

JOURNAL
OF THE
House of Representatives
OF THE
EXTRAORDINARY SESSION
OF THE
Second Legislature of the State
of Oklahoma



Session Opened January 20, 1910

Session Closed March 19, 1910

59 Days



1910
LEADER PRINTING CO.
GUTHRIE, OKLA.

secure the same and pay any interest on balances. Finally the Commerce Trust Company agreed to handle the business, ship currency to any Oklahoma banks requesting it, and the funds were transferred to the School Land Department as rapidly as they could receive same.

About the time that the account was to be closed, the sale of the issue of state bonds came on, which was advertised extensively in the financial journals of the country, but there was no satisfactory bid received, the bonds were held by the School Land Department a few months longer, and the Commerce Trust Company found a market for them—or a good part of them—with the Woodman's Lodge. There is an unexpended balance from the sale of these bonds now on deposit with the Commerce Trust Company.

Second—The other item of the deposit with them is only a temporary arrangement. They recently purchased from the Banking Board something like \$200,000 of state warrants and assumed some securities held by the Columbia Bank and Trust Company of Oklahoma City, and took over the state's balance from said bank. The maturity of these warrants, most of which will occur this month, will practically wipe out the state's balance with them.

We submit, as a business proposition that the state will be compelled to have and maintain financial relations with some large financial institution. Under the present law of the State, there is no bank in Oklahoma large enough to handle several financial transactions that have been handled through the Commerce Trust Company.

You now have before your Body, a Bill for consideration, which is intended to finance the public buildings of the State, and it is my judgment that if the proposition cannot be handled through some of the large financial institutions in other states, there is grave danger that the warrants will not meet with a sale in sufficient amounts, and the public buildings in this state will be suspended until another legislature convenes.

Respectfully submitted,

J. A. MENEFFEE,

State Treasurer.

The following message and resolution from Congress were read:

STATE OF OKLAHOMA
EXECUTIVE DEPARTMENT.
GUTHRIE.

February 10, 1910.

TO THE HONORABLE LEGISLATURE, STATE OF OKLAHOMA, IN EXTRAORDINARY SESSION:

ELEVENTH MESSAGE.

I submit to you for your consideration, approval or rejection, an amendment to the Constitution of the United States, relating to the income tax. A copy of the communication from the Secretary of State of the United States is herewith attached.

After careful consideration of this subject I find it possible of the accomplishment of much good, as well as capable of undesirable results, and in approving this amendment the people of the States must do so with their eyes open, realizing that it vests the Congress of the United States with power for evil as well as good results, depending upon the will of the Congress from time to time.

It is therefore a question upon which you must be the judges of the creation of such additional legislative power in the Congress of the United States.

ORPHANS' HOME AND JAILS

At the request of the State Commissioner of Charities I submit to your Honorable Body the consideration and enactment of such law as you may deem proper, providing for the further regulation of the State Orphan's Home and Jails of the state.

SUPERIOR COURT.

At the request of numerous of your members, I submit for your consideration such amendment as you may deem proper to the existing law creating Superior Courts as you may deem proper reducing the requisite population therefor.

MUNICIPAL BONDS.

I authorize your consideration of the enactment of a law providing for protection and validation, sale and other necessary provisions, relating to bonds of counties, school districts, towns, cities and other sub-divisions.

SUPREME COURT CLERK.

At the request of numerous of your members, I submit for your consideration the enactment of a separate law providing for the salary of the Clerk of the Supreme Court, and for such subordinate assistants as said office may, in your judgment, require, and for the compensation of all thereof, and the incidental expense of said office.

MINOR OFFICERS.

In connection with your county officers' fee and salary bill, or

independant thereof if you may deem proper, I submit for your consideration the enactment of a law relating to the fees and salaries of court bailiffs, jury commissioners, jurors, witnesses, appraisers, and county superintendents of health, and court stenographers and notaries public.

Respectfully submitted,

C. N. HASKELL, Governor.

SIXTY-FIRST CONGRESS OF THE UNITED STATES OF
AMERICA AT THE FIRST SESSION.

Begun and held at the City of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

JOINT RESOLUTION.

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution:

"Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

J. C. CANNON,

Speaker of the House of Representatives.

J. S. SHERMAN,

Vice-President of the United States, and
President of the Senate.

Attest:

A. McDOWELL,

Clerk of the House of Representatives.

CHARLES G. BENNETT,

Secretary.

By HENRY H. GILFRY,

Chief Clerk.

MR. SPEAKER:

We, your Committee on Engrossment, beg leave to report that we have carefully compared the enrolled copy of House Bill No. 92 with the engrossed copy thereof and find said enrollment to be correct and in proper form and it is herewith transmitted to you for your signature.

Respectfully submitted,

BURNETTE, Vice Chairman.

MR. SPEAKER:

We, your Committee on Engrossment, beg leave to report that we have carefully compared House Bill No. 113 with the original draft and find said engrossment to be correct and in proper form.

Respectfully submitted,

BURNETTE, Vice Chairman.

Petition by Mr. Earle, relating to practice of medicine, was read and referred to Committee on Health, Sanitation and Medicine.

Petition by Mr. Earle, favoring passage of House Bill No. 59, read and referred to Committee on Judiciary and Judicial Departments.

Petition by Mr. Mathies, protesting against changing boundary of the Fifth Judicial District, was read and referred to Committee on Judiciary and Judicial Departments.

The following bills were read second time, and referred to Committees as indicated:

House Bill No. 151, by Mr. Cope, to Committee on Criminal Jurisprudence.

House Bill No. 152, by Mr. Durant (by request), to Committee on Elections.

House Bill No. 153, by Mr. Durant, (by request), to Committee on Labor and Arbitration.

Senate Bill No. 61, by Mr. Taylor, to Committee on Elections.

House Joint Resolution No. 5, by Messrs. Wortman and Terral, to Committee on Criminal Jurisprudence.

House Joint Resolution No. 6, by Messrs. Faulkner and Casteel, to Committee on Rules.

On motion by Mr. Wilson (of Canadian), clerk was instructed to inquire of the Senate the status of House Bill No. 42, which was transmitted to the Senate on February 4th.

On motion by Mr. Jones, special county court bills were made special order for immediate consideration.

House Bill No. 114, by Mr. Boyle, was read and considered.

On motion by Mr. Boyle, Section 8 was stricken from the bill, and the following substituted in lieu thereof:

MR. SPEAKER:

We your Committee on Criminal Jurisprudence, to whom was referred House Bill No. 110, by Heim, entitled: An Act prescribing the duties of mayors, police judges, magistrates, sheriffs, constables, marshals, police officers, etc., beg leave to report that we have had the same under consideration and herewith return the same with the recommendation that it do not pass.

TERRAL, Chairman.

MR. SPEAKER:

We, your Committee on Constitutional Amendments, to whom was referred House Joint Resolution No. 2, by Bryan, entitled: Proposing an amendment to the Constitution of the State of Oklahoma, beg leave to report that we have had the same under consideration and herewith return the same with the recommendation that it do pass with the following amendments:

Strike out the words "seven years" at the end of the resolution.

Strike out the words "seven years after the completion of such reclamation" and insert "ten years after the date of acquiring title."

MR. SPEAKER:

We your Committee on Criminal Jurisprudence, to whom was referred House Joint Resolution No. 5, by Wortman and Terral, entitled: A Resolution ratifying a proposed amendment to the Constitution of the United States providing for the levying and collecting of income: beg leave to report that we have had the same under consideration and herewith return the same with the recommendation that it do pass.

TERRAL, Chairman.

MR. SPEAKER:

We, your Committee on House Expenses and Public Accounts to whom was referred Senate Concurrent Resolution No. 13, by Memminger, beg leave to report that we have had the same under consideration and herewith return the same with the recommendation that it do pass.

HUTCHIN, Chairman.

Hon. W. C. Hughes, of Oklahoma City, a member of the Constitutional Convention, was invited to the Speaker's stand.

Mr. Tillotson moved that when the House recessed, that it recess until 1:30.

Adopted.

On motion by Mr. Tillotson, Senate Bill No. 61 was made special order for consideration at 1:30 o'clock.

Maris, Mathies, Merrick, Millsaps, Moore (of Johnston), Moore, (of Washington), Murphy, Paschal, Price, Ratliff (of Johnston), Ratliff (of Pontotoc), Rider, Rogers, Ross, Rotenberry, Sexton, Shearer, Sherman, Smith (of Custer), Smith (of Delaware), Stull, Sullivan, Tate, Terral, Tooley, Tucker, Turner, Utterback, Vogle, Wallace, Ward, Watrous, Whitson, Williams, Wortman, Mr. Speaker (Ben F. Wilson). Total—75.

Nays: Durham, King. Total—2.

Absent: Bell, Bonar, Brownlee, Bryan, Butts, Calhoun, Compton, Cope, Edgington, Gilmer, Hamlin, Howe, Lincoln, Lockwood, Maxey, Parsons, Partridge, Porter, Putnam, Ratcliff, Reeve, Savage (of Greer), Savage (of Jefferson), Semple, Simmons, Smith (of Caddo), Smith (of Grant), Tillotson, Whyne, White, Wilson (of Greer). Total—31.

Mr. Speaker declared the motion duly carried.

Senate amendments to House Bill No. 14 were read.

Mr. Anthony moved that the House do not agree to Senate amendments to House Bill No. 14, and ask the Senate to recede from their amendments.

Carried.

On motion by Mr. Lovelace, the House resolved itself into Committee of the Whole to consider House Bills on the Calendar, with Mr. Johnson presiding.

Mr. Speaker pro tempore resumed the chair.

The following report was read and adopted:

MR. SPEAKER:

The Committee of the Whole House, to whom was referred House Bill No. 59, by Mr. Earle; Committee Substitute for House Bill No. 126, by Mr. Burnette, and No. 128 by Mr. Japp; House Bills Nos. 130, by Mr. Maxey; No. 131, by Mr. Maxey; No. 139, by Mr. Wallace; No. 145, by Mr. Glover; No. 112, by Mr. Wortman; No. 141, by Mr. Tillotson; No. 37, by Mr. Ross; No. 147, by Mr. Haymes, House Joint Resolution No. 5, by Messrs. Wortman and Terral; House Bills Nos. 164, by Messrs. Burnette, et al; 144, by Mr. Ashby; 122, by Mr. Japp; 159, by Mr. Ross, and 161, by Mr. Cope, report that we have considered same, and recommend that House Bill No. 59 be referred back to Committee on Criminal Jurisprudence; that Committee Substitute for House Bills Nos. 126 and 128 do not pass; that House Bill No. 130 do not pass; that House Bill No. 131 do not pass; that House Bill No. 139 be made Special Order for Monday at 2 o'clock P. M.; that House Bill No. 145 do pass as amended; that House Bill No. 112 do not pass; that House

Bill No. 141 do pass; that House Bill No. 37 be made Special Order for Monday at 2 P. M.; that House Bill No. 147 do pass; that House Joint Resolution No. 5 do pass; that House Bill No. 164 do pass; that House Bill No. 144 do pass; that House Bill No. 122 do not pass; that House Bill No. 159 do pass as amended; that House Bill No. 161 do pass.

JOHNSON, Chairman.

On motion by Mr. Tillotson, all bills recommended favorably by the two Committees of the Whole House were ordered engrossed, and placed on third reading and final passage.

Messenger arrived from the Senate bearing the following messages, which were read:

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Sir: I have the honor to inform you and through you the House of Representatives that the Senate declines to recede from its amendments to House Bill No. 14, by Anthony, and asks for a conference, Senators Blair, Strain and Thomas have been appointed to confer with a similar committee from the House.

FINLEY, Secretary.

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Sir: I have the honor to inform you and through you the House of Representatives of the signing by the President Pro Tempore of the Senate of the following: Senate Bill No. 61 and House Concurrent Resolution No. 10, which are herewith transmitted to your Honorable body for signature of Speaker.

FINLEY, Secretary.

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Sir: I have the honor to inform you and through you the House of Representatives of the passage by the Senate of the following: Senate Bill No. 112, by Russell, engrossed copy of which are herewith transmitted to your Honorable body for consideration.

FINLEY, Secretary.

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Sir: I have the honor to inform you and through you the House of Representatives of the passage by the Senate of the following: Senate Bills Nos. 69, by Blair; 90, by Cordell; 98, by Roddie, and 82, by Taylor, engrossed copies of which are herewith transmitted to your Honorable body for consideration.

FINLEY, Secretary.

The Speaker signed enrolled copy of Senate Bill No. 61, in open session, after being read at length.

House Journal for Wednesday, March 2, was corrected on page 16, to show Mr. Huddleston voting "aye," instead of absent.

dleston, Hughes, Humphreys, Ireton, Jacobs, Japp, Johnson, Jones, King, Knox, Lewis, Lockwood, McDuffee, McElhaney, Maris, Mathies, Maxey, Merrick, Millsaps, Moore (of Washington), Murphy, Price, Putnam, Ratcliff, Ratliff (of Pontotoc), Rider, Ross, Rotenberry, Savage (of Greer), Savage (of Jefferson), Semple, Shearer, Sherman, Simmons, Smith (of Caddo), Smith (of Delaware), Smith (of Grant), Stull, Sullivan, Tate, Tillotson, Turner, Wallace, Watrous, Whitson, Wortman, Mr. Speaker (Ben F. Wilson). Total—70.

Nays: Bridges, Earle, Edgington, Hamlin, Harrison, Heim, Jahn, Lovelace, Paschal, Moore (of Johnston), Rogers, Sexton, Smith (of Custer), Terral, Tooley, Tucker, Utterback, Vogle, Ward. Total—19.

Absent: Bell, Bonar, Boyle, Brownlee, Butts, Calhoun, Compton, Cook, Hutchin, Lincoln, Parsons, Partridge, Porter, Ratliff (of Johnston), Reeve, Whayne, White, Williams, Wilson (of Greer). Total—19.

Mr. Speaker declared that House Bill No. 116, having received the constitutional majority, had duly passed, but that the emergency clause, not having received the constitutional majority, had lost.

The following committee reports were received and read:

MR. SPEAKER:

We, your Committee on Engrossment, beg leave to report that we have carefully compared House Joint Resolution No. 5 with the original draft and find said engrossment to be correct and in proper form.

Respectfully submitted,

BURNETTE, Vice Chairman.

MR. SPEAKER:

We, your Committee on Engrossment, beg leave to report that we have carefully compared House Bill No. 147 with the original draft and find said engrossment to be correct and in proper form.

Respectfully submitted,

BURNETTE, Vice Chairman.

MR. SPEAKER:

We, your Committee on Engrossment, beg leave to report that we have carefully compared House Bill No. 145 with the original draft and find said engrossment to be correct and in proper form.

Respectfully submitted,

BURNETTE, Vice Chairman.

MR. SPEAKER:

We, your Committee on Engrossment, beg leave to report that we have carefully compared House Bill No. 144 with the original draft and find said engrossment to be correct and in proper form.

Respectfully submitted,

BURNETTE, Vice Chairman.

Nays: None.

Absent: Brownlee, Butts, Calhoun, Compton, Hughes, Humphreys, Hutchin, Moore (of Johnston), Parsons, Partridge, Rider, Simmons, White. Total—13.

House Concurrent Resolution No. 14, by Mr. Burnette, authorizing the State Librarian to furnish certain State Records to counties that have lost these records by the burning of court houses, was adopted and signed by Speaker in open session.

The following bills were read second time, and referred to Committees as indicated:

Senate Bill No. 30, by Mr. Stewart, Senate Bill No. 93, by Mr. Roodie, and Senate Bill No. 85, by Messrs. Graham and Franklin, to the Committee on General Appropriations.

Senate Bill No. 115, by Thomas, to the Committee on Judiciary and Judicial Departments.

Messenger arrived from the Senate bearing the following messages, which were read:

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Sir, I have the honor to inform you and through you the House of Representatives of the passage by the Senate of the following: House Joint Resolution 5, by Messrs. Wortman and Terral, as amended by the Senate and which are herewith transmitted to your Honorable body for consideration, with the Senate amendments.

FINLEY, Secretary.

SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Sir, I have the honor to inform you and through you the House of Representatives that the Senate declines to recede from its amendments to House Bill 96, and requests a conference. Senators Blair, Memminger and Russell, have been appointed to confer with a like Committee from the House.

FINLEY, Secretary.

On motion by Mr. Smith (of Caddo), Messrs. Smith (of Caddo), Anthony and Jones were appointed a conference committee on House Bill No. 96.

Senate Amendments to House Joint Resolution No. 5, by Messrs. Wortman, Terral et al were read.

Mr. Terral moved that the House agree to Senate amendments.

Roll call had thereon resulted as follows:

Ayes: Acton, Anderson, Anthony, Ashby, Bell, Bonar, Boyle, Bryan, Burnette, Casteel, Charles, Clark, Cook, Cope, Covey, Coyne, Dunn, Durant, Durham, Earle, Edgington, Ewell, Faulkner, Gilmer,

Glover, Hamlin, Harrison, Haymes, Heim, Howe, Huddleston, Ireton, Jacobs, Jahn, Japp, Johnson, Jones, King, Knox, Lewis, Lincoln, Lockwood, Lovelace, McDuffee, McElhaney, Maris, Mathies, Maxey, Merrick, Millsaps, Moore (of Washington), Murphy, Paschal, Porter, Price, Putnam, Ratcliff, Ratliff (of Johnston), Ratliff (of Pontotoc), Reeve, Rogers, Ross, Rotenberry, Savage (of Greer), Savage (of Jefferson), Semple, Shearer, Sherman, Smith (of Caddo), Smith (of Custer), Smith (of Delaware), Smith (of Grant), Stull, Sullivan, Tate, Terral, Tillotson, Tooley, Tucker, Turner, Utterback, Vogle, Wallace, Ward, Watrous, Wayne, Whitson, Williams, Williams, Wilson (of Greer), Wortman, Mr. Speaker (B. F. Wilson). Total—91.

Nays: None.

Absent: Bridges, Brownlee, Butts, Calhoun, Carson, Compton, Dixon, Hughes, Humphreys, Hutchin, Moore (of Johnston), Parsons, Partridge, Rider, Sexton, Simmons, White. Total—17.

Mr. Speaker declared that motion carried.

On motion by Mr. Porter, the Special Committee on the Calendar was instructed to make Senate Bill No. 60, Special Order for Friday, March 11, at two o'clock, p. m.

The following House Resolution No. 31, was read and adopted by unanimous vote:

RESOLUTIONS OF RESPECT.

WHEREAS, the Grim Reaper has entered the family of our friend and colleague, John M. Moore Representative from Johnston and Coal Counties, removing therefrom its honored head, the father of our colleague, a man ripe in years and enjoying the esteem of his fellow citizens to the full, casting over the family, as well as our said colleague, that gloom and grief inherent to the tie that makes the world kin:

THEREFORE BE IT RESOLVED, That we extend to the bereaved family and particularly to our friend and colleague Hon. John M. Moore, our heartfelt sympathy in this hour of sorrow, and deprecate with him the loss of a strong man, a good citizen and an indulgent father.

AND BE IT FURTHER RESOLVED, That the context of this resolution be spread upon the journal and an engrossed copy be furnished the said John M. Moore, and one to his family.

Respectfully submitted,
 J. M. RATLIFF,
 GEORGE E. JAHN,
 EDWARD MERRICK,
 J. W. McDUFFEE,

correct and in proper form and it is herewith transmitted to you for your signature.

Respectfully submitted,
BRYAN, Chairman.

MR. SPEAKER:

We, your Committee on Enrollment, beg leave to report that we have carefully compared the enrolled copy of House Bill No. 14, with the engrossed copy thereof and find said enrollment to be correct and in proper form and it is herewith transmitted to you for your signature.

Respectfully submitted,
BRYAN, Chairman.

Engrossed copies of House Bills Nos. 184 and 185 were signed by the Speaker in open session.

Enrolled copies of House Bills Nos. 14, 107 and House Joint Resolution No. 5 were signed by the Speaker in open session, after being read at length.

Mr. Speaker announced certain changes made in the enrolling and engrossing department, which were sustained by the House on motion by Mr. Durant.

Senate Joint Resolution No. 1, as follows, was signed by the Speaker in open session:

SENATE JOINT RESOLUTION NO. 1.

Being a proposed amendment to the Constitution of the state of Oklahoma providing that all taxes paid by certain public service corporations for maintenance of common schools be distributed as are other common school funds in this State.

Be it resolved by the Senate and House of Representatives of the State of Oklahoma:

That the Secretary of State is hereby instructed to prepare and submit to the voters of this State in accordance with the law, at the next general election held throughout the State, the following proposed amendment to the Constitution of the State of Oklahoma:

Should a majority of all votes cast in the election at which such proposed amendment is voted on vote in favor of said amendment, the same shall thereupon become a part of the Constitution of this State and shall constitute a new section to be known as Section Twelve A (12a) of Article Ten (10) and shall read as follows:

Section 12. A. The Legislature shall provide for the payment into the public school funds of this State all taxes collected for the maintenance of the common schools of this State, and which are levied upon the property of any railroad company, pipe line company, telegraph company or other public service corporation which operates