

Enrolled

Senate Joint Resolution No. 22.

By Sutherland.

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 19, Article 2 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: "The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases other than capital offenses in courts of record, other than county courts, shall consist of eight men, but in county courts and courts not of record, a jury shall consist of six men; in the trial of all capital cases the jury shall consist of twelve men; provided, that the Legislature may provide for rendering a final judgment on appeal in the appellate courts without remanding the cause for retrial by a jury as to the facts. In civil cases and in all criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein."

Enrolled

Passed by the Senate February 25, 1915.

M. E. Drapp
President of the Senate

Passed by the House of Representatives March 6, 1915.

Approved this March 11th 1915.
R. L. Meiering
Governor of the State of Oklahoma

A. McCarty
Speaker of the House of Representatives

***** BALLOT TITLE *****

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.

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

That the following amendment to Section 19, Article 2, 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: " The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases other than capital offenses in courts of record, other than county courts, shall consist of eight men, but in county courts and courts not of record, a jury shall consist of six men, in the trial of all capital cases the jury shall consist of twelve men; provided, that the Legislature may provide for rendering a final judgment on appeal in the appellate court without remanding the cause for retrial by a jury as to the facts. In civil cases and in all criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein."

ARGUMENT IN SUPPORT OF THE PROPOSED AMENDMENT TO
THE CONSTITUTION SUBMITTED UNDER SENATE JOINT
RESOLUTION NO. 22 REDUCING THE NUMBER
OF JURORS IN CIVIL CASES AND IN
CRIMINAL CASES OTHER THAN
CAPITAL OFFENSES TO 8.

Under this amendment juries in the district court except in capital cases, which will require twelve members, would consist of eight men. In civil cases and criminal cases less than felonies three-fourths of the jurors would have the power to render a verdict. The advantages of this amendment are as follows:

1. It reduces the cost of jury trials.
2. It applies the three-fourths verdict to criminal cases less than felonies.
3. It authorizes the legislature to confer power on the supreme court to render a final judgment on appeal without remanding the cause for re-trial to a jury as to the facts. This is important, because in many cases a re-trial is an unnecessary expense to the tax-payers of the state.
4. A jury of eight men is large enough to procure the benefit of discussion and is small enough to procure the benefit of individual responsibility, and it is thought that as responsible verdicts will be procured as with a jury of twelve. This is the approved practice and experience for twenty-five years in another state.

Howard P. ...
Secy. Joint Legislation Committee

20

State Question 888
Initiative Petition #61
Argument

In Re
Senate Joint Resolution
22

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

Secretary's Office
This instrument was filed for record this
22 day of April

A. D., 1916 at 3:30 o'clock P. M.

Recorded in _____
Number No. _____ at page _____
Corporation

[Signature]
Secretary of State
[Signature]

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:

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

50.83 ✓ 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.

50.89 ✓ 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

50.87 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.

Secretary of State-3

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.

5080
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.

5081

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,

Frank C. Matson
Assistant Attorney General.

OB-St