

(STATE QUESTION NO. 74; INITIATIVE PETITION NO. 47)

# WARNING

"It is a felony for any man 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 sign such petition when he is not a legal voter."

(STATE QUESTION NO. ....; INITIATIVE PETITION NO. ....)

To the Honorable Lee Cruce, Governor of Oklahoma:

We the undersigned citizens and legal voters of the State of Oklahoma and county of \_\_\_\_\_, respectfully order that the following proposed Constitutional Amendment shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next election held throughout the State, and each for himself says:

I have personally signed this petition: I am a legal voter of the State of Oklahoma, and County of \_\_\_\_\_; my residence and postoffice are correctly written after my name. The time for filing this petition expires ninety days from \_\_\_\_\_, 1914.

The question we herewith submit to our fellow voters is:

Shall the following proposed amendment to the Constitution of Oklahoma be adopted:

AN AMENDMENT ENTITLED:

THE GIST OF THE PROPOSITION IS TO AMEND SECTION 9, ARTICLE X, OF THE STATE CONSTITUTION, SO AS TO REDUCE THE MAXIMUM LEVY OF STATE TAXES, ASSESSED ON AN AD VALOREM BASIS FROM THREE AND ONE-HALF (3½) MILLS TO TWO AND ONE-HALF (2½) MILLS AND PROHIBITING THE LEGISLATURE FROM MAKING APPROPRIATIONS IN EXCESS THEREOF.

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

Section 9 of Article X of the Constitution shall be amended to read as follows:

Section 9. Except as herein otherwise provided, the total taxes, on an ad valorem basis, for all purposes, state, county, township, city or town, and school district taxes, shall not exceed in any one year thirty and one-half mills on the dollar, to be divided as follows:

State levy, not more than two and one-half mills; county levy, not more than eight mills: Provided, that any county may levy not exceeding two mills additional for county high school and aid to the common schools of the county, not over one mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than five mills; city or town levy, not more than ten mills; school district levy, not more than five mills on the dollar for school district purposes, for support of common school: Provided, that the aforesaid annual rate for school purposes may be increased by any school district by an amount not to exceed ten mills on the dollar valuation, on condition that a majority of the voters thereof voting at an election, vote for said increase.

The legislature is prohibited from making any appropriation which together with all other prior appropriations made for the same fiscal year shall exceed the aggregate sum of a maximum state levy plus the revenue from all sources other than ad valorem taxation estimated for the last preceding year by the state board of equalization. This aggregate figure shall be furnished each legislative meeting by the governor in his first message and any appropriation or part thereof exceeding such aggregate figure as aforesaid shall be null and void as to such excessive portion.

J. S. Estes  
L. S. Hartman

AN AMENDMENT ENTITLED:

THE GIST OF THE PROPOSITION IS TO AMEND SECTION 9, ARTICLE X OF THE STATE CONSTITUTION, SO AS TO REDUCE THE MAXIMUM LEVY OF STATE TAXES, ASSESSED ON AN AD VALOREM BASIS THREE AND ONE-HALF ( $3\frac{1}{2}$ ) MILLS TO TWO AND ONE-HALF ( $2\frac{1}{2}$ ) MILLS AND PROHIBITING THE LEGISLATURE FROM MAKING APPROPRIATIONS IN EXCESS THEREOF.

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

Section 9 of Article X of the Constitution shall be amended to read as follows:

Section 9. Except as herein otherwise provided, the total taxes, on an ad valorem basis, for all purposes, state county, township, city or town, and school district taxes, shall not exceed in any one year thirty and one-half mills on the dollar, to be divided as follows:

State levy, not more than two and one-half mills; county levy, not more than eight mills: Provided, that any county may levy not exceeding two mills additional for county high school and aid to the common schools of the county, not over one mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than five mills; city or town levy, not more than ten mills; school district levy, not more than five mills on the dollar for school district purposes, for support of common school: Provided, that the aforesaid annual rate for school purposes may be increased by any school district by an amount not to exceed ten mills on the dollar valuation, on condition that a majority of the voters thereof voting at an election, vote for said increase.

The legislature is prohibited from making any appropriation which together with all other prior appropriations made for the same fiscal year shall exceed the aggregate sum of a maximum state levy plus the revenue from all sources other than ad valorem taxation estimated for the last preceeding year by the state board of equalization. This aggregate figure shall be furnished each legislative meeting by the Governor in his first message and any appropriation or part thereof exceeding such aggregate figure as aforesaid shall be null and void as to such excessive portion.

CHAS. WEST,  
ATTORNEY GENERAL

SMITH C. MATSON  
CHARLES L. MOORE  
SAMUEL I. Mc ELHOES  
CLAUDE J. DAVENPORT  
JOSEPH L. HULL  
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA  
OFFICE OF THE  
ATTORNEY GENERAL

OKLAHOMA CITY

June 6, 1914.

PLEASE REFER TO INITIALS ~~CIM-B~~

State Question NO. 74,  
Initiative Petition No. 47  
Ballot Title.

To the

Secretary of State,  
Oklahoma City, Oklahoma.

Dear Sir:

The proposed ballot title submitted  
by the proposers of the above numbered question is  
hereby approved in words and figures as follows, to-wit:

"The gist of the proposition is to amend  
Section 9, Article X of the State Constitution, so  
as to reduce the maximum levy of State taxes, assessed  
on an advalorem basis from three and one-half (3 1/2)  
mills to two and one-half (2 1/2) mills and pro-  
hibiting the legislature from making appropriations  
in excess thereof."

Very respectfully,

*Chas. L. Moore*

Asst. Attorney General.

#6

#6684

SECRETARY'S MEMORANDUM  
OKLAHOMA CITY, STATE OF OKLAHOMA  
Secretary's Office:

This instrument was filed for record ~~was~~

on the 8 day of January  
A. D., 1916 at 9 o'clock AM.

Recorded in \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ Corporation

Record No. \_\_\_\_\_ at Page \_\_\_\_\_

*W. Benjamin Johnson*  
Secretary of State

BY W. B. Johnson

FILED  
JUL 28 1916  
W. H. L. CAMPBELL

STATE OF OKLAHOMA  
DEPARTMENT OF STATE  
OKLAHOMA CITY

BENJAMIN F. HARRISON  
SECRETARY

HUGH L. HARRELL  
ASST SECRETARY

July 2nd, 1914.

RECEIVED of J. S. Estes and C. S. Wortman, Twenty-Two Hundred and Two (2202) pamphlets of State Question Number Seventy-Four, Initiative Petition Number Forty-Seven; Eighteen Hundred and Eighty Three (1883) of said pamphlets containing Twenty (20) names each and Three Hundred and Twenty-Nine (329) of said pamphlets containing less than 20 names, making a total of Forty-One Thousand Eight Hundred and Eighty-eight (41,888).

WITNESS my hand, this the second day of July,  
A.D. 1914.

---

SECRETARY OF STATE.

TO the Honorable Benjamin F. Harrison, Secretary of State, of Oklahoma, J. S. Estes, of Oklahoma City, Oklahoma, and C. S. Wortman, of Claremore, Oklahoma, the parties who initiated State Question No. 74, Initiative Petition No. 47, an Amendment Entitled:

THE GIST OF THE PROPOSITION IS TO AMEND SECTION 9, ARTICLE X, OF THE STATE CONSTITUTION, SO AS TO REDUCE THE MAXIMUM LEVY OF STATE TAXES, ASSESSED ON AN AD VALOREM BASIS FROM THREE AND ONE-HALF MILLS TO TWO AND ONE-HALF MILLS AND PROHIBITING THE LEGISLATURE FROM MAKING APPROPRIATIONS IN EXCESS THEREOF.

You, and each of you, are hereby notified, and will take notice herefrom, that I, H. M. Sinclair, a resident and voter in the City of Oklahoma and State of Oklahoma, do hereby protest the initiative petition referred to herein and the title as herein set forth, for the following reasons, to-wit:

FIRST: Because said petition does not contain the requisite number of legal voters to entitle it to filing.

SECOND: Because the petition shows upon its face that a large number of names signed thereto were signed by one person, and that said number so signed by the one person, if deducted from the total number of names, would reduce the number to less than the required number of names.

THIRD: That the petition circulated for signatures, and to which the signatures were obtained, was not a correct copy of the petition filed with the Secretary of State prior to the circulation of said petition for signatures.

FOURTH: Because the purported copy of the petition filed with the Secretary of State prior to circulating the petition for signatures was not a true and correct copy of the petition circulated and signed by the electors of the State.

RECEIVED  
AUG 28 1914  
STATE OF OKLAHOMA

5  
#

FIFTH: Because said petition does not state whether said question is to be submitted at a special or general election.

SIXTH: Because the said petition circulated for signatures, and upon which the signatures were obtained, did not state when the time for filing said petition would expire.

SEVENTH: Because said petition circulated for signatures, and upon which the signatures were obtained, did not state the date of the filing of a copy thereof with the Secretary of State.

EIGHTH: Because said petition was not initiated by filing a true and correct copy thereof with the Secretary of State a sufficient length of time prior to the 4th day of August, 1914.

WHEREFORE, Your objector and protestant prays that a day be fixed for the hearing of this protest and the objections herein enumerated and set forth, and that said Referendum Petition No. 47, State Question No. 74, be declared insufficient, illegal and unauthorized.

RECEIVED  
AUG 28 1914  
STATE OF OKLAHOMA  
SECRETARY OF STATE  
RECEIVED  
AUG 28 1914  
STATE OF OKLAHOMA  
SECRETARY OF STATE

H. M. Sinclair

AFFIDAVIT.

State of Oklahoma

County of Oklahoma

I, H. M. Sinclair, of lawful age, being first duly sworn, depose and say: My name is H. M. Sinclair; I am a resident of Oklahoma City, and a voter in said City and State; I have read the foregoing protest and know the contents thereof, and that the matters and things therein set forth are true, as I verily believe.

H. M. Sinclair

Subscribed and sworn to before me this 11<sup>th</sup> day of July, 1914.

My commission expires  
Dec 2 - 1916.

John Hazel  
Notary Public.



BEFORE BENJAMIN F. HARRISON.

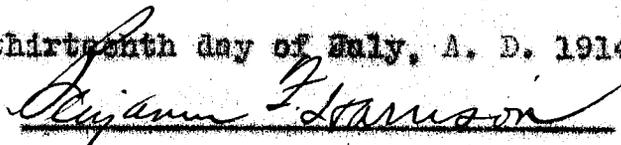
SECRETARY OF STATE.

In the matter of the Protest of H. M. Sinclair, a citizen and legal voter of Oklahoma County, State of Oklahoma, against initiative Petition No 47, State Question No 74, being an initiated petition to submit a proposed constitutional amendment entitled, "The gist of the proposition is to amend section 9, Article X, of the State Constitution, so as to reduce the maximum levy of State Taxes, assessed on an ad Valorem basis from three and one half mills to two and one half mills and prohibiting the legislature from making appropriations in excess thereof."

Now, on this 11th day of July, A. D. 1914, comes H. M. Sinclair, and files in the office of the Secretary of State of Oklahoma, his protest against the sufficiency of Initiative Petition No. 47, State Question No. 74, being a proposed initiative measure entitled "The gist of the proposition is to amend Section 9, Article X, of the State Constitution, so as to reduce the maximum levy of State Taxes assessed on an Ad Valorem basis from three and one half mills to two and one half mills and prohibiting the Legislature from making appropriations in excess thereof."

IT IS THEREFORE ORDERED that the 15th day of July, 1914, at 1.30 P. M. 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 the thirteenth day of July, A. D. 1914.

  
Secretary of State.

BEFORE BENJAMIN F. HARRISON.

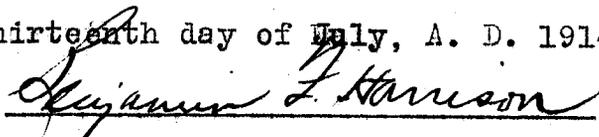
SECRETARY OF STATE.

In the matter of the Protest of H. M. Sinclair, a citizen and legal voter of Oklahoma County, State of Oklahoma, against initiative Petition No 47, State Question No 74, being an initiated petition to submit a proposed constitutional amendment entitled, "The gist of the proposition is to amend section 9, Article X, of the State Constitution, so as to reduce the maximum levy of State Taxes, assessed on an ad Valorem basis from three and one half mills to two and one half mills and prohibiting the legislature from making appropriations in excess thereof."

Now, on this 11th day of July, A. D. 1914, comes H. M. Sinclair, and files in the office of the Secretary of State of Oklahoma, his protest against the sufficiency of Initiative Petition No. 47, State Question No. 74, being a proposed initiative measure entitled "The gist of the proposition is to amend Section 9, Article X, of the State Constitution, so as to reduce the maximum levy of State Taxes assessed on an Ad Valorem basis from three and one half mills to two and one half mills and prohibiting the Legislature from making appropriations in excess thereof."

IT IS THEREFORE ORDERED that the 15th day of July, 1914, at 1.30 P. M. 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 the thirteenth day of July, A. D. 1914.

  
Secretary of State.

July 27th, 1914.

RECEIVED from Benjamin W. Harrison, Secretary of State  
the following papers in re State Question No. 74 Initiative  
Original Petition  
Petition No. 47, Order setting date of hearing of Protest by  
Sinclair, and copy of same, Notice of Protest by Sinclair, Re-  
ceipt given Estes & Wortman for number of pamphlets received,  
Notice to the Public and approval of Ballot Title by Moore,  
Asst. Atty. General. In Re State Question No. 71, Initiative  
petition No. 44. Original Petition, Appeal from Action of Sec-  
retary of State, Order setting date for hearing for Cress, and  
copy, Protest by Cress, Order setting date of hearing for Sin-  
clair, and copy; Notice to Public, receipt given Estes and Wort-  
man for number of pamphlets filed, disapproval of ballot Title  
by Asst. Atty. General Moore, and one suggested in lieu, Protest  
of Sinclair. In Re State Question No. 75, Initiative Petition  
No 48, Original petition, Protest by Sinclair, Order setting  
date of hearing for Sinclair and copy, disapproval of ballot  
title and one suggested in lieu thereof, Notice to Public, re-  
ceipt given Estes & Wortman for number of pamphlets received,  
State Question No. 77 Initiative Petition No. 50, *Ballot title & number*  
Order setting date of hearing for Sinclair and copy, Original  
Petition, Notice to Public, Receipt given Estes and Wortman for  
number of pamphlets received, approval of ballot title by Moore,  
Protest by Sinclair, Order setting date of hearing for Cress and  
Copies, Protest of Cress, and appeal from ruling of Secretary of  
State. *Ballot title - number*

Notice to Secretary of State that his decision in State  
Questions No. 74, 75, 77, & 71 is appealed to the Supreme Court.  
And all pamphlets containing signatures, which were filed with  
the Secretary of State.

*Notice to Public that bills nos. 71, 73, 74, 75 & 77  
have been filed, and persons desiring can file protest within  
ten days.*

*J. H. Campbell  
Clerk Supreme Court*

(Filed Aug 1 1914  
W.H.I. Campbell, Clerk)

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA.

Parker W. Cress,  
Appellant,

vs.

No. 6684

J. S. Estes and C. S. Wortman,  
Appellees.

S Y L L A B U S.

1. Where only a slight difference exists between the wording of the ballot title in the copy of a petition initiating a proposed amendment to the state constitution, required to be filed in the office of the secretary of state, and the original petition signed by the electors, which in no way substantially affects the proposed measure: HELD, that the procedure prescribed by the statute is substantially followed, and such error being merely technical will be disregarded and the petition sustained.

2. The power to propose and adopt a proposition of any nature and to amend their constitution is vested in the people of the state, and in the exercise of such power they constitute the legislative branch of the government and are not subject to interference or control by the judiciary.

3. Objections urged against the validity of proposed amendments to the constitution to the effect that they are inimical to a republican form of government, repugnant to the constitution of the State and of the United States, et cetera, are not the subject of review by the Supreme Court in this appellate proceeding.

(Syllabus by the Court.)

IN THE MATTER OF THE INITIATIVE PETITION NO. <sup>117</sup>~~44~~, STATE  
QUESTION NO. ~~74~~ <sup>74</sup>

A F F I R M E D.

Parker W. Cress,  
Attorney for Appellant.

Ed Hirsch and Norman R. Haskell,  
Attorneys for Appellees.

STATE OF OKLAHOMA  
DEPARTMENT OF STATE  
OKLAHOMA CITY

BENJAMIN F. HARRISON  
SECRETARY

HUGH L. HARRELL  
ASST. SECRETARY

October 21st, 1914.

Hon. Joe S. Morris,

Secretary of State Election Board,

and State Board of Public Affairs,

Oklahoma City, Oklahoma.

Gentlemen:

Under the provisions of Sec. 3380 of the Harris Day Code, I have the honor to certify that there was filed in this office on July 2nd, 1914 an Initiative petition which is styled State Question No. 74, Initiative Petition No. 47, same having a ballot title regularly approved and submitted by the Attorney General as follows:

"The gist of the proposition is to amend Section 9, Article X of the State Constitution, so as to reduce the maximum levy of State taxes, assessed on an ad valorem basis from three and one-half ( $3\frac{1}{2}$ ) mills to two and one-half ( $2\frac{1}{2}$ ) mills and prohibiting the legislature from making appropriations in excess thereof."

Said petition has 41,868 signatures, which is a greater number of signatures than is required by law to initiate an amendment to the Constitution.

Said petition was protested against, and the protest held insufficient by the Secretary of State, which decision was subsequently affirmed by the Supreme Court, leaving the petition now entitled to be voted on at the next election.

Witness my hand and official seal this the 21st day of October, 1914.

SECRETARY OF STATE.