

Enrolled

Senate Joint Resolution No. 16

By Austin, Bugh, Mitchell, Wilson of
Canadian and Blasingame.

A Resolution Proposing an Amendment
to the Constitution of This State

As Enacted by the Legislature of the State of Oklahoma:

That the following amendment to 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 district courts shall have original jurisdiction in all civil and criminal cases, except where exclusive jurisdiction is hereafter by legislative enactment conferred on some other court, and such other jurisdiction as may be provided in this Constitution, or by law; provided nothing herein is intended to prohibit the Legislature from conferring original jurisdiction upon the Supreme Court. The district courts, until otherwise provided by the Legislature, shall have the original jurisdiction of the probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the sale, settlement, partition, and distribution of the estates thereof, and exercise the general jurisdiction of probate courts. The jurisdiction of the county courts, which are hereby abolished, is hereby vested in the district courts, except as may be hereafter provided by law. The clerk to the district court in each county shall be appointed by the judge or judges of said court, and draw a salary to be fixed by the Legislature, and hold office at his or their pleasure, and may exercise such judicial power as the Legislature may provide, and all orders, judgments and acts of such clerk may be vacated, modified or affirmed by the district court or judge thereof, on exceptions and objections filed in said court by any person aggrieved thereby under such rules of practice as the Legislature may prescribe. The judge of the district court shall not be eligible to become a candidate for any other office while holding office, except to succeed himself; provided, that this amendment shall not become effective until the second Monday of January, 1917."

Passed by the Senate February 25, 1915.

M. E. Trapp
President of the Senate.

Passed by the House of Representatives March 6, 1915.

Approved this March 11, 1915.
R. L. Millaway,
Governor of the State of Oklahoma.

A. M. Conway
Speaker of the House of Representatives.

Enrolled

S. P. FREELING
ATTORNEY GENERAL

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

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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.

8281

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. Malton
Assistant Attorney General.

OB-St

SENATE JOINT RESOLUTION Number 16.

Resolution proposing an amendment to Section 10 of Article 7 of the Constitution of this State.

Arguments against the adoption of the above named Joint Resolution, by P. S. Nagle.

Every move made by the Democratic Party since Statehood has been toward the centralization of power, and the assassination of the Initiative Referendum and the destruction of fundamental democracy.

Examine this Senate Joint Resolution Number 17.

It destroys the people's court. The court nearest the people having any extended jurisdiction is the Probate and County Court. It abolishes this court and vests the power in a District Judge who may not be a resident of the county. The intent of the law is to deprive the Republicans and Socialists from electing any judicial officers in this state with any extended jurisdiction. If a county is Republican or Socialist it will be attached, by the machine that controls the state, to counties that are Democratic. This Democratic Judge is given power to appoint his own clerk and this clerk is given judicial power. To what extent is he given judicial power? The Amendment says "The clerk may execute such judicial power as the Legislature may provide." Here we have an appointed clerk who may be clothed by the Legislature with the powers of the Supreme Court.

The centralized machine that rules this state through fraud and force expects, through the adoption of this Amendment, to centralize the power of issuing the writ of habeas corpus into the hands of District and Supreme Judges. As long as we have County Judges and Probate Judges they have the power to issue the writ of habeas corpus. Abolish these courts and you may be arrested and dragged from your home, removed from your county, and even deported from your state because there is no one in your county who has the power to issue a writ of habeas corpus. If you abolish the county court there will be imported into your county a petty tyrant --- the appointee of a judge who resides in some other county and who is given jurisdiction over your estate after you are dead and jurisdiction over your children while they are minors. This is a Williams measure. Who is the chief

exponent of one man power in this state?

Vote against it if you believe in popular government.

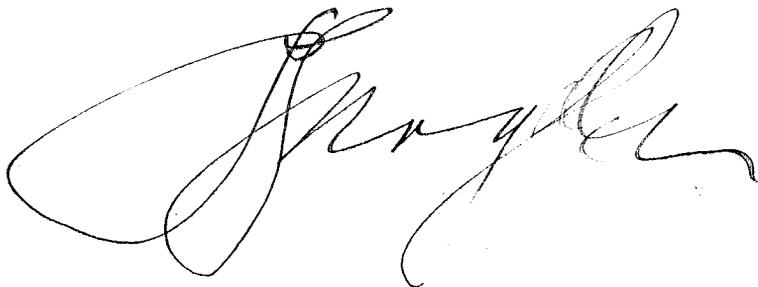
This is one of a series of proposed amendments by the Williams caucus Legislative machine. We are ruled in this state by a majority of the minority.

The Democrats at the last election polled 105,000 votes, the Republicans 100,000 and the Socialists approximately 5³,000 votes. The Democrats, however, by gerrymandering the state and through crooked election laws have succeeded in practically preventing 150,000 citizens from having any representation in the Legislature.

The members of the Legislature go into a secret caucus and a majority of that caucus binds all members of the Legislature that belong to the Democratic party. They then open the doors of the Legislative Assembly and order the sargent-at-arms to bring in the Republicans and Socialists in order to make the measure legal, and write the mandates of the caucus into the laws of the State.

~~This machine is now submitting some eight or ten amendments to the people. They should all be killed as most of them have for their purpose the centralization of power.~~

~~Rebuke the machine and vote against all the amendments.~~

A large, stylized handwritten signature in cursive script, likely belonging to the author of the document. The signature is written in dark ink and is positioned at the bottom center of the page. To the right of the signature, there is a handwritten number '57514' written vertically.

State Session 1916
Initiator Section 27,
Agreement regarding
Senate joint Resolution
16.

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

Secretary's Office:
This instrument was filed for record this
27th day of April

A. D., 1916 at 4 o'clock P. M.

Recorded in _____ at page _____
Record No. _____ Corporation

J. H. Ryan
By *Chas. McGehee* Secretary of State

ARGUMENT FAVORING ADOPTION OF

Constitutional Amendment Proposed by Senate Joint
Resolution No. 16 To be Voted on by the People August, 1st,
1916 *(First Tuesday)*

W. M. Bickel, H. L. Carpenter, R. A. Keller, Joe A.
Edwards, W. J. Risen; Henry W. Sitton, E. E. Glasco, Wash
Hudson.----- Joint Legislative Committee to Prepare Argument.

It is the purpose of this amendment to bring about
efficiency as well as economy in the administration of the
trial courts. By the abolishing of the county court and
vesting its jurisdiction in the district court duplication
of expense would be obviated. In addition the district court
being a court of record and original jurisdiction is a court
of more dignity and power than that of the county court,
and lawyers would make financial sacrifices in serving as
judge of the district court, when they would not be so
inclined to render such service for a county court, which
is a court of limited jurisdiction, at a financial sacri-
fice.

Statistics show that a larger percent of cases tried
in the county court are reversed by the Supreme Court than
~~in~~ ^{from} the district court, this being evidence that lawyers
more experienced and of ^{more} accurate training have sought the
honor of being judge of the district court ^{rather} than the county
court, although in many instances there is not much differ-
ence in the compensation.

In a large part of the state there appears to be abso-
lutely no need for a county court, and the maintenance of the
county court in such parts of the state is an unexcusable
burden upon the tax-payers. In other parts of the state,
where there is more probate business, there is more support
and sentiment for the county court, but if the probate busi-
ness can be handled as well or better in the district court

in such sections of the state, as a matter of justice to the other portions of the state that have no need for the county court, this amendment should be voted for even in the sections where there is more probate business.

Necessarily if this amendment is adopted more district court districts will be established by the Legislature; especially in that section of the state where there is so much probate business. Under this amendment the district judge selects the district clerk who holds office at his pleasure. When the judge is elected, the people, through him, elect the clerk, empowering the judge to pass on his qualification, select and remove him at pleasure. The court clerk in this state as a rule and on an average draws a salary of about two thousand dollars a year. With this office appointive a very efficient and capable ^{person} ~~man~~ can always be secured. The fact is you can procure as good a clerk by appointment at two thousand dollars a year as you can as a rule secure by election at three thousand dollars a year. The expense and harrassing of a campaign brings about this condition. Many well qualified and capable ^{persons} ~~men~~ are deterred from seeking such places even at ample salaries where they have to go through a primary and general campaign. Clerks ^{are required to} ~~do not~~ exercise any political discretion. Their duties are merely ministerial. The judge, elected by the people, is responsible to them for the administration of his office and the clerk is an agency and a part of the court, subject to direction of the court, and the court clerk for that reason should be selected by the judge.

Under this amendment the Legislature may authorize the Clerk, under the supervision of the district judge, to appoint guardians, issue letters of administration and exercise such judicial powers as are ordinarily exercised by a probate judge, who, in many of the states, is not required to be a lawyer. The legislature is to provide the

procedure of the clerk in exercising such power. In other words, the clerk would do all detail work that is usually done by a probate judge and be a kind of probate commissioner to the district judge under rules and regulations prescribed by the legislature.

At the present time probate matters may be appealed from the county court to the district court and from the district court to the Supreme Court. This amendment removes all this circuitous machinery and duplication of expense. Contested probate proceedings, under this amendment, should be placed on the trial probate docket, but probate matters that were not contested, where no protest had been filed, and the legislature ought to provide liberal procedure for filing protests, exceptions and objections, would be handled by the clerk, subject to the disapproval of the district judge at any time. A technical or narrow procedure should not be provided, but the legislature should provide a simple procedure in the interest of justice, economy and efficiency.

By the adoption of this amendment offices are decreased and efficiency, capacity and qualification in the change will be promoted. From the standpoint of efficiency, economy, and satisfaction the approval of the people of this amendment should be had.

The only courts contemplated by this amendment outside of the police courts of the cities is the justice of the peace court, the district court and the supreme court. The legislature is permitted to increase or decrease the jurisdiction of the justice of the peace court. The district court has jurisdiction of all cases whatever, civil and criminal, but if it hereafter appears desirable and it appears that the justice of the peace should have exclusive jurisdiction over petty cases, the Legislature may exclude that jurisdiction from the district court.

By this amendment the district courts are kept open all the time as probate courts and in counties of sufficient area and business will be kept open at all times for the trial of civil and criminal cases. Under any event the district courts, under this amendment, will be more available at all times to try civil and criminal cases, and there will not be any unreasonable delay in trying those charged with the violation of the criminal laws, and civil cases can be hastened to final trial and termination.

Howard Parker
By Joint Legislators Committee

Amendment
Apr 9

Amendment
Apr 9

RECEIVED
MAY 10 1891

[Handwritten signature]

ARGUMENT OPPOSING ADOPTION OF CONSTITUTIONAL
AMENDMENT PROPOSED BY SENATE JOINT RESOLUTION NO. 16,
ENTITLED "A RESOLUTION PROPOSING AN AMENDMENT TO SECTION 10
OF ARTICLE 7 OF THE CONSTITUTION OF THIS STATE",

By WILLIAM M. FRANKLIN.

As a member of the State Administration and the dominant party in this State and Nation, I assert that this proposition is not an administration or a party measure and that the people, including public officials, will take issue with reference thereto irrespective of party affiliations.

While it is argued that the purpose of the proposed amendment is efficiency and economy, let us see if the facts justify such conclusion or whether the result that will likely obtain in case of the adoption of the proposed amendment will work for the common good.

WOULD RESULT IN NO ECONOMY

It is admitted in the argument in favor of the adoption of the proposed amendment that if the amendment is adopted necessarily more district court districts would have to be established by the Legislature. The salary of the additional district judge would be larger than the salaries paid to a county judge, and each district judge is allowed by law a stenographer who receives a salary that almost equals the salary paid to some of the county judges. There are twelve jurors required for the district courts and only six required for county courts. A clerk would be appointed to take the place of the county judge in certain matters. He would be given judicial powers and should have the ability that would command the salary that a county judge gets. Where would the saving be?

WOULD NOT RESULT IN MORE EFFICIENCY

Before statehood we opposed long-ranged government and plead for local autonomy. Now it is proposed to destroy one of the courts nearest the people and one reason given is that the district court has more "dignity" than the county court. To the people service is paramount to "dignity". The common things of earth -- air, heat, light, water, etc. -- are the most indispensable. More than the glare and the glitter, the people need the substantial, practical things that tend to make them happy and contented. The district ^{courts fill a} judges ~~could~~ proper place. It is suggested that the district judges could make a better selection for clerk (he may be brought from Kansas the day before he is appointed) than the people could. As a general rule an efficient person had rather have an elective office than one filled by appointment and be subject to removal at any time, and, too, as a rule the people have made better selections for elective offices than were made by the appointive power in filling vacancies therein. Will the people surrender their right to

select a public servant -- a clerk for their own county -- an idea not in accord with the true democratic spirit? Will the people strike down one of the courts nearest to them because it may be said that a superior court may have more "dignity"? Recently the Legislature increased the advance cost deposit for the filing of cases in the Supreme Court of this State. All know that it costs more to litigate their rights in the higher courts than it does in inferior courts. Also, there is a tendency to prevent appeals where small amounts are involved; that is, to say to the man who does not have much of this world's goods, no matter what principle may be involved or how bad he may feel aggrieved, he cannot have his cause, because of the smallness of the amount involved, although it may be all he has, tried in a court where one more fortunate may have his rights litigated. Who can determine the virus in an act that would strike down one of the courts nearest the people? President Wilson recently, in discussing the judiciary, said: "The inexpensiveness of justice, the ready access of justice, is the greatest part of justice itself. If you have to be rich to get justice, because of the very cost of the process itself, then there is no justice at all."

It is argued that appeals may be taken in probate matters from county to district courts. Only a very small percent of such cases are appealed to the district courts.

The writ of Habeas Corpus is one of the most sacred rights secured during the long climb up the ages, and the framers of our constitution safeguarded the sacred right by putting in our constitution the following:

"In the absence of the judge of the district court from the county, or in case of his disqualification or for any reason, the county court, or judge thereof, shall have power to issue writs . . . of habeas corpus in cases where the offense charged is within the jurisdiction of the county court or any other court or tribunal inferior to said court."

There is not a district judge in every county. Do you want to make the courts less accessible and your rights less secure?

WOULD THROTTLE PEOPLE'S WILL AND DRAG COURTS
INTO UNNECESSARY POLITICAL CONTESTS.

The proposition provides: "The judges of the district court shall not be eligible to become a candidate for any other office ~~during~~ ^{while holding office} ~~term~~, except to succeed himself". If this had been the law in the past, two able district judges would not have been elected as members of our Supreme Court. This proposition would place shackles upon the will of the people and prevent them from electing an able and trustworthy district judge to some other position than the one he occupies, even though the people might want him to serve in some other capacity.

Of course, a district judge could resign and an inexperienced man could be appointed to fill the vacancy, which might be for only a few months. In some cases the district judge running for another position, as was the case when Judge Brown ran for Justice of our Supreme Court, may not have an opponent in the primary election. Why dispense with the services of an able man, who may be elevated to another position, for several months, on the grounds urged? Why ask the people to surrender such right? Increase the cost of trials and abolish inferior courts and we will be pursuing a crawfish-game of civilization. Again, surrender your right to help select the clerk for your county to a district judge, who is also human, with human promptings and human emotions, and you will drag the judiciary into the political arena in the controversies that would follow incident to the appointment of a clerk.

LET US NOT UNDERMINE OUR CONSTITUTION.

A patriotic body of men -- some of our ablest and truest men -- after deliberating for months, studying all other constitutions and systems of government, submitted as the fruit of their labors a constitution that was adopted by the people and called, with pride, the "best ever". If we have any doubts as to the merits of the proposed amendment, or as to whether it is any part of a scheme to undermine our constitution, mindful of the fact that the special interests have never been satisfied with it, should not our vote be "NO"? By our act let us say emphatically that no monarchial idea shall be substituted in our state for the true democratic idea that the people are the source of all power and authority in government, and that we are not ready to abandon our motto "Let the people rule."

After the French Revolution -- in its inception a protest against despotism -- the sovereigns of Europe formed what is known in history as the "Holy Alliance" for the suppression of any reform or protest against absolutism. There has been recently organized in our Nation a so-called "Sound Government League" to oppose further progress towards democracy. Recently our President said, "I deny you to show a single example in history in which liberty and prosperity were ever handed down from above. Prosperity for the great masses of mankind has never sprung out of the soil of privilege." Again, he said, "The utility, the vitality, the fruitage of life does not come from the top to the bottom; it comes, like the natural growth of a great tree, from the soil, up through the trunk into the branches to the foliage and the fruit." He contends that there is a "constant renewal of society from the bottom" -- a "rise of sap from the bottom", and that there are evils in government to be corrected by remedial legislation. He says that the "so-called radicalism of our times is simply the effort of nature to release the generous energies of our people The flower does not bear the root; but the root the flower. Everything that blooms in beauty in the air of heaven draws its fairness, its vigor,

from its roots. Nothing living can blossom into fruitage unless through stalks deep-planted in the common soil . . . Up from the soil, up from the silent bosom of earth, rise the currents of life and energy."

Bancroft, the historian, said, "The common mind winnows opinions; it is the sieve which separates error from uncertainty".

When the Savior of man gave His message of hope, "The common people heard Him gladly."

Let us not despise the common things and remember the truism that "Eternal vigilance is the price of liberty."

PROPOSITION IF ADOPTED WOULD
COMPLICATE INDIAN LAND TITLES.

In the Enabling Act for this State, Congress reserved the power to legislate respecting the Indians and their property. Sec. 23 of the Act of Congress of April 26, 1906, as amended by Sec. 8 of the Act of May 27, 1908, provides that certain wills of full-blood Indians devising real estate shall not be valid unless acknowledged before and approved by a judge of the United States court for the Indian Territory, or United States Commissioners, "or a judge of a county court of the State of Oklahoma". If the county courts are abolished, the powers specially delegated to them by Congress cannot be transferred by the legislative power of the State of Oklahoma to the district courts, for Congress acted within its reserved rights, and powers delegated by it cannot be altered by a different sovereignty. If the proposed proposition is adopted, other serious questions will arise that will make more complicated and uncertain Indian land titles, but, as shown above, this would not be the most vicious result of the proposed constitutional amendment.

It may be presumptuous in me to present this argument, but for fear that no other person would present an argument against this proposition and believing the proposition, if adopted, would be subversive of the people's best interest, and having seen the argument in favor thereof submitted this day and within only about half an hour of the time in which arguments pro and con are to be closed, I have hurriedly and in a feeble way given my reasons in opposition to the attempted assault upon our constitution, and I do this in deference to my belief in the true principles of democracy and my conception of a duty to speak for the common good.

Respectfully submitted,

April 22nd, 1916.

WILLIAM M. FRANKLIN.

We, the undersigned members of the State Senate of the State of Oklahoma, who voted against Senate Joint Resolution No. 16, accept and adopt the foregoing argument of William M. Franklin, as our argument in opposition to the proposition therein submitted, and, irrespective of party affiliations, in the interest of economy and efficiency, and on behalf of those members of the Legislature who voted against said measure, recommend that the said proposed amendment be not adopted by the people.

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

J.L. CARPENTER
W.A. CHASE
R.L. DAVIDSON,
Committee.

Coby

MEMORANDUM FOR THE SECRETARY OF THE JOINT LEGISLATION COMMITTEE

REJOINDER

Progressive states have amended their constitutions to meet the demands for economy and efficiency. The question of a clerk of a court has no relation to the so-called special interests. He is under the direction of the court to keep its minutes and to do the clerical work for the court, its litigants and those having occasion to have recourse to its records. From November 14, 1914, to March 31, 1916, the Clerk of the Supreme Court collected fees in civil cases \$49, 145.60, criminal cases \$3, 164.35, miscellaneous \$6, 072.08, or an average of \$3, 538.30 per month, making an average of \$42, 459.60 per annum or for twelve months. (See report State Examiner and Inspector dated May 1, 1916.)

- The salary and other expenses of the office is as follows:
- Salary Clerk Supreme Court per month \$250, \$3000. per annum;
- Salary Three clerks at \$150 per month each, \$5400. per annum;
- Salary One stenographer \$100 per month, \$1200. per annum;
- Extra help, \$75 per month, \$900. per annum;
- Printing, lump sum, \$750. per annum;
- For covering and binding unbound Journals \$100 per annum;
- For postage, postal cards for notices, telegrams, telegraph and express \$900. per annum;
- For office supplies including additional filing cases and office furniture, \$2400. per annum;

In addition the monthly salary of the twelve Supreme Court Commissioners at \$250.00 each amounts to \$36,000. per annum; monthly salary of the eight members of the Supreme Court and Criminal Court of Appeals at \$333.33 1/3 each amounts to \$32,000 per annum. The work of these Judges and Commissioners in writing opinions and rendering decisions cause these fees to be earned and the monthly cost of the maintenance of the appellate court, including the expense of the clerk's office is \$6,887.49 per month and the earnings of the office ~~is~~ \$3,538.30 per month.

It is submitted that this clerical ^{person} ~~place~~ should be selected by the court and that \$2,500.00 per annum will then be a reasonable compensation, he not being required to undergo the expense of a campaign.

Howard Parker
 Secretary of the Joint Legislation Committee

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA

Secretary's Office:

This instrument was filed for record this

15 day of May

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

Recorded in _____ Corporation

Record No. _____ at page _____

J. H. Lyon

Secretary of State

Lyon

[The body of the document contains several paragraphs of text that are extremely faint and largely illegible. The text appears to be a memorandum or a set of minutes, but the specific details cannot be discerned.]

Copy

REJOINDER.

ECONOMY AND APPROVED EFFICIENT PLAN.

In many counties salaries of county and district judge are practically equal. The county courts have stenographers. The court clerk, whose salary approximates that of the county judge, will remain for the district court, to be selected by the people through the district judges. The legislature will require the appointee to be resident of the county.

The proposed judicial plan is not untried, it having substantially been in operation in Iowa for thirty years and ~~giving~~ universal satisfaction. California, Arizona and other progressive states have such courts called "Superior Courts" with same jurisdiction. In a majority of states ^{the} court known as "probate court" has no other than probate jurisdiction, ^{the} district court having the criminal and other civil jurisdiction.

Representatives in legislature may create additional district courts whenever the court business requires. Additional district courts, however, will by no means cost taxpayers equal to saving made by abolishing 77 county courts, with reduction of juries to eight men instead of twelve, as proposed in another amendment. The jury cost of trials then in district court will be practically same as now in county court.

INDIAN TITLES AND MINORS PROTECTED.

The contention that Indian titles would be complicated is without merit. Under amendment it is not apprehended that voter would forego voting to install this judicial system for economy and efficiency for fear some poor full-blood Indian would not have an opportunity to be persuaded to will away his allotment to some interloper. By placing all this jurisdiction within the district court a reasonable and safer protection will be thrown around estates of Indian minors and at same time reasonable facility in distribution and sale of same through the district court may be had. Full-blood Indian would still be per-

mitted to disinherit his own blood, by securing the approval of the judge of proper United States Court or Commissioner, in event the judge of district court should not by implication still have the power to approve such will.

Indian land titles will not be complicated, but made more certain. County court's jurisdiction in Indian matters pertains chiefly to guardianships and approval of conveyances by full-blood heirs. U. S. statutes relating to guardianships confer authority on "probate courts" of Oklahoma. As to approval of conveyances, authority is conferred on "the court having jurisdiction of the settlement of the estate of the deceased allottee." (29 Okla. p. 47.) With county court jurisdiction vested in district court the latter would be such "probate court" and succeed to full jurisdiction in the Indian matters.

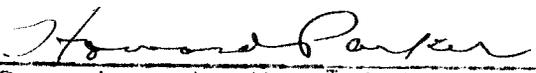
The courts and officials thus decreased, a reasonable number of courts of competent jurisdiction being afforded.

COURTS OUT OF POLITICAL CONTESTS AND CLOSE TO THE PEOPLE.

The district judge required to resign before becoming candidate for another office such as the supreme bench, governor or other state office, it is neither within his power to use office to forward his campaign nor build up a machine through the clerk's office, as it would necessarily crumble when he resigned.

~~COURTS OUT OF POLITICAL CONTESTS AND CLOSE TO THE PEOPLE.~~

~~Progressive states have amended their constitutions when occasion arose. This amendment would make our courts serve the purpose for which designed.~~


Secretary to the Joint Legislative
Committee.

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

Hereto attached is an amended rejoinder favoring the adoption of the amendment to the Constitution proposed by Senate Joint Resolution No. 16 adopted by the regular session of the Fifth Legislature. You are requested to file same and substitute it for the original rejoinder ~~originally~~ filed in this argument.

Howard Farner

Secretary for the Joint Legislative
Committee.

We, the undersigned members of the State Senate of the State of Oklahoma, who voted against Senate Joint Resolution No. 16, accept and adopt the foregoing argument of William M. Franklin, as our argument in opposition to the proposition therein submitted, and, irrespective of party affiliations, in the interest of economy and efficiency, and on behalf of those members of the Legislature who voted against said measure, recommend that the same be not adopted by the people.

This 23 day of April, A.D., 1916.

J. L. Carpenter

W. A. Chase

R. L. Davidson.

Committee.

and each district judge is allowed by law a stenographer who receives a salary that almost equals the salary paid to some of the county judges. There are twelve jurors required for the district courts and only six required for county courts.