

(STATE QUESTION NO. 75; INITIATIVE PETITION NO. 48)

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.

A BILL ENTITLED AN ACT

ADOPTING A NEW SECTION TO THE CONSTITUTION TO BE NUMBERED SECTION 20 (b) OF ARTICLE X, LEVYING A TAX UPON THE OIL AND GAS PRODUCTION OF THE STATE, AND PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE SAME, AND APPROPRIATING FROM THE FUNDS SO COLLECTED FOR THE EXPENSE OF INITIATIVE PETITION ORDERING SUCH AMENDMENT SUBMITTED.

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

"Section 20 (b). For the purpose of measuring the value of natural gas and petroleum or other crude oil when segregated from the common source of supply beneath the surface and for taxing the same as property, each person, firm, association or corporation mining and producing the same shall pay a mining production tax of not exceeding two per cent upon the gross value of such production, at the point where the same is mined, according to the market value thereof.

Such property shall not be subject to any other tax than herein provided during the tax year in which same is produced; but any of such property in tanks or storage at the beginning of a new tax year shall be assessed for taxation, ad valorem, in like manner, and shall pay the same rate, as other property within the taxing district wherein such property is stored; and the tax hereby declared and levied on the production of natural gas and crude oil shall be in lieu, place, and instead of any and all other taxes, charges, or assessments on natural gas and oil leases, mining rights and privileges belonging or appertaining to land, and on the machinery, appliances, and equipment used in development and operation of oil and gas mining leases or leaseholds.

One-half of all sums collected under the provisions of this section (after deducting the reasonable cost of collection) shall be paid into the State treasury for the general expenses of State Government, the remaining one-half to be paid into the county treasury of the county wherein such oil and gas was mined or produced, to be equally divided between the road and bridge fund and the common school fund of such county.

In absence of legislation appropriate to the purposes of this section and the making of necessary appropriations for carrying into effect the provisions thereof, the state auditor shall have power from time to time to prescribe rules and regulations for the collection of the tax herein levied, and the rules and regulations so provided, shall, thirty days after publication, have the force and effect of law, and it shall be the duty of the auditor to proceed to enforce collection under such rules and regulations, and he is hereby authorized to retain and use to pay the expenses necessarily incurred in the collection of the tax herein levied, including necessary litigation, not to exceed two per cent of the amount so collected; itemized account of all money so retained and expended to be filed with the next legislature upon the assembling of the same. All litigation shall be attended to or legal advice furnished the auditor by the attorney general.

The tax hereby declared shall attach to, and be levied on, what is known as the royalty interest, except where such interest is exempted from taxation under the laws of the United States, and the amount thereof paid by the oil and gas mining lessee, producer, or owner of the mining rights, and deducted from the royalty interest when settlement is made with such owner by the oil and gas mining lessee, owner, or producer.

The State Board of Equalization shall be empowered to raise or lower the rate of tax herein provided for to conform to the just general average of ordinary tax on taxable wealth in the State, not exceeding, however, two per cent. An appeal to the Supreme Court from their determination shall be allowed in like time and manner as from assessments made by them, which appeals may be taken either by the taxpayer or the attorney general.

Provided, further, that from the proceeds of the tax herein levied the state auditor is authorized to pay for the labor and expense of securing the initiative petition ordering this amendment submitted, as follows: For printing petitions, \$150.00; for postage, \$400.00; for printing and mailing letters of instruction and explanation, and for mailing out petitions, \$400.00; or so much thereof in each instance as may be necessary; to be paid by the auditor upon itemized accounts properly verified and accompanied by sample copy of each piece of work charged for; five cents for each signature on such petition, to be paid to parties circulating same, as shown by the completed petition on file in the office of the Secretary of State. Aggregate amount of all payments hereunder shall not exceed \$4,000.00.

J. S. Ester
C. S. Wortman

CHAS. WEST,
ATTORNEY GENERAL

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

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY
June 9, 1914.

CLM.F

PLEASE REFER TO INITIALS _____

State Question No. 75, Initiative Petition No. 5,
Ballot Title.

To the
Secretary of State,
Oklahoma City.

Sir:

The ballot title suggested by the proposers of the above numbered State question is hereby disapproved, and the following ballot title is prescribed in lieu thereof, to-wit:

"The gist of the proposition, is to adopt a new section to the Constitution of the State to be numbered Section 20 (b) of Article X, levying and collecting a mine production tax, not exceeding two per cent upon the gross value of such production, upon natural gas, petroleum, and other crude oils; dividing the net collections, one-half to the State, the remaining half in equal parts to the road and bridge fund, and the common school fund of that county where production occurred, and appropriating from the funds so collected, the expenses incidental to submitting the amendment."

Very respectfully,

Chas. L. Moore
Assistant Attorney General.

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. C. Wortman, Twenty-one Hundred and Ninety Six (2196) pamphlets of State Question Number Seventy-five (75), Initiative Petition Number Forty-eighty(48); Seventeen Hundred and Seventy (1770) of said pamphlets containing Twenty (20) names, and Four Hundred and Twenty-six (426) of said pamphlets containing less than Twenty names, making a Total of Forty One Thousand Four Hundred and Thirty Six (41436).

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. 75, Initiative Petition No. 48, a Bill entitled:

"THE GIST OF THE PROPOSITION, IS TO ADOPT A NEW SECTION TO
THE CONSTITUTION OF THE STATE TO BE NUMBERED SECTION 20 (b) OF ART-
ICLE X, LEVYING AND COLLECTING A MINE PRODUCTION TAX, NOT EXCEEDING
TWO PER CENT UPON THE GROSS VALUE OF SUCH PRODUCTION, UPON NATURAL
GAS, PETROLEUM, AND OTHER CRUDE OILS; DIVIDING THE NET COLLECTIONS,
ONE-HALF TO THE STATE, THE REMAINING HALF IN EQUAL PARTS TO THE ROAD
AND BRIDGE FUND, AND THE COMMON SCHOOL FUND OF THAT COUNTY WHERE
PRODUCTION OCCURRED, AND APPROPRIATING FROM THE FUNDS SO COLLECTED,
THE EXPENSES INCIDENTAL TO SUBMITTING THE AMENDMENT."

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 init-
iative 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.

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. 48, State Question No. 75, be declared insufficient, illegal and unauthorized.

H. M. Sinclair

AFFIDAVIT.

State of Oklahoma)
(ss.
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 11th day of July, 1914.

My commission expires Dec 2-1916.

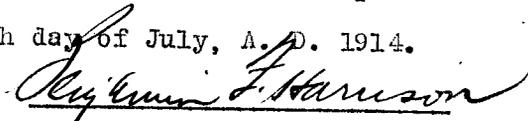
John Hagel
Notary Public.

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. 48, State Question No. 75, being an initiated petition to submit a proposed constitutional amendment entitled, "The gist of the proposition is to adopt a new Section to the Constitution of the State to be numbered Section 20 (b) of Article X, levying and collecting a mine production tax, not exceeding ^{two} per cent upon the gross value of such production, upon natural gas, petroleum, and other crude oils; dividing the net collections one-half to the State, the remaining half in equal parts to the road and bridge fund, and the common school fund of that county where the production occurred, and appropriating from the funds so collected, the expenses incidental to submitting the amendment."

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 48, State Question No. 75, being a proposed initiative measure entitled, "The gist of the proposition is to adopt a new Section to the Constitution of the State to be numbered Section 20 (b) of Article X, levying and collecting a mine production tax, not exceeding two per cent upon the gross value of such production, upon natural gas, petroleum, and other crude oils, dividing the net collections one half to the State, the remaining half in equal parts to the road and bridge fund, and the common schools fund of that county where production occurred, and appropriating from the funds so collected the expenses incidental to submitting the amendment."

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 2nd, 1914.

To the Public:

Notice is hereby given that there was filed in this Department on the aforesaid date five Initiative Petitions, numbered State Questions 71, 73, 74, 75 & 77, which provide that they shall be submitted to the legal voters of this state for approval or rejection at the next election throughout the state.

Persons desiring to file protests against the sufficiency of these petitions should do so within ten days of date

The number and ballot title of each are as follows:

State Question No. 71, Initiative Petition No. 44.
"The gist of the proposition is to amend Sections Three and Five of Article Seven of the State Constitution by reducing the number of final appellate courts in the State from two to one, styled 'The Supreme Court', to comprise nine associate justices and one chief justice; fixing their terms and methods of election; prescribing their qualifications; defining their duties, powers and accountability; providing for each state to the State in judicial proceedings; to facilitate the business of the court, and to repeal Sections 22 and 23, of Article VII, in conformity thereto".

State Question No. 73, Initiative Petition No. No. 46.
"The gist of the proposition is to amend Section Eleven of Article Two of the State Constitution of Oklahoma so as to make drunkenness and excessive use of intoxicating liquors cause for impeachment or removal from office."

State Question No. 74, Initiative Petition No. 47.
"The gist of the proposition is to amend Section 9, Article I 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."

State Question No. 75., Initiative Petition No. 48

"The gist of the proposition is to adopt a new section to the Constitution of the State to be numbered Section 20 (b) of Article X, levying and collecting a mine production tax, not exceeding two per cent upon the gross value of such production, upon natural gas, petroleum, and other crude oils; dividing the net collections, one-half to the State, the remaining half in equal parts to the road and bridge fund, and the common school fund of that county where production occurred, and appropriating from the funds so collected, the expenses incidental to submitting the amendment."

State Question No. 77, Initiative Petition No. 50.

"The gist of the proposition is to amend state constitution so as to reduce the legislature to one body of eighty members, styled, 'The House of Representatives', and one subordinate legislative body of fifteen members to be selected therefrom, styled 'Commissioners', which, with the lieutenant Governor shall succeed to all powers now conferred on the Senate and House of Representatives; to fix qualifications, compensation, privileges and powers thereof, and amending sections one, seventeen, twenty one, twenty two, twenty three, thirty three, and fifty three of article five and sections seven and eleven of article six of constitution to conform thereto."

Very respectfully,

SECRETARY OF STATE.

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA.

Parker W. Cress,
Appellant,

vs.

No. 6662

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. ⁴⁸~~47~~, STATE
QUESTION NO. ~~71~~ 76

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. 75, Initiative Petition No. 48, same having a ballot title regularly approved and submitted by the Attorney General as follows:

"The gist of the proposition is to adopt a new section to the Constitution of the State to be numbered Section 20 (b) of Article X, levying and collecting a mine production tax not exceeding two per cent upon the gross value of such production, upon natural gas, petroleum, and other crude oils; dividing the net collections, one-half to the State, the remaining half in equal parts to the road and bridge fund, and the common school fund of that county where production occurred, and appropriating from the funds so collected, the expenses incidental to submitting the amendment."

Said petition has 41,436 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.