circulation of said  
petition, April the 18th, 1912.

Given under my hand and seal of office this the  
fifteenth day of July, 1912.

---

Secretary of State.

*3 pamphlets  
44 signatures  
Jared 7/16-12*

*51 523*

Handwritten notes and stamps at the top of the page, including the number '14' and other illegible markings.

To the Honorable Secretary of State and  
Governor of the State of Oklahoma:

The undersigned, who offer for filing Initiative  
Petition No. 25, State Question No. 40, on this 15th  
day of July, 1912, respectfully request the Honorable  
Secretary of State, in the presence of the Governor and the  
persons offering the same for filing, to detach the sheets  
containing the signatures and affidavits and cause them  
all to be attached to one or more printed copies of the measure  
so proposed by initiative petition.

John Deery  
John Deery

## A R G U M E N T

for Oklahoma City on State Question No. 40, - Initiative Petition No. 25, - Why the Constitution should be Amended so as to Locate the Capital Permanently at Guthrie, Oklahoma, being the Answer to the Argument filed by Guthrie.

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Oklahoma City in presenting her argument to the people of the state is perfectly content to submit the facts as they are.

The Argument of Guthrie discloses two facts:

First, that its citizens are grossly ignorant of the facts as they actually are, or they are possessed with a wilful and malicious determination to grossly misrepresent the facts. Their entire argument is based upon the theory that Guthrie is the protector of the rights of the people of the state. This theory is slightly misleading when the attention of the people is called to the fact that Guthrie for twenty years ignored the interests of the people in order to subserve and advance her own selfish interests in the matter of the location of the capital. The capital never has been located at Guthrie, either by a vote of the legislature, or by a vote of the people.

When Oklahoma was opened ~~for~~ settlement the Organic Act providing therefor, provided that the territorial capital should be at Guthrie, and that the first territorial legislature should locate the capital. In 1890 the territorial legislature did locate the capital, at Oklahoma City, but the bill thus locating the capital was vetoed by Governor Steele, a carpet bagger, who came to Oklahoma with his commission in his pocket and left the territory with its expiration. The capital was next located at Kingfisher and this bill was vetoed, both of these vetoes being brought about through the influence of Guthrie politicians.

In Guthrie's arguamnt she states that the election held June 11, 1910, at which the capital was located at Oklahoma City, was in violation of the Enabling Act which the Constitutional Convention had irrevocably accepted. This statement implies, and it is the purpose of Guthrie to leave the impression that the people of the state were without power to locate the capital; that Oklahoma was not admitted into the Union on an equality with the other states, but came in degraded and tied by the 1913 clause which was inserted in the Enabling Act under the influence of Guthrie, but our own supreme court and the supreme court of the United States repudiated this contention of Guthrie and held that Oklahoma possessed in all respects the same constitutional right and power of the other states, and that since all the other states were unrestrained in their power to locate their capitals, so has Oklahoma this power. Guthrie opposed Statehood by all the means in her power and at the election when the Constitution was adopted, Guthrie and Logan county cast twice as many votes against the adoption of the constitution as they did for it; and, while the Constitutional Convention was in session, and during the time when the first Administration had offices at Guthrie, her people and her chief newspaper antagonized and villified the public officials engaged in forming the constitution and administering the state government. When the first state officers were inaugurated at Guthrie, one of her leading citizens refused to permit his place of business to be decorated with flags in honor of the occasion, and at the next election he was elected Mayor of Guthrie. This individual is now fighting to take the capital back to Guthrie.

Guthrie claims in her official argument that the people of the state were deceived by the belief that the initiated bill voted on in 1910 would not have affected the locating of the capital until 1913. The time as to when the measure would take effect was the subject of controversy and discussion during the campaign and honest men differed upon the question, but Guthrie took the correct view upon this question and circulated throughout the state the written opinion of every lawyer located there except two, in which it was said:

" It has been suggested that they only intend to locate the capital at this time, and that the time intervening between now and 1913 will be necessarily used in erecting a building and getting it ready for use at that time. It is not the language of the bill before the people. An examination of the bill will disclose the fact that the election to be held is for the purpose of locating the capital at this time."

This was the opinion of Governor Haskell and he acted in accordance therewith when he opened up his offices at Oklahoma City immediately after the election was held. On this point the supreme court sustained his action and the opinion of the Guthrie lawyers, hence it cannot be stated that Oklahoma City deceived the people as to when the capital should be located. When the supreme court denied the validity of that election on a technical defect in the ballot title, Governor Haskell convened the legislature in extraordinary session and the legislature enacted the present law locating the capital at Oklahoma City.

As soon as Oklahoma City, by virtue of the election held in June 1910, attempted to carry out the wishes of the people expressed in that election, and of their implied agreement as made by her citizens in the campaign immediately prior to said election, the citizens of Guthrie enjoined in the courts any steps on the part of Oklahoma City to carry out her contract, and the supreme court of Oklahoma held that said election was void because of a defective ballot title.

The legislature in December 1910 again located the capital at Oklahoma City and entered into a contract through its Governor with the State Capital Building Company of Oklahoma City, in which contract the said State Capitol Building Company agreed to secure title to six hundred and fifty acres of land within the vicinity of the capital site, to sell same, place the proceeds from said sale in a special fund known as the "State Capital Building Fund", and entered into a bond in the sum of \$100,000.00 guaranteeing that said lands would yield to the state a million dollars, but said contract provided that the money need not be paid to the State of Oklahoma faster than the same is used in the construction of the capital building and that in the event the erection of the capital building should be enjoined or involved in litigation as to the legality of the site or the location thereof, then in that event further payments of money under the contract need not be made until the matter is fully settled and determined.

The State Capitol Building Company has secured title to the capital site, and to the six hundred and fifty acres of land, as agreed in said contract, and for the protection of the state, deeds to said lands are now in the hands of Governor Lee Cruce, as trustee, and in order to place said bond beyond the question of doubt as to its validity or its value, Oklahoma City has placed the amount of said bond, \$100,000 in cash, in the hands of said Governor Lee Cruce, as trustee.

Guthrie in her argument makes the statement that the site on which the capital is to be located is in litigation, and that no title can be made to it. This is not only a false misrepresentation, but it is a vicious, malicious and wilful misstatement. The site on which the capital is to be located, as located by the legislature, has never been in litigation and no person has ever raised any question as to the validity of its title. The only tract of land that has ever been in litigation to the extent that the title was involved is known as the Parker-Howe tract, consisting of 55 acres, which was recently determined by a decision of the U.S.Circuit Court of Appeals, and the State Capital Building Company has a good and valid title to said property.

The only reason why the capital building has not been constructed in accordance with the provisions of said contract, is that Guthrie from January to November 13th, 1911 had the question of the location of the capital in litigation, and Oklahoma City has never been permitted to proceed with her contract.

All the lands donated for capital purposes by the State Capital Building Company, lands appraised at more than a million dollars, lie south of 23d street, or practically within the city limits. Guthrie states in her argument that the lands submitted by the State Capital Building Company are scattered all over the north east part of Oklahoma County. This misstatement is made knowingly and for the express purpose of deceiving the people. The lands donated were all examined by the various members of the legislature which accepted the proposition, and they have been appraised by the representatives of the people of the whole state, and Governor Cruce himself has stated that if the lands are sold after the erection of the capital has actually been begun, they will produce more than a million dollars.

Guthrie also contends that her capital square,

containing fourteen acres, and located in the extreme eastern portion of Guthrie, is worth half a million dollars. This square is further from the center of Guthrie than the site selected by the legislature is from Oklahoma City. Guthrie's appraisement of her land is \$35,000 an acre, and of the land donated by Oklahoma City \$100 per acre. Can any reasonable man believe this? The statement carries its own refutation.

Guthrie further claims that the section of school land located half a mile beyond her capital square is worth half a million dollars, or approximately \$800 an acre, and that the land donated by Oklahoma City is worth \$100 an acre. Will this comparison of values stand the test?

We refer to Governor Cruce's published statements and the appraisement made under the direction of the legislature for a complete refutation of Guthrie's attempt to depreciate the value of the land donated by Oklahoma City. But why should Guthrie refer in her argument to the section of land belonging to the school children of the state? Does she intend to appropriate this land for capital purposes and rob the children of it? Let her answer this question as she may.

Another argument advanced by Guthrie is that the state of Oklahoma owes her the capital because she has never asked for any other institution, and rests her claim on the belief that the people of the state are morally bound to locate the capital at Guthrie, because of the 1913 Clause in the Enabling Act. She has always claimed the capital as a favor conferred on her by Congress and denied other cities of the state the right to dispute her prerogative.

Oklahoma City makes no claim of special privilege in this fight. Located in the center of the state, more accessible than any other city, she presents her claims solely on their merits. Three times she has been selected as the

capital by reason of the fact that it is to the best interests of the people of the state to have their seat of government here. She does not claim that any one is under obligation to vote for her in the approaching election, except upon the belief that it would be to the best interests of a vast majority of the people of the state for the capital to be located here. In this election the public good should be the sole guide of the voters. Oklahoma City has never deceived the people of the state in the past and will not do so in this campaign. She asserts that she has redeemed the pledges made by her in the former campaign and has donated land and money sufficient to build a million dollar capital, without a cents cost to the tax payers of the state, and she appeals to the judgment and conscience of the people of the state to be permitted to finally consummate this donation by the delivery of a million dollar building, free to the people of the state.

To vote the capital at Guthrie is to deny this privilege to Oklahoma City and impose upon the tax payers the ~~burden~~ burden of building their capital. Oklahoma City is an integral portion of this imperial commonwealth, and her interests are irrevocably entwined with the interests of every other city, town, hamlet and village in the state. Their prosperity is a perpetual guaranty of her growth and development.

Her enterprises, and particularly her great stock market, is a direct appeal to every farmer in the state to improve his own condition, and thereby contribute to hers.

The location of the capital is not a local matter but one of state wide importance. No man is so humble or obscure but that he has an interest in the proposition and the right to express his choice.

Respectfully submitted.

*W. L. Alexander*  
 W. L. Alexander  
 A. B. Marshall

C. B. Stuart  
E. S. Knapp  
C. A. Gaylord  
Frank R. Johnson  
Levin Leary  
Joseph. Hutchins  
Doc Monrosey  
C. F. Colcord  
W. H. Sedbetter  
Frank J. Wyckoff

Committee representing  
Oklahoma City and against the initiated petition  
on the Capital petition.

LAW OFFICES OF  
DEVEREUX & HILDRETH

JOHN DEVEREUX

JOHN J. HILDRETH

*Guthrie, Oklahoma,*

7/26/12.

Hon. Benjamin F. Harrison,  
Secretary of State,  
Oklahoma City, Oklahoma.

Dear Sir:

In the matter of State Question # 40 and Initiative  
Petition # 25 being a referendum to the people to change the Capital  
of Oklahoma from Oklahoma City to Guthrie, I notice that the time  
has passed within which a protest can be filed, as the petition was  
filed with you on Monday, July 15th. We would be very much obliged  
if you would give us notice when you will order this question <sup>placed</sup> ~~passed~~  
upon the ballot as we have 10 days from that date within which ~~to~~  
prepare argument.

Thanking you for your many courtesies in the  
premises, We are,

Very truly yours,

J D/HJ

*John J. Hildreth*



STATE OF OKLAHOMA  
DEPARTMENT OF STATE  
OKLAHOMA CITY

BENJAMIN F. HARRISON  
SECRETARY

HUGH L. HARRELL  
ASST. SECRETARY

To His Excellency,

The Governor of Oklahoma.

Sir:--

THIS IS TO CERTIFY, that on July 15th, 1918,  
there was filed in the office of the Secretary of  
State of the State of Oklahoma, an Initiative Petition,  
styled State Question No. 40, Initiative Petition No. 25,  
with a ballot title as follows:

"The gist of this proposition is to locate  
the capital of the State of Oklahoma at Guthrie,  
Oklahoma."

The Petition has 51,543 signatures, a greater  
number than is necessary to initiate a bill according to  
law.

WITNESS my hand and Official Seal this 30th  
day of July, A.D., 1918.

SECRETARY OF STATE.

STATE OF OKLAHOMA  
LEE CRUCE, GOVERNOR  
OKLAHOMA CITY

July 31st, 1912.

Secretary of State,  
State House,  
Oklahoma City, Okla.

Dear Sir:-

I am in receipt of your communication certifying to me that on July 15th, 1912, there was filed in your office an initiative petition, styled State Question No. 40, Initiative Petition No. 25.

The same will receive official action at my hands.

Yours truly,



Governor.

LC-LW

DEVEREUX & HILDRETH

JOHN DEVEREUX

JOHN J. HILDRETH

*Guthrie, Oklahoma,*

7/31/12.

Hon. Benjamin F. Harrison,  
Secretary of State,  
Oklahoma City, Oklahoma.

Dear Sir:

Your favor is received, being a copy of your certificate to his Excellency, the Governor, that on July 15th, 1912, there was filed in the Office of the Secretary of State, an Initiative Petition, State Question # 40, and Initiative Petition # 25, with the ballot title as follows etc., being the State Capitol Removal question.

What we wish to know is, when the Governor will order this put on the ballot as we will have ten days from that date to file our argument. We are,

Very truly yours,



J H/HJ

August 1, 1912.

Devereux & Hildreth, Attys.,

Guthrie, Okla.

Gentlemen:--

Replying to yours of the 31st ultimo.

We have no means of knowing when the Governor will take action in regard to State Question No. 40, Initiative Petition No. 25, and would suggest that you take the matter up direct with him.

Very respectfully,

Assistant Secretary of State.



STATE OF OKLAHOMA  
DEPARTMENT OF STATE  
OKLAHOMA CITY

BENJAMIN F. HARRISON  
SECRETARY

HUGH L. HARRELL  
ASST. SECRETARY

August 26, 1912.

W. L. Alexander, Chairman,

Capitol Removal Committee,

326 American National Bank Building,

Oklahoma City, Oklahoma.

Dear Sir:--

Pursuant to the provisions of Sec. 3684,  
Snyder's Compiled Laws of Oklahoma, 1909, I hand  
you herewith twenty-three typewritten copies of the  
argument submitted in behalf of the petitioners of  
State Question No. 40, Initiative Petition No. 28.

Very respectfully,

Secretary of State.

Carbon copies sent to:

Bon Riley, Secretary, State Election Board,

W. B. Moore, Secretary, Oklahoma City Chamber of Commerce.

August 26, 1918.

Honorable Ben Riley,  
Secretary, State Election Board,  
Oklahoma City, Oklahoma.

Dear Sir:--

I hand you herewith copy of argument for  
petitioners of State Question No. 40, Initiative  
Petition No. 25.

Very respectfully,

Secretary of State.

ARGUMENT FOR PETITIONERS IN STATE QUESTION # 40,  
INITIATIVE PETITION # 25, WHY THE CONSTITUTION SHOULD BE AMENDED  
SO AS TO LOCATE THE CAPITAL PERMANENTLY AT GUTHRIE OKLAHOMA.

At a special election held June 11, 1910, upon petition of Oklahoma City, and in violation of the enabling act which the constitutional convention had irrevocably accepted, the question of the location of the capital of the state was voted upon. Oklahoma City by her official representatives declared before the election that the enabling act would be complied with and the capital be not moved until 1913 and that in the mean time they would build free, for the state a million dollar capitol building and would also pay all moving expenses. The pretended result of this special election was announced on the night of June 11, several hours after the polls closed and before the count was completed or certified in a majority of the precincts of the state, and in open violation of pledges made to the people the capitol was moved to Oklahoma City that night. The vote of this special election was never officially canvassed and several months later the supreme court of our state declared the election illegal. The Governor at once called a special session of the legislature at Oklahoma City and by a vote of that body the capitol was located in that city, the citizens renewing their promises in a written contract of a million dollar capitol building, payment of moving expenses and free rentals.

The Capital is now at Oklahoma City simply by legislative act and not by any vote of the people, subject to being moved by the legislature or the people at any time. Guthrie now asks the people of the state to settle the matter permanently. Under written agreement with the legislature, Oklahoma City was to begin on July 1, 1910, to pay \$25,000 each month to the state and continue these payments until a million dollars had been paid. Not a single dollar of this has ever been paid and in March, 1912, the Attorney General of the state held that the contract had not been complied with and was no longer in any way binding on the state. Their bond of \$100,000 given for fulfillment of their contract was forfeited but has never been paid. Their agreement to furnish free rentals has never been

kept and the state is now obligated to pay over \$40,000 a year in rents.

Their promise to pay the moving expenses was like all of the rest of their promises and the taxpayers paid these bills as well as the fees of the attorneys employed to try and hold the capital in Oklahoma City on an illegal election. After the Attorney General ruled that the contract with the state had been violated by Oklahoma City, and was no longer binding, the citizens of Guthrie, on the solicitation of people from all parts of the state and to right a wrong done them and the state, prepared this initiative petition locating the capital permanently at Guthrie and it was signed by 51,499 voters, over 14,000 more than the number required by law. In comparison with Oklahoma City's action calling for a special election at a cost of \$100,000 to the taxpayers, at a time when every farmer was busy and only able to get to the polls at a sacrifice and also a special session of the legislature at an additional expense of \$25,000, is Guthrie's petition submitting the matter at a general election when every voter will be at the polls and entailing not a single dollar of additional expense.

Oklahoma City now offers in place of the million dollar capitol, and the moving expenses, One Hundred Thousand Dollars and Six Hundred Fifty acres of land scattered all over the north east part of Oklahoma County, the most valuable part of which is in litigation and that where they wish to locate the capitol, being in litigation so that no title can be made to it. The residue of this Six Hundred Fifty acres is in small tracts as above set out and the official state abstracters found about two hundred defects in the titles to these various tracts.

The committee which put this land in the hands of Lee Gruce, as a private individual acting as their trustee, valued it at \$1,400,000, but R. H. Gardiner, a director of the Oklahoma City Chamber of Commerce, while testifying before the State Board of Equalization, swore that the tracts were not worth over \$120,000. Fred Gun, president of one of the largest investment companies of Oklahoma C. testified that as a basis for a loan the land was worth

\$13,000 and as a speculation could not be considered at over \$25,000 and Governor Cruce in a recent published letter states that the land would become valuable if retained for many years after the capitol was built. Where then is the million or more dollars for a capitol building to come from except out of the pockets of the taxpayer?

The City of Guthrie offers to the people of the State, Capital Square containing Fourteen acres, upon which it has built a Convention Hall which was used by the State free for the purpose of a Capitol building and which cost One Hundred Fifty Thousand Dollars and around which it has paved and parked the streets and improved the grounds, making a beautiful park as well set out in shade trees and Bermuda grass.

These grounds located in the heart of the City which were reserved by the Government for Capitol purposes with all the improvements including the temporary Capitol are worth at this time fully a half million dollars.

The state owns a school section one half mile south of Capital Square which the state can plat and sell for townsite purposes. With the capitol located at Guthrie, this section of land would bring five <sup>hundred</sup> thousand dollars, as the land lies within half a mile of the Court House and Federal Building, with street cars crossing it and paved streets touching it.

The people of Guthrie have never asked for any of the public institutions of the State. Believing in the honesty and integrity of the people of the state and in the moral obligation of the people to carry out the provision of the enabling act providing that the Capital should remain at Guthrie until 1915, Guthrie rested her claim to the State Capital.

This city has never sought to build herself up by tearing down other cities of the state and robbing them of their public and private institutions and has never made a promise or agreement which has not been kept.

The retention of the Capitol at Oklahoma City will require the taxpayers of this state to pay at least one million dollars in addition to their other taxes to build necessary buildings for the

public offices and while the erection of these buildings is going on, the taxpayers are paying over Forty Thousand Dollars a year rent to the property holders of Oklahoma City, this payment to continue for many years.

Guthrie is practically in the center of the state; is one of the finest residence cities of the state; clean, law-abiding and healthful; is reached by eight railways; has street cars and every other modern convenience and the finest drinking and medicinal mineral waters in America. The temporary Capitol erected by citizens of Guthrie and presented free to the State will serve the State for many years and with the capitol located permanently in Guthrie, there need be no appropriation for a building or rents until the taxpayers shall have had a chance to free themselves from their present burden of taxes and debts.

The Capital was moved from Guthrie by fraud and misrepresentation. The people of the city of Guthrie ask the moral law-abiding citizens of the state who believe in justice and a square deal to, on Nov., 5, 1912, settle the Capital question permanently by locating it at the city of Guthrie thereby rectifying the great wrong done to the people of the state and to the City of Guthrie, when the Capital was stolen by Oklahoma City.

H. Swearingen  
Fred W. Sinner  
Geo. Durrent  
J. E. Craig  
Will H. Chapman  
Committee Representing Petitioners.

24 August 1944

W. Fitzpatrick.

# 8-24-44.  
James Thompson, Atty.  
Chattanooga, Tenn.

## CITIZENS' CAPITAL CAMPAIGN COMMITTEE

FRANK J. WYKOFF, CHAIRMAN

327-329 AMERICAN NATIONAL BANK BUILDING  
PHONE WALNUT 1866

OKLAHOMA CITY, U. S. A.

### EXECUTIVE COMMITTEE

W. L. ALEXANDER  
Chairman  
COLIN S. CAMPBELL  
Treasurer  
C. B. STUART  
Chairman Advisory Committee  
ED. S. VAUGHT  
Chairman Press Committee  
E. K. GAYLORD  
FRANK P. JOHNSON  
LEON LEVY  
JOSEPH HUCKINS  
DOC. MONRONEY  
C. F. COLCORD  
W. A. LEDBETTER  
FRANK J. WYKOFF

Aug. 26, 1912.

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

Dear Sir:-

We acknowledge receipt of 23 printed copies, argument  
for petition in state question # 40 initiated petition # 25.  
The same was received to-day by messenger from your office.

Yours truly,



W. L. Alexander  
Wijr

Honorable Ben Riley,

Secretary, State Election Board,

Oklahoma City, Oklahoma.

Dear Sir:--

This is to certify that there was filed in this office on the 15th of July, 1912, Initiative Petition No. 25, State Question No. 40, with a ballot title approved by the Attorney General, as follows:

"The gist of this proposition is to locate the capital of the State of Oklahoma at Guthrie, Oklahoma."

WITNESS my hand and Official Seal this fourth day of September, A.D., 1912.

SECRETARY OF STATE.

## CITIZENS' CAPITAL CAMPAIGN COMMITTEE

FRANK J. WYKOFF, CHAIRMAN  
327-329 AMERICAN NATIONAL BANK BUILDING  
PHONE WALNUT 1866  
OKLAHOMA CITY, U. S. A.

### EXECUTIVE COMMITTEE

W. L. ALEXANDER  
Chairman  
COLIN S. CAMPBELL  
Treasurer  
C. B. STUART  
Chairman Advisory Committee  
ED. S. VAUGHT  
Chairman Press Committee  
E. K. GAYLORD  
FRANK P. JOHNSON  
LEON LEVY  
JOSEPH HUCKINS  
DOC. MONRONEY  
C. F. COLCORD  
W. A. LEDBETTER  
FRANK J. WYKOFF

Sept. 7, 1912.

Hon. Benjamin F. Harrison,  
Secretary of State,  
Oklahoma City.

Dear Sir:-

On to-day we filed thirty copies of Answer to State Question No. 40 Initiated Petition # 25 Why the Constitution should be Amended so as to Locate the Capital permanently at Guthrie. Upon investigation, we find that the carbon copies were mismatched in placing the same together and there are a few copies that are correct and the other has either a line too little or a few lines too much. With your permission Monday morning we will correct the arrangement so that it will read properly. It was not noticed until after I returned to the office and compared sheets.

Yours truly,



W. L. Alexander  
mgr

September 7th., 1912.

Received of W. L. Alexander thirty copies of ARGUMENT FOR OKLAHOMA CITY ON STATE QUESTION NO. 40 INITIATIVE PETITION NO? 25,- WHY THE CONSTITUTION SHOULD BE AMENDED SO AS TO LOCATE THE CAPITAL PERMANENTLY AT GUTHRIE, OKLAHOMA,- BEING THE ANSWER TO THE ARGUMENT FILED BY GUTHRIE.

Witness my hand this the day and year first above written.

\_\_\_\_\_  
SECRETARY OF STATE.

By \_\_\_\_\_

September 11, 1912.

Honorable Ben Wiley,  
Secretary, State Election Board,  
Oklahoma City, Oklahoma.

Dear Sir:--

In the matter of State Question No. 40,  
Initiative Petition No. 26, I transmit herewith  
twenty-seven copies of the Answer to the Argument  
filed by the citizens of Guthrie August 24th, 1912,  
said Answer having been filed in this office September  
7th, 1912.

Very respectfully,

Secretary of State.

H. T. SWEARINGEN  
CHAIRMAN

E. J. ALLEN  
TREASURER

FRED L. WENNER  
SECRETARY

G. H. BRADFORD  
L. I. BELAND  
W. K. PATTERSON

# The Capital Committee

J. R. ABERNATHY  
F. E. GRAGIN  
W. R. POLSON

Guthrie, Oklahoma

Sept. 18, 1912.

Hon. Ben Harrison, Sec'y of State,  
Oklahoma City, Okla.

Dear Sir:-

I enclose you herewith twenty five copies of the Answer of the Guthrie Committee to Oklahoma City's Argument upon State Question No. 40, Initiative Petition No. 25, the same being filed with you according to law.

Very respectfully,



Sec'y.

FLW-RKC

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GUTHRIE MAKES GOOD

ANSWER OF THE GUTHRIE COMMITTEE ON BEHALF OF STATE QUESTION  
NO. 40, INITIATIVE PETITION NO. 25, WHY THE CONSTITUTION  
SHOULD BE AMENDED SO AS TO LOCATE THE CAPITAL PERMANENTLY AT  
GUTHRIE, OKLAHOMA.

The Oklahoma City Committee puts great stress upon the fact that the First Legislature of the Territory of Oklahoma passed several bills moving the Capital from Guthrie, but neglects to state that this Legislature spent the entire session wrangling over the Capital matter - that the passage of these bills was secured by means so notoriously corrupt that Congress refused to allow any Territorial Legislature to further consider the matter. It was to prevent a repetition of these scenes in the <sup>State</sup> First Legislature, to the detriment of all other public business, that Congress provided in the Enabling Act that the Capital should not be permanently located until 1913, and then by a vote of the people.

The statement that Logan County gave a majority against the Constitution is false, as shown by official records. Guthrie and Logan County both gave a majority, and Guthrie people as a whole always gave every courtesy and consideration to the Constitutional Convention, the Legislature and the State Administration. Logan County turned over her Court House to the State, and Guthrie her City Hall, and citizens of Guthrie built a temporary Capitol and turned it over to the State, rent free, for the Legislature, Supreme Court and other offices.

It is a fact that Guthrie attorneys held that the election in 1910 was to immediately locate the Capital, but it is also a fact that Oklahoma City vigorously denied this, and all their orators, including preachers, pledged their faith that they had no intention of moving the Capital until 1913.

Yet it was moved, and in the night, before the vote had been fully counted; and immediately it was there, the Oklahoma City grafters went back on their benefactor, Governor Haskell, repudiating his well developed plan to locate the Capital.

The contract they then made with the Legislature has

never been complied with in any particular, and Oklahoma City has never turned over a dollar nor an acre of land to the State.

They now come forward with a substitute for all of their contracts and agreements, placing \$100,000 in cash, and 650 acres of inferior farm land worth less than \$100,000, in the hands of Lee Cruce, he to hold the same in his individual capacity as a private trustee, and not as Governor, the land and cash being subject to their order or withdrawal at any time. This they will offer to the State, provided the Legislature releases them from all former contracts and agreements; the taxpayers of the State will then be called upon to put up a million dollars for the capitol building, and several hundred thousand dollars additional to pay the rents which Oklahoma City fails and refuses to pay.

Contrasted with this farm land located from two to ten miles from the Court House in Oklahoma City, is the four blocks of land, worth with the capitol building and other improvements thereon fully half a million dollars, deeded absolutely free to the State by the City of Guthrie, and located within six blocks of their Court House which is also offered, rent free, to the State.

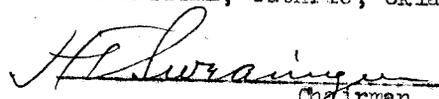
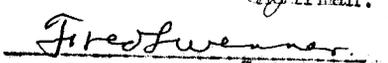
With the Capital located at Guthrie, there will be no need of an appropriation of any kind, either for buildings or rent, for many years to come.

Guthrie is as near the center of the State as Oklahoma City - is as accessible in every way - has more railways, and is a better city in every way in which to locate the Capital of the State

The only way to settle the Capital matter is to locate the Capital by an Amendment to the Constitution, and the voters of the State can do this by voting "YES" upon this question in November.

Respectfully Submitted,

THE CAPITAL COMMITTEE, Guthrie, Okla.

  
Chairman.  
  
Secretary

W. L. ALEXANDER  
GENERAL MANAGER

GEORGE M. FLICK  
SECRETARY

# CITIZENS' CAPITAL CAMPAIGN COMMITTEE

FRANK J. WYKOFF, CHAIRMAN

327-329 AMERICAN NATIONAL BANK BUILDING  
PHONE WALNUT 1866

OKLAHOMA CITY, U. S. A.

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\* \* \* \* \*

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W. P. TRUDGEON

GUY TURNER

J. F. WARREN

J. K. WELLS

DR. A. K. WEST

E. E. WESTERVELT

HON. BEN F. WILSON

O. P. WORKMAN

Sept. 20, 1912.

Hon. Benjamin F. Harrison,

Oklahoma City, Okla.

Dear Sir:-

We acknowledge receipt of twenty-three  
copies of Guthrie's answer.

Your friend,



## A R G U M E N T

for Oklahoma City on State Question No.40,-Initiative Petition No. 25,-Why the Constitution should be Amended so as to Locate the Capital Permanently at Guthrie, Oklahoma, being the Answer to the Argument filed by Guthrie.

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Oklahoma City in presenting her argument to the people of the state is perfectly content to submit the facts as they are.

The Argument of Guthrie discloses two facts:

First, that its citizens are grossly ignorant of the facts as they actually are, or they are possessed with a wilful and malicious determination to grossly misrepresent the facts. Their entire argument is based upon the theory that Guthrie is the protector of the rights of the people of the state. This theory is slightly misleading when the attention of the people is called to the fact that Guthrie for twenty years ignored the interests of the people in order to subserve and advance her own selfish interests in the matter of the location of the capital. The capital never has been located at Guthrie, either by a vote of the legislature, or by a vote of the people.

When Oklahoma was opened for settlement the Organic Act providing therefor, provided that the territorial capital should be at Guthrie, and that the first territorial legislature should locate the capital. In 1890 the territorial legislature did locate the capital, at Oklahoma City, but the bill thus locating the capital was vetoed by Governor Steele, a carpet bagger, who came to Oklahoma with his commission in his pocket and left the territory with its expiration. The capital was next located at Kingfisher and this bill was vetoed, both of these vetoes being brought about through the influence of Guthrie politicians.

In Guthrie's arguamnt she states that the elec-  
tion held June 11, 1910, at which the capital was located at  
Oklahoma City, was in violation of the Enabling Act which  
the Constitutional Convention had irrevocably accepted. This  
statement implies, and it is the purpose of Guthrie to leave  
the impression that the people of the state were without  
power to locate the capital, that Oklahoma was not admitted  
into the Union on an equality with the other states, but  
came in degraded and tied by the 1913 clause which was  
inserted in the Enabling Act under the influence of Guthrie,  
but our own supreme court and the supreme court of the  
United States repudiated this contention of Guthrie and  
held that Oklahoma possessed in all respects the same  
constitutional right and power of the other states, and that  
since all the other states were unrestrained in their power  
to locate their capitals, so has Oklahoma this power. Guthrie  
opposed Statehood by all the means in her power and at the  
election when the Constitution was adopted, Guthrie and Logan  
county cast twice as many votes against the adoption of the  
constitution as they did for it, and, while the Constitutional  
Convention was in session, and during the time when the first  
Administration had offices at Guthrie, her people and her  
chief newspaper antagonized and villified the public officials  
engaged in forming the constitution and administering the  
state government. When the first state officers were inau-  
gurated at Guthrie, one of her leading citizens refused to  
permit his place of business to be decorated with flags in  
honor of the occasion, and at the next election he was  
elected Mayor of Guthrie. This individual is now fighting  
to take the capital back to Guthrie.

Guthrie claims in her official argument that the people of the state were deceived by the belief that the initiated bill voted on in 1910 would not have affected the locating of the capital until 1913. The time as to when the measure would take effect was the subject of controversy and discussion during the campaign and honest men differed upon the question, but Guthrie took the correct view upon this question and circulated throughout the state the written opinion of every lawyer located there except two, in which it was said:

" It has been suggested that they only intend to locate the capital at this time, and that the time intervening between now and 1913 will be necessarily used in erecting a building and getting it ready for use at that time. It is not the language of the bill before the people. An examination of the bill will disclose the fact that the election to be held is for the purpose of locating the capital at this time."

This was the opinion of Governor Haskell and he acted in accordance therewith when he opened up his offices at Oklahoma City immediately after the election was held. On this point the supreme court sustained his action and the opinion of the Guthrie lawyers, hence it cannot be stated that Oklahoma City deceived the people as to when the capital should be located. When the supreme court denied the validity of that election on a technical defect in the ballot title, Governor Haskell convened the legislature in extraordinary session and the legislature enacted the present law locating the capital at Oklahoma City.

As soon as Oklahoma City, by virtue of the election held in June 1910, attempted to carry out the wishes of the people expressed in that election, and of their implied agreement as made by her citizens in the campaign immediately prior to said election, the citizens of Guthrie enjoined in the courts any steps on the part of Oklahoma City to carry out her contract, and the supreme court of Oklahoma held that said election was void because of a defective ballot title.

The legislature in December 1910 again located the capital at Oklahoma City and entered into a contract through its Governor with the State Capital Building Company of Oklahoma City, in which contract the said State Capitol Building Company agreed to secure title to six hundred and fifty acres of land within the vicinity of the capital site, to sell same, place the proceeds from said sale in a special fund known as the "State Capital Building Fund", and entered into a bond in the sum of \$100,000.00 guaranteeing that said lands would yield to the state a million dollars, but said contract provided that the money need not be paid to the State of Oklahoma faster than the same is used in the construction of the capital building and that in the event the erection of the capital building should be enjoined or involved in litigation as to the legality of the site or the location thereof, then in that event further payments of money under the contract need not be made until the matter is fully settled and determined.

The State Capitol Building Company has secured title to the capital site, and to the six hundred and fifty acres of land, as agreed in said contract, and for the protection of the state, deeds to said lands are now in the hands of Governor Lee Cruce, as trustee, and in order to place said bond beyond the question of doubt as to its validity or its value, Oklahoma City has placed the amount of said bond, \$100,000 in cash, in the hands of said Governor Lee Cruce, as trustee.

Guthrie in her argument makes the statement that the site on which the capital is to be located is in litigation, and that no title can be made to it. This is not only a false misrepresentation, but it is a vicious, malicious and wilful misstatement. The site on which the capital is to be located, as located by the legislature, has never been in litigation and no person has ever raised any question as to the validity of its title. The only tract of land that has ever been in litigation to the extent that the title was involved is known as the Parker-Howe tract, consisting of 55 acres, which was recently determined by a decision of the U.S. Circuit Court of Appeals, and the State Capital Building Company has a good and valid title to said property.

The only reason why the capital building has not been constructed in accordance with the provisions of said contract, is that Guthrie from January to November 13th, 1911 had the question of the location of the capital in litigation, and Oklahoma City has never been permitted to proceed with her contract.

~~All~~ the lands donated for capital purposes by the State Capital Building Company, lands appraised at more than a million dollars, lie south of 23d street, or practically within the city limits. Guthrie states in her argument that the lands submitted by the State Capital Building Company are scattered all over the north east part of Oklahoma County. This misstatement is made knowingly and for the express purpose of deceiving the people. The lands donated were all examined by the various members of the legislature which accepted the proposition, and they have been appraised by the representatives of the people of the whole state, and Governor Cruce himself has stated that if the lands are sold after the erection of the capital has actually been begun, they will produce more than a million dollars.

Guthrie also contends that her capital square,

containing fourteen acres, and located in the extreme eastern portion of Guthrie, is worth half a million dollars. This square is further from the center of Guthrie than the site selected by the legislature is from Oklahoma City. Guthrie's appraisalment of her land is \$35,000 an acre, and of the land donated by Oklahoma City \$100 per acre. Can any reasonable man believe this? The statement carries its own refutation.

Guthrie further claims that the section of school land located half a mile beyond her capital square is worth half a million dollars, or approximately \$800 an acre, and that the land donated by Oklahoma City is worth \$100 an acre. Will this comparison of values stand the test?

We refer to Governor Cruce's published statements and the appraisalment made under the direction of the legislature for a complete refutation of Guthrie's attempt to depreciate the value of the land donated by Oklahoma City. But why should Guthrie refer in her argument to the section of land belonging to the school children of the state? Does she intend to appropriate this land for capital purposes and rob the children of it? Let her answer this question as she may.

Another argument advanced by Guthrie is that the state of Oklahoma owes her the capital because she has never asked for any other institution, and rests her claim on the belief that the people of the state are morally bound to locate the capital at Guthrie, because of the 1913 Clause in the Enabling Act. She has always claimed the capital as a favor conferred on her by Congress and denied other cities of the state the right to dispute her prerogative.

Oklahoma City makes no claim of special privilege in this fight. Located in the center of the state, more accessible than any other city, she presents her claims solely on their merits. Three times she has been selected as the

capital by reason of the fact that it is to the best interests of the people of the state to have their seat of government here. She does not claim that any one is under obligation to vote for her in the approaching election, except upon the belief that it would be to the best interests of a vast majority of the people of the state for the capital to be located here. In this election the public good should be the sole guide of the voters. Oklahoma City has never deceived the people of the state in the past and will not do so in this campaign. She asserts that she has redeemed the pledges made by her in the former campaign and has donated land and money sufficient to build a million dollar capital, without a cents cost to the tax payers of the state, and she appeals to the judgment and conscience of the people of the state to be permitted to finally consummate this donation by the delivery of a million dollar building, free to the people of the state.

To vote the capital at Guthrie is to deny this privilege to Oklahoma City and impose upon the tax payers the ~~huge~~ burden of building their capital. Oklahoma City is an integral portion of this imperial commonwealth, and her interests are irrevocably entwined with the interests of every other city, town, hamlet and village in the state. Their prosperity is a perpetual guaranty of her growth and development. Her enterprises, and particularly her great stock market is a direct appeal to every farmer in the state to improve his own condition, and thereby contribute to hers.

The location of the capital is not a local matter but one of state wide importance. No man is so humble or obscure but that he has an interest in the proposition and the right to express his choice.

Respectfully submitted,

*W. L. H. Under*  
 W. L. H. Under  
 W. L. H. Under

CB Stuart  
Ed. Vaughn  
A. Gaylord  
Frank P. Johnson  
Leon Levy  
Joseph Huchins  
Doc Munro  
C. Colcord  
W. Heddette  
Frank J. Wycoff

Committee representing  
Oklahoma City and against the intiated petition  
on the Capital question