

Enrolled.

Senate Joint Resolution No. 27.

By Thomas
and McIntosh.

A Resolution Proposing an Amendment to the
Constitution of this State.

Be It Enacted by the Legislature of the State of Oklahoma,
That the following amendment to section 7,
of Article 7 of the Constitution of this State is hereby pro-
posed; said amendment, with the yeays and nays thereon,
to be entered in the journals of the respective bodies of
the Legislature and referred by the Secretary of State
to the People for their approval or rejection, to-wit:
Section 7. "There shall be appointed by the su-
preme Court of this State, a clerk, who shall be a quali-
fied elector and hold office at the pleasure of said
court. He shall be the clerk of said Court and ex-offi-
cio clerk of any other appellate court in said State. He
shall give bond for the faithful performance of the
duties of said office, as may be prescribed by law, and
his compensation shall be at the rate of two thousand
five hundred (\$2,500.00) dollars per annum, until other-
wise provided by the Legislature. This amendment shall
not become effective until the second Monday in
January, 1919."

Passed by the Senate March 18-1915
M. E. Dripps
President of the Senate.

Passed by the House of Representatives March 22, 1915.
W. M. Egan
Speaker of the House of Representatives.

Approved March 27th 1915.

R. L. Meekins,
Governor of the State of Oklahoma.

Enrolled March 27, 1915.

6003
SENATE JOINT RESOLUTION No. 27. APPROVED MARCH 30, 1915.

-----BALLOT TITLE-----

This proposed amendment to the Constitution reduces the salary of the Clerk of the Supreme Court to \$2500.00 instead of \$3000.00 as now provided; clerk to be appointed by the Supreme Court; and constitutes the clerk ex officio clerk of any other appellate courts in the state; amendment to be effective second Monday in January, 1919.

* * *

Be it enacted by the Legislature of the State of Oklahoma: That the following amendment to Section 7, of Article 7 of the Constitution of this State is hereby proposed; said amendment, with the ~~yeas~~ and nays thereon, to be entered in the journals of the respective bodies of the Legislature and referred by the Secretary of State to the people for their approval or rejection, to-wit:

Section 7. "There shall be appointed by the Supreme Court of this State a clerk, who shall be a qualified elector and hold office at the pleasure of said Court. He shall be the clerk of said Court and ex-officio clerk of any other appellate court in said State. He shall give bond for the faithful performance of the duties of said office, as may be prescribed by law, and his compensation shall be at the rate of two thousand five hundred (\$2500.00) dollars per annum, until otherwise provided by the Legislature. This amendment shall **not** become effective until the second Monday in January, 1919."

ARGUMENT IN SUPPORT OF THE PROPOSED CONSTITUTIONAL AMENDMENT
SUBMITTED UNDER SENATE JOINT RESOLUTION NO. 27.

This amendment confers the power upon the supreme court to appoint a clerk who shall hold office at the pleasure of the court. It does not become effective until the expiration of the term of the present clerk and, therefore, does not affect him. The clerk of the supreme court is merely a clerical officer. As a rule only litigants, the attorneys and judges come in direct relation with that office and the clerk. It is not an office that relates to the exercise of any political judgment, but ~~xx~~ only clerical matters, ^{is under the direct} and ^{the} supervision of the court. He is an agency of the court and subject to the control of the court. His duties are to keep the records of the court accurately, and manifestly nobody is so much interested in this as the members of the court. They are elected by the people and ^{through whom the people should} ~~should~~ select the clerk. Manifestly the body of the electors who elect the judges would prefer to vest this responsibility in the members of the court whom they have elected to have an efficient and accurate clerk.

Only about six of the forty-^{eight}~~seven~~ states permit the clerks to be elected but have the judges to select the clerk of the supreme court. It is generally regarded as best to have such an ~~intimate~~ clerical officer directly responsible to the court, his tenure of office being at the pleasure of the court appointing him; that is, so long as his services are efficient and satisfactory - as is sought by the proposed constitutional amendment.

It is to be noted that by changing the Constitution as sought, the salary of the office is reduced from \$3,000, as now provided by statute, to \$2,500, which is regarded as an ample salary, ^{when the clerk is selected by appointment} inasmuch as the clerk would no longer be at the expense of making a state-wide campaign for election.

Howard Parker
Secy. Joint Legislative Committee

State Division #84
Initiative Section #57

Argument

vs Re

Senate Joint Resolution

57

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

Department of State

The following was submitted to the

22 day of April

A. D., 1916 at 5:30 o'clock P.

Recorded by _____ Comptroller

Revised No. _____

[Signature]

Secretary of State
[Signature]

OFFICE OF THE SECRETARY OF STATE

We , the undersigned members of the Oklahoma
Legislature who voted against Senate Joint Resolution No. 27,
entitled " A resolution proposing an amendment to the con-
stitution of this State," and being a proposition to make
the Clerk of the Supreme Court of the State of Oklahoma
appointive, for those who voted against said resolution
and in the interest of the people, adopt the argument in
opposition thereto, signed by Ed Boyle, M. Vandeventer,
Geo. W. Bellamy, and others, and recomend that said ^{Proposition}~~proposition~~
be not adopted by the people .

This May 4, 1916

J. L. Carpenter

Committee.

We , the undersigned members of the Oklahoma
Legislature who voted against Senate Joint Resolution No. 27,
entitled " A resolution proposing an amendment to the con-
stitution of this State," and being a proposition to make
the Clerk of the Supreme Court of the State of Oklahoma
appointive, for those who voted against said resolution
and in the interest of the people, adopt the argument in
opposition thereto, signed by Ed Boyle, M. Vandeventer,
Geo. W. Bellamy, and others, and recomend that said ~~proposition~~^{Proposition}
be not adopted by the people .

This May 4, 1916.

M M Ryan

Committee.

Senate Joint
Resolution No 16.

SECRETARY'S MEMORANDUM
SALAFINA, CITY OF STATE OF CALIFORNIA

TO THE HONORABLE THE GOVERNOR

6th May

11 A

of the
of the

[Signature]
Clara McCarroll

S. P. FREELING
ATTORNEY GENERAL

JNO. B. HARRISON
R. E. WOOD
R. McMILLAN
SMITH C. MATSON
C. W. KING
J. I. HOWARD

BANKING DEPARTMENT
J. H. MILEY
SCHOOL LAND DEPARTMENT
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY

April 20, 1916

PLEASE REFER TO INITIAL

SCM/HML

To the Secretary of State,
City.

Dear Sir:

Receipt is acknowledged of your communication enclosing copies of joint resolutions passed by the Legislatures of 1915 and 1916, proposing amendments to the Constitution of the State, together with proposed ballot titles for the submission of such proposed amendments and requesting this office in the event such ballot titles are not approved, to prepare ballot titles to conform to each of such proposed amendments. We submit herewith ballot titles to be used by you in the submission of these amendments as follows:

So 82 SENATE JOINT RESOLUTION OR BILL #6, THE 1916 LEGISLATURE.

To this proposed amendment the Legislature has prescribed a ballot title in Section 3 of said resolution, which ballot title must be used in the submission of this proposed amendment and also in connection with the preparation of this ballot the form prescribed by the Legislature must be strictly followed.

Secretary of State-2

✓
SQ 83 SENATE JOINT RESOLUTION #12, APPROVED MARCH 13, 1915.

To this resolution the following ballot title is adopted:

The gist of this proposition is to repeal section 12a of article 10 of the Constitution, which section provides that all taxes collected for the maintenance of the common schools of the state and which are levied upon the property of any public service corporation operating in more than one county in the state shall be paid into the common school fund and distributed as are other common school funds of the state.

SQ 89 SENATE JOINT RESOLUTION #16, APPROVED MARCH 11, 1915.

For this proposed amendment the following ballot title is prepared:

An amendment abolishing county court and vesting jurisdiction of county court, including probate matters, in district court; district court to have original jurisdiction in all civil and criminal matters whatever, except where Legislature hereafter confers exclusive jurisdiction on some other court; clerk of district court appointed by and holding at pleasure of judge and to exercise such judicial power as Legislature may provide; district judge ineligible to become candidate for office during his term except to succeed himself. Amendment to become effective second Monday of January, 1917.

The following ballot title is prepared to be used in connection with the submission of Senate Joint Resolution

SQ 87 No. 18, Approved March 11, 1915:

✓ Proposed amendment to Constitution providing for consolidation of supreme and criminal court of appeals as now constituted, with an additional justice, and as consolidated to be known as the Supreme Court of Oklahoma. Said court to sit in divisions of at least three justices; one Criminal Division to which appeals in criminal cases shall be taken; authorizing Legislature to provide for nomination and election and may reduce or increase the number of justices of said court and change the districts; appeals to be limited; relates also to rules of practice, decisions and organization of the court.

5088
SENATE JOINT RESOLUTION #22, APPROVED MARCH 11, 1915

The ballot title is as follows:

Proposed amendment to Section 19, Article 2, Constitution, providing that juries in courts of record other than county court, shall consist of 8 men, except in capital cases to consist of 12 men; juries in county court and courts not of record to consist of 6 men; in all civil cases and criminal cases less than felonies, three-fourths of jury may render verdict; also that Legislature may provide for rendering final judgment in the appellate court without remanding cause for retrial by jury as to the facts.

5085
SENATE JOINT RESOLUTION #20, APPROVED MARCH 30, 1915.

The ballot title is as follows:

Proposed amendment to Section 27, Article 10, Constitution relating to limitations upon indebtedness of incorporated cities and towns, limits such municipalities as to indebtedness in addition to the amount allowed under Section 26, Article 10, Constitution, to only 5 per cent of the assessed valuation of the property therein, for the purpose of purchasing, constructing or repairing municipal-owned public utilities; such additional indebtedness to be authorized by assent of three-fifths of the qualified, property taxpaying voters at an election, and this limitation not to include indebtedness incurred under Section 27, Article 10, prior to adoption of this amendment.

5084
SENATE JOINT RESOLUTION #27, APPROVED MARCH 30, 1915.

The ballot title is as follows:

This proposed amendment to the Constitution reduces the salary of the Clerk of the Supreme Court to \$2500.00 instead of \$3000.00 as now provided; clerk to be appointed by the Supreme Court; and constitutes the clerk ex officio clerk of any other appellate courts in the state; amendment to be effective second Monday in January, 1919.

5086
HOUSE JOINT RESOLUTION #1, APPROVED MARCH 30, 1915.

The ballot title is as follows;

Secretary of State-4

Proposed amendment to Section 7, Article 23, Constitution, authorizing the Legislature to provide for compulsory or elective compensation by the employer to the employee in case of death, permanent or partial disability and to create the machinery for the administration of such workmen's or employees' compensation fund.

5281 HOUSE JOINT RESOLUTION #17, APPROVED MARCH 30, 1915.

The ballot title is as follows:

Proposed amendment to Section 21, Article 10, of the Constitution creating a state tax commission of three members to adjust or assess and equalize the valuation of real and personal property between counties and assess all railroad and public service corporation property and to exercise such other powers relating to taxation as may be prescribed by the Legislature. Abolishes State Board of Equalization as now constituted.

Very truly,

For the Attorney General,

Smith C. Matson
Assistant Attorney General.

OB-St

ARGUMENT IN OPPOSITION TO THE PROPOSED CONSTITUTIONAL AMENDMENT SUBMITTED UNDER SENATE JOINT RESOLUTION NO. 27, ENTITLED "A RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THIS STATE."

The proposed amendment is another assault upon our constitution and is part of a scheme to entralize the controlling agencies of our government. The special interests will never be satisfied with the "BEST CONSTITUTION EVER WRITTEN" and will be vigilant in their efforts to undermine it. If you do not believe in centralized government or if you favor the idea that has heretofore prevailed in this State "LET THE PEOPLE RULE", your vote on this and similar measures will be "NO".

The Clerk of the Supreme Court IS NOT merely a clerical officer. A considerable lot of his work calls for executive ability. The office is now taking in about \$60,000 in fees per year, while the expense of the office, including salaries, will amount to about \$12,000. In many instances the office calls for legal knowledge and executive ability, doing work not only for the courts, but having business with the Clerk of the Supreme Court of the United States, the Court Clerks of the State, many thousands of lawyers and litigants, and with the West Publishing Company. Using the same reason that are used in support of the proposed amendment to our constitution, it could be contended that the Secretary of State should be appointed by the Governor, which would be foreign to our democratic ideas. The Clerk is not only Clerk of the Supreme Court, which it is proposed will appoint the Clerk, but the Clerk is also Clerk of the Criminal Court of Appeals, the Supreme Court Commission and Ex-Officio Secretary of the State Bar Commission.

It is not true, as argued in support of said proposition, that the people of the State have no interest in the office. The people have an interest in every office. If the people have an inefficient or dishonest person as Clerk, there would be loss in service and probable loss in revenue. The people generally are as much interested in this office -- as it has to do with life, liberty and property -- as they are with most of the other State offices. Those who put the dollar above man might not take this view. True, as argued, among the many duties of the Clerk is the keeping of the records of the appellate COURTS and at present the Clerk is subject to the orders of the Courts within proper

limits contemplated by law, and the Clerk works in perfect harmony with the courts.

This is not a question of the honor and integrity of the membership or our Supreme Court, which cannot be questioned, but a principle at variance with the monarchical idea of government is involved, and, too, the court should be free from political controversies incident to appointments to important positions. We should not want to drag our courts into the political arena unnecessarily.

As a whole the people have made better selections for State offices than were made by the appointive power in filling vacancies that have occurred therein. THE PEOPLE CAN BE TRUSTED. They make mistakes sometimes, but how about the other fellow? This thought is suggested in view of the general scheme to centralize the powers of government into the hands of a few.

The present Clerk was elected by the greatest plurality received by any of the State officers and polled near the highest vote polled by a state officer, although his name was far down on the ballot, showing that the people gave consideration to this office. Since the present Clerk assumed the duties of the office, the expenditures have decreased and the revenues have greatly increased.

While it is true that the Clerk is appointed in most of the States, Oklahoma took advanced grounds in her constitution and followed the more progressive western states in making the Clerk elective -- the true democratic policy.

True the salary could be put so low that the office would become a subject of barter, which would be contrary to public policy by encouraging inefficient and untrustworthy persons to apply therefor. The salary of the Clerk at present is no higher than is paid to some of the Court Clerks in this State and is much less than the average paid in other states. If the proposed amendment is adopted, the Clerk of the Supreme Court, Clerk of the Criminal Court of Appeals, Clerk of the Supreme Court Commission, and Ex-officio Secretary of the State Bar Commission (all held by the same person and paid one salary), will be paid \$500 less than is paid some of the Court Clerks, although he should have legal, executive, and clerical ability, and upon him is the responsibil-

ity for properly accounting for about \$60,000 in fees per annum, making about sixty reports with reference thereto every year, and seeing that copies of opinions reach West Publishing Company in proper form. More has been lost to the State through inefficiency and dishonesty, than through living salaries for those holding important positions calling for ability, honor and trust. Of course, useless offices should be abolished and there should be no duplication. Those who understand the facts and believe in "SAFETY FIRST" and are not ready to surrender the idea "LET THE PEOPLE RULE", will vote "NO" on this proposition.

As the argument in favor of said proposition was not prepared and submitted to the Secretary of State, until this day, time does not permit submitting other facts, which could be presented to show why the proposed amendment is subversive of the peoples' rights and should not be adopted.

This 22nd day of April A.D. 1916.

ED BOYLE, Oklahoma City, Okla.
M. VANDEVENTER, Bartlesville, Okla.
GEO. W. BELLAMY, El Reno, Okla.
FRANK C. BOLTON, Snyder, Okla.
MILTON BROWN, Oklahoma City, Okla.
KIRBY FRANS, Oklahoma City, Okla.
W. B. JOHNSON, Ardmore, Okla.
A. P. WATSON, Oklahoma City, Okla.

~~AMENDMENT~~

Objectors to Proposed Constitutional Amendments
Submitted Under Senate Joint Resolution No. 27.

We, the undersigned members of the Oklahoma Legislature who voted against Senate Joint Resolution No. 27, entitled "A resolution proposing an amendment to the constitution of this State," and being a proposition to make the Clerk of the Supreme Court of the State of Oklahoma appointive, for those who voted against said resolution and in the interest of the people, adopt the argument in opposition thereto, signed by Ed Boyle, M. Vandeventer, Geo. W. Bellamy, and others, and recommend that said proposition be not adopted by the people.

This 4th day of May, 1916.

M. M. RYAN

J. L. CARPENTER

Committee.

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

Secretary's Office

This instrument was filed for record this

12 day of May

A. D., 1916 at 10:00 A. M.

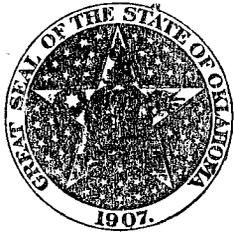
Recorded in _____ Corporation

Record No. _____ Page _____



Secretary of State

By _____



M. M. RYAN
Poteau
District No. 21
LeFlore, Latimer Counties

SENATE CHAMBER
STATE OF OKLAHOMA
FIFTH LEGISLATURE
EXTRAORDINARY SESSION

May 5th 1916.

Chairman of Committee on
FEES AND SALARIES

Committee
Assignments

ROADS AND HIGHWAYS
EDUCATION
PUBLIC BUILDINGS
OIL AND GAS
STATE AND COUNTY AFFAIRS
DRUGS AND PURE FOODS
FISH AND GAME

William M. Franklin Clerk of the Supreme Court,
Oklahoma City, Oklahoma.

Dear Sir:-

I am in receipt of your argument on Joint Resolution No 27
I heartily con cur in same. I am signing my name which will be your
authority to affix my name to the argument.

I aasl appreciate your argument on the Court proposition
and will have the same published next week.

Any thing I can do command me.

Yours for good government and for the preservation
of democratic tenets.

M M Ryan



J. L. CARPENTER
Mangum
District No. 4
Greer, Harmon Counties

SENATE CHAMBER
STATE OF OKLAHOMA
FIFTH LEGISLATURE
EXTRAORDINARY SESSION

Chairman of Committee on
LEGAL ADVISORY

Committee
Assignments

PUBLIC SERVICE CORPORATIONS
BANKS AND BANKING
PENAL INSTITUTIONS
PROHIBITION ENFORCEMENT
ENGROSSED AND ENROLLED BILLS

Mangum Ok. May 4-1916

William M. Franklin

Okla. City Ok.

Dear Sir:

In re S. J. R. No. 27.

I am in closing the ~~A~~ statement signed. I also give you the authority to sign my name to the argument prepared and filed copy of which you forwarded to me.

Respectfully

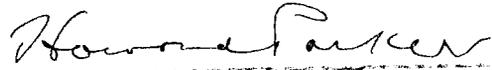
J. L. Carpenter

An amendment to the opposition argument to the proposition submitted by Senate Joint Resolution No. 27, entitled "A resolution proposing an amendment to the Constitution of this State", has been filed with and accepted by me, said amendment being a ratification and an adoption of said argument by Ed Boyle, M. Vandeventer, Geo. W. Bellamy, and others, by a legislative committee composed of and on behalf of the members of the Legislature who voted against said resolution submitting said proposition, and a full, true and correct copy of said argument as amended is herewith handed to you in lieu of the copy of the opposition argument heretofore furnished to you.

Also, the opposition argument to the proposition submitted by Senate Joint Resolution No. 16, entitled "A resolution proposing an amendment to Section 10 of Article 7 of the Constitution of this State", has been amended by William M. Franklin, upon request of certain members of the Legislature who voted against said resolution, and who have adopted said amendments, which said amendments have been filed and accepted by me and are embraced in a full, true and correct copy of said argument as amended and herewith handed to you as the copy of the opposition argument to said proposition submitted by said resolution in lieu of the copy which I furnished you heretofore.

To Hon. J.L.Lyon, Secretary of State :

Attached herewith is
a rejoinder prepared in favor of the adoption of the
amendment to the state Constitution proposed by Senate
Joint Resolution No. 27, passed at the regular session
of the Fifth Legislature . You will please file same
and have it incorporated with the arguments to be
published and distributed to voters previous to the
election on August 1, 1916.



Secretary to the Joint Legislative Committee.

ARGUMENT IN OPPOSITION TO THE
PROPOSED CONSTITUTIONAL AMEND-
MENT SUBMITTED UNDER SENATE
JOINT RESOLUTION NO. 27, ENTITLED
"A RESOLUTION PROPOSING AN AMEND-
MENT TO THE CONSTITUTION OF THIS STATE."

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Milton Brown
Oklahoma City, Okla.

Ed. Boyles Oklahoma City, Okla.

Kirby Evans
Oklahoma City, Okla.

M. Vandewater Bartlesville, Okla.

Geo. W. Bellamy El Reno, Okla.

W. G. Johnson
Admission of

Spencer B. Beaton Okla.

A. D. Watson
Oklahoma City
Okla.

Object~~ions~~ to Proposed Constitutional
Amendments Submitted Under Joint
Resolution No. 27.

Committee