

STATE OF OKLAHOMA
DEPARTMENT OF STATE
OKLAHOMA CITY

J. L. LYON
SECRETARY

CHAS. MCCAFFERTY
ASST. SECRETARY

Oklahoma City, April 3, 1917

Received of George S. Evans Proposed State Question No 94, Referendum Petition No. 30, proposing to refer Senate Bill No. 111, as passed by the Sixth Oklahoma Legislature.

SECRETARY OF STATE

ASSISTANT SECRETARY OF STATE

State Question No. 94

Referendum Petition No. 30

SECRETARY'S MEMORANDUM
OKLAHOMA CITY, STATE OF OKLAHOMA }

SECRETARY'S OFFICE

This instrument was filed for record this

3rd day of April

A. D. 1917 at 3 o'clock P. M.

Recorded in _____ Corporation

Word No. _____ at 5093


Secretary of State

By 

**In Re REFERENDUM
SENATE BILL No. 111**

**State Question No. 94; Referen-
dum Petition No. 30.**

**Arguments Against Senate Bill
No. 111**

BY

G E O R G E S . E V A N S

Attorney and Committee for Petitioners

In Re
REFERENDUM of SENATE BILL
No. 111

STATE QUESTION NO. 94; REFERENDUM PETI-
TION NO. 30; ARGUMENT AGAINST
SENATE BILL NO. 111.

1. Come now Petitioners, by George S. Evans, Attorney and Committee for that purpose, and demurs and objects to Senate Bill No. 111, passed by the Legislature of 1917, both generally and specifically, and for cause state:

Because said bill is:

(1) Unconstitutional and void under the Constitution of the State of Oklahoma.

(2) Monopolistic, and is class legislation of the meanest and most vicious sort, and clearly fosters a trust.

(3) Repugnant to several provisions of the Oklahoma Bill of Rights.

(4) Repugnant to various provisions of the Constitution of the United States, in that it discriminates in favor of one class or cult and against all others.

(5) Denies Drugless Practitioners, especially Chiropractors, the right to use natural faculties, impairs the validity and obligations of contracts, and makes criminals of a large and respectable number and class of people, who, but for the provisions of Senate Bill No. 111, are good citizens of the State, "going about doing good."

Specially demurring, Chiropractic and the committee, say:

(6) Said Senate Bill No. 111 prevents the use by any person, other than a medical doctor or surgeon, of the title conferred upon him by the school of which he is a graduate, and confers upon one cult a monopoly of title.

When, as a matter of fact and of law, the courts cannot abate a man as a nuisance simply because he calls himself doctor or is given that title by the school conferring the degree.

(7) Makes that the practice of medicine which is NOT the practice of medicine and can never be, and makss criminality under the Act consist in the FACT of rendering service for COMPENSATION.

(8) Establishes "State Medicine," which is repugnant to all our ideas and institutions, and requires ALL who practice any part of the "Healing Art," so-called, to pass ONE BOARD, and that the State Medical Board, regardless of what is to be practiced.

(9) Requires worthy and competent persons to devote years of study to subjects with which they have no concern, and said bill is therefore manifestly un-American and unfair.

(10) Requires Chiropractors, for instance, to study Obstetrics, Gyneology, and various other subjects which they do not need in their practice; and requires them to be examined by a "board" which is neither competent nor qualified to examine them in their peculiar and particular science.

(11) Requires Chiropractors, et al., to pass "medical examinations" and then "practice drugless practice only." What a travesty on law!

(12) Said bill is the natural progeny of a gigantic "trust" that by fastening its tentacles, octopus-like, upon the very vitals of society, dominates the religious life and the policies of the country, largely, and without whose kindly (?) office and ministrations none DARE to be born, hope to live or presume to die. Under this bill, if it becomes law, the people of Oklahoma cannot live, move nor have any sort of being without the control, absolute domination, of the "Allopath Medical Trust."

(13) Finally, said bill is exactly as fair, just and kind, and as plausible as would be a measure requiring an applicant for Elder's Orders in the Baptist Church to be examined in Theology and Church Policy by a board composed of Methodists, Presbyterians, Christians and a Catholic priest before being allowed to preach the Gospel according to the Baptist Faith. Yes, or the reverse of that proposition, or that a Catholic priest should examine any and all others before allowing them to promulgate the doctrines of their respective denominations.

(14) Shall we bow the knee to Baal? God forbid! Wherefore, gentlemen, electors of Oklahoma, we pray you, kill Senate Bill No. 111 with your votes at the polls, November 5, 1918.

2. Under Senate Bill No. 111, if it becomes law, incompetent medical doctors, who know nothing of Chiropractic, and who are so prejudiced against it that they will not learn, will, in many instances and on occasions when they think it to their advantage to do so, pose as Chiropractors and pretend to practice that science, to the injury of the cause and of their patients. But what care they for an incident like that, if they are rid of a competitor and "get by?"

3. Senate Bill No. 111 is inimical to and violative of both the letter and the spirit of the Constitution of the State of Oklahoma, from which we quote, Article 11:

"BILL OF RIGHTS.

"Section 1. All political power is inherent in the people; and government is instituted for their protection, security and benefit, and to promote their general welfare. * * *

"Section 2. All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.

"Section 6. * * * and right and justice SHALL be administered without sale, denial, delay, or prejudice.

"Section 7. No person shall be deprived of life, liberty, or property without due process of law.

"Section 15. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts shall ever be passed. * * *"

4. Under Article V Constitution, Legislative Department, we quote:

"Section 44. The Legislature shall define what is an unlawful combination, monopoly, trust, act, or agreement, in restraint of trade, or composing such monopoly, trust or combination.

"Section 51. The Legislature shall pass no law granting to any association, corporation, or individual any exclusive rights, privileges, or immunities within this State."

5. Senate Bill No. 111 is a sample and an example of the most vicious legislation ever sought or passed in any State and shows what the medical trust would do, if allowed, to any competitor in the "trade" or "business" field.

Liberty of the Citizen to Follow a Profession.

6. In the United States it is an axiom that any citizen has the inherent right to pursue a lawful calling in a lawful manner. What saith the law on this vital subject?

Judge Cooley, in his Treatise on Torts, at page 277, says:

"No proposition is now more firmly settled than that it is one of the fundamental rights and privileges of every American citizen to adopt and follow such lawful industrial pursuits, not injurious to the community, as he may see fit." Citing Slaughterhouse cases, 16 Wall. 106, also other cases.

In this connection the learned judge quotes the language of Andrews, J., in *Bertholf v. O'Reilly*, 74 N. Y. 98:

"The right to liberty embraces the right of man to exercise his faculties and to follow the lawful avocations for the support of life."

7. Again In Re Jacobs, 98 N. Y. 98:

"One may be deprived of his liberty and his constitutional right violated without the actual restraint of his person. Liberty in its broad sense, as understood in this country, means not only the right to freedom from servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or avocation. It follows from this that the term 'liberty' as protected by the Constitution is not a mere freedom from physical restraint of the person, but it embraces the right to be free in the enjoyment of all the faculties with which we are endowed, and this subject only to such restraints as are clearly necessary for the common welfare."

In *Braceville Coal Co. v. People*, 147 Ill. 66, 71, 37 Am. St. Rep. 206, the Court say:

"Liberty, as the term is used in the Constitution, means not only freedom of the citizen from servitude and restraint, but is deemed to embrace the right of every man to be free in the use of his faculties and powers, and to adopt and pursue such avocation or calling as he may choose, subject only to the restraints necessary to secure the common welfare."

In *Allgeyer v. Louisiana*, 165 U. S. 578, it is said by the Court, among other things:

"If it does not abridge the privileges and immunities of a citizen of the United States to prohibit him from pursuing his chosen calling, it certainly does deprive him (to a certain extent) of his liberty; for it takes from him the freedom of adopting and following the pursuit which he prefers; which, as already intimated, is a material part of the liberty of the citizen."

8. Senate Bill No. 111 is a complete shut-out for Chiropractors, even with a Chiropractor member of the "Medical Board." Listen! The bill provides that the practitioner "may, upon showing evidence of having attended a reputable school or college requiring actual attendance for a period of at least twenty-seven months, and upon passing an examination in anatomy," etc.

No medical school or college teaches or can teach the Chiropractic curriculum. No Chiropractic institution has a twenty-seven months' term. These facts are well known.

Under the bill no Chiropractor can qualify *for* examination, nor can he pass an examination by an antagonistic "medical board." If this bill is not vetoed but becomes law, it means the exclusion, extermination of some 300 Chiropractors of this State—*will shut them out*, and deprive more than 300,000 residents of the State of the benefits of Chiropractic, which they have tested and proven and endorse, and deny them the right and opportunity to call the doctor of their choice in the hour of stress and need. How would you like to be so placed? Compelled to employ some one whom you did not want, and whose practice you do not endorse, and in which you have no faith, or call no doctor?

9. Last, but by no means the least of the evil effects of said bill will be: Within thirty days of the taking effect of such law, ignorant and arrogant medical doctors who know nothing of Chiropractic will *assume* that they are qualified and will be *attempting to practice Chiropractic*, hoping thereby to fool the people and get gain from their iniquitous measure.

Will the good people, the freemen of Oklahoma, submit to such unwarranted interference with their affairs; such attempted domination, tyranny and control over them in matters that relate solely to their personal rights, privileges and liberty?

10. Gentlemen, voters, in the interest of the good people of Oklahoma, and in the spirit of American fairness, cast your vote against Senate Bill No. 111, and by that act VETO and KILL it. Will you do less? Can you do more? Yes; you can teach those self-appointed, self-constituted guardians of the public, that you do not need and will not have services in the matter and manner offered. Teach them that you are capable and know how to handle your own affairs, manage your own business, and preserve your own personal rights and privileges and protect them.

Respectfully submitted,

GEORGE S. EVANS,

Attorney and Committee for Petitioners.

State Question Number 94; Referendum Petition Number 30.

Ballot Title.

The gist of the proposition is:

To include every person as practicing medicine, who, in any way designates that he is a physician; or for pay or compensation practices any part of the Healing Art; prescribe a minimum School term and the subjects in which applicants for License must be examined by the State Board of Medical Examiners; to provide for the appointment of one Chiropractor to membership on said Medical Board; to require Chiropractors and other Drugless practitioners to pass the Medical Examination, and forbid their doing other than Drugless practice.

Baker's Title

State Question # 94

Referendum Petition # 30

SECRETARY'S NOTIFICATION
OFFICE OF THE CLERK OF COURTS
SECRETARY'S OFFICE

This instrument was filed for record this

6th day of *April*

A. D. 1917 at *3* o'clock *P.*

Recorded in _____ CORP. # 371.

Record No. _____ at page _____

J. P. Simon
Secretary of State

By *J. P. Simon*

S. F. FREELING
ATTORNEY GENERAL

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

BANKING DEPARTMENT
GUY F. NELSON
SCHOOL LAND DEPARTMENT
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY
April 10, 1917

PLEASE REFER TO INITIAL SPF/EML

Secretary of State,
City.

Dear Sir:

I have examined the ballot title submitted in reference to State Question No. 94, Referendum Petition No. 30, and as the same in my judgment is to some extent confusing, I submit the following ballot title as conforming to the law and to be used in the submission of such question.

Very truly,

S. F. Freeling
Attorney General.

GI-St

State Question No. 94; Referendum Petition No. 30.

BALLOT TITLE.

The gist of the proposition is:

To veto and render inoperative Senate Bill No. 111, passed by the 1917 Session of the Legislature and approved by the Governor March 27, 1917, which act provides who should be considered as practicing medicine; provides that any person claiming to practice any drugless system of healing must show an attendance upon a reputable college for a period of twenty-seven (27) months and pass an examination in certain subjects before a license shall be granted, such license when issued to entitle the holder to practice drugless practice only; provides that one chiropractor shall be appointed on the State Board of Medical Examiners who shall examine applicants as to their knowledge of the technique of chiropractic, the balance of the examination to be conducted according to the rules now provided for other applicants.

April 11th, 1917.

Hon. S. P. Freeling,
Oklahoma, Oklahoma.

Dear Sir:

I am this morning in receipt of
ballot title in reference to State Quest-
ion No. 94, Referendum Petition No. 30 and
would advise that same is more than one hun-
dred words in length, and would be glad that
you advise if same is to stand as filed here
to-day.

Yours very truly,

SECRETARY OF STATE.

S. P. FREELING
ATTORNEY GENERAL

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

BANKING DEPARTMENT
GUY F. NELSON
SCHOOL LAND DEPARTMENT
ASSISTANT ATTORNEYS GENERAL

STATE OF OKLAHOMA
OFFICE OF THE
ATTORNEY GENERAL

OKLAHOMA CITY
April 17, 1917

PLEASE REFER TO INITIAL SPF/EML

Hon. J. L. Lyon,
Secretary of State,
City.

Dear Mr. Secretary:

Receipt is acknowledged of your letter of recent date concerning the ballot title in reference to State Question No. 94, Referendum Petition No. 30.

Replying you are advised that I prepared this ballot title in conjunction with the attorney for the Chiropractic Fraternity, and while we realize that the words exceeded 100, yet it seemed to require that many words to express the proposition so the voter would understand it. No complaint will be made as to this feature and I suggest the title be accepted.

Very truly,

S. P. Freeling
Attorney General.

G1-St

May 7th, 1917.

To the
State Board of Public Affairs, and
Secretary of State Election Board,
Oklahoma City;

Gentlemen:

I do hereby certify that the following is a true copy of ballot titles of Referendum Measures filed in this office:

State Question No. 93, Referendum Petition No. 29,
Filed April 12th, 1917.

"The gist of this proposition is to veto an act of the legislature making it a misdemeanor and prescribing penalty to receive directly or indirectly from a common or other carrier, any liquors the sale of which are prohibited in this state. Said act also making it unlawful to possess for any purpose any such liquors so received, but permits scientific institutions, universities, colleges, bonded apothecaries, druggists, hospitals and pharmacists to receive and possess pure grain alcohol for such purposes and as provided by state law."

State Question No. 94, Referendum Petition No. 30,
Filed 11th day of April, 1917:

"The gist of the proposition is: To veto and render inoperative Senate Bill No. 111, passed by the 1917 Session of the Legislature and approved by the Governor March 27, 1917, which act provides who should be considered as practicing medicine; provides that any person claiming to practice any drugless system of healing must show an attendance upon a reputable college for a period of twenty-seven (27) months and pass an examination in certain subjects before a license shall be granted, such license when issued to entitle the holder to practice drugless practice only; provides that one chiropractor shall be appointed on the State Board of Medical Examiners who shall examine applicants as to their knowledge of the technique of chiropractic, the balance of the examination to be conducted according to the rules now provided for other applicants."

State Question No. 95, Referendum Petition No. 31, Filed April 21st, 1917.

"The gist of the proposition is: To veto and render inoperative Senate Bill 307 passed by the Last Legislature, which Bill creates a state exposition to be held annually at the City of Muskogee; provides for a board of directors and their organization; gives said board authority to expend the receipts of said exposition; requires said board to make annual reports to the Governor, and provides that the state shall never be liable for any sum of money by reason of the establishing, running or operation of said State Fair."

State Question No. 96, Referendum Petition No. 32, Filed May 7th, 1917.

"The gist of this proposition is to repeal House Bill Number 3, Legislature of Oklahoma, 1917, making it a misdemeanor punishable by fine and imprisonment to furnish to minors in any event, cigarettes, or cigarette papers, or to furnish, sell or dispose of same to any and all persons without having first procured a license therefor and executed a surety bond as therein provided, except it does not apply to jobbers and wholesalers; also, providing for a division of moneys derived from fines and forfeitures recovered thereunder between the prosecuting witness and the county."

Very truly yours,

SECRETARY OF STATE.

June 6th, 1917.

Hon. R. L. Williams,
Oklahoma, Oklahoma.
Dear Sir:

On June 1st, 1917 there was filed in this office petitions by the people of this state consisting of 30,592 names or signers, this being the required number of petitions and in excess of the required number necessary in calling a referendum vote on Senate Bill 111, known as the Chiropractic Bill.

I am taking this means of advising you that all necessary steps in securing this necessary referendum vote have been made in this office, and it now remains for the Chief Executive to execute further orders in the way of proclamations, etc. in carrying this to the people.

Yours very truly,

SECRETARY OF STATE.

September 10,
1920.

STATE OF OKLAHOMA)
COUNTY OF OKLAHOMA) SS.
DEPARTMENT OF STATE)

I, JOE S. MORRIS, Secretary of State, of the State of Oklahoma, do hereby certify that there was filed in the office of Secretary of State April 6, 1917, Petitions containing 30,592 signatures in-re State Question 94, Referendum Petition No. 30; The ballot title being as follows:

BALLOT TITLE OF STATE QUESTION NO. 94;
REFERENDUM PETITION NO. 30.

The gist of the proposition is:

To veto and render inoperative Senate Bill No. 111, passed by the 1917 Session of the Legislature and approved by the Governor March 27, 1917, which act provides who should be considered as practicing medicine; provides that any person claiming to practice any drugless system of healing must show an attendance upon a reputable college for a period of twenty-seven (27) months and pass an examination in certain subjects before a license shall be granted, such license when issued to entitle the holder to practice drugless practice only; provides that one chiropractor shall be appointed on the State Board of Medical Examiners who shall examine applicants as to their knowledge of the technique of chiropractic, the balance of the examination to be conducted according to the rules now provided for other applicants.

Done at the Capitol, at Oklahoma City, State of Oklahoma, this the Thirtieth day of September, A. D., 1920, at the hour of Four o'clock P. M., and of the Independence of the United States of America the One Hundred Forty-fifth.

Joe S. Morris
SECRETARY OF STATE.

SECRETARY OF STATE'S DECISION.

The sixth Legislature convening at the Capitol on January 2nd 1917, passed Senate Bill No. 111, Chap. 164, commonly known as the Chiropractic Bill. This act was approved by the Governor on the 27th day of March, 1917.

The chiropractors through their representative or their attorney, Geo. S. Evans, filed a referendum petition in this office on April 3rd 1917. On April 3rd 1917 they also filed a ballot title. On this same date I referred the ballot title to the Attorney General.

On April 11th I received from the Attorney General an approval of the above ballot title.

On April 11th I notified the Attorney General that the ballot title contained more than 100 words in length.

There was filed in the office on April 18th an answer to the above letter addressed to the Attorney General advising me in part as follows:

"Replying you are advised that I prepared this ballot title in conjunction with the attorney for the Chiropractic Fraternity, and while we realize that the words exceeded 100, yet it seemed to require that many words to express the proposition so the voter would understand it. No complaint will be made as to this feature and I suggest the title be accepted."

After this procedure the State Board of Public Affairs and the State Election Board were notified as to the ballot title.

On June 1st 1917 there was filed in this office, completing the petition as previously filed, pamphlets containing 30,592 signatures. In the presence of the Governor sheets were detached and receipt given for petition.

On June 11th 1917 there was filed in this office a protest on the above petition by one W. T. Salmon.

It appearing that all the law having been complied with as to the filing of this referendum petition by the petitioners through their attorney; ballot title having been certified out; notice having been given to the State Election Board; the Governor having been present at the time of the receiving of the petition; and, it further appearing that there being sufficient number of signatures on the petition to warrant consideration; and, it further appearing that through notice given this office by the State Election Board of a certain number of votes being cast at the last general election making it necessary that at least 14,216 signatures be sufficient to enable the Secretary of State to have this certified to the State Election Board for the purpose of having same placed upon the ballot:

For these reasons I am declaring said petition sufficient.


Secretary of State.

Feb 8-1918

IN THE SUPREME COURT OF THE STATE OF
OKLAHOMA

Re: Referendum Petition No. 30,

No. 9752.

State Question No. 94.

In re, Petition for rehearing denied.

October 24th 1918.

J. S. Sharp,
Chief Justice.

I, William M. Franklin, Clerk of the Supreme Court of the State of Oklahoma, do hereby certify that the above and foregoing is a full, true and complete copy of the order of said Court in the above matter, as the same remains on file in my office.

In Witness Whereof I hereunto set my hand and affix the Seal of said Court, at Oklahoma City, this the 24 day of October,
1918

WILLIAM M. FRANKLIN, Clerk,

By Paul Haske
Deputy.

IN THE SUPREME COURT OF THE STATE OF
OKLAHOMA

Re: Referendum Petition No. 30,

No. 9752.

State Question No. 94.

In re, Petition for rehearing denied.

October 24th 1918.

J. S. Sharp,
Chief Justice.

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In Witness Whereof I hereunto set my hand and affix the Seal of said Court, at Oklahoma City, this the 24 day of October,
1918

WILLIAM M. FRANKLIN, Clerk.

By *Paul Askeee*

Deputy.