

F 694
.B39
Copy 1



**KNOW
YOUR OKLAHOMA**
by
A.L. Beckett

Know Your Oklahoma

Author By
A. L. BECKETT



1930
Harlow Publishing Co.
Oklahoma City

F694
B39

Copyright 1930 by
A. L. BECKETT

©CIA 28245

SEP 13 1930

M. T. G. O. 29-30.

DEDICATION

To the Citizens of Oklahoma, in the hope that this little volume may stimulate in the minds of its readers a greater interest in the wonderfully interesting history of our State, in the amazing growth of our government expense and the constantly increasing burdens of taxation.

That it may awaken a realization of the dangers ahead unless we find a way to lighten the burden and more equably distribute the costs of government.

PREFACE

In preparing this little volume I have followed the plan of the old time hotel, or tavern, which placed on a table, for all who cared to eat, some of every kind of food available, as well prepared as the cook knew how with the means at hand.

Each guest was expected to help himself to such food as he most relished and to eat his fill. It was furnished at moderate cost and the landlord hoped that it would relieve hunger and furnish a reasonable degree of nourishment.

Sometimes the food was not overly palatable but the wise traveler partook of it as heartily as he might for his well being. The old time landlord really hoped that his guests might like the fare.

The reader will find here a variety of information, served in more or less interesting manner. Likely he will think much of it unrelated and out of place. It may not be seasoned to your taste or served as you would best like it, but I hope you will find it informative and of real substantial value to you as a citizen of our great State.

That those who care to know something more of our governmental affairs may find in it useful and helpful information is my earnest desire.

Most of the statistical information, tables and graphs were collated and prepared by the University of Oklahoma. That relating to County and School districts by D. V. Armstrong, County Clerk of Okmulgee County, and ex-President of the State County Clerks' Association and of the County Officers' Association of Oklahoma.

These statistics may be accepted as entirely reliable.

The historical matter and such comments as are included are my own. Some of the historical material here included has not, so far as I know, been heretofore incorporated in any history of our state and I trust it may be of some interest and benefit.

July 31, 1930

A. L. BECKETT.

Table of Contents

PART ONE.

Genesis of Oklahoma Government

- I. IN THE BEGINNING.—Tracing the different governments of which Oklahoma has been a part since it became a part of the United States on December 3rd, 1803, to the year 1828, and outlining its governmental status under the several changes. ----- 1
- II. AN INDIAN COUNTRY.—Covering the period of exclusive Indian domination and development. ----- 11
- III. RECONSTRUCTION.—The development of the East side from the close of the Civil War to 1889. ----- 17
- IV. RESERVATIONS AND RANCHES.—The development of the West side from the Civil War to 1889. ----- 27
- V. FOUNDING A NEW COMMONWEALTH.—The progress and growth of Oklahoma Territory. ----- 30
- VI. TRANSFORMATION AND DISSOLUTION.—The coming of intruders into the Indian nations, and the gradual breaking down of the Indian governments and institutions. ----- 33
- VII. MAKING A STATE.—The amalgamation of eight governments into one, showing some of the unusual conditions prevailing and difficulties that had to be overcome. ----- 41

PART TWO.

Oklahoma History in Figures

- I. Statistical tables, graphs, etc., ----- 49
- TABLE 1.—is a list of the state officers elected at the successive elections from 1907 to 1927 inclusive. All of these have been Democrats. Since statehood not a single Republican has been elected to a state executive office. ----- 51
- TABLE 2.—shows the votes cast in each election since statehood by all parties. ----- 53
- TABLE 3.—shows, (1) the educational institutions organized and in operation in Oklahoma territory at the admission of the state; (2) the state offices provided by the constitution and elected at the first election; (3) the only governing Board in the state at that time. ----- 54

TABLE 4.—shows the state offices, schools, boards and commissions, ele- mosynary intitutions, hospitals and asylums, and penal institutions added and created since statehood. -----	54
TABLE 5.—shows the growth of population. -----	57
TABLE 6.—shows the increase in property values as fixed for purposes of taxation. -----	58
TABLE 7.—shows the agricultural production and farm value of the different farm crops raised in Oklahoma for the years shown on the table ----	59
TABLE 8.—shows the growth of manufactures. -----	60
TABLE 9.—shows the output of crude oil, coal, lead and zinc produced in Oklahoma each year since statehood, with the value of same. -----	61
TABLE 9-A.—shows the output of oil in barrels each year where records were available, since the discovery of oil in Oklahoma in 1891. This table furnished by Chas. I. O'Neill, Secretary of the Independent Oil Association of Oklahoma. -----	62
TABLE 9-B.—shows the mine production of lead and zinc ores in Oklahoma by tons, and the average value of them each year, and was furnished by M. D. Harbaugh, secretary of the Lead and Zinc Producers organ- ization. -----	63
TABLE 10.—shows the number of banks gross deposits, and number of bank failures since 1916. -----	64
TABLE 11.—shows the railroad mileage and tax value of same for the years 1914 to 1927 inclusive. -----	65
TABLE 12.—shows the number of automobile registrations since 1920. --	66
TABLE 13.—shows the growth of telephone communication in the state since 1913. -----	67
TABLE 14.—shows the increased value of assessed real estate property in the state, 1914 to 1926 inclusive. -----	67
TABLE 15.—shows the increase in employees and officials of the state de- partments named in the table, and the increase in the appropriations made for their compensation. -----	68
TABLE 16.—shows the increase in appropriations for state government since the fiscal year 1909-1910. -----	70
TABLE 17.—shows the sources from which the state receives its funds. _	72
TABLE 18.—shows the educational and penal institutions at the time of the admission of the state and the appropriations made for same for the first 19½ months of state government; and following shows also the educational and penal institutions now in operation by the state and the appropriation for the same for the last fiscal year. -----	73
TABLE 19.—shows the appropriations for the offices and departments of government for the 19½ months following the admission of the state	

into the Union, and for the same offices and departments for the last fiscal year. -----	74
TABLE 20.—shows the comparative value of privately owned real and personal property in the state and the value for tax purposes of public service property for the past three fiscal years. -----	75
TABLE 21.—Ad valorem tax levies and income tax collections. -----	76
TABLE 22.—Legislative appropriations. -----	77
TABLE 23.—State and Federal income taxes compared. -----	78
TABLE 24.—Sources of State Income. -----	80
TABLE 25.—Disbursement of Funds. -----	81
TABLE 26.—Department Costs. -----	81
TABLE 27.—Inventory State Property. -----	82
TABLE 28.—Tax Rates and Valuation. -----	86
TABLE 29.—Bond Issues. -----	86
TABLE 30.—School Fund Securities. -----	87
TABLE 31.—1928 Valuation. -----	88
TABLE 32.—1930 Population. -----	90
TABLE 33.—Public Service Valuation. -----	92
TABLE 34.—Cost of County Government, Highways and Common Schools. -----	94
TABLE 35.—Scholastic Enumeration. -----	103
TABLE 36.—U. S. Appropriations to Oklahoma. -----	105
II. The Strange case of Ottawa County. -----	111
Calling attention to legislative favoritism and some of the results	

Appendix

The Indian Constitutions

I. Okmulgee Constitution -----	119
II. Sequoyah Constitution -----	128

INTRODUCTION

We have had a little more than twenty years of State government. Eventful years. Full of action. History making years.

We are proud of our state. We point with pride to her matchless achievements and her phenomenal progress.

In the rapid succession of events it is to be feared that most of us have been grossly negligent in the matter of keeping ourselves properly informed as to vitally important matters in which each of us should take a deep and continued interest.

There is no one thing in which a citizen should be more concerned than his government. It is not enough to get "all het up" every two years and work to "put over" our party ticket, nor even to try and see to it that some particular "good fellow" gets nominated and elected.

It is our solemn duty to do all we can, all the time, to the end that we may have the best possible government for the least possible cost.

As private citizens we shape our government as we will through the use of our ballots and our personal influence exerted upon others.

Those who are chosen to fill official places and actually administer the affairs of state are invested with those responsibilities by our ballots.

Their course of action in public office is largely, we might almost truthfully say entirely, determined by what they believe to be "public opinion." Public opinion is determined by the utterances of private citizens either by word of mouth or through the press.

That citizen who has accurate and complete information about that of which he speaks or writes and who reasons accurately to sound conclusions based on the facts and who honestly and fearlessly expresses his opinions as to public affairs has much to do with molding public opinion aright.

Nothing can be more sure than that the great majority of our people want good government. That they do not have as good government as they want comes, almost solely, from their lack of intimate knowledge of their government. An intelligent, well informed citizenship is sure to result in good government.

The citizenship of Oklahoma is as loyal and patriotic as that of any commonwealth. They want the best government possible. They have not knowingly chosen, nor will they purposely elect, public officials unworthy or unfit. They will not

knowingly approve or support waste or extravagance. They want just laws, impartially and fairly enforced. They want the burden of governmental expense to rest equally upon all in proportion to their ability to pay.

Up to this time we have been quite like one of our famous native sons: "All we know is what we see in the papers," and to be wholly charitable, for divers reasons, we can't always believe *all* we see in the papers. Then there is so very, very little to see, for the great business of government isn't news at all unless a cog is loose or something is shockingly wrong, and after all, newspapers are publishing what they understand to be news.

It is the purpose of this compilation to furnish accurate and authentic information about the governmental departments of our state such as will enable the student of its contents to have a fair working knowledge of that part of government administered by each department, what each has accomplished up to date, what it has cost to do the work and where the money comes from to pay the bills.

President Wilson, in an address to the student body of a great university, once said, in speaking of the importance of history: "No people can tell where they are going until they have a fairly accurate knowledge of where they came from." To those of us who have been a part of Oklahoma from its beginning it may be profitable to recall some of our early experiences; and to those thousands who have since become citizens of the state it should be interesting, and may be profitable, to know what those who were charged with the duty of administering Oklahoma government had to begin with, the conditions under which they operated, and the progress we have made in the intervening years.

To that end the material presented in this little volume has been collected, and is offered to the citizens of Oklahoma in the hope that they may find in it something of interest, and perhaps profit.

Part I
Genesis of Oklahoma Government

Know Your Oklahoma

CHAPTER I

IN THE BEGINNING

To intelligently understand and appreciate the development and growth of our state government and its institutions it is necessary that we have a fairly comprehensive knowledge of conditions as they were at the time of the formation of our state and its admission into the Union, and something of the events and causes which brought those conditions about.

To say that at the time of its admission as a state, November 16, 1907, Oklahoma had within its boundaries an area of 69,414 square miles and a population of 1,414,177, furnishes the student little upon which to begin a study of Oklahoma government, resources, industries and other vitally important phases of its development and progress.

The remarkable history of our state can be understood and its many unusual stages of development properly related, one to the other, only by a study of the subject in epochs, or periods of progress, each of which consists of a distinct governmental status.

Each change brought into existence new conditions which had lasting effect upon the people and became a part of the sum total that went into the making of Oklahoma.

Not only did these things determine the number of inhabitants who composed our population, but they determined the character and kind of peoples who made up our citizenship. They also had much to do with the thinking of the people about government and the trend of that thinking. They constituted the background, or viewpoint, from which the people reasoned about the government to be, and finally determined the policies which were incorporated into and became a part of our fundamental laws. Also they brought into being some of the most difficult problems the founders of our state government had to face and solve. Problems unknown to any other state in the Union.

Therefore a study of these epochs of development in the order of their occurrence is the only right approach to a comprehensive understanding of our state as an institution of government.

These epochs of development inevitably divide themselves into the following:

The period of discovery, exploration and first settlement, not having so directly affected our present conditions, and having been to some extent discussed in most of our histories, as

a result generally known, will not be dealt with here: Those following are:

2. The period from the date of the Louisiana Purchase (December 20, 1803), through which all of Oklahoma, except the Panhandle, became a part of the United States, to the time of the cession of Oklahoma to the Five Civilized Tribes of Indians, about twenty-five years.

3. The period from the location of the Five Tribes in Oklahoma to the close of the Civil War, about thirty years.

4. a. The period following the Civil War to the first opening of Oklahoma lands to settlement. This period having application only to the west half of the state.

b. From the Civil War to the establishment of United States Court in the Indian Country. A study solely of the east half of the state.

5. a. Development of Oklahoma Territory.

b. Transformation of Indian Territory.

6. The making and development of our state.

In this chapter we will trace the changes in our legal existence in the second period above referred to.

GENESIS OF OKLAHOMA GOVERNMENT

Oklahoma's legal status as a part of the United States begins at New Orleans on the 20th day of December, 1803. The purchase of Louisiana had been concluded and President Jefferson had designated William C. C. Claiborne, then governor of Mississippi Territory, and General James Wilkinson, as the American Commissioners to receive Louisiana. Monsieur Laussat acted as the representative of Napoleon Bonaparte to deliver over to the United States that vast domain including within it all of the present states of Arkansas, Missouri, Iowa, North Dakota, South Dakota, Nebraska, most of Louisiana, most of Kansas, parts of Minnesota, Montana, Wyoming and Colorado and all of Oklahoma, except the "Panhandle."

The ceremony of transfer was made at the city hall, called in Spanish, "Cabildo."

The Commissioners for the United States were accompanied by a military escort. A great concourse of people gathered before the city hall to watch, with curiosity, the ceremony which meant their transfer from one government to another, a transfer about which they had not been consulted, and in which their interests had not been considered nor their wishes and desires treated as worthy of notice.

Only twenty days before, they had been delivered over

from Spain to France under the same conditions. Their future status as citizens of the United States was to them unknown.

Governor Claiborne made an address to the people in which he assured them that their liberty, property and religion were safe, and that they should never again be transferred.

They were, of course, expected to become at once loyal and patriotic citizens of the new government, of which they were then becoming a part, and, be it said to their everlasting praise, they did just that.

At this time there were perhaps between four and five hundred thousand European citizens living within the boundaries of the Louisiana Purchase. In Oklahoma there was only the trading post of Pierre Choteau, on Neosho, or Grand River a short distance northwest of Ft. Gibson and such fur traders and adventurers as happened to be within the area now composing our state.

Having acquired this new addition to the territory of the United States, it was necessary that a government for its people be quickly established, and that personal security and property rights be in some measure protected.

OUR FIRST GOVERNMENT LOUISIANA DISTRICT OF INDIANA TERRITORY

The first governmental authority exercised over the new acquisition was by Wm. C. C. Claiborne, officially designated as "Acting Governor General and Intendant of Louisiana," who had his headquarters at New Orleans. Amos Stoddard was located at Saint Louis with the rank of "First Civil Commandant of Upper Louisiana." The Government administered by them was solely under military authority.

Under Act of Congress, approved March 26, 1804, the Louisiana Purchase was divided in two parts: The act providing:

"That all of that portion of the country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi Territory and of an east and west line, to commence on the Mississippi River at the 33rd degree north latitude, and to extend west to the western boundary of the said cession, shall constitute a territory of the United States under the name of the Territory of Orleans; the government whereof shall be organized and administered as follows:"

The Act then provides for the establishment of a territorial form of government for the Territory of Orleans which included

most of the territory now embraced within the state of Louisiana.

The Act then continues:

“Section 12. The residue of the province of Louisiana, ceded to the United States, shall be called the District of Louisiana, the government whereof shall be organized and administered as follows: The executive power now vested in the Governor of Indiana Territory shall extend to and be exercised in the said District of Louisiana. The Governor and Judges of the Indiana Territory shall have power to establish in the said District of Louisiana inferior courts, and prescribe their jurisdiction and duties and to make all laws which they deem conducive to the good government of the inhabitants thereof.”

Thus Oklahoma acquired its first governmental status as a part of the United States, and William Henry “Old Tippecanoe” Harrison, being then Governor of Indiana Territory, became the first Governor of what is now Oklahoma (except the Panhandle).

Indiana Territory at that time included all of the present states of Indiana, Illinois and Wisconsin, a little more than the west half of Michigan, and about one-third of Minnesota; and Governor Harrison was the first executive officer of the greatest and richest area ever included within the jurisdiction of any governor within the United States.

The Act creating this government is remarkable in that it conferred upon the executive and judicial branches of that government sole and exclusive legislative power. Also it is remarkable in that it placed us under the administration of the Governor of Indiana Territory, but under an entirely different code of laws.

On October 1, 1804, William Henry Harrison, as Governor, Thos. Terry Davis, Henry Vander Burgh and John Griffin, Judges of the Indiana Territory, met at Vincennes, Indiana, as a legislative body to enact laws for the government of the people of the District of Louisiana. They enacted a code of laws, which was the first code effective in Oklahoma.

They made provision for the following courts: Justice of the Peace, the Courts of General Quarter Sessions of the Peace, Court of Common Pleas, Court of Probate and a Supreme Court. A criminal code was enacted and punishment provided for a number of crimes, although as compared with our present criminal code very few acts were prohibited.

The District of Louisiana was divided into five judicial districts; i. e. Saint Charles, Saint Louis, Saint Genevieve, Cape Girardeau, and New Madrid.

The only law referring to transportation was. "A Law Regulating Boatmen." From this we can infer that the only means of transportation was by boat, and that little importance was attached to roads and highways.

The entire code of laws enacted by this legislature consisted of 134 pages, 15 pages of which was devoted to the protection and security of slave owners.

The civil status of a negro is set forth in the first section of the chapter, entitled "A Law Entitled a Law Respecting Slaves," and is as follows:

"Section 1st. That no negro or mulatto, shall be a witness, except in pleas of the United States against negroes or mulattos, and in civil pleas where negroes alone shall be parties."

Section two provides:

"And be it further enacted, That no slave shall go from the tenements of his master, or other person with whom he lives without a pass, or some letter or document whereby it may appear that he is proceeding by authority from his master, employer or overseer, if he does it shall be lawful for any person to apprehend and carry him before a Justice of the Peace to be by his order punished with stripes, or not, in his discretion."

* * * * *

"Section 4. And be it further enacted, That no slave or mulatto whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun and weapon and ammunition found in the possession or custody of any negro or mulatto may be seized by any person and upon proof thereof made before any Justice of the Peace of the district where such seizure shall be, shall by his order be forfeited to the seizor, for his own use, and moreover every such offender shall be and receive by order of such Justice any number of lashes not exceeding 39 on his or her bare back well laid on for each such offense."

* * * * *

Section 14.

"And be it further enacted, That if any negro or other slave shall at any time consult, advise or con-

spire to rebel or make insurrection or shall plot or conspire the murder of any person or persons whatsoever, every such consulting, plotting or conspiring shall be adjudged and deemed a felony, and the slave or slaves convicted thereof shall suffer death and be utterly excluded of benefit of Clergy."

Section 15.

"And be it further enacted, That if any negro or other slave, shall prepare, exhibit or administer any medicine whatsoever, he or she so offending shall be adjudged guilty of felony, and suffer death without benefit of Clergy."

To further secure the slave owners in his right of property

Section 21 provides:

"And be it further enacted, That if any one whatever be guilty of stealing or selling any free person for a slave, knowing the said person so sold to be free, and thereof shall be lawfully convicted, the person so convicted shall suffer death without the benefit of Clergy."

Section 22.

"And be it further enacted, That if any person or persons shall steal any negro or mulatto whatsoever out of, or from the possession of the owner or overseer of such slave, the person or persons so offending shall be, and are hereby declared felons, and shall suffer death without benefit of Clergy."

The death penalty was also provided for those found guilty of the crime of murder, but one convicted of that crime was permitted to have a prayer offered in his behalf.

Judging from the relative bulk of laws enacted regarding it, the slave industry must have been considered the most important subject of legislation at that time.

TERRITORY OF LOUISIANA

However, we remained a part of Indiana Territory only a short time. By an Act of Congress, approved March 3, 1805, we became a part of the Territory of Louisiana. The Act reads in part as follows:

"Be it enacted, etc., That all that part of the country ceded by the French to the United States under the general name of Louisiana, which, by act of last session of Congress, was enacted into a separate district to be called the District of Louisina, shall hence-

forth be known and designated by the name and title of the Territory of Louisiana, the government whereof shall be organized and administered as follows: The executive power shall be vested in a Governor, who shall reside in said Territory, and hold his office during a term of three years unless sooner removed by the President of the United States. He shall be Commander in Chief of the Militia of the said territory, superintendent ex officio of Indian affairs, and shall appoint and commission all officers in the same below the rank of general officers; shall have power to grant pardons for offenses against the same, and reprieve for those against the United States until the decision of the President thereon shall be known."

The act provided for a territorial secretary, who should hold office for a term of four years, and who should exercise the duties of governor in the case of a vacancy in that office.

The Act provided for three judges who should hold their office for a term of four years, and the legislative power was vested in the governor and three judges, or a majority of them, the Governor, Secretary and Judges to be appointed by the President of the United States.

This Act also provided that the laws in force in the District of Louisiana at the commencement of the act, and not inconsistent with the provisions thereof, would continue in force until altered, modified or repealed by the legislature, and provided that the Act should go into effect on the 4th day of July, 1805.

James Wilkinson was the first Governor appointed for the Territory of Louisiana, and served as such through the years 1805-1807, except for the time that Joseph Browne, who was appointed Secretary of the Territory, served as Acting Governor in 1807, and Frederick Bates, who succeeded Browne as Secretary, served as Acting Governor during part of 1807.

Meriwether Lewis was appointed Governor and served during the years 1807-1809. He was succeeded by Benjamin Howard, who served from 1810 to 1813.

This government remained intact insofar as Oklahoma is concerned until the first Monday in December, 1812. Up to this time no change had been made in its territorial area.

MISSOURI TERRITORY

By an Act of Congress approved June 4, 1812, it was provided:

"That the Territory heretofore called Louisiana

shall hereafter be called Missouri, and that the temporary government of the Territory of Missouri shall be organized and administered in the manner hereinafter described.”

Section 2.

“Be it further enacted, That the executive power shall be vested in a Governor who shall reside in the said territory; he shall hold his office during the term of three years, unless sooner removed by the President of the United States; shall be Commander in Chief of the Militia of said territory; shall have power to appoint and commission all officers, civil and of the militia, whose appointment is not hereinafter otherwise provided for; shall take care that the laws be faithfully executed; shall have power on extraordinary occasions to convene the general assembly, and shall ex officio be superintendent of Indian Affairs.”

The Act further provided:

“That the judicial power shall be vested in a Superior Court, and in inferior courts and Justices of the Peace.”

The Governor, Secretary, and Judges, and all general officers of the militia were to be appointed and commissioned by the President of the United States.

This Act further provided for a legislative body to be chosen by the people, and for a delegate to the Congress of the United States. This was the first provision giving the people the right of representation in law making bodies.

This Act also provided that the laws in force in the Territory of Louisiana at the Commencement of the act, and not inconsistent with the provisions thereof, should continue in force until altered, modified or repealed by the general assembly.

Frederick Bates was appointed first Governor of the Territory of Missouri. He served only a part of one year, and was succeeded by William Clark, who continued as Governor until the admission of Missouri as a state in 1820.

Thus each of the two great leaders of the Lewis-Clark Expedition served as Governor of the Territory of Missouri, and as Governors of Oklahoma while it was a part of that territory.

ARKANSAS TERRITORY

No further change occurred in our legal status until the 4th day of July, 1819. This was brought about by the Act of Congress, approved March 2, 1819, creating the Territory of Arkansas. The first section of the Act provided:

“That from and after the 4th day of July next, that part of the Territory of Missouri which lies south of a line beginning on the Mississippi River, at 36 degrees north Latitude, running thence west to the River of Saint Francis; thence up the same to 36 degrees 30 minutes north latitude; and thence west to the western territory boundary line; shall, for the purpose of territorial government, constitute a separate territory, and be called the Arkansas Territory.”

Thus all of what is now Oklahoma, except the Panhandle, and the “Cherokee Outlet,” became a part of the Arkansas Territory. The Act further provided:

“That there shall be established in the said territory of Arkansas, a temporary government to consist of three departments, the executive, the legislative, and the judiciary.”

The capital of the territory was fixed at Arkansas Post on the Arkansas River. It continued the laws theretofore in force by the following provision:

“That all the laws which shall be in force in the Territory of Missouri on the 4th day of July, not inconsistent with provisions of this Act, and which shall be applicable to the Territory of Arkansas, shall be and continue in force in the latter territory, until modified or repealed by the legislative authority thereof.”

So that up to this time, and until our final severance from Arkansas Territory, we had an unbroken line of legal succession tracing back to the laws enacted by the Governor and Judges of Indiana Territory.

Until the Act of Congress, May 26, 1824, all of Oklahoma, except the Panhandle, and the Cherokee Outlet, remained a part of the Territory of Arkansas and subject to the laws in force in that territory.

This Act provided:

“That the western boundary line of the Territory of Arkansas shall begin at a point forty miles west of the southwest corner of the State of Missouri and run south to the right bank of the Red River, and thence, down the river, and with the Mexican boundary, to the line of Louisiana.”

The boundary thus fixed ran a little east of the present city of Muskogee, extending north and south across the state.

It is peculiar that all that portion of Oklahoma west of this line was left without government of any kind.

The succession of chief administrative officers or governors of Oklahoma through the successive changes above outlined are as follows:

When we took possession of the Louisiana Purchase, President Jefferson appointed William C. C. Claiborne Acting Governor General and Intendant of Louisiana. Amos Stoddard was made First Civil Commandant of Upper Louisiana which included Oklahoma, William Henry Harrison as Governor of Indiana Territory became Governor of the District of Louisiana from 1804 to 1805. James Wilkinson was Governor of the Territory of Louisiana from 1805 to 1807, but a part of that time was absent and Joseph Browne as Territorial Secretary, became Acting Governor and his successor, Frederick Bates also became Acting Governor for a short time in 1807.

Meriwether Lewis was Governor from 1807 to 1809. Benjamin Howard from 1810 to 1813, and when it became the Territory of Missouri Frederick Bates was Acting Governor for a part of 1813. William Clark was Governor from 1813 until the Territory of Arkansas was cut off and on March 3, 1819, James Miller became our first Governor as a part of Arkansas Territory and continued to December 1, 1824, when Robert Crittenden became Acting Governor until March 1825. He was succeeded by George Izard, who was our Governor from March 4, 1825 until, by the Cherokee Treaty of 1828, we were cut off from the Territory of Arkansas.

In this period the original population of the country, mostly French, was transformed from their allegiance to the French Government to a love for and loyalty to our own government and its institutions. Also the ever westward movement of our pioneer population gradually began the settlement of the new country and the great empire to the west of the Mississippi began to take form as a part of our body politic.

CHAPTER II

AN INDIAN COUNTRY

The second period may properly begin with the treaty between the United States Government and the western Cherokees approved May 6, 1828, and made effective by proclamation May 28, 1828, by the terms of which the boundary of Arkansas Territory was moved east from the former boundary line running north and south from Kansas to Red River and a few miles east of Muskogee to the present boundary of the state of Arkansas.

The western Cherokees were that part of the tribe that had broken away from the great body of the Cherokees in Georgia and Tennessee and had before been granted a domain between the Arkansas and White Rivers in Arkansas Territory, and had occupied that part of the country up to the date of the treaty.

The United States Government had by this time (1828) conceived a policy of segregating the Indians from the whites and locating them where they would not be included within any white man's government.

By successive treaties with the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles, these tribes were ceded lands in what is now Oklahoma in exchange for their lands east of the Mississippi River, and were removed to their new domains.

The western Cherokees voluntarily removed in 1828, the year of the treaty, and in the same year the first migration of Creeks consisting of about one thousand, made their way to what is now Oklahoma and settled near the town of Ft. Gibson. Between this time and the year 1840, most of the Indians of the Five Civilized Tribes had been removed to and settled in their new homes. These Indians had already made considerable progress in civilization. Indeed some of them had been well educated in the schools in the East. The Cherokee, Sequoyah, had invented his famous alphabet and practically the whole Cherokee Tribe could read and write the Cherokee language.

From the treaty of 1828, until the Act of Congress, June 30, 1834, the people of this country, other than Indians, were wholly without a government of any kind, and no laws either of the United States or of any state or territory were applicable to them.

Section one of this Act provided that all that part of the United States west of the Mississippi and not within the State of Missouri, Louisiana or the Territory of Arkansas—for the

purpose of this act be taken and deemed to be the Indian Country.

The Act prohibited the sale of any ardent spirits or wine to an Indian and the introduction of any such spirits into, or the manufacture of any ardent spirits within the Indian Country and provided penalties for violation.

It further provided that all of the Country within what is now Oklahoma, "for the sole purpose of carrying this Act into effect, shall be annexed to the Territory of Arkansas." It further provided "That so much of the laws of the United States, as provided for the punishment of crimes committed within any place within the sole or exclusive jurisdiction of the United States shall be in force in the "Indian Country"; provided "that the same shall not extend to crimes committed by one Indian, against the person or property of another Indian."

Thus a limited code of laws became operative here which applied solely to the white population and to Indians who committed crimes against white persons or with reference to their property.

These laws were enforceable only by the courts in the Territory of Arkansas. The Act of Congress approved June 15, 1836, admitting Arkansas as a state, made of that state one judicial district, and provided for only one Judge for that district and required him to hold two sessions of court annually at the seat of government which was Little Rock.

This court thereby acquired jurisdiction of all of the state of Arkansas and, for the purpose of enforcing the laws in force in the Indian Country, had jurisdiction over all of Oklahoma, except the Panhandle.

By an Act approved March 31, 1851, the western district of Arkansas was created with jurisdiction over this country and the Judge of the United States Court for the state of Arkansas, was required to hold two terms of court annually at Van Buren.

On March 27, 1854, the Act of 1851 was amended and provided that a Judge should be appointed for the western district and also provided punishment of any white person setting fire to or attempting to fire any building in the Indian Territory belonging to an Indian or any Indian setting fire to or attempting to fire any building belonging to a white person.

This is the first use of the term "Indian Territory" in any law or treaty referring to the Indian Country and could have been properly used only with reference to the area included within the Indian Country and not to its governmental status.

Judge Ringo, who had theretofore been Judge of the District embracing all of Arkansas, held an occasional term of

court in the western district, beginning in 1855, but no Judge for the western district was appointed until 1865, when Henry C. Caldwell was appointed by President Johnson.

Up to this time there were so few white settlers in the Indian Country that the United States Court had little if any thing to do with enforcing such laws as were applicable, but the importance of that Act to us is that it remained in force until the admission of the state into the Union, insofar as the prohibition of introduction and sale of intoxicating liquors within the Indian Country.

In the meantime, soon after their arrival, the Indian tribes set about the work of establishing homes in the new country, improving farms and developing a new social status. Some of them owned slaves when they came, others acquired slaves until at the outbreak of the Civil War there were considerable numbers of the tribes who owned slaves and used them as other planters of the South, to cultivate their lands.

The progress of these Indians in developing the country and the creation and accumulation of wealth was almost as rapid as that of any other community of pioneers similarly situated with this exception, that because of their fear of the harm which would come to them by the intrusion of white settlers, they bitterly opposed the building of railroads through the country and so far as was within their power, discouraged the settlement of white people within their several Nations.

Each of the Five Tribes organized its own government and provided legislative bodies to enact laws therefor. These Governments designated themselves "Nations." The Cherokee, Choctaw, Chickasaw, Muskogee or Creek, and the Seminole Nation.

One feature common to each of these Indian Governments was that the land of each tribe was held in common, and there was no individual ownership of land in either. This must be made clear for the reason that the land tenure and the laws and customs of these nations regulating marriage and divorce, legitimacy of children and inheritance, the later treaties between the several tribes and the United States and the Acts of Congress relating thereto have affected tremendously the history of our state, and some of the most important governmental questions we have had to deal with arose out of them. These were conditions no other state in the Union had to cope with and provide for.

Soon after the secession of the southern states and the organization of the government of the Confederate States of America, these Indian governments made treaties with the Con-

federate States and quite naturally cast their lot with the states from which they came. However, a large portion of the Cherokees and Creeks remained loyal to the United States Government so that the conflict between the Indians themselves became as bitter as that between the contending forces of the Union and Confederate armies.

Most of the Indians were compelled to leave their homes. A majority of those who remained loyal to the Union removed into the state of Kansas, those who cast their lot with the Confederacy refugeed into Texas or along Red River in the southern part of the Choctaw and Chickasaw Nations. The contending armies fought back and forth across their country indiscriminately taking such livestock and other property as they had need for; bushwhackers and thieves pillaged and drove their cattle and horses out of the country until at the close of the war the country was desolated and its people impoverished.

Up to this time very few white men had found their way into the Indian Nations. These being mostly licensed traders, blacksmiths and teachers, together with such soldiers as manned the several military posts maintained by our government and the government agents having business with the tribes.

During this period the Indians had firmly established themselves. The Cherokees and Choctaws had perfected the organization of their government with published constitution and statutory laws; had established schools, organized churches and made considerable progress toward the development of the country. Quite a number of churches had established missions throughout the several Nations and were giving to the Indians the opportunities for education and religious instruction.

Treaties had been affected between the several Nations, the United States and the warlike tribes to the west, such as the Comanches, Kiowas, Pawnees, Apaches, Cheyennes, Araphoes and other Indians of the plains.

From the time of their settlement in what is Oklahoma to the outbreak of the Civil War the progress of these Indian peoples toward a high standard of civilization is perhaps without a parallel in all history. They were generally learning and practicing the pursuits of agriculture and stock-raising with marked success, some of them had become skilled as blacksmiths and mechanics, others had entered institutions of higher learning and engaged in the practice of medicine and law, some had established themselves as merchants and tradesmen, and quite a large number of them had developed outstanding ability in the science of government and had proved the qualities of real statesmen. That these Indian tribes should have been drawn into the bitter and destructive conflict which all but destroyed

them and which completely checked the orderly course of their self-development and changed the whole current of their national and racial progress was one of the most harmful consequences of that war.

Throughout this period the Indians had complete control and domination of the country. Their laws were the only laws enforced and their governments were the supreme power of the land as it applied to their own citizens, and there were comparatively no others. Such advancement as was made was of their own volition and along lines of their own choosing. It is the only example we have, or will ever have, from which to judge of the inherent ability of the aboriginal American Indians to attain to our own civilization and to adjust themselves to our manner of living and to our methods of self government.

Their amazing advancement along these lines is proof positive that they can, and will, attain the status of average American citizens, and that a fair proportion of them will show outstanding ability in all lines of endeavor.

They had easily turned to industrial pursuits, had amassed great wealth through their own efforts, had developed their governments to a remarkable degree of efficiency and had proven their ability to govern themselves adequately to their needs. They had established school systems and institutions of higher education than the common schools. They had worked out unique and effective methods of dealing with their criminal classes, for whom they provided a system of graduated, or progressive punishment for crime.

Some of their governments had no jails or penal institutions and no laws providing for appearance bonds. One charged with a crime, however grave, was told when to appear for trial. If convicted he was sentenced and the time fixed for the execution of the sentence and, no matter how severe the punishment, whether it was to be stripes on the bare back or death, he was permitted to go his way until the time fixed. (So far as the writer has been able to learn, but one instance is known where one convicted failed to appear and submit to the penalty of the law.

Some of these governments had no law to enforce civil contracts or the collection of debts, indeed one of them had a statute forbidding any court to take jurisdiction of such an action. It being their belief that men could not be made honest by law. That it were better to leave them stand upon their honor.

They met the expense of government without the levy of ad valorem tax. Their revenue was obtained from interest on funds due from our own government for lands ceded by the

tribes, from an excise tax charged traders on merchandise, sale of timber, grazing privileges and other sources.

Some idea of the growing wealth of the Cherokee people may be had from the report of the Commissioner of Indian Affairs for the year 1865, in which he estimated that during the last two years of the war more than three hundred thousand head of cattle belonging to the Cherokees were stolen and driven out of the country into the state of Kansas.

The study of this period is important in that it gives to the student a better knowledge of these Indian peoples; for there yet remains something more than two hundred thousand of them who are a part of our permanent citizenship and who were a part of the composite citizenship which had to be considered and provided for in the making of our state. These were the owners of practically all the real property in the east half of the state and the status of their ownership and their land titles had much to do with the structure of our laws and our plans for the fiscal affairs of the state.

We are yet to deal with this large group of our population and whether they become a great and valuable asset to the state

or a lasting liability depends on the proper understanding of them and of their possibilities.

CHAPTER III

RECONSTRUCTION

The condition of the peoples of the Five Civilized Nations at the close of the Civil war was pitiful in the extreme. The Commissioner of Indian Affairs in his annual report for 1865 said in part:

“Now their country is one vast scene of desolation; houses burned, treasury robbed, fences and agricultural implements destroyed, cattle stolen and their former fields overgrown with weeds; and now they return to their homes after an exile of years, destitute of almost everything to commence life anew, except personal energy.”

Under the Act of Congress approved July 5, 1862, their lands and annuities had been declared forfeited. They were desolate indeed. Their last remaining home declared forfeited, the debts due to them from our government repudiated, with no place on the face of the earth where they might find a welcome or be accorded the privilege of citizenship. No such state of utter desolation has before or since engulfed a helpless people and in the future that lay before them there was no single ray of hope.

That they survived this terrible ordeal proves conclusively that in this great race there is an inherent quality of courage that refuses to acknowledge defeat or succumb to despair under any circumstances.

Slowly the refugees returned from the north and south to the desolate country which had been their homes and while in this helpless condition our government sent its representatives demanding of the Indian peoples that they enter into new treaties under conditions and terms dictated by and all powerful country to a helpless dependent people. Under these circumstances the treaties of 1866 were brought about.

The United States Government was in need of some place upon which it could establish reservations and locate the Indians of the plains and other tribes whose presence was undesirable in the states and territories where then located. For that purpose the Creek and Seminole Nations ceded to the United States about one-half their lands which afterwards comprised a part of Oklahoma Territory, and the Choctaws and Chickasaws sold what was known as the “Leased District.”

They were compelled to accept their former slaves as citi-

zens of their several Nations and permit them to share in their lands and tribal property.

These treaties brought into existence the class of our citizens known as "Freedmen." Each tribe having its own, designated as "Cherokee Freedmen," "Choctaw Freedmen," etc., according to the tribe of which they became a part, which was determined by the tribal blood of their former owners.

The status of the title to lands allotted to these Freedmen was fixed by later treaties and acts of Congress, and at the time of the admission of our state, and since, the "Indian Freedmen" have had an important place in the attention of lawmakers and in court litigation.

Also they were compelled to consent that rights-of-way might be granted for the building of railroads across their country and to make other concessions which to them were wholly undesirable and which they would not have made but under the duress of direst extremity. These treaties also provided that the Indians located within what is now our state might organize a territorial government for all, under the name of Oklahoma Territory.

It was during the negotiation of these treaties that Judge Allen Wright, representing the Choctaw Nation, suggested the name of "Oklahoma" which was adopted and included therein. This was the origin of the name of our state.

The survivors of the Five Tribes, singly and in little groups, had made their weary way back to their deserted homes and their devastated country. Each faction filled with bitterness against the other, in abject poverty, their lands forfeited, the annuities due them from the United States Government repudiated, they faced a future utterly void of promise.

Out of this chaos were evolved the Treaties of 1866, which again gave to them a definite status. Though a large portion of their lands had been taken from them they yet had a place they could call their home, of great natural resources, broad prairies and fertile land, and above all, they had a spirit unconquered and unconquerable.

They immediately set about the reorganization of their governments and the rebuilding of their homes and the institutions which they loved. The spirit in which they went about the work of reconstruction was beautifully expressed by William P. Ross, Chief of the Cherokees, at a General Council of the Cherokee People called at Tahlequah, shortly after the promulgation of the treaty of 1866.

The noted Chief, John Ross, who had continuously held the office of Principal Chief of the Cherokees from the time of the Union of the Eastern and Western Cherokees until his death,

died at Washington, D. C. during the Civil War and was succeeded by his brother, William P. Ross.

When the conditions under which this address was made are understood, the character of the audience to which it was addressed and the results the speaker sought to attain are considered, this speech is worthy to stand among the great orations of all time. Chief Ross said in part:

“For the first time since the war we have met as friends and brothers. I most devoutly thank the Great Ruler of the Universe that it is my high privilege to address you as one people.

I thank Him that amidst the carnage, the horror and desolation of those long, dark years of conflict, we have not been swept entirely from off the face of the earth. I thank Him that our existence as a community is not destroyed; that our Government is still maintained; and most earnestly do I trust that our present peace may continue unbroken; that our harmony may be firmly cemented; that the work of rebuilding our wasted homes and shattered fortunes may be prospered, and that our future prosperity may surpass our most earnest expectations. The measure of our success in time to come must depend to a great extent upon ourselves. We hold our fortunes in our own hands. If wise and prudent we shall be able, under the fostering care of the United States Government, to increase our means, multiply our numbers, enlighten our people and fortify our position. Division of sentiment, degenerating into strife between persons, neighborhoods and parties, will produce nothing but mischief, weakness and ultimate ruin. Our only hope is in that unity of feeling and action that we have of interest and destiny. That will give strength to our purposes, strength to our Government and institutions. Cherokees if you firmly resolve to become one people, you will become one; if you firmly resolve to stand together, so will you stand, alike through good and evil. We are all possessors of a common inheritance, so let us enjoy it; we all have one interest—let us protect and defend it. Let us look forward to the pleasing landscape of the future, with its newly rising sun, its green plains, majestic hills and silvery streams and not back upon the dark valley of the past with its lost friends, blighted hopes and sad and fearful associations. The error, the wrong, the violence, the inhu-

manity and the defeat, the patience, the suffering, the heroism and the victory of the war have floated by us down the stream of time. We cannot snatch them back, we cannot change them. They have gone to swell the great volume of history. There they must remain; we may not forget them—we shall not lose their solemn lesson to us as a people, but no good can arise from discussing them, from repining over loss and defeat or exulting over victory and its trophy. There is enough else ahead to absorb our thoughts, to employ our hands and to call forth our highest exertions. Never did we have more to live for, to labor for and to gain.”

In 1867, the Creeks adopted a constitution and organized their government. Shortly after the different Nations had composed themselves in their new surroundings, a constitutional Convention was called to meet at Okmulgee the Capitol of the Creek Nation, in September, 1870, to carry into effect the treaty provisions authorizing the formation of the Territory of Oklahoma and providing a government which should include all the Indian peoples.

Not having what they considered a representative number at the September meeting, the delegates adjourned to meet again in December of the same year, and the tribes that had not been represented in the first meeting, were urged to send delegates to the second.

At the December Convention a constitution for the proposed government was enacted and submitted to the different tribes for approval, but the constitution was never approved and it only serves as an interesting study of the kind of government which these Indian peoples believed would be best for them. It is reproduced in the appendix hereto.

These delegates and their successors met in Annual Council at Okmulgee until 1878, continuing their effort to bring that government into being.

This convention had little or no effect upon the general condition of the Indian Country, but in the same year it convened, two railroads acquired rights-of-way and built their lines into the Indian Nations. These were the Missouri, Kansas & Texas, known as the Katy, and the Atlantic & Pacific, later to become a part of the Frisco system. The coming of these railroads was the beginning of the transformation of the Indian Country.

The Katy from 1870-72 extended its line entirely across

the Cherokee, Creek and Choctaw Nations, entering Texas at Denison, furnishing the first railway outlet to the great empire of Texas.

The Atlantic & Pacific entered from Missouri and extended its line to Vinita. Ten years later continuing its line to Red Fork, west of Tulsa, and in 1889, to Sapulpa. As had been foreseen by the Indians, the coming of the railroads brought the white people into their country, stations and towns were located, coal mines were opened up, merchants and tradesmen located and the disintegration of the Indian Nations began.

There were no laws of extradition applicable to the Indian Country and criminals could here find a place of safety where they could not be reached for crimes committed elsewhere, and many such found their way into the country.

Also there began to filter in from the surrounding states, farmers who had come to believe that the rich lands of the Indian Nations would soon be available for homes and hoped to find better opportunities than the older states afforded. These were usually of the poorer class.

The laws of the different Indian Nations forbade the sale or leasing of their lands, but did permit the Indians to employ, or hire, non-citizens to work for them. The Indian employer paying an annual permit for each person so employed.

As before stated the lands of each tribe were held in common but each individual Indian had the exclusive right to possess and use all the land which he would improve and cultivate. Some ingenious person devised the scheme of having an Indian hire or employ a non-citizen to put in cultivation and improve a tract of land and, as pay for his labor, give him all that he could produce upon it for a term of years, usually from five to seven. This practice became general and the improvement of the country rapidly followed.

Laws were passed by the councils of the several Nations limiting the number of cattle which might be owned by a non-citizen to five milk cows to each family, but the enterprising cattle men who came into the country, evaded this law, making deals with some Indian who permitted them to put the Indian's brand upon their cattle, and within a few years many white men were running large herds of cattle upon the open range. All of these contracts were dependent solely upon the honor of the parties to them as they could not be enforced in any court and were in fact in violation of law, but the writer knows of no instance in which an Indian failed to permit a farmer to enjoy the full benefit of the land he improved for the term agreed upon and no Indian who claimed for his own

the cattle which a white man really owned, but which bore the recorded brand of the Indian.

The minerals beneath the surface belonging to all the members of the tribe in common, were leased by act of council approved by the Secretary of the Interior, and the royalties from the coal mined was paid into the treasuries of the Nations.

During this entire period to 1889, there were no laws in the Indian Country to enforce a civil contract or to enforce the payment of a debt. Yet the business of farming, stock raising and merchandising required the extending of credit and in the aggregate millions of dollars worth of merchandise was sold on credit and millions of dollars loaned to cattle men, both Indian and whites, where the honor of the debtor was the sole security. The records of those times will show that the loss from bad debts were proportionately about 20% of what it has been since courts were established and laws put in force for the protection of creditors.

During the years 1885 and 1887, the Santa Fe built its road entirely across the western part of Indian Territory, entering south of Arkansas City, Kansas, and extending nearly due south to Red River and on to Galveston, Texas. In 1887, it built another line further west, extending across the Cherokee outlet. The first line mentioned passed through the unassigned lands which was included in the first opening.

In 1887, the Frisco extended its line from Ft. Smith in a southwesternly direction across the Choctaw Country to Paris, Texas. In 1888 the Kansas & Arkansas Valley Railroad completed a line from Ft. Smith, Arkansas, along the north side of the Arkansas River to Wagoner, Indian Territory, and the following year extended it to Coffeerville, Kansas.

Prior to 1889, the principal coal mining industries had developed in and around McAlester and that was the chief commercial center in all the Indian Territory. Ardmore had grown into a great cotton market, Muskogee was beginning to show considerable importance as a trading center and Vinita and Wagoner were perhaps next in importance. Tulsa had achieved a post office, but little more at this time. The oil industry had not yet been heard of in Oklahoma.

Fort Smith through its jobbing houses supplied the country with the greater part of its merchandise, though some came in from Paris and Sherman, Texas. There was not a single bank in all the country and the financing of merchants was mostly done from Ft. Smith, the farmers in turn being furnished credit through the local merchants. The cattle men looked to St. Louis and Kansas City for capital to finance their business.

The railroads were without legal regulation of any kind and charged exorbitant freight and passenger rates. Ten cents per mile was for a time charged for passenger fare and freights in proportion. Their service to the people was such as might be expected under these conditions. With no courts or other authority over them they so dealt with the people as to become the most thoroughly hated institution in the country.

No title could be acquired to land by non-citizens and only right of occupancy, which might be terminated at any time, could be had, so that only temporary and makeshift improvements were made even in the larger towns, except such as were erected by Indians who saw the advantage of acquiring town property and in some instances these built substantial business houses.

Even under these adverse conditions the pioneer settlers came in steadily increasing numbers. In 1880, there were little more than six thousand white residents in all of Oklahoma. At the close of the next ten years Dr. Bennett, the United States Indian Agent, in his annual report for 1890, estimated that there were one hundred forty thousand in the Indian Territory alone.

They poured into the country facing privations and hardships, without legal right and none of the privileges of citizenship, clearing the forest, breaking out the prairies, sinking shafts and mining coal, developing a country in which they had no right, looking to the future with that courage and faith which has ever characterized the settlers of our frontier, and confident that the time would soon come when they might own homes in the land of the Indians.

With the others also came the pioneer preacher with his Bible and hymn book in his saddle pockets, carrying the message of love and hope, preaching wherever he could find a group of hearers. He established churches and Sunday schools, officiated at weddings, ministered to the sick and needy, and buried the dead.

As noted in Chapter II, Henry C. Caldwell had, in 1865, been appointed Judge of the Western District of Arkansas with jurisdiction over the white people then living in the Indian Nations. He continued in office until 1872 and held his first term of court at Fort Smith, Arkansas, on the second Monday in May, 1871.

In 1872 William Story was appointed judge of the western district of Arkansas by President Grant. He was a man of profligate habits and bad character, and the expenses of the court under fourteen months of his jurisdiction were more than

\$400,000. The conditions became so bad that charges were preferred against him and he resigned in 1874.

Judge Caldwell of the eastern district of Arkansas was authorized to hold court in the western district until the appointment of Story's successor was made. Judge Isaac C. Parker was appointed, and convened his first term of court at Ft. Smith on the 10th day of May 1875. This was really the beginning of a government which affected white residents of what is now Oklahoma and it is indeed difficult for any person whose life has been spent under normal governmental administration to understand the peculiar conditions under which it operated.

Within the western district of Arkansas this was the ordinary United States district court, in the Indian country it was the sole government and the only lawful authority to which the white population was answerable. It furnished through its deputy United States marshals the sole police power from Arkansas to the Panhandle of Texas and from Kansas to the Red River, and its only authority was the punishment of the few criminal acts prohibited by the acts of Congress in force here, and it was here wholly without civil jurisdiction.

There was no law in this country to enforce a civil contract or to protect civil rights. No laws of extradition applied to this country and those who violated the laws of other states and could make their way into the Indian country were safe from punishment for those crimes. No white man was answerable to the laws of any Indian government. For a long time there was no appeal from the judgments of that court and Judge Parker was the absolute dictator and the only source to whom the residents of this country could look for protection of any kind.

As early as 1873 the United States government had determined on an entirely new Indian policy. From 1828 to 1873 the policy had been to permit the Indians to govern themselves, to work out their problems in their own way. All the tribal treaties had embodied that idea and indeed had included the solemn pledge of our government that the Indians should be forever guaranteed the right to govern themselves without the interference of the white man, and the Five Civilized Tribes had been assured by treaty promises that their country should never be included within the boundaries of any state or territorial government of our nation.

The treaties of 1866, following this plan, provided for the organization by the Indians of a territorial government of and for their own people, and the Okmulgee Constitution was the result. As proof that, up to that time the United States intended

to carry out this policy, the United States Superintendent of Indian Affairs was sent to, and did, preside over the constitutional convention.

With the coming of the railroads in 1870-72 and the consequent beginning of white intrusion into the Indian country a new theory began to shape itself and ultimately crystalized into a fixed policy of gradually breaking down and disintegrating the Indian governments and the tribal community ownership of lands, the preparation of the country for settlement and the absorption of the Indian peoples into the citizenship of our own government.

As a result of this new policy our government discontinued its encouragement of the Indians to form a territorial government and became more lax in its efforts to protect the Indian nations from the intrusion of white settlers. It began a more vigorous exercise of court jurisdiction over the Indian country and through the iron hand of Judge Parker's court at Ft. Smith made the power of our government felt as the dominant force through all of what is now Oklahoma.

While the legal jurisdiction of the United States court in Arkansas over the non-citizens of this country had existed since 1855, its authority had actually been exercised only casually, if at all, until 1875 when Isaac C. Parker was appointed judge and began an administration of such vigor and determination that his court soon acquired a world wide reputation and his name became a household word throughout the nations.

It must be recognized that such a court, administered by such a judge, was indispensable to the welfare of the country. The white intruders were not subject to the laws of any of the Indian Nations, and their constantly increasing numbers created a condition that required firm and unrelenting authority and discipline.

One hundred and seventy-two persons were tried and convicted of capital offenses in this court and sentenced to death, nearly one hundred were hanged, and several thousand violations of lower grades of crime were tried under his administration.

It was during this period that many of the most desperate outlaws of surrounding states found their way into the Indian nations, seeking a refuge from which they could not be removed. Some of them continued their lawlessness. The conditions of the country, and the inadequacy of deputy marshals at Ft. Smith tended to make crime easy, and often difficult of punishment. Desperados sometimes successfully evaded arrest for years.

A representative of one of the great daily newspapers in New York City spent some weeks at Ft. Smith studying this

state of affairs, and in his story of the situation used the expression: "There is no God west of Fort Smith," and this became the generally accepted opinion of the Indian Nation among the people of the country at large.

Naturally some of the Indians themselves became law-breakers. The Cherokees especially furnished some of the most desperate outlaws ever known in the Southwest. But the great majority of criminals were the white intruders who had come into the country unwanted and unbidden by the Indians. The Indians had with all the means at their command resisted the incoming of the whites; had opposed the building of railroads because they believed that with the railroads would come the white man. Their fears were proven to have been well-founded, and the correctness of their judgment was borne out by actual experience.

CHAPTER IV

RESERVATIONS AND RANCHES

The development of the west half of the state was along entirely different lines.

Having acquired title to the western half of the state under the treaties of 1866, the government at once began the work of laying out reservations and locating other Indian Tribes thereon.

The Cheyennes and Arapáhos, Wichitas and Caddos, Comanches, Kiowas and Apaches, Pottowatomies, Iowas, Shawnees, Sac and Foxes, Kickapoos, Pawnees and other tribes were assigned lands and located on reservations cut out of the lands taken from the Five Civilized Tribes, leaving near the center a considerable area properly designated as the "unassigned lands," for it was what remained after all the Indian tribes had been located and assigned their reservations.

These Indian reservations were governed by resident agents and the Indians were kept in subjection by soldiers stationed at the several military posts in that country.

The unassigned land, though claimed by the United States government, was not subject to homestead entry and there was but slight progress made by the reservation Indians in agriculture, industry or education.

The story of the passing of the buffalo, of the establishment of the cattle trails across this country and the continuous movement of almost countless herds of cattle from Texas to the railroad markets in Kansas has been so often told that practically every reader is familiar with it and with the rapid development of the great cattle industry in the unassigned lands, and in the Cherokee strip leased by the Cherokee people for grazing purposes. Also the development of the theory that the unassigned lands were rightfully subject to homestead entry and the organization of the "Boomers" by Captain Payne and associates and their repeated efforts to force the recognition of these rights is also well known to the most casual student of Oklahoma history.

Of the participants in these stirring events, other than the Indians and their descendants, only a small per cent made permanent residents of Oklahoma. The agents and other officials who administered governmental affairs, came under appointment and returned to the homes whence they came.

The warring tribes of the plains had been subdued and settled on their reservations cut out of the land acquired from

the Five Civilized Tribes. These reservations, the unassigned land and the great Cherokee Strip extending west from the Osage Nation was a great sea of luscious grass, well watered and ideal for cattle raising. Traders and settlers licensed by the government to trade on these Indian reservations, some government officials connected with the Indian service, and others claimed the right to graze cattle on the Indian reservations. They went beyond this, assumed and exercised the right to lease grazing privileges on Indian reservations to others, and protected cattle men from Texas and elsewhere in grazing thousands of cattle upon these Indian reservations, especially the Cheyenne-Arapaho. For this the Indians received nothing.

The Cheyenne-Arapaho Cattle Company was organized by Major Calvin Hood of Kansas.

This practice became so obnoxious to the Indians of the reservation that serious trouble threatened, and in 1885 President Grover Cleveland issued a proclamation removing all the cattle from the Cheyenne-Arapaho reservation.

No Cherokees had settled in the Cherokee strip, and their nation leased this great grazing ground to cattle men, charging a fixed price per head for grazing cattle there. Many large ranches were located, and vast herds of cattle soon occupied the strip.

It was difficult for the Cherokee government to properly check the cattle grazed by many different owners, and in 1883 the cattle men interested organized the Cherokee Strip Livestock Association, with headquarters at Caldwell, Kansas. Thereafter this association leased all of the Cherokee strip and apportioned it out to the different ranchmen. The cattle grazed in the strip were required to be branded, and the brand of each owner was recorded both by the Association and the Cherokee government. The cattle business became the outstanding industry of the western part of the state.

The cowboys who conducted the great trail herds across the plains and most of those who engaged in the cattle business of those times have long since passed to other fields of activity, but there is one little group of brave and intrepid pioneers who did remain and, of whom mention should be made. Those are the settlers of the Panhandle, that strip of country known as "No Man's Land." It was formerly a part of the Spanish possession on this continent, then a part of the Republic of Mexico, later the Republic of Texas.

This strip lying north of thirty-six degrees, thirty minutes north latitude, by the provisions of the Missouri Compromise, could not be admitted into the Union as slave holding territory, so that the state of Texas upon its admission, July 4, 1845, fixed

its north boundary at latitude thirty-six, thirty, leaving this strip unannexed to any state or territory, and the people who occupied it until it was made a part of Oklahoma Territory by the Act of Congress 1890, lived through those forty-five years without government of any kind.

The words of a song often heard among the pioneers of those days—

“Pickin up chips to keep from freezin’
Pickin up bones to keep from starvin’
Pickin up courage to keep from leavin’
Way out west in No Man’s Land.”

in some measure reflects the hardships of their existence, their tenacity and courage.

There was little development of the country by the reservation Indians, and they made but little advancement toward civilization under the administration of these reservations by government appointees.

The reservation Indians, scattered ranchmen, cowboys and the few settlers in No Man’s Land practically made up the population of western Oklahoma until noon, April 22, 1889.

Of that population, the settlers of No Man’s Land, and the Indians of the different reservations remained as a part of the permanent population of our state. A greater part of those engaged in the cattle and ranching business did not remain. As the country settled up and was devoted to farming that part of the population scattered to other fields.

CHAPTER V

FOUNDING A NEW COMMONWEALTH

March 1st, 2nd and 3rd, 1889 were eventful days for the people of Oklahoma. On March 1st, the Congress of the United States approved the cession of lands by the Muskogee, or Creek Nation, to the United States. This definitely settled the question of the title to that part of the Creek domain which had been ceded under the treaty of 1866, and which lies within the area that later became Oklahoma Territory.

On the 2nd day of March Congress authorized the President of the United States to open the lands known as "Unassigned Lands" for settlement, and provided that sections 16 and 36 of each township of the lands to be opened for settlement should be reserved for benefit of public schools.

On the 3rd day of March, Benjamin Harrison, President of the United States, issued his proclamation opening the unassigned lands for settlement and providing that "no person entering upon and occupying said lands before the hour of twelve o'clock, noon, of the 22nd day of April, 1889, will ever be permitted to enter any of said lands or acquire any right thereto."

Through these acts, for the time being, the east and west sides of Oklahoma were definitely divided and for nearly twenty years their conditions were vastly different.

Great throngs of people were waiting for the signal guns to fire at noon of that day at which time the race for homes began. By night-fall it was estimated that more than a hundred thousand settlers had poured into that area and selected their homestead or town lots.

In one day Guthrie became a city of fifteen thousand people and Oklahoma City more than ten thousand. Practically every quarter section subject to homestead entry was occupied. Though it was late in the season, many of the homesteaders broke out and planted some of the new land and attempted to raise crops. Dougouts and sod houses were by far the most common habitations. The people were without law or government until the act effective May, 1890. creating the Territory of Oklahoma.

Soon after this first opening the government began the allotment of the reservation Indians and the opening of the unallotted portion of their reservations to settlement.

In 1891, the Sac & Fox, Iowa, Pottowattomie and Shawnee reservations were opened. In 1892, the Cheyenne and Arapaho reservations were opened. In 1893, the Pawnee reservation and the Great Cherokee Outlet were opened for settlement. This

was the last and greatest race for homesteads in the history of Oklahoma Territory.

In 1901, the Wichita and Caddo and the Commanche, Kiowa and Apache reservations were opened by lottery. Each homestead entry being numbered and corresponding numbers were placed in a great barrel from which the home seekers had numbers drawn for them and each was awarded the homestead corresponding in number to the one drawn for him.

Each act of Congress providing for the opening of a new area within Oklahoma Territory reserved a portion of the lands from settlement and provided for the use of the reserved lands for educational purposes and for public buildings for the territory. These grants will be more fully explained later.

By the act effective May 2, 1890. known as the Organic Act, a territorial government was provided for all of Oklahoma west of the Indian Nations. The Act provided that the Governor and Secretary of the Territory should be appointed by the president of the United States. It provided for a Supreme Court of three members, divided the territory into three judicial districts, and each member of the Supreme Court was authorized to convene and preside over district courts in each judicial district.

In addition to the jurisdiction given these courts for the trial of cases arising under the territorial laws, they were also given jurisdiction as Circuit and District Courts of the United States.

The laws also provided for the appointment by the President of the Judges for these courts and of a United States attorney and marshal for said territory.

The county and legislative officials were elected by the people. Certain chapters of the laws of the state of Nebraska were extended to and put in force in the Territory of Oklahoma until after the adjournment of the first session of the legislative assembly of said territory.

As soon as practicable after the approval of this Organic Act, a complete territorial government was organized and began the work of administering public affairs.

With the great endowment of public land for educational purposes, the people of the new commonwealth at once began the establishment of educational institutions and within a comparatively short time had in operation the University of Oklahoma at Norman, the Agricultural and Mechanical College at Stillwater, the Colored Agricultural and Normal University at Langston, the Business Academy at Tonkawa, School for the Deaf at Sulphur, Central State Teachers College at Edmond,

Northwestern State Teachers College at Alva and the Southwestern State Teachers College at Weatherford.

No penal institutions were established during the Territorial regime. The criminals convicted of felonies were transported to prisons in the State of Kansas under lease contracts for their keep.

As before stated, from the first opening date until the passing of the Organic Act, May 2, 1890, no laws were effective in the newly settled country. Saloons were opened in every town, and in many instances, especially along the borders of the Indian Country, saloons were opened far from any settlements.

The first session of the legislature convened on the 27th day of August, 1890, and began the work of enacting laws for the new territory. As a Christmas present to the people, they passed an act which took effect the 25th day of December, 1890, authorizing the licensing of saloons and regulating the liquor traffic, and the sale of liquor became one of the outstanding commercial pursuits of Oklahoma Territory, and so continued until the admission of the state.

The fact that the sale of liquor was prohibited in all the Indian Nations, the settlement of the liquor question became one of the serious issue to be considered by the people in the Constitutional Convention, and at their first election in 1907.

The material growth and advancement of the territory was phenomenal. Railroads were built across it in every direction. Farms were rapidly improved and put in cultivation. Commercial and manufacturing interests kept pace with the industrial growth of the country, until in 1907 there were a number of important young cities and flourishing towns and a population of approximately three-fourths of a million people.

CHAPTER VI

TRANSFORMATION AND DISINTEGRATION

The first and second days of March, 1889, were no less momentous to the east side of Oklahoma than to the west. In the same act of Congress that authorized the opening of the unassigned lands there was a provision for a white man's court at Muskogee, in the Muskogee, or Creek Nation. This was the first actual intrusion of governmental agency on the part of the United States within the Indian country.

From this time until the final disintegration of the Indian governments there was waged an unceasing, but hopeless contest between our government on the one side and the Indians of the several nations bitterly fighting for the right of self-government which had been sacredly pledged to them and for their racial existence with all the powers at their command. They fought every Congressional act and Departmental ruling tending to break down their institutions and to take from them little by little their right to direct and control the affairs of their country and their people. But every battle was a defeat, and every contest resulted in another loss to the Indians. Until at last this proud and resourceful people was brought to realize that they must give up all that had meant so much to them, and to take an uncertain place as citizens of a government which had always dealt unfairly with them, and had made a record of broken pledges and violated treaties.

Step by step, and with unrelenting purpose, our government assumed and exercised more and more authority and jurisdiction over Indian affairs, until the Indian governments were but empty shells, shorn of their vigor and strength, and finally completely dissolved.

These successive steps are traced in this chapter.

The act that created the court in Muskogee gave to that court only limited civil and criminal jurisdiction, but such jurisdiction as it provided was to be exercised throughout the five Indian Nations, indeed through all Oklahoma except the Panhandle. But because of the existing conditions in the west half of the state its jurisdiction was not actually extended thereto.

This was the first actual break in the levee which had held back the threatening tide of white population that was soon to inundate the last home of the Indians. True it is that before that time there had been leaks and crevices through which a gradual filtering of intruders had come, but the establishment of this court was a definite declaration on the part of the United States that this was ultimately to be a white man's country and

the seepage became a vast tide of white population from all surrounding states.

The same congressional act also provided for the appointment of a commission to negotiate with the Cherokee Indians for the purchase of the Cherokee Outlet, and its cession by the Cherokees to the United States. This was accomplished successfully and the greatest of all the openings followed shortly after.

On the second day of March, 1889, an act of congress was approved which authorized the President to appoint a "Superintendent of Indian Schools" with prescribed duties and powers with references to all schools in which Indians were taught and to which the United States Government contributed. By this act began the control of educational affairs.

On the third day of March, 1893, congress authorized the President to appoint a commission consisting of three members

"to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Musko-gee or (Creek) Nation: the Seminole Nation, for the purpose of the extinguishment of the national or tribal title to any lands within that territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such Nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a state or states of the Union which shall embrace the lands within said Indian Territory."

Other provisions of the act were:—

"The consent of the United States is hereby given to the allotment of lands in severalty not exceeding one hundred and sixty acres to any one individual within the limits of the country occupied by the Cherokees, Creeks, Choctaws, Chickasaws and Seminoles;

"And upon such allotments the individuals to whom the same may be allotted shall be deemed to be in all respects citizens of the United States."

By this act it was definitely made known to the world that the end of the Indian governments was now imminent, that the

Indian lands were to be divided, that individual ownership would take the place of tribal ownership; and that a state or territorial government was to be provided.

In as much as the Indian reservations in Oklahoma Territory had been allotted to the Indians of these reservations and the remainder of each reservation had been opened to homestead entry, it was but natural that the same procedure was confidently expected in the Indian Nations. The levy of treaty promises was thus wholly broken down and the flood of white population poured in without let or hindrance.

By the Act of Congress March 1, 1895, the Indian Nations were divided into three judicial districts, two additional federal judges were provided for and the jurisdiction of the United States Courts in the Indian country greatly enlarged. They were given complete jurisdiction over all matters pertaining to the rights of white persons within the Indian country and of all matters in which a white person was in any way interested.

Also the United States courts were given jurisdiction of all matters in which a citizen of one Indian nation was involved in a controversy with a citizen or citizens of another Indian nation.

From that time on the United States court began the exercise of jurisdiction over matters wholly concerning Indians and in which no non-citizen was involved.

More of the laws of the State of Arkansas were made effective and a system of local and federal laws was put into operation, administered by the United States courts in the Northern, Central and Southern districts of the Indian Territory. All officers were appointive and the people themselves had no voice in their government, except when called for jury service in the various courts.

The Indian governments continued to administer most of their own affairs, their legislative bodies continued to make laws and their courts to enforce them and their several administrative governmental branches continued to function.

The President of the United States, then Grover Cleveland, under the Act of March 3, 1893, above mentioned, appointed Henry L. Dawes of Massachusetts chairman and Archibald S. McKennon of Arkansas and Meredith H. Kidd of Indiana as members of the Commission authorized under the Act, and it was thereafter known as "The Dawes Commission."

By Act of March 2, 1895, the Commission was increased to five members.

By Act of June 10, 1896, the power of the Dawes Commission was increased, and the right which had theretofore existed in each of the Tribes to regulate and determine its membership

was taken from the Indian nations and given to the Dawes Commission, and from that time on it had the right to determine who were the citizens of any tribe.

Appeals from the decision of the Commission to the United States district court was provided.

Later additional authority was given to the Commission, and appeals from the Commission to the United States Supreme Court was provided for.

This Commission worked so efficiently that within a few years treaties had been consummated with all of the five tribes, by the terms of which the dissolution of the tribal governments, the allotment of their lands in severalty, the division of tribal funds were agreed upon, and the conditions under which these changes were to be made were outlined.

On June 28, 1898, the Act of Congress known as the "Curtis Bill" became effective. This brought about the most revolutionary changes in the status of the citizenship and property rights of the several nations that had so far been made. It provided that the sites occupied by the people of the country as towns, of more than 200 residents, should not be allotted, but provided for townsite commissions in each town, to consist of one member to be appointed by the executive of the nation in which the town was located, one member to be appointed by the Secretary of the Interior, and one member to be selected by the town, who should cause the townsite to be surveyed with proper and necessary streets and alleys, giving to each town such territory as might be required for its present needs and reasonable prospective growth. To appraise the town lots so laid off, and platted, and the improvements thereon, the appraisement to be approved by the Secretary of the Interior.

The owner of improvements on any town lot could acquire title thereto by depositing in the United States Treasury at St. Louis, Missouri, one-half of the appraised value. All lots not claimed by the owner of the improvements and all vacant lots in the townsite were authorized to be sold, after due notice, to the highest bidder at public auction, but not for less than the appraised value. Deeds to the lots to be executed by the member of the Commission appointed by the Nation.

This was the first provision ever made by which a non-citizen could acquire title to real property within the Indian Territory.

The Act also provided for the incorporation of towns, for the organization of town governments and the election of officials therefor by the people, and this was the first form of self-government by the people.

It provided for the organization of free schools, and the

levy of a tax against the property of residents within towns for their maintenance. This was the first provision for schools for non-citizens and the first tax law ever enacted within the five nations applicable to white citizens.

The Curtis Bill also took from the Indian Nations their right to divide the tribal property among the members of the tribe, and invested this authority in the Dawes Commission, and gave it the right to survey, appraise and allot the landed property of the several tribes.

This Act provided that all oil, coal, asphalt and mineral deposits under the lands of any tribe were reserved to such tribe, and no allotment of such lands should carry the title to such oil, coal, asphalt or mineral deposits.

The funds derived from the sale of town lots, the oil and other minerals to be held for the collective benefit of the entire tribe, and distributed to the individual members pro rata.

The townsite funds were so distributed later, but by subsequent Acts of Congress the oil and mineral rights, except as to certain areas of the Choctaw Nation, which were segregated as coal lands and never allotted to the members of the tribe, were also divided in severalty and the mineral rights conveyed with the surface allotments. The surface of the lands segregated from the Choctaw Nation as coal lands was afterwards sold, the money distributed and the coal deposits yet remain tribal property, undivided.

The wording of the several Acts and agreements relating to mineral rights since the passage of the Curtis Act, so far as they relate to the Seminole Nation, have been such that a suit has been instituted and is now pending in the United States court in which it is contended that the mineral rights of the Seminole Nation never passed to the allottees individually, but that the mineral rights remain tribal property and are owned by the citizens of the Seminole Nation in common; it being urged that the provisions of the Curtis Bill, insofar as they apply to the Seminole Nation, have never been changed or abrogated and that the allotments made were subject to those provisions.

There having been developed in Seminole County, which was originally the Seminole Nation, one of the greatest oil fields in the Southwest, this controversy involves many millions of dollars in property value.

In the agreements with the several tribes looking to the ultimate allotment of their lands, one of the terms common to all was, in substance, that the lands allotted to members of the tribes should be and remain non-taxable for a period of 21 years or so long as the title remained in the allottees. This was one of the important matters to be considered at the time of the

admission of the state into the Union, and has materially affected the development of the state.

When it became certain the tribal governments were to be abolished and that a territorial or state government would supersede them, the question of the character and kind of government to be instituted became one of paramount importance to the people. The residents of Oklahoma territory were clamoring for statehood. The leading and most influential members of the five tribal governments, while opposed to territorial or statehood government, recognized the fact that it was inevitable, but they were bitterly opposed to any movement that looked toward the admission of the two territories as one state, they believing that in such a government their identity and influence as a race would be lost and submerged in the greater number of white citizens. If a change must come they wanted a state composed of the area included in the five nations in which they hoped to be a dominant influence.

In every session of Congress legislation was proposed looking to the admission of the Indian country and Oklahoma territory into the Union on some terms, and throughout what is now Oklahoma statehood became the engrossing subject of discussion. Conventions were assembled, meetings were held, and the public press was filled with discussions advancing different theories and views, and everywhere it was the matter of most vital interest to the people.

In 1905, what was known as the Omnibus Bill, providing for the admission of New Mexico and Arizona as a state, and Oklahoma Territory and Indian Territory as another, was introduced. Arizona bitterly resisted union with New Mexico, and the Indian Territory objected to admission with Oklahoma Territory.

A great convention was held in Delmar Garden in Oklahoma City, July 12, 1905, to urge upon Congress the separation of the Oklahoma question from that of Arizona and New Mexico, and the admission of Oklahoma and Indian Territory as one state.

How long the bitter fight between the advocates of single and double statehood would have continued can only be a matter of speculation, but for the intervention of an ill-considered call for a constitutional convention issued by Jas. A. Norman, a Cherokee citizen, on the 7th day of August, 1905, the convention to be assembled at Muskogee August 21st of that year. It is practically certain that this call would have had no real results but for the fact that C. N. Haskell, of Muskogee, who had been for several years engaged in the business of railroad construction and townsite promotion, and who became the first Governor of

Oklahoma, noticed the call and at once became interested.

The call for a convention, as published, bore only the signature of W. C. Rogers, Principal Chief of the Cherokee Nation, Green McCurtain, Governor of the Choctaw Nation, and J. A. Norman, who signed as "Secretary of call."

Mr. Haskell at once called on Chief Pleasant Porter of the Creek Nation, and suggested that a call should be issued by the executive officers of all five nations. To this Chief Porter agreed, and at Mr. Haskell's suggestion sent a telegram to each of the executive officers of the other nations requesting them to come to Muskogee. In response to this telegram a meeting was held in the Turner Hotel in Muskogee, at which Chief Porter of the Creeks, Chief Rogers of the Cherokees, Governor Green McCurtain of the Choctaws, Governor Brown of the Seminoles, and Hon. Wm. H. Murray, as representative of Governor Johnson of the Chickasaws, were present. Mr. Norman, who issued the first call, was also at the meeting. A new call for a convention was made by four of the governors, Mr. Murray not assuming to take that responsibility for the Chickasaws.

The importance of this meeting, as affecting the history of Oklahoma, cannot be understood without relating some circumstances attending it which so far have never been generally made known.

Every Indian of the five nations was bitterly opposed to single statehood, that is, a state in which both Oklahoma and Indian Territory should be admitted as one, and their chief executive officers, and all other representatives of the tribal governments at Washington, had strenuously contested all legislation looking to the creation of such a state. From their experience at Washington they recognized the futility of any effort for the passage of legislation admitting the Indian territory as a separate state.

In this conference it was agreed by all that the only possible hope for the creation of a state from the Indian Nations lay in the adoption of a constitution by the people such as would impress Congress with its fairness to all classes of citizens and all business interests within the proposed state, and demonstrate that the people were in fact capable of organizing a stable and satisfactory government for themselves, and, following the example of California adopt and offer a constitution to Congress for its approval.

A serious obstacle in the way of doing this was, that to hold an election for delegates to the constitutional convention, pay the expenses of the convention itself and the delegates for their services, to pay for the publicity necessary to properly submit the constitution to the people and hold an election for

its ratification, would require a large sum of money. The heads of the several Indian governments knew that there were no funds available for such purposes, and that Congress would not authorize the payment of such expenses from any tribal funds.

After considerable discussion, Mr. Haskell proposed to the heads of the several Indian governments that if they desired to make such an effort for the creation of a state government, he would finance the proposition in consideration that, if the plan ultimately failed and Congress finally refused to approve a constitution so prepared and adopted, the Chiefs and Governors of the several tribes would then withhold any further objection to the admission of both territories as a single state. This was agreed upon and a written contract to that effect was drawn and signed by the parties, and a call for the election of delegates to a constitutional convention was sent out.

As a result the Sequoyah convention was held, a constitution was written, submitted to the people and adopted by them by an overwhelming majority, was presented to Congress for its approval, and was rejected.

The heads of the tribal governments lived up to their agreement and thereafter made no further resistance to single statehood.

(The proposed state was named Sequoyah, and the constitution prepared at this convention is set forth in the appendix hereto.)

With the objection of the Indians withdrawn, the Enabling Act was passed and approved June 16, 1906, providing for the election of delegates to a constitutional convention to construct a constitution for the state of Oklahoma.

CHAPTER VII

MAKING A STATE

The Enabling Act authorizing the people of Oklahoma, through their chosen delegates, to prepare and submit for adoption a constitution for the state of Oklahoma, was not only a warrant of authority to the people, but was an act of limitation, limiting their powers and fixing certain conditions which must be complied with. The last section of the Act provided:

“That the constitutional convention provided herein shall, by ordinances irrevocable, accept the terms and conditions of this act.”

The name “Oklahoma” was fixed by Congress in this Act. It may be interesting to note that of the states admitted into the Union since the organization of the original thirteen colonies, the acts authorizing their admission permitted the following “to assume such name as they may deem proper”:—Alabama, Illinois, Indiana, Louisiana, Missouri, Mississippi, and Ohio.

The following states had not waited for the passage of an enabling act, but first selected their delegates, adopted their constitutions and named themselves, and the constitutions so adopted were accepted by Congress and the states admitted: Iowa, California, Florida, Idaho, Kansas, Maine, Michigan, Oregon, West Virginia and Wyoming.

As in Oklahoma, the following states were named by Congress in the act authorizing their constitutional conventions and admission: Colorado, Montana, North and South Dakota, Washington, Nebraska, Nevada, Arizona, New Mexico, Tennessee, Utah and Wisconsin.

Congress left Arkansas and Minnesota free to name their own states by including no provision regarding the name. Texas being a free Republic, was admitted by treaty and of course retained its own name.

It is probable that Congress fixed the name for Oklahoma in the belief that some contention might arise between the two territories being joined, as to the name. The east side having chosen Sequoyah in their constitutional convention.

The Enabling Act made certain constitutional provisions mandatory. Thus the framers of the constitution were compelled to make provision:

1. That perfect toleration of religious sentiment should be secured.

2. The manufacture, sale or distribution of intoxicating

liquor should be prohibited within that part of the state known as Indian Territory and the Osage reservation, and all other Indian reservations existing on the first day of January, 1906, such prohibition to extend for a period of twenty-one years from the admission of the state into the Union and thereafter until the people should amend the constitution.

3. The state should forever disclaim all right and title to unappropriated public lands within its boundary and to all lands owned and held by any Indian tribe or nation, leaving to the United States complete jurisdiction of the disposition and control thereof. That land belonging to residents of the United States non-resident within Oklahoma should never be taxed at a higher rate than land belonging to resident citizens thereof.

4. That the debts and liabilities of Oklahoma Territory should be assumed and paid by the state.

5. That a system of non-sectarian public schools should be established and maintained, open to all of the children of the state. That said schools should always be conducted in English. But permitted the establishment of separate schools for white and colored children.

It made one prohibitory requirement:

“That the state should never enact any laws restricting or abridging the right to suffrage on account of race, color or previous condition of servitude.”

It provided for the election of 112 delegates. 55 of the delegates were to be elected by the people of Oklahoma Territory, 55 from the Indian Territory, and 2 by the residents of Osage country.

The bill appropriated \$100,000.00 to defray the expenses of electing delegates and holding the convention.

The act set aside Sections 16 and 36 in each township in Oklahoma Territory to the state for the use and benefit of common schools, and because there was no public lands in the Indian Territory subject to this provision, the Bill appropriated \$5,000,000.00 for the use and benefit of the common schools of the state in lieu of Sections 16 and 36 of the Indian Territory. It set aside Section 13 of each township in the Cherokee outlet, the Tonkawa Indian reservation and the Pawnee Indian reservation for use and benefit of the University of Oklahoma, and University Preparatory school, normal schools, A. & M. College, and the colored Agricultural Normal University. And further provided that the lands so reserved, or the proceeds of the sale

thereof, shall be kept or reserved and held by the state and that only the interest and income therefrom should be used.

This bill also set aside Section 33 in each township for charitable and penal institutions and public buildings.

Thus we had an operating capital to begin with of something more than 3,000,000 acres of land and \$5,000,000.00 in cash as an endowment for public schools, education and charitable institutions and public building fund.

We had a population of 1,414,177. This population was about equally divided between the two Territories, and in former chapters we have tried to give the reader some knowledge of the various classes making up this population.

The election of delegates called forth a spirited and determined contest between the two dominant political parties, each seeking to secure a majority of delegates in the convention.

There were at the same time a number of other well organized groups within the state seeking constitutional provisions favorable to their interests and desires.

The different labor organizations and the Farmers' Union were then perhaps better organized and had larger memberships than at any time since, and these groups were militant and persistent in their demands that provisions be written into the constitution favorable to their classes. Questionnaires and demands were prepared and presented to each candidate for delegate, regardless of party affiliations.

The final result of the election held November 6, 1906 showed that there had been elected 99 Democrats, 12 Republicans and one Independent.

The constitutional convention assembled November 20, 1906 and Wm. H. Murray of Tishomingo, in the Chichasaw Nation, was elected President of the convention.

In this constitutional convention were brought together delegates who had come from every section of the United States, each with his own preconceived ideas of what should be written into the constitution, and each determined to see that his ideas were included.

This convention, and the first Legislature, were perhaps two of the most difficult bodies to unify and harmonize that have ever assembled for law-making purposes. Wm. H. Murray was also selected Speaker of the first House of Representatives. Henry S. Johnston was chosen President Protem of the Senate.

Some of the great inequalities and differences of the two Territories which had to be considered and harmonized were;

Oklahoma Territory had legalized open saloons; Indian Territory was dry and must remain so for at least 21 years.

Oklahoma Territory had established and equipped educational institutions, Indian Territory had none.

Practically all of the real property in Oklahoma Territory was taxable, but a very small part of that in the Indian Territory was.

The jealousies and enmities, the distrust and suspicion growing out of the years of contention as to the admission of the state into the Union were carried over into the convention.

Oklahoma Territory had a system of laws built up through 16 years of organized territorial government; the Indian Territory had the laws of six Indian governments, a part of the laws of the State of Arkansas, and the laws of the United States relating exclusively to what has been known as the Indian country. Property rights had become fixed under all of these systems, and eight different governments must now be amalgamated into one. But it was done, and the people of Oklahoma were given a sound and constructive constitution, one far advanced in some of its provisions beyond that of any other constitution in the Union.

Oklahoma Territory had incurred indebtedness and owed approximately \$4,367,000.00, which the new state was bound to assume and pay, but it had in its treasury, which was later turned over to the treasury of the new state, funds amounting to \$932,584.86.

The Constitution as prepared by the delegates was submitted to the people at an election called by proclamation for September 17, 1907. At the same election all the officers provided under the constitution were to be selected by the people.

The Republican party denounced the constitution and opposed its adoption. The Democrats naturally advocated its adoption, it being an instrument of their own creation. This was the first election in which the people of the proposed state had ever been permitted to express their choice for all the officials that were to govern them and it was probably largely due to this reason and to their desire to thereafter choose those who should govern them, that the constitution was adopted by such an overwhelming majority.

After its adoption by the people, the constitution was submitted to the President of the United States for his approval and on the morning of the 16th of November, 1907, President Theodore Roosevelt signed the proclamation approving the constitution and admitting Oklahoma into the Union. The state, county and township officials were sworn into office and state government became operative.

But the preliminary work of state making was not completed until the first legislature enacted a code of laws to make

the constitution fully operative, and to govern the people of the state. The first legislature convened at Guthrie on the 2nd day of November, 1907. Of this first legislature 38 members of the Senate were Democrats, 5 were Republicans. Of the House of Representatives 93 were Democrats and 16 Republicans. All administrative officers of the state government were Democrats.

In the tables and statistics hereinafter set forth, we shall endeavor to show the material progress of the state through the intervening years, the purpose being to show the comparative growth of government cost to the growth of the state in population and wealth, and as nearly as possible, where the increased governmental cost has been incurred and from what sources the money has been derived with which to pay therefor.

Part II
Oklahoma History In Figures

PART TWO

Oklahoma History In Figures

Part Two will consist largely of statistical matter relating to the government of Oklahoma since its admission to the Union, the development of the state, and the cost of government. In it will be shown the tremendous increase in governmental agencies and institutions and the increased governmental cost as compared to the increase of population and material wealth.

In two departments of the government it has been impossible to obtain complete authentic information; those are the department of highways, and the school land department. We have been compelled to omit any statistics as to highways other than the cost of highways solely within the jurisdiction of the county governments. And only meager information can be furnished as to the condition of the school fund and school lands of the state.

The compilation of most of the statistical material herein was under the supervision of the State University at Norman and it can be accepted as reliable.

TABLE 1.—is a list of the state officers elected at the successive elections from 1907 to 1927 inclusive. All of these have been Democrats. Since statehood not a single Republican has been elected to a state executive office.

TABLE 2.—shows the votes cast in each election since statehood by all parties.

TABLE 3.—shows, (1) the educational institutions organized and in operation in Oklahoma territory at the admission of the state; (2) the state offices provided by the constitution and elected at the first election; (3) the only governing Board in the state at that time.

TABLE 4.—shows the state offices, schools, boards and commissions, eleemosynary institutions, hospitals and asylums, and penal institutions added and created since statehood.

TABLE 5.—shows the growth of population.

TABLE 6.—shows the increase in property values as fixed for purposes of taxation.

TABLE 7.—shows the agricultural production and farm value of the different farm crops raised in Oklahoma for the years shown on the table.

TABLE 8.—shows the growth of manufactures.

TABLE 9.—shows the output of crude oil, coal, lead and zinc produced in Oklahoma each year since statehood, with the value of same.

TABLE 9-A.—shows the output of oil in barrels each year where records were available, since the discovery of oil in Oklahoma in 1891. This table furnished by Chas. I. O'Neill, Secretary of the Independent Oil Association of Oklahoma.

TABLE 9-B.—shows the mine production of lead and zinc ores in Oklahoma by tons, and the average value of them each year, and was furnished

by M. D. Harbaugh, secretary of the Lead and Zinc Producers organization.

TABLE 10.—shows the number of banks, gross deposits, and number of bank failures since 1916.

TABLE 11.—shows the railroad mileage and tax value of same for the years 1914 to 1927 inclusive.

TABLE 12.—shows the number of automobile registrations since 1920.

TABLE 13.—shows the growth of telephone communication in the state since 1913.

TABLE 14.—shows the increased value of assessed real estate property in the state, 1914 to 1926 inclusive.

TABLE 15.—shows the increase in employees and officials of the state departments named in the table, and the increase in the appropriations made for their compensation.

TABLE 16.—shows the increase in appropriations for state government since the fiscal year 1909-1910.

TABLE 17.—shows the sources from which the state receives its funds.

TABLE 18.—shows the educational and penal institutions at the time of the admission of the state and the appropriations made for same for the first 19½ months of state government; and following shows also the educational and penal institutions now in operation by the state and the appropriation for the same for the last fiscal year.

TABLE 19.—shows the appropriations for the offices and departments of government for the 19½ months following the admission of the state into the Union, and for the same offices and departments for the last fiscal year.

TABLE 20.—shows the comparative value of privately owned real and personal property in the state and the value for tax purposes of public service property for the past three fiscal years.

TABLE 21.—Ad valorem tax levies and income tax collections.

TABLE 22.—Legislative appropriations.

TABLE 23.—State and Federal income taxes compared.

TABLE 24.—Sources of State Income.

TABLE 25.—Disbursement of Funds.

TABLE 26.—Departmental Costs.

TABLE 27.—Inventory State Property.

TABLE 28.—Tax Rates and Valuation.

TABLE 29.—Bond Issues.

TABLE 30.—School Fund Securities.

TABLE 31.—1928 Valuation.

TABLE 32.—1930 Population.

TABLE 33.—Public Service Valuation.

TABLE 34.—Cost of County Government, Highways and Common Schools.

TABLE 35.—Scholastic Enumeration.

TABLE 36.—U. S. Appropriations to Oklahoma.

TABLE 1
State Officers Elected

OFFICE.	First Term 1907	Second Term 1911	Third Term 1915
Governor	C. N. Haskell	Leo Cruce	R. L. Williams
Lieutenant Governor	Geo. W. Bellamy	J. J. McAlester	M. E. Trapp
Secretary of State	Bill Cross	F. F. Harrison	J. L. Lyon
State Auditor	M. E. Trapp	Leo Meyer	E. B. Howard
Attorney General	Chas. West	Chas. West	S. P. Freeling
Treasurer	J. A. Menefee	Robt. Dunlop	W. L. Alexander
Supt. of Public Instruction	E. D. Cameron	R. H. Wilson	R. H. Wilson
Examiner and Inspector	Chas. A. Taylor	C. A. Taylor	Fred Parkinson
Commissioner of Labor	C. L. Daugherty	C. L. Daugherty	W. G. Ashton
Charities and Corrections	Kate Barnard	Kate Barnard	W. D. Matthews
Pres. Bd. of Agriculture	J. T. Connors	G. T. Bryan	F. M. Gault
Clerk Supreme Court	W. H. L. Campbell	W. H. L. Campbell	W. M. Franklin
Insurance Commissioner	T. J. McComb	F. A. Ballard	A. L. Welch
Chief Mine Inspector	Pete Hanratty	Ed Boyle	Ed Boyle

OFFICE.	Fourth Term 1919	Fifth Term 1923	Sixth Term 1927
Governor	J. B. A. Robertson	J. C. Walton	H. S. Johnston
Lieutenant Governor	M. E. Trapp	M. E. Trapp	W. J. Holloway
Secretary of State	Joe Morris	R. A. Sneed	Graves Leeper
State Auditor	Frank Carter	C. C. Childers	A. S. J. Shaw
Attorney General	S. P. Freeling	Geo. Short	Ed Dabney
Treasurer	A. N. Leecraft	A. S. J. Shaw	R. A. Sneed
Supt. of Public Instruction	R. H. Wilson	M. A. Nash	M. A. Nash
Examiner and Inspector	Fred Parkinson	Fred Parkinson	John Rogers
Commissioner of Labor	Claude Connally	Claude Connally	W. A. Pat Murphy
Charities and Corrections	W. D. Matthews	Mabel Bassett	Mabel Bassett
Pres. Bd. of Agriculture	J. A. Whitehurst	J. A. Whitehurst	Harry B. Cordell
Clerk Supreme Court	W. A. Franklin	W. M. Franklin	Jessie E. Moore
Insurance Commissioner	A. L. Welch	E. W. Hardin	Jess G. Read
Chief Mine Inspector	Ed Boyle	Ed Boyle	Miller D. Hay

NOTE TO TABLE 1 (State Officers Elected.)

So far there has never been a Republican elected to one of the above state offices.

Bill Cross, the first Secretary of State, died and Thos. B. Smith was elected to succeed him August 6, 1910.

T. J. McComb, Insurance Commissioner, resigned and Milas Lasater was appointed to succeed him November 30, 1909.

D. F. Harrison, Secretary of State, resigned and H. G. Oliver was appointed in his stead January 2, 1915.

Leo Meyer, State Commissioner, resigned, and Thos. C. McClellan was appointed to fill the vacancy February 12, 1913.

C. A. Taylor, Examiner and Inspector, died and Fred Parkinson was appointed to succeed him July 31, 1912.

P. A. Ballard, Insurance Commissioner, resigned and A. L. Welch was appointed April 29, 1913.

The office of State Printer was abolished during the term for which Giles Farris was elected.

W. G. Ashton, Commissioner of Labor, resigned and Claude Connally was appointed August 8, 1917.

S. B. Freeling, Attorney General, resigned. Geo. Short was appointed to fill the vacancy February 7, 1922.

A. L. Welch, Insurance Commissioner, resigned and E. W. Hardin was appointed January 1, 1920.

J. C. Walton, Governor, was removed by impeachment, and succeeded by M. E. Trapp.

E. W. Hardin, Insurance Commissioner, resigned. Jess G. Read was appointed January 17, 1924.

Fred Parkinson, Examiner and Inspector, resigned. Geo. J. Mechling was appointed.

M. A. Nash resigned and Jno. S. Vaughan was appointed Superintendent of Public Instruction April 9, 1927.

H. S. Johnston, Governor, was removed by impeachment, and succeeded by W. J. Holloway.

Ed Dabney, Attorney General, resigned. J Berry King was appointed.

TABLE 2
Votes Cast in Oklahoma Since Statehood

	1907	1910	1912	1914	1916	1918	1920	1922	1924	1926	1928
Total Vote	134,162	120,218	148,113	100,597	120,446	104,117	217,783	280,206	255,798	213,167	219,174
Democrat	106,507	99,527	97,233	95,904	85,698	82,985	247,719	230,469	225,755	170,714	394,046
Republican	9,740	24,707	45,190	52,703	41,283	7,428	23,664	3,941	5,234	1,350	3,924
Progressive			234	4,189							
Prohibition		3,214									
Independent			1,646	206					1,533	431	
Farm-Labor									41,141	1,646	1,283
Total	250,409	247,666	292,416	253,599	247,427	194,530	489,166	514,616	527,928	387,308	618,427

The certificate of the Secretary of State making effective the 19th a mendment to the constitution of the United States was issued August 26, 1920. This amendment reads:

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.”
This accounts for the great increase of the votes shown in the above table for 1920, and succeeding years.

TABLE 3**State Government Officials, Boards and Commissions, 1907****Schools**

Agricultural and Mechanical College
 Agricultural and Normal University (colored)
 Business Academy
 Central State Teachers College
 Deaf, School for
 Northwestern State Teachers College
 Southwestern State Teachers College
 University of Oklahoma.

State Officers

Attorney General
 Auditor
 Bank Commissioner
 Chief Mine Inspector
 Commissioner of Charities and Corrections
 Commissioner of Labor
 Corporation Commission
 District Judges
 Examiner and Inspector
 Governor
 Insurance Commissioner
 Lieutenant Governor
 Secretary of State
 Superintendent of Public Instruction
 Supreme Court
 Supreme Court, Clerk of
 Treasurer

Boards and Commissions

Agriculture, Board of

TABLE 4**State Government Officials, Boards and Commissions Created Since 1907-8****State Officers**

Adjutant General
 Commissioner of Health
 Commissioner of Pensions
 Criminal Court of Appeals
 Fire Marshal
 Game and Fish Department
 Highways, Department of
 Librarian
 Reporter
 Supreme Court Commission.

Schools

Blind, School for	Cameron School of Agriculture
College for Women	Connors School of Agriculture
Eastern Oklahoma College	East Central State Teachers College
Military Academy	Murray School of Agriculture
Mines, Wilburton	Northeastern State Teachers College
Northeastern Junior College	Panhandle School of Agriculture
Southeastern State Teachers College	Southwestern State Teachers College

Boards and Commissions

Accountancy, Board of
 Adult Blind, Board of Commissioners
 Arbitration and Conciliation, Board of
 Architects, Board of Examiners
 Banking Board
 Bar Commission
 Building and Loan Board
 Chiropractic Examiners, Board of
 Criminal Identification, Bureau of
 Dental Examiners, Board
 Drainage and Irrigation
 Education, Board of
 Election Board
 Eleemosynary Institutions, Board of
 Embalmers, Board of
 Equalization, Board of
 Forest Commission
 Free Fair Association, Board of Directors
 Geological Survey
 Historical Society
 Industrial Commission
 Insurance Board
 Issues Commission
 Land Office, Commissioners of the
 Library Commission
 Live Stock Registry Board
 Market Commission
 Medical Examiners, Board of
 Mining Board
 Nurses, Board of Registration
 Optometry, Board of
 Osteopathy, Board of
 Petroleum Experiment Station
 Pharmacy, Board of
 Public Affairs, Board of
 Soldiers' Memorial Commission
 Soldiers' Relief Commission
 Veterinary Examiners, Board of
 Vocational Education.

Eleemosynary Institutions.

Colored Deaf, Blind and Orphan Institute
Confederate Soldiers' Home
Institute for Feeble Minded
Union Soldiers' Home
Western State Home for Orphans
Whitaker State Home for Orphans

Hospitals and Asylums

Central Hospital for Insane
Eastern Hospital for Insane
Eastern Tubercular Sanitarium
Tubercular Sanitarium (colored)
University Hospital
Western Hospital for Insane
Western Tubercular Sanitarium

Penal Institutions

Industrial School for Girls
Penitentiary
Reformatory
Training School for Negro Boys
Training School for Negro Girls
Training School for White Boys

TABLE 5

Population of Oklahoma

	Rural	% Inc. Rural	Urban	% Inc. Urban	Total	% Inc. Total
1890	249,173		9,484		258,651	
1900	731,974	193.8	58,417	516.0	790,391	109.7
1910	1,337,000	82.7	320,155	448.1	1,657,155	205.5
1920	1,488,803	11.4	539,480	68.5	2,028,283	22.4
1926					2,334,000 (1)	
1929					2,333,653 (2)	
1930					2,376,885 (a)	23.3 (4)

2,376,885

2,028,203

1,414,177



- (1) Estimate of U. S. Census Bureau.
- (2) Estimate of Southwestern Bell Telephone Co.
- (3) Increase over 1920 census.
- (a) First published report of census for 1930 may be subject to some corrections and revisions. (Published June 15, 1930).
- (b) The population of Oklahoma in 1907, the year in which Oklahoma was admitted as a state, was 1,414,177.

Increase

68%

TABLE 6

State of Oklahoma
Valuation of Property
Per State Board of Equalization

Valuation at end of Fiscal Years	Total
1908	733,526,360
1909	869,474,736
1910	937,514,032
1911	1,326,840,833
1912	1,193,655,846
1913	1,177,079,420
1914	1,177,147,345
1915	1,187,564,318
1916	1,243,811,724
1917	1,335,220,527
1918	1,439,581,118
1919	1,664,448,745
1920	1,695,188,207
1921	1,739,235,008
1922	1,671,753,031
1923	1,686,208,728
1924	1,665,556,451
1925	1,673,973,198
1926	1,697,364,364
1927	1,729,342,830
1928	1,791,424,587
1929	1,850,263,038.13

TABLE 7

Agriculture in Oklahoma

Products	1909	1919	1926	1927	1928	1929
Cotton						
Acreage	1,976,935	2,732,962	4,676,000	3,601,000	4,249,000	4,492,000
Production (Bales)	555,742	1,143,000	1,773,000	1,037,000	1,180,000	1,200,000
Farm Value	35,399,356	178,839,000	85,663,000	102,663,000	100,300,000	94,200,000
Wheat						
Acreage	1,169,420	4,702,280	4,214,000	3,708,000	4,413,000	4,236,000
Production (Bu.)	14,008,334	65,761,843	73,745,000	33,372,000	59,576,000 (1)	44,478,000
Farm Value	13,854,322	140,730,350	87,019,000	40,046,000	59,576,000	44,033,000
Corn						
Acreage	5,914,069	2,472,905	2,353,000	3,177,000	3,050,000	3,020,000
Production (Bu.)	94,283,407	53,851,093	61,178,000	84,190,000	70,150,000	48,320,000
Farm Value	48,080,554	72,698,970	34,260,000	49,672,000	47,702,000	38,173,000
Grain Sorghums						
Acreage			1,817,000	1,744,000	1,709,000	1,384,000
Production (Bu.)			34,523,000	34,880,000	30,762,000	20,483,000
Farm Value			15,535,000	17,440,000	19,072,000	13,314,000
Oats						
Acreage	609,373	1,573,055	1,340,000	1,112,000	890,000	792,000
Production (Bu.)	16,606,154	45,470,191	37,520,000	21,128,000	23,140,000	20,592,000
Farm Value	7,172,267	36,376,150	13,882,000	9,296,000	10,876,000	9,884,000
Cotton Seed						
Production (tons)	277,871	473,943	787,000	460,000	524,000	553,000
Farm Value	5,788,052	26,540,808	12,120,000	17,020,000	17,816,000	16,523,000
Tame Hay						
Acreage	335,096	617,456	572,000	566,000	576,000	668,000
Production (tons)	457,588	1,021,881	883,000	901,000	841,000	875,000
Farm Value	4,235,347	21,750,828	10,596,000	9,641,000	10,681,000	11,987,000
(1) All Others						
Farm Value	8,499,702	30,305,295	17,842,000	17,209,000	15,639,999	32,563,000

(1) This consists of Barley, Rye, Potatoes (both white and sweet), Sorghum Syrup, Wild Hay, Broomcorn, Peanuts, Apples, Peaches, and Pears.

For the years 1909 and 1919 no complete information was obtainable as to the production of grain sorghums and their values. For this item we take what we believe to be a fair estimate of \$12,000,000 for the year 1909 and \$22,000,000 for the year 1919.

This gives us a total farm value for production of these years as follows:

1909	\$135,079,600.
1919	507,241,401.
1929	260,677,000.

1919 being a war year the farm value was proportionately much greater than for any other years shown in the table.

TABLE 8
Manufacturing in Oklahoma

Year	Number of Establishments	Average Number of Wage Earners	Average Wage	Value of Products
1899	495	2,381	\$ 387.01	\$ 8,133,000
1904	1,123	5,456	518.01	24,459,000
1909	2,316	13,143	550.88	53,682,000
1914	2,518	17,443	631.26	102,005,000
1919	2,445	29,503	1,187.20	401,362,000
1923 (1)	1,231	25,358	1,299.24	312,789,000
1925 (1)	1,274	26,163	1,300.91	400,291,000
1927 (1)	1,373	27,932	1,281.16	371,718,000

(1) Establishments with annual product with value of \$5,000 and over.

(2) Source: U. S. Census of Manufacture.

(a) Manufacture as stated in the above table include all refined products of oil and gas, minerals reduced from the ore to refined products, and lumber, shingles and such materials made from timber. These compose by far the great volume of manufactured articles in Oklahoma. (Editor)

TABLE 9

Oil and Minerals

Year	Crude Oil			Coal		Zinc Concentrates Sphalerite		Lead Concentrates Galena	
	Prod. (Bbls.)	Average Price	Value	Prod. (tons)	Value	Prod. (tons)	Value	Prod. (tons)	Value
1907	44,205,301			3,624,658	7,433,914	3,076	119,008	667	45,046
1908	45,799,000	.42	19,235,580	2,948,116	5,976,504	10,038	249,991	2,236	118,333
1909	47,859,000			3,119,377	6,253,367	16,584	568,614	4,306	223,377
1910	52,029,000			2,646,226	5,867,947	13,976	447,043	3,638	188,063
1911	56,069,000			3,074,242	6,921,494	10,661	330,943	3,189	171,359
1912	51,427,000	.93		3,675,418	7,867,331	12,129	494,379	4,237	231,678
1913	63,579,000	.80	59,128,470	4,165,770	8,542,748	24,103	766,392	7,810	403,097
1914	73,632,000	.58	58,905,600	3,988,613	8,204,015	28,365	926,733	9,402	443,543
1915	117,910,444	1.26	133,799,702	3,693,580	7,435,906	28,412	1,911,402	9,269	506,369
1916	106,190,240	1.78	174,837,097	3,608,011	7,525,427	55,124	4,118,723	15,244	1,283,789
1917	97,674,356	2.20	195,385,899	4,386,844	12,335,413	159,656	10,762,324	32,755	3,301,534
1918	84,950,391	2.50	222,530,328	4,813,447	17,508,884	300,702	15,182,135	69,912	6,190,431
1919	95,588,588	3.40	366,686,600	4,839,288	23,294,000	337,071	14,494,562	67,830	4,603,520
1920	107,849,000	1.70	196,655,279	4,362,623	14,456,000	407,569	18,320,375	81,464	7,652,052
1921	115,679,576	1.81	270,723,510	2,892,511	11,527,000	225,569	5,150,154	52,236	2,741,110
1922	149,571,000	1.44	231,737,760	2,885,038	10,874,000	389,144	13,375,413	79,716	5,988,486
1923	160,929,000	1.45	251,630,100	2,800,000	10,640,000	463,090	18,731,194	85,474	8,115,868
1924	173,538,000	1.68	314,647,040	2,408,174	10,606,000	516,228	21,127,909	91,882	9,801,526
1925	176,768,000	1.89	338,678,550	3,045,295	11,225,000	549,211	27,809,581	103,359	12,106,094
1926	179,195,000	1.29	356,068,411	3,388,670	12,097,551	531,695	24,406,164	90,625	9,692,169
1927	276,022,024	1.20	297,001,021	3,500,187	12,495,667	404,228	15,475,966	67,444	5,852,023
1928	247,500,851			3,639,234	12,991,865	354,071	12,832,797	56,839	4,591,975
1929	252,272,104					391,088	16,585,764	63,886	5,640,683

Supplied by University of Oklahoma.

TABLE 9-A

From the records of the U. S. Geological Survey on file in the office of the Independent Oil Association of Oklahoma at 216 South Morton Avenue, Okmulgee, Okla. Compiled by the Secretary of the association Charles I. O'Neill.

**Known Oil Production of the State of Oklahoma from the Discovery of Oil
in 1891 to the Close of 1929.**

Year	Barrels
1891	30
1892	80
1893	10
1894	130
1895	37
1896	170
1897	625
1898	*-----
1899	-----
1900	6,472
1901	10,000
1902	37,100
1903	138,911
1904	1,366,748
1905	8,013,495
1906	18,718,648
1907	43,524,128
1908	45,798,765
1909	47,859,218
1910	52,028,718
1911	56,069,637
1912	51,427,071
1913	63,579,384
1914	73,631,724
1915	97,915,243
1916	107,071,715
1917	107,507,471
1918	103,347,070
1919	81,127,900
1920	105,725,000
1921	113,978,000
1922	149,571,000
1923	160,924,000
1924	173,538,000
1925	176,760,000
1926	177,651,198
1927	276,022,024
1928	247,500,851
1929	252,229,474

Total—39 years.

Active oil wells in Oklahoma, Dec. 31, 1929, 61,016:—daily average production per well per day 11.33 barrels.

**No records available.

TABLE 9-B
Mine Production Oklahoma—Zinc and Lead Ores

Year	Tons Zinc Concentrates Sphalerite	Total Value	Value per ton	Tons Lead Concentrates Galena	Total Value	Value per Ton
1907	3,076	119,008	\$38.69	667	\$ 45,046	\$67.54
1908	10,038	249,991	24.90	2,236	118,333	52.92
1909	16,584	568,614	34.29	4,306	223,377	51.88
1910	13,976	447,043	31.99	3,638	188,063	51.69
1911	10,661	330,943	31.04	3,189	171,357	53.73
1912	12,129	494,379	40.76	4,257	231,678	54.42
1913	24,103	766,392	31.80	7,810	403,097	51.61
1914	28,365	926,738	32.67	9,402	443,543	47.18
1915	28,412	1,911,402	67.27	9,269	506,369	54.63
1916	55,124	4,118,723	74.72	15,344	1,283,789	83.67
1917	159,656	10,762,324	67.41	32,755	3,301,534	100.73
1918	300,702	15,182,135	50.49	69,912	6,190,431	88.55
1919	337,071	14,494,562	43.00	67,830	4,603,520	67.87
1920	407,569	18,320,875	44.95	81,464	7,652,052	93.94
1921	225,569	5,150,154	22.83	52,236	2,741,110	52.48
1922	389,144	13,375,413	34.37	79,716	5,988,486	75.12
1923	463,090	18,731,194	40.45	85,474	8,115,868	94.95
1924	516,228	21,127,909	40.93	91,882	9,801,326	106.68
1925	549,211	27,809,581	50.64	103,359	12,106,094	117.13
1926	531,695	24,406,164	45.91	90,625	9,692,169	106.95
1927	404,228	15,475,966	38.29	67,444	5,852,023	86.77
1928	354,071	12,852,797	36.30	56,839	4,591,975	80.79
*1929	391,088	16,585,764	42.41	63,886	5,640,083	88.29
1907-1928 Incl.	4,840,702	207,622,307	Average 42.89	939,674	84,251,440	Average 89.66
1907-1923 Incl.	3,454	86,840	Average Value per ton \$25.14			

*All figures except for 1929 are from U. S. Bureau of Mines; 1929 figures are shipments as published by Joplin Globe.—M. D. Harbaugh.

TABLE 10
Banking and Finance

Year	Number of Banks			Individual Deposits			Number of Bank Failures		
	National	All Others	Total	National	All Others	Total	National	All Others	Total
1916	335	553	888	111,622,000	53,259,000	164,881,000	8	1	9
1917	336	558	894	156,476,000	77,019,000	233,495,000	8	0	8
1918	340	579	919	176,835,000	99,846,000	276,681,000	0	2	2
1919	343	582	925	199,309,000	113,697,000	313,006,000	1	2	3
1920	348	611	959	268,685,000	169,869,000	438,554,000	0	2	2
1921	359	622	981	216,173,000	138,815,000	354,988,000	1	10	11
1922	447	486	933	266,314,000	74,571,000	340,885,000	1	37	38
1923	459	445	904	281,905,000	70,404,000	352,309,000	4	13	17
1924	421	387	808	261,032,000	58,560,000	319,592,000	5	58	63
1925	393	380	773	299,792,000	76,770,000	376,562,000	18	8	26
1926	370	368	738	322,218,000	80,388,000	402,606,000	8	13	21
1927	350	346	696	327,233,000	80,763,000	407,996,000	6	22	28
1928	325	336	661	244,316,000	81,731,766	326,047,766	6	22	28
1929	292			219,463,000	79,317,078	298,780,078			

Debits to Individual Accounts
(In Millions)

Year	
1925	3,007
1926	3,446
1927	3,603
1928	3,813
1929	4,355

Supplied by University of Oklahoma.

TABLE 11
Railroads in Oklahoma

Year	Main	Mileage Side	Total	Total Value of all
	Lines	Tracks		Railway Property (1)
1914	6,382.35	1,521.24	7,903.59	197,945,748
1915	6,271.53	1,471.88	7,843.41	200,452,097
1916	6,421.03	1,609.53	8,030.56	200,702,205
1917	6,333.75	1,620.35	7,954.10	201,656,834
1918	6,461.47	1,751.97	8,213.44	203,551,619
1919	6,439.54	1,842.98	8,282.52	204,473,389
1920	6,481.84	1,869.46	8,351.30	203,971,529
1921	6,528.28	1,923.50	8,451.78	205,248,139
1922	6,564.29	1,967.66	8,531.95	190,220,872
1923	6,597.54	1,994.32	8,591.86	190,006,166
1924	6,615.56	2,055.78	8,671.34	187,494,847
1925	6,583.58	2,072.33	8,655.91	186,255,342
1926	6,598.11	2,051.01	8,649.12	186,041,937
1927	6,615.25	2,093.31	8,708.56	189,201,510
1928				189,753,994
1929				
1930				

(1) The "Total Value of All Railway Property" includes buildings, real estate.

TABLE 12

Auto Registrations in Oklahoma

Year	Registrations
1920	204,300
1921	
1922	249,659
1923	307,000
1924	369,903
1925	424,345
1926	499,938
1927	503,126
1928	529,843
1929	586,872

586,872

Supplied by University of Oklahoma.

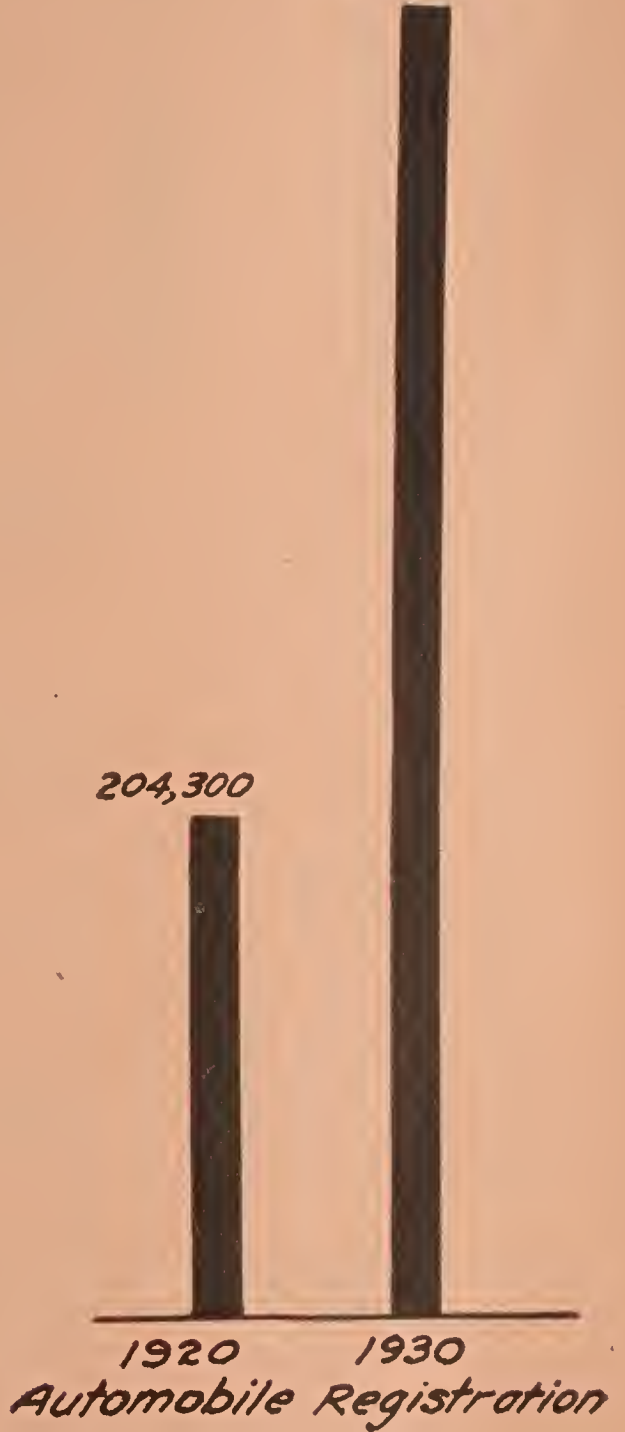


TABLE 13
Communication

Year	Toll Calls*	Number of Telephones	Telephones per 100 Population**
1913	3,400,000		
1914	3,700,000	153,509	7.22
1915	4,400,000	164,000	7.41
1916	5,400,000	181,000	7.58
1917	6,200,000	193,000	8.04
1918	5,900,000	201,000	8.27
1919	6,400,000	215,000	8.30
1920	7,600,000	228,000	8.57
1921	7,400,000	232,000	8.76
1922	7,900,000	241,000	11.03
1923	8,000,000	248,000	11.26
1924	8,600,000	253,000	11.35
1925	9,600,000	255,000	11.71
1926	11,000,000	269,000	11.68
1927	11,400,000	280,000	11.60
1928	12,400,000	295,000	12.03
1929	13,100,000	311,000	12.84

*Does not include all but is on comparable basis.

**Estimated.

Supplied by University of Oklahoma.

TABLE 14
State of Oklahoma
Assessed Real Estate Property

Year	No. of Acres Assessed	Total Assessed Value of Land	Average Assessed Value per Acre	Total Assessed Value of Improvements	Total Assessed Value of Improvements and Land Combined
1914	29,665,931	397,383,209	1,340	41,613,351	438,996,560
1915	30,561,311	418,352,166	1,369	41,869,861	460,222,027
1916	30,793,473	421,099,523	1,368	39,698,547	460,798,070
1917	32,277,594	434,336,635	1,340	46,007,403	480,344,038
1918	33,408,218	457,730,288	1,370	46,766,166	504,496,454
1919	34,459,073	578,067,784	1,678	62,698,503	640,766,287
1920	34,806,501	581,504,859	1,671	60,512,440	642,017,299
1921	36,252,936	601,920,463	1,660	61,491,082	663,411,545
1922	36,590,474	603,847,456	1,650	67,425,806	671,273,262
1923	36,703,692	576,887,833	1,572	62,758,206	639,646,039
1924	37,405,610	577,236,282	1,543	62,732,303	639,968,585
1925	37,901,902	567,804,563	1,498	64,159,296	631,963,859
1926	37,844,229	567,889,563	1,501	63,759,777	631,649,340

This information was obtained from the reports of the Santa Fe Railroad.

NOTE: The gradual increase in acreage assessed is accounted for by the fact that each year some additional Indian lands become taxable.

Supplied by University of Oklahoma.

TABLE 15

Number of Employees and Officials in State Departments and Their Compensation as Provided by the Appropriations Made During 1909, 1919, & 1929

Department	No. of Employees & Officials			Salaries of Employees & Officials		
	1909	1919	1929	1909	1919	1929
Governor	4	8	11	9,200	17,450	26,150
Lieutenant Governor	2	2	2	2,200*	3,175*	2,500
Attorney General	9	17	21	19,200	36,550	60,400
Secretary of State	19	9	10**	18,040	13,900	17,500
State Auditor	10	4	41	14,800	7,900	72,900
State Treasurer	6	16	14	9,700	26,700	26,100
State Examiner & Inspector	9	15	21	16,800	29,300	41,900
Mining Department	6	6	14	9,900	11,400	15,870
Insurance Department	6	9	6	9,100	15,650	10,450
Charities & Corrections	3	3	11	3,900	5,200	20,500
Department of Labor	5	13	15	7,100	19,220	21,420
Public Instruction	5	10	20	8,500	17,900	29,800
Supreme Court	19	27	45	40,820	89,400	153,500
Criminal Court of Appeals	6	6	6**	21,150	22,800	23,800
District Court	26	68	96	156,000	197,200	278,400
Accounting Department		7			11,300	
Gross Prod. Tax Dept.		6(?)			10,500	
Income Tax Department		8(?)			13,800	
Warrant Department		3			3,900	
Public Service Tax Dept.		2			3,300	
Inheritance Tax Dept.		1			1,800	
State Banking Department		19	19		36,800	55,900
State Board of Health		28	35		42,300	73,500
State Library		3	3		4,200	5,100
State Election Board		3	3		5,400	5,400
Board of Public Affairs		46	19		64,150	45,900
Military Department		5	17		8,200	26,950
Custodians of Buildings		5	8		6,600	10,200
Board of Agriculture		26	34		40,800	58,080
Industrial Commission		13	23		22,800	37,320
Corporation Commission		32	55		65,850	124,050
Fire Marshall		4	7		7,800	15,000
Market Commission		9	12		15,420	24,720
Land Office		49	42		76,160	93,000
Highway Engineering		34			30,300	
Confederate Pension Fund		12			20,400	
State Issues			2			3,500
Board of Equalization		1	1		2,500	2,500
Bureau of Criminal Identification			2			4,200
State Reporter			4**			10,800
Maintenance of Buildings			2			4,380
Okla. Library Commission			59			38,750
			2			3,800
	135	529	682	346,410	1,008,025	1,444,240

*The Lieutenant Governor was acting as Governor.

**Only the approximate number of employees and their salaries are available. In several instances, the appropriations provided a certain amount for extra help, but did not provide that this extra help should consist of any definite number of employees. The discrepancies are so slight, of course, that there is no very significant difference made in the totals.

Supplied by University of Oklahoma.

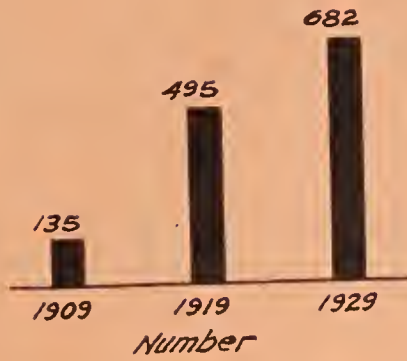


TABLE 16
Appropriations—State of Oklahoma

	1909-1910	1919-1920	1929-1930
Executive Department Administration	59,800.00	45,261.04	74,675.00
Regulatory Expense	360,480.00	1,427,569.43	1,051,116.00
Education	291,675.00	453,595.14	553,338.75
Oklahoma University			
A. & M. College	302,882.72	755,469.37	1,816,620.76
Normal Schools	268,036.59	530,706.00	1,439,751.00
Okla. College for Women	796,170.40	712,691.70	1,472,922.50
Colored Agric. & Normal Univ.	21,652.28	169,650.00	210,000.00
Miscellaneous Schools	553,036.14	155,400.00	245,000.00
Educational Administration	13,380.00	341,075.00	952,870.00
Education in General—Voc. Training	72,162.00	39,400.00	148,125.00
	2,027,320.13	2,967,129.32	6,831,969.26
Legislative			
Protection	131,000.00	51,000.00	60,000.00
Militia			
Fire Marshall	52,466.00	97,826.00	216,450.04
Public Health	28,600.00	11,100.00	24,600.00
Game & Forest Conservation		154,700.00	196,950.00
Miscellaneous Protection		70,380.00	41,000.00
	91,066.00	494,006.00	479,000.00
Curative—Hospitals, Institutions for feeble-minded, insane, etc.			
Penal Institutions	627,348.00	1,847,184.97	2,951,910.00
Legal Expense	456,000.00	807,260.00	1,365,250.00
Courts, expense of maintaining	265,319.16	361,200.00	512,720.00
Legal Expense—other than that attached to courts	69,000.00	4,000.00	18,050.00
Charitable			
Charitable Inst.—soldiers homes, etc.			
Institutions—orphans, blind, etc.			
Charitable Expense—Miscellaneous			
	149,443.62	626,000.00	1,088,435.00
Miscellaneous			
Public Buildings & Improvements			
Agricultural Administration	130,500.00	510,000.00	510,000.00
Construction of Highways, High. Dpts.	488,948.95	247,710.00	247,710.00
Deficiencies			
Pensions & Pension Department			
Maintenance & Protection of Capitol building & property			
Other Miscellaneous expense	36,934.00	133,086.73	133,086.73
	656,332.95	1,131,450.00	1,131,450.00
		114,060.00	114,060.00
		74,600.00	74,600.00
	5,184,834.86	2,019,611.69	2,210,906.73
Supplied by University of Oklahoma.		11,103,817.59	17,197,370.74

NOTES FOR TABLE NO. 16

Our state government began November 16, 1907. It was some time later before the legislature met and the first legislature established June 30th as the closing day of each fiscal year. Hence the first appropriations were made to cover expenses incurred from November 16, 1907 to June 30, 1909, a period of nineteen and one-half months.

For this reason the first twelve months period for which we can furnish a record of costs is the year 1909-10.

In the foregoing table we have selected three periods at intervals of ten years. The table shows the different departments for which appropriations have been made and the totals for the three years taken as examples show the increase in appropriations for each of these three years. This table does not include any of the expenses of the highway department.

TABLE 17.
Summary of Income—State of Oklahoma
By Funds

	Nov. 30, 1908	June 30, 1916	June 30, 1923	June 30, 1927
	Nov. 30, 1909	June 30, 1917	June 30, 1924	June 30, 1928
Advalorem Taxes	751,167.52	2,497,623.44	3,532,695.45	2,815,768.19
Chief Mine & Oil Inspector	15,839.47	11,180.60		
State Mining Board	2,114.00	560.53	311.00	
Insurance Commissioner	169,040.78	276,875.89	250,634.43	1,025,464.68
Secretary of State	83,444.40	259,459.41	184,818.68	214,755.20
Board of Agriculture	1,654.00	43,331.75	55,372.99	55,471.16
Pure Food, Drug, & Dairy Commission	310.72			
Labor Commissioner	165.00	281.47		150.00
Library	2,794.54	2,282.72		559.78
Gross Revenue Tax	118,452.36			
Interest on Daily Balances	37,863.92	66,662.28	137,301.10	249,407.39
Institutional Sources—Educational	844,443.12	544,168.91	984,889.14	708,800.00
Institutional Sources—Hospitals		5,484.98	126,092.71	32,816.05
Institutional Sources—Asylum		3,397.88		
Institutional Sources—Penal		182.23		
Wichita Forest Reserve	1,139.32		1,635.00	1,437.64
Commissions—Miscellaneous	.70	1,868.00	87,817.89	2,515.00
Boards—Miscellaneous		87,052.62	97,115.72	126,747.51
Income Tax			189,765.84	1,088,886.87
Inheritance Tax		3,600.70	161,516.88	332,099.58
Licenses		63,092.96	280,036.67	471,495.95
Refunds and Rebates	62.00	41.78		
Collection of Acc. Taxes		11,744.64		
Fines and Court Costs				
Public Lands	2,060.40	23,975.02	55,639.75	103,122.17
Board of Public Affairs		5,767.48	2,275.75	
Miscellaneous Taxes		38,119.60	4,995,434.36	55,380.63
Bonds and other Liabilities		200,247.50		1,024,274.49
Gross Production Tax		1,500.00	7,493,151.00	10,264,787.14
Auto Tax			3,806,577.70	5,967,769.48
Gasoline Tax			1,641,700.00	7,621,233.65
Game and Fish Warden	700.00		146,939.38	281,580.04
Miscellaneous Income, and other than Taxes	39,312.72	718,884.76	967,003.81	1,463,818.13
State Officials—Misc.			22,337.23	38,739.82
Public Buildings	75,000.00	576,375.00	200,500.00	
	2,145,564.97	5,603,762.15	25,421,562.48	33,947,079.96

Supplied by University of Oklahoma.

NOTES FOR TABLE NO. 17

While the foregoing table is headed "Summary of Income," it really means the amount of money collected from the people of the state from taxes, direct and indirect, and for fees and charges made for different governmental services, except as to a few items such as interest on daily balances and the like which are in fact the only actual income of the state.

TABLE 18

List of Educational and Penal Institutions and Appropriations

Institutions	Appropriations Nov. 16, 1907 to June 30, 1909 (19½ months)	Appropriations June 30, 1929 to June 30, 1930
Educational		
State University	201,850	1,867,020.76
Central State Normal	40,190	317,000.00
NW State Normal	47,335	207,000.00
SW State Normal	134,075	204,500.00
A. & M. College	128,000	1,439,751.00
University Preparatory School	24,875	82,000.00
Colored Agric. & Normal University	101,670	245,000.00
Oklahoma College for Women		210,000.00
East Central State Normal		233,922.50
SE State Normal		250,000.00
NE State Normal		260,500.00
Cameron Agricultural College		187,500.00
Connors School of Agriculture		159,210.00
Murray Agricultural College		63,000.00
Panhandle Agricultural College		119,000.00
NE Oklahoma Junior College		115,000.00
Oklahoma Military Academy		112,500.00
Eastern Oklahoma College		73,500.00
		6,146,404.26
Penal		
Industrial School for Girls		7,500.00
State Training School for Negro Boys		81,300.00
State Training School for White Boys		169,000.00
State Training School for Negro Girls		8,700.00
State Industrial School for White Girls		218,450.00
State Penitentiary		604,800.00
		1,089,750.00
	677,995	7,236,154.26

Supplied by University of Oklahoma.

\$7,236,154

\$677,995

1907-08
19½ Mo.

1929

Appropriations for Educational and Penal Institutions.

NOTES FOR TABLE NO. 18

In the first column of appropriations in the foregoing table are set out all the appropriations made for public institutions in the state from November 16, 1907 to June 30, 1909.

Appropriations were made during this first governmental period for all the institutions then in existence. All those shown in the table for which no appropriation was made at that time are institutions created since statehood. The appropriations for the institutions which were in operation at statehood having increased from \$677,995.00 to \$4,362,271.76. The increase in the expense of operating the same institutions with which we started is approximately 945%.

While these are the same institutions in name, they are vastly different institutions in their magnitude and in the scope of the service which they now undertake to render to the people and in the number who benefit directly from their operation.

While our population has only increased 68%, yet the number of stu-

dents who attend the educational institutions has increased far more in proportion. Not only has the number of students attending greatly increased, but the courses of study offered have been increased also and the equipment and facilities for the convenience and aid of the student bodies have been much improved.

It is also true that the appropriations shown in the table do not by any means cover the cost of our educational institutions to the people of the state. Most of the additional cost is covered by charges paid by those who attend the institutions and does not fall on the citizenship at large.

TABLE 19
State Department Appropriations
Year 1907-1930

Offices	Appropriations	
	Nov. 16, 1907 to June 30, 1909	June 30, 1929 to June 30, 1930
	(19½ months)	
Governor	20,950.00	70,725.00
Lieutenant Governor	1,625.00	2,950.00
Secretary of State	18,050.00	22,687.50
State Auditor	14,350.00	104,387.50
State Treasurer	18,162.60	560,194.00
Attorney General	33,268.75	73,950.00
Insurance Commissioner	15,825.00	21,930.00
Chief Mine Inspector	17,217.50	19,775.00
Corporation Commission	105,334.65	221,550.00
State Library	16,525.00	9,740.00
Supreme Court	69,025.00	82,900.00
State Superintendent of Public Instruction (Dept.)	13,812.50	137,600.00
State Printer	6,881.11	
Examiner & Inspector	20,112.50	65,112.50
Labor Commissioner (Dept. of Labor)	14,125.00	44,070.00
Commissioner of Charities and Corrections	10,262.50	19,401.75
Total	\$395,527.01	\$1,456,973.25

\$1,456,973



*Appropriations for
 Original State Departments.*

Supplied by University of Oklahoma.

NOTE TO TABLE 19.

In the above table is a list of all officers and commissions provided by law at the beginning of our state government. These do not include the educational and public institutions in existence at the time of the change from territorial to state government.

These offices have all been continued to the present time, with the exception of the State Printer, which office was abolished in the second term.

Many other departments, commissions and offices have been created since.

The table sets forth the appropriations made for the maintenance of these offices from the beginning of statehood, November 16, 1907, to June 30, 1909, a period of 19½ months. And also shows the increased appropriation for the same offices for the 12 months period June 30, 1929 to June 30, 1930.

TABLE 20
Real and Personal Property Assessed
Valuations for Ad Valorem Tax Purposes
1927-1930

	Real and Personal Property	Public Service Property	Total	Tax
1927-28	\$1,418,543,842	\$310,798,988	\$1,729,342,830	\$4,323,357.07
1928-29	1,468,980,284	322,444,303	1,791,424,587	2,687,136.88
1929-30	1,496,759,821	332,914,820	1,829,674,641	6,403,858.61

Supplied by University of Oklahoma.

TABLE 21
Tax Levies, Valuation for Ad Valorem Taxes, Taxes Assessed, Income Tax Collections, and ratio of Income Tax to Property Tax of State of Oklahoma.

Fiscal Year	Mills Tax Levy State	Mills Tax Levy Schools & Roads	Valuations for Ad Valorem Tax Purposes	Taxes Assessed for General Revenue Purposes	Income Taxes	Per Cent of Income Tax to Ad Valorem Taxes—State Purposes
1915-16	3.0	1/4	1,187,164,328.00	3,561,492.97	1,203.70	.034
1916-17	1.5	1/4	1,248,811,724.00	1,873,217.58	186,653.22	9.97
1917-18	2.0	1/4	1,335,220,527.00	2,670,441.05	421,189.28	14.4
1918-19	2.0	1/4	1,439,581,118.00	2,879,162.24	505,379.04	17.5
1919-20	3.0	1/4	1,664,448,745.00	4,993,346.24	816,212.19	16.3
1920-21	*1.5	1/4	1,695,797,187.00	*2,543,695.77	916,064.25	
1921-22	.5	1/4	1,739,835,008.00	869,917.50	395,386.38	44.0
1922-23	0	1/4	1,671,753,031.00		301,964.70	
1923-24	2.75	1/4	1,686,187,834.00	4,638,091.54	189,765.84	4.09
1924-25	2.0	1/4	1,665,566,451.00	3,331,132.90	318,982.42	9.6
1925-26	2.0	1/4	1,674,826,952.00	3,349,653.90	335,714.10	10.02
1926-27	0	1/4	1,697,364,215.00		362,183.24	
1927-28	2.0	1/4	1,729,342,830.00	3,458,685.66	1,088,886.87	31.45
1928-29	1.0	1/4	1,791,424,587.00	1,791,424.59	721,053.09	40.25
1929-30	3.0	1/4	1,829,672,051.00			

*Illegal levy and was refunded.

TABLE 22

Legislative Appropriations by Terms and Years.

Legislative Session	For Fiscal Years	Total Approp.	General Revenue	General Revenue	General Revenue	General Revenue	Total from General Revenue for Biennium	Special Funds	Total from All Funds for Biennium	Unappropriated Funds
1st	1907-8 1908-9	3,823,333.33	1,818,972.42 (1909)	1,907-08 1908-09	2,862,450.12	1,991,310.00	4,866,811.05			
2nd	1909-10 1910-11	7,433,765.56	1,043,477.70 (1911)	(1910)	2,101,622.90 (1911)	1,935,320.67	7,199,708.57			
3rd	1911-12 1912-13	7,860,273.04	809,420.71 (1913)	2,538,346.00 (1912)	2,573,866.00 (1913)	1,938,540.33	7,798,649.26			
4th	1913-14 1914-15	8,487,382.45	747,796.93 (1915)	3,134,240.74 (1914)	2,795,111.15 (1915)	1,794,233.63	9,440,266.85			
5th	1915-16 1916-17	10,530,246.34	1,716,681.33 (1917)	3,265,571.20 (1916)	3,163,462.81 (1917)	2,307,274.81	10,290,580.57			
6th	1917-18 1918-19	15,630,099.48	2,410,729.75 (1919)	5,791,293.07 (1918)	5,329,374.32 (1919)	1,898,702.34	15,303,606.96			
7th	1919-20 1920-21	18,913,121.39	2,284,237.23 (1921)	7,441,492.21 (1920)	6,638,036.64 (1921)	1,660,325.00	18,747,018.50			92,274.09
8th	1921-22 1922-23	20,416,100.23	3,006,664.05 (1923)	8,402,509.65 (1922)	7,131,513.55 (1923)	1,715,291.21	19,816,504.16			100,558.57
9th	1923-24 1924-25	29,546,180.85	2,567,189.75 (1925)	14,801,172.76 (1924)	8,457,145.73 (1925)	3,006,844.50	28,748,136.62			202,650.35
10th	1925-26 1926-27	24,760,949.70	2,462,973.63 (1927)	10,990,524.87 (1926)	9,177,066.62 (1927)	2,110,184.58	25,609,938.27			378,289.26
11th	1927-28 1928-29	33,225,427.65	3,331,962.20 (1929)	13,034,539.99 (1928)	10,623,779.24 (1929)	6,225,146.22	31,461,410.88			547,760.85 (1929)
12th	1929-30 1930-31	34,231,079.80	1,575,945.43 (1931)	14,234,393.55 (1930)	12,438,617.54 (1931)	5,981,936.50	32,655,147.59			317,826.94

TABLE 23

Collections of Income Tax—Federal and State Also the percentage of comparison by years

Year	Federal		Oklahoma		Per Cent that Okla. Income bears to Federal Individual Tax	Per Cent that Okla. Income bears to Federal Total Tax
	Corporation	Individual	Total Income Tax	Income Tax Total		
1915-16			6,544,137.00	1,203.70	.018	
1916-17			21,334,199.00	186,653.22	.87	
1917-18			17,973,812.00	421,189.38	2.34	
1918-19			14,764,148.75	605,379.04	3.41	
1919-20			20,039,673.97	816,212.19	4.07	
1920-21			21,637,304.77	916,064.25	4.23	
1921-22			14,276,549.14	395,386.38	2.77	
1922-23			10,455,830.84	301,964.70	2.89	
1923-24			11,028,491.98	189,765.84	1.72	
1924-25	4,021,573.30	5,798,846.60	9,820,419.90	518,982.42	3.25	5.5
1925-26	7,485,180.06	8,303,435.80	16,788,615.86	335,714.10	2.13	4.04
1926-27	11,466,498.94	11,790,380.41	23,256,679.35	362,183.24	1.56	3.07
1927-28	9,732,965.21	10,455,102.68	20,188,067.80	1,088,686.87	5.39	10.4
1928-29	9,619,282.39	7,952,322.95	17,571,605.34	721,053.09	4.10	9.7
\$224,679,635.70	\$6,560,638.42	Average 2.92				6.4

Increase by Per Centages



Expenditures



TABLE 24

The following amounts were collected by various Departments and Institutions and apportioned to various funds in the Treasury:

During Fiscal Year Ending June 30, 1928.

Advalorem Tax -----	\$2,815,768.18
Interest on Daily Balances -----	249,407.39
Corporation License -----	471,495.95
Gross Production Tax -----	5,385,513.03
Gross Production Tax for Weak Schools -----	1,488,350.53
Income Tax -----	1,088,886.87
Inheritance Tax -----	332,099.58
Tank Car Tax -----	55,380.63
Earnings from Section 13 Fund -----	399,917.44
Earnings from New College Fund -----	265,793.81
Earnings from Union Graded and Consolidated School Fund -----	42,978.75
Commission of Land Office -----	103,122.17
Central Hospital -----	16,290.26
Eastern Hospital -----	12,766.92
Western Hospital -----	3,758.85
Corporation Commission Fees -----	118,612.09
Secretary of State -----	214,755.20
Game and Fish Department -----	281,580.04
Insurance Commissioner -----	1,025,464.68
Insurance Board -----	106,012.68
Optometry Board -----	2,145.33
Board of Agriculture -----	55,471.16
Market Commission -----	2,829.84
Board of Health -----	18,589.50
Issues Commission -----	3,720.00
Bank Commissioner -----	20,159.63
Building and Loan Auditor -----	18,579.69
Clerk Supreme Court -----	38,754.48
Bar Commission -----	2,515.00
Library Commission -----	559.78
State Senate -----	100.00
Oklahoma College for Women -----	110.00
Labor Commissioner -----	150.00
Wichita Forest Reserve -----	1,437.64
State Bond Account -----	1,024,274.40
Miscellaneous Depts. and Institutions -----	16,426.59
Collections other than for highways -----	\$15,683,778.09

The following from Highway construction:

Automobile License -----	5,967,769.48
Miscl. from Highway Dept. -----	1,283,375.13
Gasoline Tax -----	5,434,000.00
Total Highway -----	\$12,685,144.61
TOTAL ALL COLLECTIONS -----	\$28,368,922.70

TABLE 25

DISBURSEMENT FROM VARIOUS TREASURY FUNDS FOR YEAR
ENDING JUNE 30, 1928

General Revenue -----	\$13,042,043.87
Section 13 Funds -----	380,855.15
New College Funds -----	237,787.37
Union Grade and Consolidated Schools -----	25,500.00
Support of Common Schools -----	566,176.63
Aid to Weak Schools -----	1,469,557.95
Highway Construction -----	14,145,047.38
County Highway Construction -----	435,172.09
State Bonds and Interest -----	947,083.59
Fire Marshal -----	23,174.22
Fish and Game Warden -----	217,607.66
Building and Loan Auditor -----	18,396.30
Miscellaneous -----	188,224.25
TOTAL -----	\$31,695,626.46
Balance on hand June 30, 1927 -----	\$ 6,059,140.54
Collections -----	28,368,922.70
	\$34,428,063.24
Disbursements -----	\$31,695,626.46
Balance on hand June 30, 1928 -----	\$ 2,732,436.78

TABLE 26

STATEMENT PERCENTAGE OF COST FOR EACH GOVERNMENTAL
FUNCTION AND PER CAPITA COST BASED ON POPULATION
OF 2,250,000 FOR FISCAL YEAR ENDING JUNE 30, 1928.

Class	Expense	Percent of Total	Per Capita Cost			
			Gen. Gov.	Correc- tive	Con- structive	Educa. tional
1. Executive -----	\$ 61,685.74	.0019	.022			.022
2. Administrative -	594,403.83	.0181	.264			.264
3. Regulative -----	523,451.93	.0159	.233			.233
4. Protection of Life and Property ---	666,075.41	.0202	.296			.296
5. Legislative -----	12,073.18	.0003	.005			.005
6. Judicial -----	523,274.92	.0160	.234			.234
7. Educational Administration -	210,973.19	.0064			.094	.094
8. Education in General -----	6,199,394.29	.1885			2.755	2.755
9. Normal Education	1,481,293.91	.0451			.658	.658
10. Agricultural Administration	289,700.27	.0088	.124			.124
11. Agricultural Education -----	2,276,355.80	.0692			1.012	1.012
12. Charitable -----	1,291,044.42	.0393		.573		.573

Class	Expense	Percent of Total	Gen. Gov.	Correc- tive	Con- structive	Educa- tional	Total
13. Hospital -----	2,267,060.16	.0689		1.007			1.007
14. Penal -----	1,723,185.91	.0524		.765			.765
15. Constructive ----	14,111,001.92	.4289			6.272		6.272
16. Bond Payments--	662,213.25	.0201	.276				.276
Total ----	\$32,897,187.13	100pc.	\$1.454	2.345	6.272	4.519	14.59
Total Cost of Government Per Capita----		14.59					
General Govt. function -----				1.454	per cent of total		10
Corrective function -----				2.345	per cent of total		16
Constructive function—Roads ---				6.272	per cent of total		43
Educational function -----				4.519	per cent of total		31
			14.59	14.59			100

TABLE 27

STATEMENT SHOWING BOOK VALUE OF EQUIPMENT, BUILDINGS, LANDS, ETC., OF VARIOUS DEPARTMENTS AND INSTITUTIONS AS OF JUNE 30, 1928

Name of Department or Institution	1928
1. Executive:	
Governor -----	\$ 10,532.5.
Lieutenant Governor -----	226.20
Total-----	\$ 10,758.71
2. Administrative:	
Secretary of State -----	9,454.18
State Auditor -----	20,799.94
Attorney General -----	20,782.91
State Treasurer -----	12,304.94
Commissioner of Land Office -----	74,842.00
State Election Board -----	3,456.34
State Board of Public Affairs -----	649,094.29
State Industrial Commisison -----	13,617.20
Miscellaneous -----	2,124.81
Total-----	\$ 810,476.61
3. Regulative:	
State Examiner and Inspector -----	6,988.14
Commissioner of Labor -----	22,121.33
Commissioner of Charities and Correction -----	5,315.85
Insurance Commissioner -----	8,152.20
State Insurance Board -----	1,948.62
Bank Commissioner -----	5,850.02
Corporation Commission -----	133,815.74
Board of Medical Examiners -----	496.48
State Issues Commission -----	2,153.28
Bureau Mines -----	15,373.89
Total-----	\$ 202,215.48

4. Protection of Life and Property :	
Mine Inspector -----	1,564.99
Adjutant General -----	56,111.98
Board of Health -----	36,805.23
Mining Board -----	885.07
Game and Fish Warden -----	271,774.08
Fire Marshal -----	4,259.36
Custodian Capitol Building -----	555.74
Bureau Identification and Investigation -----	2,891.04
Drainage Commission -----	4,588.04
Forest Commission -----	1,649.40
Total -----	\$ 381,048.93
5. Legislative :	
House of Representatives -----	
Senate -----	48,858.67
Total -----	\$ 48,858.67
6. Judicial :	
State Library -----	269,245.03
Supreme Court -----	22,568.24
Clerk Supreme Court -----	24,443.84
Supreme Court Commission -----	2,346.78
Criminal Court of Appeals -----	5,240.21
State Reporter -----	931.01
Bar Commission -----	595.73
Total -----	\$ 352,370.84
7. Educational Administration :	
Superintendent of Public Instruction -----	9,029.00
Board of Education -----	2,989.85
Board of Vocational Training -----	16,349.82
Library Commission -----	53,410.15
Commission Adult Blind -----	350.16
Total -----	\$ 82,128.98
8. General Education :	
Geological Survey -----	40,356.27
Historical Society -----	37,714.97
State University -----	4,594,366.60
State University—Rev. Fund -----	140,661.82
University Preparatory School -----	324,615.88
School of Mines—Wilburton -----	435,933.03
Oklahoma College for Women -----	1,184,628.66
School for Deaf—Rev. Fund -----	48.88
School for Deaf -----	571,628.30
School for Blind -----	597,549.57
Colored Agricultural & Normal University -----	484,268.70
Colored Agri. & Normal University—Rev. Fund -----	1,561.05
Oklahoma Military Academy -----	289,410.52
Miami School of Mines -----	126,483.14
Appropriated Funds -----	8,596,955.54
Revolving Funds -----	142,271.75
Total -----	\$ 8,739,227.39

9. Normal Education :		
Central Normal—Rev. Fund -----	1,612.76	
Central Normal -----	671,049.12	
East Central Normal -----	595,412.32	
Northwest Normal -----	406,904.44	
Northeast Normal—Rev. Fund -----	118.08	
Northeast Normal -----	403,553.04	
Southwest Normal -----	384,672.75	
Southeast Normal—Rev. Fund -----	2,434.55	
Southeast Normal -----	625,990.98	
Appropriated Funds -----	3,087,582.65	
Revolving Funds -----	4,165.39	
Total -----	\$ 3,091,748.04	
10. Agricultural Administration :		
Board of Agriculture -----	130,652.46	
State Market Commission -----	4,249.14	
Total -----	\$ 134,901.60	
11. Agricultural Education :		
A. & M. College -----	2,603,318.14	
A. & M. College—Rev. Fund -----	32,815.99	
Coors Agricultural School -----	71,406.16	
Connors Agricultural School—Rev. Fund -----	219.00	
Murray Agricultural School -----	203,551.23	
Murray Agricultural School—Rev. Fund -----	1,814.24	
Haskell Agricultural School -----	46,019.01	
Cameron Agricultural School -----	121,121.64	
Cameron Agricultural School—Rev. Fund -----	2,957.39	
Panhandle Agricultural School -----	443,484.12	
Panhandle Agricultural School—Rev. Fund -----	2,963.25	
Appropriated Funds -----	3,489,900.30	
Revolving Funds -----	40,769.87	
Total -----	\$ 3,530,670.17	
12. Charitable :		
East Okla. Orphans Home -----	520,015.62	
East Okla. Orphans Home—Rev. Fund -----	16,872.01	
Deaf & Blind Colored Orphans -----	301,495.78	
Confederate Soldiers Home -----	200,509.69	
Union Soldiers Home -----	133,041.94	
West Okla. Orphans Home -----	224,638.24	
Soldiers Relief Commission -----	50,167.67	
Confederate Pension Com. -----	2,020.46	
Appropriated Funds -----	1,450,073.40	
Revolving Funds -----	16,872.01	
Total -----	\$ 1,466,945.41	
13. Curative :		
University Hospital—Rev. Fund -----	14,535.25	
Feeble Minded Institute -----	775,142.24	

Feeble Minded Institute—Rev. Fund -----	10,460.88
West Okla. Hospital -----	1,039,564.83
West Oklahoma Hospital—Rev. Fund -----	123,511.96
East Oklahoma Hospital -----	1,360,224.21
East Okla. Hospital—Rev. Fund -----	97,672.20
Central Okla. Hospital -----	1,810,089.85
Central Okla. Hospital—Rev. Fund -----	188,885.73
Okla. Rehabilitation Institute -----	213,092.60
State Sanitoria -----	331,938.99
Tubercular Sanitorium—Clinton -----	177,518.55
Tubercular Sanitorium—Rev. Fund -----	51,229.36
Tubercular Sanitorium—Talihina -----	290,718.02
Tubercular Sanitorium—Rev. Fund -----	20,658.15
Tubercular Sanitorium—Sulphur -----	392,536.21
Colored Tubercular Sanitorium—Boley -----	37,294.32
<hr/>	
Appropriated Funds -----	6,428,120.82
Revolving Funds -----	506,952.53
<hr/>	
Total -----	\$ 6,935,073.35
14. Penal :	
State Prison -----	1,844,847.62
State Prison—Rev. Fund -----	52,656.34
State Prison Twine Plant—Rev. Fund -----	23,943.45
State Reformatory -----	620,869.23
State Reformatory—Rev. Fund -----	25,148.96
Training School White Boys -----	345,770.94
Training School White Boys—Rev. Fund -----	1,315.10
Industrial School White Girls -----	465,049.73
Training School Colored Boys -----	86,216.52
Training School Colored Girls -----	24,787.56
<hr/>	
Appropriated Funds -----	3,387,541.60
Revolving Funds -----	103,063.85
<hr/>	
Total -----	\$ 3,490,605.45
15. Constructive :	
State Capital Commission -----	1,721,324.42
Department of Highways -----	264,063.90
Soldiers Memorial Commission -----	5,014.63
Capitol Lands -----	85,656.23
<hr/>	
Total -----	\$ 2,086,059.18
Total by Appropriations -----	30,548,993.31
Total by Revolving Fund -----	814,095.40
<hr/>	
GRAND TOTAL -----	\$31,363,088.71

TABLE 28

STATEMENTS SHOWING TAX RATES AND VALUATION
FOR EACH OF THE YEARS SINCE STATEHOOD

Year	Mill Rate	Valuation
1908	1.25	733,526,360.00
1909	2.5	869,474,736.00
1910	1.25	937,514,032.00
1911	2.	1,326,840,833.00
1912	2.25	1,193,655,846.00
1913	3.5	1,177,079,420.00
1914	1.3	1,177,147,345.00
1915	3.5	1,187,564,218.00
1916	2.	1,248,811,724.00
1917	2.5	1,335,220,527.00
1918	2.5	1,439,581,118.00
1919	3.5	1,664,448,745.00
*1920	2.	1,695,788,207.00
1921	1.	1,739,835,008.00
1922	.5	1,671,753,031.00
1923	3.25	1,686,208,728.00
1924	2.5	1,665,566,451.00
1925	2.5	1,674,826,952.00
1926	.5	1,697,364,215.00
1927	2.5	1,729,342,812.00
1928	1.5	1,791,430,389.00

*Of the two mill levy in 1920 one and one-half mills were declared illegal and the entire collection representing this illegal levy was refunded to the various counties for refund to the taxpayers.

TABLE 29

SUMMARY OF BOND ISSUES

As of June 30, 1928

Issue	Amount	Cancelled	Paid	Outstanding
1908 Funding	\$1,460,000.00		\$1,460,000.00	
Public Building	2,500,000.00	\$48,500.00	1,546,000.00	\$ 905,500.00
1913 Funding	2,907,000.00		1,781,300.00	1,125,700.00
A. & M. Dormitory	300,000.00			300,000.00
University Dormitory	300,000.00			300,000.00
University Infirmary	130,000.00			130,000.00
Total	\$7,597,000.00	\$48,500.00	\$4,787,300.00	\$2,761,200.00

TABLE 30

BONDS OWNED AND FARM LOAN MORTGAGES HELD BY THE STATE
LAND OFFICE AND VALUE OF LANDS UNSOLD—BY FUNDS.

The following table gives the amount of Farm loans held for each fund—The amount yet unpaid on the lands sold on long time payment and the appraised value of the lands yet held by the State, also the amount of money invested in Bonds.

As of June, 30, 1928

Name of Fund	Amount
Common School—Section 16 and 36:	
Farm Loans -----	\$23,010,895.25
Bonds Owned -----	72,600.00
Balance Owing on Lands Sold -----	5,197,637.08
Value of Lands Unsold -----	6,406,339.29
Cash on Hand -----	291,116.03
Home Ownership—Section 13:	
Farm Loans -----	5,518,784.85
Bonds Owned -----	101,000.00
Balance Owing on Lands Sold -----	1,412,321.32
Value of Lands Unsold -----	1,564,940.73
Cash on Hand -----	44,676.95
New College:	
University Funds.	
Farm Loans -----	433,698.98
Bonds Owned -----	None
Balance Owing on Lands Sold -----	275,896.40
Value of Lands Unsold -----	1,220,926.40
Cash on Hand -----	8,429.24
University Preparatory.	
Farm Loans -----	296,171.81
Bonds Owned -----	2,000.00
Balance Owing on Lands Sold -----	176,722.57
Value of Lands Unsold -----	252,903.40
Cash on Hand -----	3,681.66
A. & M. College.	
Farm Loans -----	426,046.50
Bonds Owned -----	14,000.00
Balance Owing on Lands Sold -----	297,684.55
Value of Lands Unsold -----	1,348,006.00
Cash on Hand -----	4,364.06
Colored Agricultural & Normal University.	
Farm Loans -----	156,753.27
Bonds Owned -----	5,000.00
Balance Owing on Lands Sold -----	128,032.26
Value of Lands Unsold -----	1,348,006.00
Cash on Hand -----	13,401.32
Normal Schools.	
Farm Loans -----	509,458.31
Bonds Owned -----	3,000.00
Balance Owing on Lands Sold -----	400,396.29
Value of Lands Unsold -----	1,459,896.00
Cash on Hand -----	10,327.20

Public Building Fund.		
Bonds Owned -----		2,422,750.00
Balance Owing on Lands Sold -----		814,187.89
Value of Lands Unsold -----		661,488.63
Cash on Hand -----		13,675.94
Total Land Office Assets:		
Farm Loans -----		30,351,808.97
Bonds Owned -----		2,619,350.00
Balance Owing on Lands Sold -----		8,802,878.36
Value of Lands Unsold -----		13,237,150.65
Cash on Hand -----		658,450.00
Total -----		<u>\$55,669,637.98</u>

TABLE 31

REPORT OF STATE AUDITOR

STATEMENT OF ASSESSED VALUATION FOR 1928.

County	Personal and Real Property	Public Cer- vice Property	Total
Adair -----	\$ 2,883,173	\$ 1,878,865	\$ 4,762,038
Alfalfa -----	22,020,382	3,378,679	25,399,061
Atoka -----	5,739,740	3,505,529	9,245,269
Beaver -----	14,397,990	695,943	15,093,933
Beckham -----	14,058,855	2,360,202	16,419,057
Blaine -----	12,978,644	2,527,075	15,505,719
Bryan -----	13,954,960	4,949,175	18,904,135
Caddo -----	21,440,491	3,587,283	25,018,774
Canadian -----	21,642,848	4,232,008	25,874,856
Carter -----	29,715,485	6,971,763	36,687,248
Cherokee -----	5,960,943	1,021,427	6,982,370
Choctaw -----	8,643,891	2,983,804	11,627,695
Cimarron -----	9,279,038	1,044,505	10,323,543
Cleveland -----	13,329,047	2,141,578	15,470,625
Coal -----	5,190,259	1,769,298	6,959,557
Comanche -----	14,349,700	3,804,887	18,154,587
Cotton -----	3,778,483	1,752,188	10,530,671
Craig -----	12,414,303	3,807,422	16,221,725
Creek -----	33,290,108	12,668,426	45,958,534
Custer -----	16,521,447	3,039,877	19,561,324
Delaware -----	3,818,097	381,844	4,199,941
Dewey -----	8,731,411	624,719	9,356,130
Ellis -----	9,959,357	2,191,301	12,150,658
Garfield -----	42,690,241	7,658,495	50,348,736
Garvin -----	15,229,566	3,848,140	19,077,706
Grady -----	25,597,814	6,656,079	32,253,893
Grant -----	24,843,181	3,143,640	27,986,821
Greer -----	9,231,289	1,058,162	10,289,451
Harmon -----	7,183,616	1,089,518	8,273,134
Harper -----	6,554,547	684,135	7,238,682
Haskell -----	5,868,659	1,066,052	6,934,711
Hughes -----	11,309,758	4,722,739	16,032,497
Jackson -----	12,103,632	2,636,789	14,740,421

Jefferson -----	9,676,231	3,396,658	12,472,889
Johnston -----	5,905,636	2,448,610	8,354,246
Kay -----	49,292,843	9,361,554	58,654,397
Kingfisher -----	17,798,782	1,649,115	19,447,897
Kiowa -----	15,897,180	3,524,586	19,421,766
Latimer -----	3,722,270	2,443,674	6,165,944
LeFlore -----	13,582,755	7,296,518	20,879,273
Lincoln -----	21,964,655	7,815,026	29,779,681
Logan -----	17,386,211	4,395,788	21,781,999
Love -----	4,711,150	2,008,806	6,719,956
Major -----	11,137,370	1,683,485	12,820,855
Marshall -----	6,789,043	2,246,268	9,035,311
Mayes -----	7,648,342	2,246,770	9,895,112
Murray -----	5,988,872	2,304,192	8,293,064
Muskogee -----	44,217,077	7,828,511	52,045,588
McClain -----	8,279,260	2,537,223	10,816,483
McCurtain -----	9,197,608	2,221,355	11,418,963
McIntosh -----	8,101,040	2,205,805	10,306,845
Noble -----	15,312,959	4,651,918	19,964,877
Nowata -----	8,505,083	2,637,118	11,142,201
Okfuskee -----	13,095,603	4,296,176	17,391,779
Oklahoma -----	137,596,258	16,754,152	154,350,410
Okmulgee -----	35,028,655	9,077,362	44,106,017
Osage -----	40,049,151	16,286,066	56,335,217
Ottawa -----	15,449,175	4,283,025	19,732,200
Pawee -----	15,542,735	5,685,130	21,227,865
Payne -----	40,286,935	5,920,487	46,207,422
Pittsburg -----	17,019,825	7,535,543	24,555,368
Pontotoc -----	14,307,930	3,789,123	18,097,053
Pottawatomie -----	23,710,985	7,599,139	31,210,124
Pushmataha -----	5,091,923	2,446,304	7,538,227
Roger Mills -----	7,844,921	311,071	8,155,992
Rogers -----	11,116,702	4,292,347	15,459,049
Semiole -----	40,262,350	6,898,802	47,161,152
Sequoyah -----	4,673,852	2,841,257	7,515,109
Stephens -----	16,472,030	2,779,909	19,251,939
Texas -----	17,134,999	2,733,995	19,858,994
Tillman -----	19,121,855	2,232,388	21,354,243
Tulsa -----	156,413,665	18,189,818	174,603,483
Wagoner -----	11,373,520	3,599,237	14,972,757
Washington -----	28,646,859	6,892,693	35,539,552
Washita -----	16,702,257	1,643,277	18,345,534
Woods -----	14,456,280	3,969,785	18,426,065
Woodward -----	13,306,497	3,621,690	16,928,187
Total -----	\$1,468,980,284	\$322,444,303	\$1,791,424,587

TABLE 32

POPULATION OF STATE BY COUNTIES 1930 CENSUS IS SHOWN

County :	1930	1920	Change	Pct.
Adair -----	14,400	13,703	697	5.0
Alfalfa -----	15,233	16,253	-6,329	-6.2
Atoka -----	14,533	20,862	-6,329	-33.3
Beaver -----	11,468	14,048	-2,580	-18.3
Beckham -----	29,174	18,898	10,185	53.6
Blaine -----	20,940	15,875	5,065	31.9
Bryan -----	32,167	40,700	-2,533	-20.6
Caddo -----	50,733	34,207	16,566	34.7
Canadian -----	28,047	22,288	5,159	23.1
Carter -----	41,317	40,247	1,170	2.9
Cherokee -----	17,261	19,917	-2,656	-13.4
Choctaw -----	24,041	32,144	-8,103	-25.1
Cimarron -----	5,405	3,436	1,971	57.3
Cleveland -----	24,939	19,389	5,550	29.1
Coal -----	11,304	18,406	-7,102	-33.2
Commanche -----	33,934	26,629	7,305	27.4
Cotton -----	15,393	16,679	-1,280	-7.6
Craig -----	18,054	19,160	-1,109	-5.7
Creek -----	63,945	62,480	1,465	2.3
Custer -----	27,444	18,736	8,708	46.4
Delaware -----	15,406	13,868	1,538	11.0
Dewey -----	13,239	12,436	808	6.4
Ellis -----	10,544	11,673	-1,129	-9.6
Garfield -----	45,501	37,500	8,001	24.0
Garvin -----	31,381	32,445	-1,064	-3.2
Grady -----	47,624	33,943	13,681	40.3
Grant -----	14,140	16,072	-1,932	-12.0
Greer -----	20,307	15,836	4,471	28.2
Harmon -----	13,917	11,261	2,655	23.5
Harper -----	7,759	7,623	135	1.7
Haskell -----	16,215	19,397	-3,182	10.6
Hughes -----	30,283	26,045	4,238	16.2
Jackson -----	28,747	22,141	6,606	29.8
Johnston -----	13,075	20,175	-7,100	-35.1
Jefferson -----	17,383	17,664	-281	-1.5
Kay -----	49,615	34,907	14,708	42.4
Kingfisher -----	15,962	15,671	291	1.2
Kiowa -----	29,606	23,094	6,512	28.2
Latimer -----	11,182	13,866	-2,684	-19.3
LeFlore -----	42,891	42,765	126	.2
Lincoln -----	33,725	33,406	319	.9
Logan -----	27,968	27,550	418	1.8
Love -----	9,640	12,433	-2,972	-22.4
McLain -----	21,574	19,326	2,248	11.4
McCurtain -----	34,130	37,905	-3,775	-9.9
McIntosh -----	25,823	26,404	-581	-2.2
Major -----	12,221	12,426	-205	-1.6
Marshall -----	11,424	14,674	-3,250	-22.1
Hayes -----	17,881	16,829	1,053	6.2
Murray -----	12,408	13,155	-747	-5.6
Muskogee -----	66,407	61,710	4,797	7.7
Noble -----	15,092	13,560	1,532	11.2
Nowata -----	13,593	15,899	-2,306	-14.5

Okfuskee -----	27,470	25,051	2,419	9.6
Oklahoma -----	219,081	116,307	102,774	88.3
Okmulgee -----	55,557	55,072	485	.8
Osage (est.) -----	47,500	36,536	10,964	30.0
Ottawa -----	38,742	36,536	2,206	6.0
Pawnee -----	19,839	19,126	713	3.7
Payne -----	35,882	30,180	5,702	12.2
Pittsburg -----	50,778	52,570	-1,792	-3.4
Pontotoc -----	32,371	30,949	1,522	.49
Pottawatomie -----	66,577	46,028	20,449	44.4
Pushmataha -----	14,735	17,514	-2,779	-15.8
Roger Mills -----	14,158	10,638	3,520	33.0
Rogers -----	18,956	17,605	1,351	7.6
Seminole -----	78,469	23,808	54,661	229.6
Sequoyah -----	19,499	24,692	-5,193	-27.2
Stephens -----	33,963	24,672	9,271	37.5
Texas -----	14,110	13,975	35	.2
Tillman -----	24,559	22,433	2,126	9.4
Tulsa -----	187,405	109,023	78,383	71.99
Wagoner -----	22,430	21,371	1,079	5.0
Washington -----	27,875	27,002	873	3.1
Washita -----	29,450	22,237	7,213	32.4
Woods -----	17,244	15,939	1,305	8.1
Woodward -----	15,837	14,663	1,174	8.0

TABLE 33

Public Service Valuations as furnished to Corporation Commission as of Dec. 31, 1929, and as fixed by State Board of Equalization for Taxation as of Feb. 1, 1930.

Name of Utility	Kind of Utility	Fixed Capital Investment in Oklahoma as Reported to Corporation Commission as of December 31, 1929	Assessed Valuation for Taxation Purposes
Apache Gas Company	Gas	\$ 500,095.71	\$ 94,930
Bartlesville Gas & Electric Co.	Gas	552,553.52	113,231
Carlton Pipe Line Co.	Gas	660,265.49	120,903
Central States Power & Light Corporation	Gas & Electric	3,263,329.76	896,572*
Cimarron Utilities Company	Gas & Electric	906,799.30	273,401*
Citiles Service Gas Company	Gas	18,989,873.15	5,986,380
Consolidated Gas Utilities Co.	Gas & Electric	13,137,968.15	2,392,553*
Independent Natural Gas Co.	Gas	1,779,818.51	836,048
Kansas Osage Gas Co.	Gas	1,552,579.73	595,915
Kingfisher County Gas Co.	Gas	905,130.62	90,297
Meridian Gas Co.	Gas	1,431,953.96	260,581
Oklahoma Electric & Water Co.	Electric	618,934.00	183,678
Oklahoma Gas & Electric Co.	Electric	64,729,861.72	16,390,828*
Oklahoma Natural Gas Corporation	Gas	58,564,661.82	11,493,916
Oklahoma Power & Water Co.	Gas-Electric-Water	9,293,585.65	1,717,166
Oklahoma Utilities Co.	Gas & Electric	1,226,018.03	266,660
Osage Gas Producers Co.	Gas	2,483,570.16	308,996
Public Service Co.	Electric-Gas-Ice	36,504,614.14	10,880,291
Southwestern Light & Power Co.	Electric-Gas-Ice	16,006,117.14	4,156,292
State Fuel Supply Co.	Gas	1,056,937.82	307,685
Western Counties Gas Co.	Gas	1,671,315.14	348,049
Winchester Oil & Gas Co.	Gas	534,028.70	70,290
Oklahoma Railway Co.	St. Railway	11,664,146.01	1,609,889
Southwestern Bell Telephone Co.	Telephone	42,078,753.44	19,671,861
		\$290,112,911.67	\$79,066,412

*—Slight adjustments being made by Board of Equalization.

NOTE. The above is a list of larger public utilities corporations selected by Secretary of Corporation Commission at random.

EDITORIAL COMMENT.

The foregoing tables and graphs are furnished in order that the reader may have a fair mental picture of the growth of the state in population and wealth, and the source from which this wealth is produced, and can make an intelligent comparison between the growth of the state in population and wealth and the ever increasing cost of government.

They will show as nearly as may be done, the cost of government for each year, beginning with 1907 up to 1929-1930. These tables are arranged not for the purpose of showing the cost of government for each year but for different periods so that the reader may see the successive advances in governmental cost, and the departments in which the greatest increase of cost have been made.

Also they will give a fairly comprehensive idea of where the funds are obtained with which to pay the governmental expenses. It must be understood that to give this information in detail and to furnish full and complete information would require volumes and would be so cumbersome that it would be useless as a study on the subject.

The tables following show the cost of county government in all departments and the amount of money paid each year for retiring bonded indebtedness and that portion of the bonded indebtedness for which taxes are levied each year. They also show the highway expense paid by each county and the cost of our common schools, including the amount which is paid for retiring bonded indebtedness incurred by the school districts of the different counties, all of which goes to make up the sum total paid by the different counties of the state for all purposes.

TABLE 34
(A)
EXPENSE COUNTY GOVERNMENT

County	Valuation	General Fund Appropriation	From Other Sources	On Roll
1. Adair	4,890,606.00	107,451.34	76,752.91	42,181.46
2. Alfalfa	25,495,838.00	94,022.00	15,529.00	68,838.13
3. Atoka	8,962,660.00	73,575.05	11,945.59	68,986.77
4. Beaver	15,728,011.00	89,474.20	13,861.49	55,834.44
5. Beckham	17,091,909.00	93,043.52	21,347.05	68,367.62
6. Blaine	16,150,317.00	130,159.96	28,263.56	105,635.43
7. Bryan	18,406,811.00	178,685.22	61,091.87	105,085.72
8. Caddo	25,563,468.00	170,890.08	40,580.47	136,714.22
9. Canadian	26,128,304.00	154,102.41	32,580.79	114,954.53
10. Carter	35,325,837.00	235,630.41	41,265.63	211,793.99
11. Cherokee	6,914,866.00	53,569.80	10,757.25	47,039.05
12. Choctaw	10,960,046.00	104,220.46	24,322.14	90,120.37
13. Cimmaron	9,438,082.00	81,337.00	10,034.00	71,938.00
14. Cleveland	16,139,251.00	143,839.53	47,350.56	100,224.74
15. Coal	6,991,319.00	56,695.70	16,924.07	51,032.89
16. Comanche	18,553,365.00	172,243.75	32,539.10	160,335.92
17. Cotton	10,446,736.00	67,366.54	12,202.50	41,185.70
18. Craig	15,823,415.13	104,991.10	13,913.75	78,424.07
19. Creek	44,866,107.00	338,445.48	88,445.53	280,425.66
20. Custer	20,832,303.00	122,452.04	25,164.57	90,800.09
21. Delaware	4,874,000.00	48,640.59	10,953.09	39,055.16
22. Dewey	9,506,767.00	76,072.02	11,141.10	58,920.57
23. Ellis	11,954,631.00	95,730.00	8,961.25	72,082.65
24. Garfield	32,540,635.00	301,620.00	34,943.71	239,815.18
25. Garvin	19,106,965.00	110,553.00	24,154.25	93,864.00
26. Grady	32,922,639.00	191,788.18	39,011.48	162,853.98
27. Grant	28,610,626.00	104,872.50	24,650.28	39,916.15
28. Greer	10,544,025.00	96,176.94	16,757.08	73,808.16
29. Harmon	8,876,892.00	103,607.81	36,955.23	63,909.68
30. Harper	7,354,062.00	64,708.11	10,375.01	44,860.29
31. Haskell	6,377,173.00	43,699.84	10,268.00	41,451.00
32. Hughes	16,125,094.00	197,044.36	104,891.67	92,483.78
33. Jackson	17,413,254.00	158,843.60	62,672.19	100,497.22
34. Jefferson	12,932,085.00	89,632.65	15,157.88	74,512.53
35. Johnston	8,112,141.00	64,887.00	31,980.00	57,139.88
36. Kay	57,215,052.00	385,814.99	167,210.74	226,993.39
37. Kingfisher	19,693,126.00	130,367.41	14,232.69	129,022.90
38. Kiowa	19,796,281.00	108,387.00	27,940.60	87,915.06
39. Latimer	6,027,692.00	50,200.80	7,963.10	47,268.43
40. LeFlore	20,684,577.00	122,670.00	15,721.00	119,206.00
41. Lincoln	29,206,228.00	201,130.00	45,433.00	190,417.00
42. Logan	22,507,981.00	220,944.06	28,480.00	173,851.65
43. Love	6,452,838.00	54,970.85	7,278.83	52,992.81
44. Major	13,211,574.00	81,879.85	15,497.77	60,110.95
45. Marshall	7,728,008.00	53,721.00	8,332.00	50,550.00
46. Mayes	9,549,386.00	70,121.00	11,588.74	63,666.29
47. Murray	8,387,059.00	61,894.44	9,972.27	55,301.86
48. Muskogee	50,834,954.00	414,974.15	89,695.00	366,011.65
49. McClain	12,278,472.00	96,121.39	17,569.36	80,669.57
50. McCurtain	11,342,714.00	122,050.63	31,377.29	97,345.50
51. McIntosh	9,702,370.00	94,827.25	25,040.19	77,168.95
52. Noble	20,249,147.00	159,683.99	51,389.34	125,963.87
53. Nowata	17,221,605.00	105,901.00	15,035.00	87,666.00
54. Okfuskee	17,130,446.00	127,986.76	31,736.87	103,131.51
55. Oklahoma	169,485,553.00	1,314,651.00	400,174.96	1,013,112.82
56. Okmulgee	42,030,201.00	332,399.92	66,971.00	295,651.47
57. Osage	55,476,868.06	355,690.77	59,214.62	315,026.50
58. Ottawa	19,104,832.00	119,733.47	24,130.71	102,210.85
59. Pawnee	20,223,387.00	132,212.57	15,612.40	109,364.33
60. Payne	44,870,774.00	338,419.53	94,857.85	217,081.40
61. Pittsburg	25,673,456.00	188,489.87	38,765.40	166,769.12
62. Pontotoc	17,830,431.00	119,864.96	24,145.84	106,310.11
63. Pottawatomie	37,204,175.00	281,128.86	127,923.79	169,782.62
64. Pushmataha	7,575,888.00	56,027.30	5,781.23	51,138.81
65. Roger Mills	8,497,309.00	54,381.40	12,928.92	40,891.19
66. Rogers	15,784,570.00	95,357.06	16,489.93	84,447.44
67. Seminole	53,482,863.00	436,845.80	140,892.75	314,031.08
68. Sequoyah	6,668,566.00	62,283.92	13,892.58	54,015.39

County	Valuation	General Fund Appropriation	From Other Sources	On Roll
69. Stephens	19,749,050.00	125,765.00	29,231.00	89,133.00
70. Texas	21,041,295.00	119,082.56	18,315.45	89,709.73
71. Tillman	21,327,445.00	115,255.90	19,711.98	101,780.42
72. Tulsa	188,636,020.00	1,281,903.87	165,445.70	1,198,133.45
73. Wagoner	15,716,961.00	105,037.67	21,060.20	94,481.24
74. Washington	35,705,196.00	253,691.81	68,141.23	149,264.26
75. Washita	18,826,489.00	98,035.00	17,500.00	62,254.02
76. Woods	18,977,458.00	99,642.29	18,880.00	85,398.55
77. Woodward	17,704,511.00	111,103.90	17,313.83	76,121.90
Total for State	\$1,850,263,038.13	14,102,775.10	3,126,551.21	10,426,431.81

RETIRING BONDED INDEBTEDNESS

	Sinking Fund Appropriation	From Other Sources	On Roll
1. Adair	12,384.85	7,940.67	
2. Alfalfa	1,000.00	13,193.79	
3. Atoka	51,863.10	17,080.52	39,968.89
4. Beaver	-----	-----	-----
5. Beckham	73,236.31	10,235.08	70,324.86
6. Blaine	25,282.50	5,045.15	22,765.60
7. Bryan	90,762.75	3,072.54	94,710.09
8. Caddo	110,230.39	2,356.85	114,162.33
9. Canadian	86,644.61	4,015.38	90,926.50
10. Carter	184,690.99	13,879.92	189,280.16
11. Cherokee	28,392.40	8,421.36	21,898.84
12. Choctaw	64,844.36	16,528.57	54,800.23
13. Cimarron	-----	-----	-----
14. Cleveland	53,227.77	-----	58,550.54
15. Coal	52,768.09	5,623.37	52,421.52
16. Comanche	42,868.60	-----	46,512.02
17. Cotton	1,260.50	500.00	
18. Craig	-----	-----	-----
19. Creek	308,833.68	5,382.31	334,334.73
20. Custer	2,942.35	4,626.29	
21. Delaware	11,267.73	6,778.20	5,616.30
22. Dewey	5,216.86	-----	-----
23. Ellis	-----	-----	-----
24. Garfield	107,466.97	7,713.85	98,364.25
25. Garvin	45,370.00	21,772.38	19,814.12
26. Grady	67,408.05	8,500.00	65,648.85
27. Grant	-----	-----	-----
28. Greer	872.17	4,962.00	
29. Harmon	8,376.19	3,619.04	2,758.57
30. Harper	11,940.49	3,717.58	3,976.91
31. Haskell	26,418.03	1,859.78	16,398.85
32. Hughes	80,223.86	2,082.83	86,163.41
33. Jackson	64,031.84	2,345.00	54,564.70
34. Jefferson	56,306.97	868.48	60,348.71
35. Johnston	55,359.31	17,539.00	42,541.99
36. Kay	2,000.00	3,354.72	
37. Kingfisher	-----	-----	-----
38. Kiowa	-----	-----	-----
39. Latimer	34,963.35	9,600.00	23,122.74
40. LeFlore	110,253.66	4,023.02	117,256.00
41. Lincoln	62,045.00	3,000.00	65,429.00
42. Logan	84,408.62	8,406.21	84,443.27
43. Love	40,512.89	11,007.96	33,556.22
44. Major	15,243.33	3,555.00	13,212.66
45. Marshall	48,540.15	4,400.00	45,946.39
46. Mayes	1,000.00	-----	1,000.00
47. Murray	34,003.97	7,588.50	29,815.86
48. Muskogee	121,389.77	31,464.47	90,507.52
49. McClain	17,673.41	8,140.00	9,822.49
50. McCurtain	62,067.04	13,354.96	54,918.75
51. McIntosh	34,438.40	7,803.61	30,077.34
52. Noble	92,629.08	6,933.09	94,957.79
53. Nowata	58,943.20	5,448.00	25,965.29
54. Okfuskee	90,823.59	30,181.80	66,652.21

OKLAHOMA HISTORY IN FIGURES

	Sinking Fund Appropriation	From Other Sources	On Roll
55. Oklahoma	303,805.37	175,025.86	159,160.04
56. Okmulgee	176,801.90	14,668.76	172,313.80
57. Osage	55,467.56	83,905.48	
58. Ottawa	40,981.11	-----	38,397.41
59. Pawnee	56,550.00	1,406.32	53,574.29
60. Payne	67,070.30	67,070.30	
61. Pittsburg	116,412.73	36,977.91	91,176.09
62. Pontotoc	48,909.00	10,835.00	25,874.00
63. Pottawatomie	131,742.28	71,340.69	53,584.41
64. Pushmataha	15,743.21	4,908.99	12,408.54
65. Roger Mills	8,270.30	11,956.99	
66. Rogers	74,224.23	11,513.39	62,781.92
67. Seminole	96,392.65	12,888.89	93,143.02
68. Sequoyah	73,414.48	14,749.74	59,397.94
69. Stephens	79,404.00	7,878.00	46,456.00
70. Texas	5,890.20	14,869.87	
71. Tillman	13,870.57	7,812.51	7,445.11
72. Tulsa	154,016.01	19,303.41	132,570.67
73. Wagoner	17,393.83	10,063.13	9,070.18
74. Washington	91,263.73	12,624.76	80,693.73
75. Washita	56,494.50	39,865.77	
76. Woods	6,061.20	2,050.00	
77. Woodward	5,513.65	5,513.65	
Total for State	4,338,139.11	995,150.70	3,531,583.65

(B)

COUNTY HIGHWAY EXPENSE

	Highway Fund Appropriation	From Other Sources	On Roll
1. Adair	34,152.15	30,626.70	
2. Alfalfa	127,263.00	69,800.00	52,011.40
3. Atoka	57,570.28	48,883.87	
4. Beaver	111,900.00	77,398.63	23,424.11
5. Beckham	81,532.21	74,412.88	
6. Blaine	77,683.43	67,961.29	4,037.57
7. Bryan	132,001.37	83,528.17	30,371.24
8. Caddo	164,998.75	129,209.78	52,288.84
9. Canadian	103,631.87	88,307.34	
10. Carter	198,545.14	188,399.65	30,000.00
11. Cherokee	36,000.00	38,000.00	
12. Choctaw	69,124.48	57,600.28	6,028.02
13. Cimmaron	67,000.00	56,768.00	
14. Cleveland	97,400.00	62,338.00	28,892.00
15. Coal	39,223.00	38,250.75	4,894.55
16. Comanche	100,250.00	108,883.66	
17. Cotton	76,296.48	52,542.65	18,281.78
18. Craig	108,349.98	55,612.83	48,103.16
19. Creek	332,924.90	292,185.02	74,032.37
20. Custer	130,303.00	82,300.98	40,320.11
21. Delaware			
22. Dewey	59,470.64	53,989.03	
23. Ellis	95,342.37	73,932.70	23,550.65
24. Garfield	270,420.00	189,984.43	52,499.74
25. Garvin	106,785.00	79,249.86	38,213.92
26. Grady	204,458.92	135,050.00	66,174.48
27. Grant	207,500.00	82,705.49	102,761.73
28. Greer	71,585.47	58,773.82	10,544.02
29. Harmon	52,565.30	42,297.50	
30. Harper	59,400.00	46,031.30	13,973.12
31. Haskell			
32. Hughes	140,789.00	96,011.28	58,856.62
33. Jackson	114,810.00	75,624.49	34,826.50
34. Jefferson	80,502.00	56,353.93	22,501.42
35. Johnston	49,932.88	40,170.00	7,747.09
36. Kay	349,598.08	233,137.48	100,126.33
37. Kingfisher	91,674.48	69,178.92	4,923.27
38. Kiowa	165,725.00	95,461.27	66,192.00

	Highway Fund Appropriation	From Other Sources	On Roll
39. Latimer	28,636.40	31,500.00	
40. LeFlore	94,691.46	94,691.46	
41. Lincoln	61,100.00	9,285.00	57,815.00
42. Logan	141,101.94	120,333.38	11,231.34
43. Love	26,687.22	28,342.03	
44. Major	67,950.00	55,033.00	12,563.10
45. Marshall	40,577.00	32,175.00	7,728.00
46. Mayes	58,450.00	45,875.00	12,629.00
47. Murray	50,073.76	42,373.76	2,614.37
48. Muskogee	156,653.17	131,650.53	40,667.96
49. McClain	79,698.95	54,243.20	17,552.21
50. McCurtain	107,218.79	87,873.07	13,269.00
51. McIntosh	50,130.04	49,685.49	
52. Noble	106,332.57	78,084.11	28,142.85
53. Nowata	65,805.00	50,280.00	11,221.00
54. Okfuskee	124,771.86	95,494.37	32,205.24
55. Oklahoma	523,877.61	472,584.69	
56. Okmulgee	165,000.00	165,000.00	
57. Osage	422,921.90	324,070.97	144,794.61
58. Ottawa	113,433.31	108,428.75	
59. Pawnee	102,325.00	71,825.87	40,731.63
60. Payne	161,798.38	80,114.63	78,986.02
61. Pittsburg	158,371.84	120,462.62	29,725.86
62. Pontotoc	86,805.00	49,910.00	45,575.00
63. Pottawatomie	535,120.00	392,208.72	
64. Pushmataha	69,567.65	57,159.49	5,052.30
65. Roger Mills	78,869.71	50,070.89	17,009.62
66. Rogers	95,720.28	58,062.12	31,569.14
67. Seminole	899,810.33	821,320.36	168,471.00
68. Sequoyah	52,551.02	45,120.56	12,670.28
69. Stephens	125,781.46	120,439.55	
70. Texas	173,921.31	98,384.51	78,483.93
71. Tillman	130,500.00	83,622.91	41,853.15
72. Tulsa	761,522.73	509,847.94	235,795.02
73. Wagoner	71,060.50	48,375.20	26,454.68
74. Washington	216,659.07	99,488.20	112,140.43
75. Washita	119,608.58	48,661.58	69,130.87
76. Woods	149,581.35	80,850.00	66,421.10
77. Woodward	101,116.21	101,116.21	
Total for State	10,844,460.50	8,145,007.51	2,468,059.78

(C)

EXPENSE COMMON SCHOOLS

School District General Fund

	Appropriation	From Other Sources	On Roll
1. Adair	117,613.39	46,564.09	72,375.80
2. Alfalfa	319,611.25	58,932.06	262,003.89
3. Atoka	133,290.75	22,886.66	122,094.97
4. Beaver	208,672.97	23,992.59	166,610.32
5. Beckham	306,182.43	48,580.59	242,575.40
6. Blaine	241,601.77	50,235.63	198,048.22
7. Bryan	305,883.85	55,946.90	264,785.71
8. Caddo	424,632.23	107,346.44	334,600.39
9. Canadian	334,488.45	61,591.49	282,762.31
10. Carter	604,680.89	145,185.25	506,470.91
11. Cherokee	99,851.34	29,207.90	79,446.29
12. Choctaw	179,471.81	33,031.71	161,471.34
13. Cimmaron	112,320.00	11,665.00	99,838.00
14. Cleveland	260,198.41	49,247.16	206,758.88
15. Coal	124,044.98	31,776.50	104,487.95
16. Comanche	294,853.71	52,053.09	241,836.30
17. Cotton	180,073.91	38,641.05	141,749.55
18. Craig	199,744.14	43,236.85	154,629.69
19. Creek	759,148.82	168,174.61	624,599.34
20. Custer	311,934.22	60,875.45	249,907.86

OKLAHOMA HISTORY IN FIGURES

	Appropriation	From Other Sources	On Roll
21. Delaware	87,500.39	27,112.66	65,625.20
22. Dewey	107,098.38	32,463.16	129,854.50
23. Ellis	164,761.27	28,038.65	144,614.76
24. Garfield	715,912.87	144,718.91	602,545.29
25. Garvin	305,855.05	54,852.52	270,576.15
26. Grady	548,334.97	89,658.38	474,007.86
27. Grant	310,103.73	75,270.44	234,865.08
28. Greer	203,908.11	46,271.26	161,611.66
29. Harmon	149,614.65	29,655.37	128,378.74
30. Harper	113,641.94	17,058.88	95,908.71
31. Haskell	120,347.35	38,408.85	90,417.13
32. Hughes	277,349.75	68,471.68	236,693.07
33. Jackson	298,629.55	55,103.64	247,875.78
34. Jefferson	203,095.25	35,960.22	164,256.14
35. Johnston	131,877.91	18,525.80	122,551.34
36. Kay	816,557.98	177,667.87	657,289.71
37. Kingfisher	264,435.74	49,207.98	210,269.35
38. Kiowa	315,094.00	54,382.70	263,242.49
39. Latimer	91,548.25	16,580.00	81,129.29
40. LeFlore	339,297.00	51,092.00	300,330.00
41. Lincoln			
42. Logan	328,652.34	75,715.42	253,645.26
43. Love	114,522.88	28,625.11	101,353.84
44. Major	167,173.09	24,864.26	139,008.26
45. Marshall	118,354.00	20,401.00	102,052.00
46. Mayes	145,600.81	34,788.59	117,059.04
47. Murray	143,696.35	30,709.51	120,745.49
48. Muskogee	723,136.98	87,556.13	664,275.01
49. McClain	194,388.38	37,282.41	165,330.87
50. McCurtain	209,739.25	54,265.97	176,193.51
51. McIntosh	161,925.22	44,077.47	144,302.31
52. Noble	240,539.96	57,275.84	192,708.07
53. Nowata	177,489.00	31,158.05	123,398.00
54. Okfuskee	334,652.26	72,854.60	253,378.93
55. Oklahoma	2,539,328.81	285,754.54	2,489,903.74
56. Okmulgee	692,697.66	101,650.68	637,324.49
57. Osage	958,728.93	209,624.12	761,205.96
58. Ottawa	407,016.40	168,028.25	254,023.28
59. Pawnee	265,864.84	56,722.63	226,382.96
60. Payne	547,389.37	101,395.11	459,354.91
61. Pittsburg	406,984.23	81,172.63	356,379.43
62. Pontotoc	313,674.00	37,684.00	264,735.00
63. Pottawatomie	1,122,411.40	437,799.44	688,063.33
64. Pushmataha	99,183.69	16,558.56	88,334.21
65. Roger Mills	139,371.40	30,140.47	117,643.00
66. Rogers	247,404.90	50,505.17	182,883.22
67. Seminole	1,272,497.66	693,147.24	607,965.65
68. Sequoyah	132,077.34	39,789.23	100,685.53
69. Stephens	359,234.00	81,362.00	289,178.00
70. Texas	301,278.37	33,050.43	257,576.33
71. Tillman	365,435.00	70,428.13	313,318.22
72. Tulsa	2,875,729.18	287,551.05	2,833,939.43
73. Wagoner	211,011.00	37,274.21	189,935.38
74. Washington	482,684.95	69,653.79	445,770.73
75. Washita	289,281.28	49,741.18	235,321.49
76. Woods	224,051.08	29,756.49	194,211.75
77. Woodward	257,239.34	35,250.81	217,527.31
Total for State	28,652,708.70	5,853,292.50	23,963,109.61

RETIRING BONDED INDEBTEDNESS
School District Sinking Fund

	Appropriation	From Other Sources	On Roll
1. Adair	13,592.52	918.38	11,028.04
2. Alfalfa	61,924.68	4,662.96	52,041.98
3. Atoka	25,948.84	7,346.94	18,078.33
4. Beaver	24,142.04	1,454.86	26,571.13
5. Beckham	71,583.31	5,848.86	65,848.29

	Appropriation	From Other Sources	On Roll
6. Blaine	33,458.65	3,707.10	31,107.04
7. Bryan	75,071.97	2,431.84	72,962.58
8. Caddo	84,076.74	4,741.52	79,737.23
9. Canadian	51,010.61	3,750.00	50,752.68
10. Carter	169,211.12	9,595.16	155,467.98
11. Cherokee	14,572.02	241.71	15,705.53
12. Choctaw	47,990.69	55.90	52,402.82
13. Cimmaron	5,025.00		5,180.50
14. Cleveland	50,027.42	2,174.48	46,891.02
15. Coal	62,374.14	2,205.58	63,539.78
16. Comanche	51,861.64	3,356.53	45,605.98
17. Cotton	30,919.14	1,200.00	27,813.85
18. Craig	51,010.61		
19. Creek	8,062.29	625.00	8,243.06
20. Custer	323,867.46	16,415.74	298,242.73
21. Delaware	43,322.13	3,121.69	36,994.99
22. Dewey	14,651.45	1,054.14	10,407.57
23. Ellis	29,597.12	1,731.33	28,101.69
24. Garfield	19,242.26		18,064.56
25. Garvin	133,147.43	12,822.61	121,312.99
26. Grady	72,180.58	6,682.30	67,376.57
27. Grant	98,583.38	5,465.00	91,683.29
28. Greer	32,269.05	2,264.47	28,351.49
29. Harmon	58,596.76	4,935.22	54,159.47
30. Harper	37,956.88	3,395.00	30,818.55
31. Haskell	17,507.68		16,786.11
32. Hughes	44,964.68	528.00	48,181.33
33. Jackson	104,423.59	8,601.48	96,107.30
34. Jefferson	78,380.66	10,324.32	57,147.26
35. Johnston	45,951.13	3,772.28	40,924.02
36. Kay	73,704.68	2,670.74	73,759.08
37. Kingfisher	159,017.64	6,589.36	149,848.91
38. Kiowa	36,933.30	1,176.07	36,737.00
39. Latimer	47,461.42	3,967.81	33,468.79
40. LeFlore	20,638.79	3,047.50	15,293.02
41. Lincoln	85,497.56	1,081.84	86,111.77
42. Logan	47,245.60	535.00	49,395.30
43. Love	29,942.38	3,642.40	27,883.53
44. Major	18,994.00		21,116.03
45. Marshall	19,279.40	1,905.00	18,315.55
46. Mayes	21,973.63		23,386.06
47. Murray	26,169.07	1,092.00	26,656.02
48. Muskogee	153,024.84	21,634.64	110,293.36
49. McClain	39,601.39	3,193.21	34,824.03
50. McCurtain	40,111.70	4,441.71	33,455.56
51. McIntosh	58,628.57	5,522.58	58,066.42
52. Noble	42,295.90	2,966.77	41,001.88
53. Nowata	24,025.15	1,248.00	39,779.00
54. Okfuskee	69,850.11	3,755.14	65,165.93
55. Oklahoma	630,902.17	13,010.12	617,928.61
56. Okmulgee	217,723.89	8,835.12	224,589.74
57. Osage	253,299.04	13,072.82	256,852.23
58. Ottawa	89,240.19	5,585.71	92,085.77
59. Pawnee	57,029.76	2,102.99	59,167.73
60. Payne	73,083.75	3,875.02	67,250.63
61. Pittsburg	118,267.31	12,026.53	113,712.22
62. Pontotoc	73,500.00	1,666.00	80,771.00
63. Pottawatomie	845,048.85	9,039.45	304,310.16
64. Pushmataha	26,078.30	450.56	27,300.72
65. Roger Mills	15,516.54	2,946.68	13,924.41
66. Rogers	37,498.96	1,278.05	35,297.01
67. Seminole	109,100.74	465.38	104,096.84
68. Sequoyah	35,574.95	116.26	38,284.71
69. Stephens	80,629.00	5,317.00	79,078.00
70. Texas	58,473.83	2,919.17	53,109.04
71. Tillman	68,518.70	6,506.38	54,226.48
72. Tulsa	896,974.51	64,172.31	819,944.19
73. Wagoner	36,449.92	2,137.99	55,127.48
74. Washington	80,082.91	6,214.31	78,964.89
75. Washita	56,562.53	3,984.57	49,837.81
76. Woods	32,852.53	2,190.72	28,748.53
77. Woodward	56,587.65	10,718.93	45,580.92
Total for State	7,003,886.22	382,532.13	6,118,394.01

In the foregoing table the charges against the several counties of the state which are made by the County Excise Board are divided in three classes, a. b. and c.

A. The general expense of county government, and included in this are the amounts necessary to be raised from each county to pay outstanding bonded indebtedness. B is the county highway expense, and C is the cost of the common schools of the county, also showing the amount to be raised for the purpose of retiring bonded indebtedness.

In each county this sub-division C is divided among the different school districts of the county, and the tax levy varies in different school districts.

The table shows in the first column the tax valuation of the property in each county. The column headed "appropriations" is the amount which is necessary to meet the appropriations, provided that the entire levy is means that the excise board estimates that this part of the appropriation would be procured from other sources than ad valorem tax. The column headed "on roll," means that the property of the county has been placed on the tax roll for that amount or that the sum in that column has been levied against the property in the county and must be paid as ad valorem taxes. It may be noted that the sum of the columns "from other sources" and "on roll," will exceed the amount shown in the appropriation column. This is caused by the fact that the excise board levies a greater sum than is necessary to meet the appropriations, provided that the entire levy is collected, and a certain per cent is added for losses and non-payment of taxes.

The county derives funds from a number of sources other than ad valorem taxes, such as fees and earnings of different offices; part of the gross production; gasoline and automobile license tax, and for school purposes each county gets a portion of the income from the state school fund and school lands.

One item that cannot be shown in the above table in its proper classification is the expense of maintaining the separate schools for the colored children of the state. While this is an expense that should be charged as common school expense, it is in fact carried in the expense of county government, under the head of general fund appropriations for the reason that colored schools are paid by ad valorem tax upon the property of the county which is placed in the county's general fund and paid from that source.

The appropriation for common school purposes for the year 1929, was \$28,652,708.70. We had incurred bonded indebtedness for school purposes however, which must be paid, and the appropriation for the sinking fund to apply on this indebtedness was \$7,003,886.22, making our total expenditures for common school purposes for the year \$35,656,694.92. Add to this \$1,500,000 appropriated by the legislature from the gross production tax to be used to aid weak schools in the state, we have a grand total of \$37,156,694.92, which was our charge for common schools for the year 1929.

The amount levied against the property of the several counties as ad valorem tax was \$29,420,870.29. This is the amount remaining after deducting what might be expected from other sources than ad valorem taxation. This would require an average tax of 7.5 mills plus, for schools alone.

The county government expense to be paid from ad valorem tax would require a levy of ----- mills. Altogether, the appropriation made by the different county excise boards and which was spent in 1929 for county purposes exclusively, was \$64,941,969.63. This would require an average ad valorem tax levy on all the taxable property of the state of 3.6 mills, making no allowance for losses from uncollected taxes.

The state has delegated a large part of its governing power to units of government, such as counties, school districts, cities and towns. Each of these has its own financing organization authorized by law to make the

necessary appropriations for that part of the government delegated to each unit and to levy and collect taxes sufficient to meet its needs.

The 77 county excise boards in the state levy the taxes necessary for operating the county government, maintaining the courts and offices, for the highways over which they are given jurisdiction, and for the common schools.

In the foregoing tables the expense of that part of government provided by the counties of the state are divided into three classes, A, B, and C.

Under class "A" we denominate "expenses of county government," which includes all the appropriations payable out of the county general fund, and besides the expenses of county government proper there is paid from this particular fund the maintenance of the separate, or colored, schools of the state. Most of the counties and school districts in the state have spent money faster than they could raise the revenue through taxation or from other sources, and have gone in debt through the sale of bonds, and it is now necessary to provide a sinking fund annually to pay the installments due upon these bonds as they mature. And this must be counted as a part of the necessary governmental expenses to be paid each year.

The foregoing table is taken from the records of expenses provided for the fiscal year June 30, 1929, to June 30, 1930.

We regret that it was impossible to obtain the records for the early years of our state government for comparative purposes, but these were not available.

In class "B" we have the expenses of the county highways. This takes care of the work done by the county on highways not taken over by the state entirely and for laterals under the exclusive jurisdiction of the county.

Class "C" shows the cost of common schools of the state, including, as before mentioned, the sinking funds to retire bonds already issued.

The columns headed "general fund appropriation," "sinking fund appropriation," "highway fund appropriation," etc., indicates the actual amount of money authorized to be spent through appropriations made by the excise boards. The columns under the heading "from other sources" indicates the amounts which the excise boards estimate will be provided by income other than ad valorem tax. Under the columns "on rolls" we find the amount which is actually made a tax charge against the property of each county and is assessed as ad valorem tax. In most instances the total of the assessment and the estimated amount from other sources will exceed the appropriation made. That is because there will always be a probable loss by failure to collect the full amount of tax levied.

By adding the total general fund appropriation, \$14,102,775.10, to the amount provided for the sinking fund, \$4,338,139.11, we find that the actual cost of county government for the present fiscal year to be \$18,440,914.21. Deducting from this sum the estimated income from other sources, \$4,121,701.91, we have a balance of \$14,319,212.30, which is charged, levied and must be paid as ad valorem tax against the property of the state.

Adding to the total appropriation for county government the \$10,844,460.50 appropriated for county highways we have a total of \$28,285,374.71 as the year's expenditures by the counties exclusive of school expenses. Fortunately we have a greater income from other sources than ad valorem taxation for highway purposes than for any other, and only \$2,468,059.78 must be added to our tax charge for county highway purposes. And also fortunately there is no bonded indebtedness in this department and no sinking fund to provide.

The total appropriation for the year for common schools is \$28,652,708.70, with \$7,003,886.22 to be provided for sinking funds, making a total charge against the counties of the state for common schools of \$35,656,694.92. Of this amount our estimated income from other sources than ad valorem taxes

is \$6,235,824.63, leaving a balance to be levied as ad valorem taxes of \$29,420,870.29.

But this vast sum is insufficient to provide the schools being maintained in the state, and the Legislature has appropriated from the gross production tax an additional \$1,500,000.00 as school aid for weak schools, making the total expenditure for common schools of the state \$37,156,694.92.

Of all of the items shown in the tables, the amount charged against the property of the state as ad valorem tax by the different county excise boards is \$46,507,578.86.

It will be noted from the table above that the school expense for Lincoln County is not shown. The records for the common school districts for this county were not available.

So that it is certain that the total expenses for county purposes would run above \$65,000,000.00.

This, of course, does not include the taxes charged for the support of the various city and town governments in the state.

On the present tax valuation of all taxable property in the state it would require an average levy of 25.14 mills to pay these county charges.

**REPORT OF SCHOLASTIC ENUMERATION
STATE OF OKLAHOMA**

TABLE 35

January 15, 1930.

County	No. Scholastics		County	No. Scholastics	
	1908	1930		1908	1930
Adair	3,303	5,304	LeFlore	8,964	15,046
Alfalfa	5,471	4,712	Lincoln	14,325	11,398
Atoka	5,734	4,921	Logan	11,467	8,104
Beaver	3,994	3,810	Love	4,156	3,321
Beckham	5,209	10,565	Major	5,360	3,862
Blaine	5,639	6,911	Marshall	4,866	3,701
Bryan	8,165	11,323	Mayes	3,488	6,021
Caddo	9,362	16,391	Murray	4,356	3,875
Canadian	5,040	8,052	Muskogee	7,660	20,324
Carter	10,055	14,116	McClain	4,891	7,630
Cherokee	4,252	5,730	McCurtain	4,694	13,682
Choctaw	6,078	7,910	McIntosh	5,048	9,410
Cimmaron	1,729	1,585	Noble	4,642	4,647
Cleveland	6,908	7,992	Nowata	2,740	4,649
Coal	4,780	3,981	Okfuskee	5,326	9,844
Comanche	10,671	9,737	Oklahoma	18,154	53,426
Cotton		5,304	Okmulgee	4,839	19,469
Craig	5,215	5,436	Osage	4,857	15,915
Creek	5,048	23,170	Ottawa	4,626	12,135
Custer	6,343	8,288	Pawnee	5,958	6,504
Delaware	2,827	5,048	Payne	8,063	11,712
Dewey	5,045	4,457	Pittsburg	12,136	16,324
Ellis	4,674	3,302	Pontotoc	7,402	10,796
Garfield	9,397	12,064	Pushmataha	2,126	4,839
Garvin	8,014	11,383	Pottawatomie	18,086	23,374
Grady	7,148	17,225	Roger Mills	5,107	5,047
Grant	5,977	4,230	Rogers	5,955	6,282
Greer	8,694	6,930	Seminole	5,316	24,192
Harmon		4,885	Sequoyah	7,076	7,248
Harper	2,528	2,639	Stephens	6,926	11,297
Haskell	5,612	2,639	Texas	5,064	4,467
Hughes	6,239	10,118	Tillman	5,256	8,009
Jackson	5,984	9,776	Tulsa	6,324	49,918
Jefferson	4,119	6,086	Wagoner	6,588	7,763
Johnston	5,089	4,441	Washington	3,922	7,828
Kay	8,739	13,469	Washita	8,923	10,193
Kingfisher	6,248	5,100	Woods	6,008	4,958
Kiowa	7,700	10,036	Woodward	5,257	4,544
Latimer	2,862	3,806			
			Totals	475,847	758,103

As noted elsewhere, Oklahoma Territory had an operating government for more than sixteen years before the admission of Oklahoma into the Union. They had provided means of raising revenue for the maintenance of their territorial and county governments and had levied taxes for those purposes.

When the State was admitted, all of that part included within the Indian Territory or the East half of the State had been without organized government and had no funds or tax levies for governmental purposes. The counties organized from that part of the State had not one cent of money nor so much as a lead pencil with which to begin the business of government; and no taxes could be levied and collected for more than a year. This made it necessary that some temporary provision be made which would enable those counties to carry on. We had the \$5,000,000.00 in cash appropriated by the United States Government for permanent school fund which was to be loaned and the income only used for school purposes. To meet the temporary emergency the State loaned, from this fund, to the counties on the East side, sums of money to tide them over until taxes could be levied and collected. The counties which received loans and the amounts of the loans to each are as follows:

Adair -----	\$13,000.00	McClain -----	21,000.00
Atoka -----	24,000.00	McCurtain -----	21,000.00
Beckham -----	19,000.00	McIntosh -----	25,000.00
Bryan -----	45,000.00	Murray -----	15,000.00
Carter -----	45,000.00	Muskogee -----	45,000.00
Cherokee -----	20,000.00	Nowata -----	20,000.00
Choctaw -----	25,000.00	Okfuskee -----	19,000.00
Coal -----	25,000.00	Okmulgee -----	25,000.00
Craig -----	21,000.00	Osage -----	20,000.00
Creek -----	29,000.00	Ottawa -----	25,000.00
Delaware -----	14,000.00	Pittsburg -----	45,000.00
Ellis -----	12,000.00	Pontotoc -----	35,000.00
Garvin -----	36,000.00	Pushmataha -----	12,000.00
Harper -----	8,000.00	Rogers -----	25,000.00
Haskell -----	22,000.00	Roger Mills -----	10,000.00
Hughes -----	32,500.00	Seminole -----	24,000.00
Jefferson -----	20,000.00	Sequoyah -----	24,000.00
Johnston -----	28,000.00	Stevens -----	30,000.00
Latimer -----	18,500.00	Texas -----	16,500.00
LeFlore -----	33,000.00	Tulsa -----	37,000.00
Love -----	20,000.00	Wagoner -----	30,000.00
Marshall -----	20,000.00	Washington -----	25,500.00

Tax levies had been made in all counties in Oklahoma Territory and the taxes levied in 1907 were collected in 1908. The taxes collected for State purposes were refunded for the reason that no corresponding taxes had been levied or collected on the East side and it was believed unjust for the people of the West half of the State to pay when those of the East side did not. The State of Oklahoma had assumed, and, by the terms of the Enabling Act was compelled to pay the indebtedness of Oklahoma Territory. For that purpose our first bond issue was made in 1908, the amount being \$1,460,000.00.

Although the provisions of the Curtis Act and the treaties of the United States with the Five Civilized Tribes provided that the Indian lands in the hands of the allottees should not be taxable, taxes were levied against the lands of the Indian Territory from 1908 to 1912, and warrants were issued against the revenue to be collected from these levies. These taxes

were contested and the legality of the levy was called in question and in 1912 the Supreme Court of the United States held that these Indian lands were not taxable; hence there was a large deficiency that had to be provided for, and the Legislature of 1913 issued what was known as the funding bonds in the sum of \$2,907,000.00. In 1911 public building bonds in the sum of \$2,500,000.00 had been issued. The greater portion of these bonds have been retired. All bond issues and their present status up to June 30, 1928 are shown in the table "Summary of Bond Issues."

An examination of the foregoing tables discloses that the people of Oklahoma pay more for educational expense than for all other expenses of government. It will be noted that while our population has increased only 68% our taxable wealth, 152%, the value of our agricultural products, 112%, the expense of our educational and penal institutions has increased 1500%; the expense of our State officials 412%; salaries of employees 310%. This does not take into consideration the fact that the United States Government is contributing liberally to the education of our Indian population and also contributing considerable sums of money for hospitalization and other purposes, the benefit from which accrues directly to Indian citizens of our State. More than \$6,000,000.00 in the aggregate coming to Oklahoma for the years 1930 and 1931 as shown by the following table in which the items under "Specific Appropriations" are paid from the National Treasury, and the item under "Tribal Fund Appropriations" being paid from funds belonging to the several tribes and in the hands of the Indian Department for disbursement.

TABLE 36

Specific Appropriations. (Gratuities)
(Furnished by the Department of Interior)

	1931	1930
Probate Attorney -----	\$ 40,000	\$ 34,500
Indian Schools, Chilocco, Okla. -----	356,000	232,500
Sequoyah Orphan Training School -----	163,375	93,000
Bloomfield School -----	74,000	52,000
Euchee School -----	42,500	39,775
Aid of Common Schools -----	300,000	250,000
Eufaula School -----	54,500	58,625
Cheyenne and Arapaho Hospital -----	45,000	25,000
Choctaw Chickasaw Hospital -----	50,000	45,000
Shawnee Sanatorium -----	178,000	60,000
Seger Hospital, Support -----	7,000	7,000
Seger Hospital, New Construction -----	57,000	
Pawnee and Ponca, Support -----	26,000	
Pawnee and Ponca, New Construction -----		60,000
Claremore Hospital -----		\$ 10,000.00
Administration, Quapaw Agency -----	18,000	16,000
Fulfilling Treaties with Choctaws -----	10,520	10,520
Support of Quapaws -----	2,280	2,280
Support of Pawnees -----	51,000	51,000
Totals -----	\$1,505,175	\$1,062,800

Deficiency Bill.

Claremore Hospital -----	\$ 10,000.00
Drainage Assessments -----	2,720.94
Kiowa Hospital -----	91,000.00
Totals -----	\$103,720.94

Tribal Fund Appropriations.

	1931	1930
Advertising sale of land -----	\$ 6,500	\$ 10,000
Per capita payments, Kiowa -----	200,000	200,000
Education and support of tribal schools -----	220,000	250,000
Education, Osage Nation -----	12,800	8,000
Support, Pawnee -----	3,800	4,500
Sac and Fox -----	3,000	3,000
Kiowa -----	60,000	60,000
Cheyenne and Arapaho -----	2,500	17,100
Expenses, per capita payments Choctaw and Chickasaw---	5,000	5,000
Expenses of Tribal officers -----	25,000	25,000
Support of Osage Agency -----	190,000	180,000
Oil and Gas production, Osage -----	74,000	80,000
Expenses, Osage Council -----	10,000	10,000
Expenses, Choctaw attorneys -----		30,000
Seminole Attorneys -----		5,000
Totals -----	\$812,600	\$887,600

Deficiency Bill.

Expenses of Wichita Attorneys -----	\$ 2,000.00
Relief of—	
Eloise Childers -----	1,213.24
Leah Frank -----	624.00
Effa Cowe -----	1,101.00
Kiowa per capita payment -----	100,000.00
Total -----	\$104,938.24

Tentative allocation of funds to Oklahoma Activities from general appropriations.

	1931	1930
Pay of Police -----	\$ 5,000	\$ 4,834
Purchase and Transportation -----	25	20
Industrial Work and Care of Timber -----	38,000	34,657
Indian School Support -----	355,000	341,126
Indian School Transportation -----	3,000	2,550
Industry Among Indians -----	5,000	2,500
Conservation of Health -----	55,000	46,929
Indian Agency Buildings -----	17,000	15,067
Indian School Buildings -----	25,000	67,771
Support of Indians and Administration of Indian Property	265,000	247,776
Total Treasury Appropriations -----	\$768,025	\$763,230

Unappropriated Indian Funds.

Indian Moneys, Proceeds of Labor, Schools -----	75,000	75,712
Indian Moneys, Proceeds of Labor, Agency -----	30,000	29,500
Miscellaneous Trust Funds -----	2,000	1,822
Other Unappropriated Funds -----	30,000	29,200
Total Unappropriated Indian Funds -----	\$137,000	\$136,234
Grant Total -----	\$905,025	\$899,464

Summary

Total Interior Department Bill as passed by House, fiscal year 1931 -----	\$19,786,129.74
Total tentatively allocated to Oklahoma (not including any institution outside of state) -----	2,273,200.00
Percentage of total Treasury appropriation applied to Oklahoma	11.4%

Summary of Funds for Oklahoma.

	1931	1930
Treasury Appropriations -----	\$2,273,200	\$1,929,750.94
Tribal Funds (authorized) -----	812,600	992,538.24
Tribal Funds (unauthorized) -----	137,000	136,234.00
Total -----	\$3,222,800	\$3,058,523.18

The foregoing does not include Osage per capita payments, or per capita payment to other tribes not specifically mentioned in an appropriation bill.

We are unable to furnish the actual cost of highway construction and maintenance. That part which is paid by the counties for local purposes is set forth in one of the foregoing tables. The amount paid by the State exclusively is approximately \$14,000,00 per year. We have not attempted to tabulate and set forth the cost of town and city government in the State, but exclusive of this the actual cost of government in Oklahoma amounts to more than \$100,000,000.00 per year, and while all of this must be paid by the people of the State, it is well to bear in mind that the ad valorem tax only supplied a pittance of this sum; that for the fiscal year ending June 30, 1928 amounted to \$2,815,768.18, so that it is easily apparent that practically all the revenue of the State must be raised by other means than ad valorem tax.

Gross Production Tax supplies the largest item of income in the State, having paid for the year ending June 30, 1928, \$6,873,863.56, of which \$1,488,350.53 was set aside for weak schools. This tax is paid solely by producers of oil and gas in Oklahoma, and the owners of oil and gas producing real property.

The next largest item of revenue comes from the automobile license tax, which for the same year produced \$5,967,769.48. This was paid, of course, by the owners of automobiles.

The gasoline tax was the next largest item of revenue and from it we realized \$5,434,000.00. This too was paid by the automobile owners or users of gasoline.

Income tax netted the State \$1,088,886.87.

Taxes on insurance premiums produced a revenue of \$1,131,477.36 and while this was paid into the Treasury by the insurance companies it was paid to them in the first instance by the policy holders in the form of premiums charged.

The office of the Secretary of State earned fees approximating \$214,755.20.

The Corporation Commission collected fees amounting to \$118,612.09.

The Clerk of the Supreme Court collected \$38,754.48, and other offices and departments turned in varying amounts. But all of these fees were paid by the people who received services from these different offices and departments, and under whatever name it may be called or in whatever account it may be shown the fact remains that the people pay the cost of government.

The questions which every citizen of this state should seek to solve are:

First, can the cost of government be reduced without impairing its efficiency? Second, are we getting the value of the money spent for government? third, is the burden of government cost equally distributed and borne by all classes of citizens and all classes of property?

A study of the tables herein furnished will show that our common school expenses are more than \$50.00 per year for each child of school age in the state of Oklahoma. We can not give the cost as applied to those who actually attend school. In a letter from the state Superintendent of Public Instruction dated April 7th, 1930 we have this information: "In 1927-8 there were 162 schools that had an enrollment of ten or less. There were 505 schools that had an average daily attendance of ten or less." This information is significant. It must be borne in mind that the above cost per pupil does not include school books and other incidental expenses paid by the parents but include only the expenses paid from public funds and raised by taxation direct or indirect. The estimate hereinbefore made of State highway expense does not include the contributions made for highway construction by the Federal Government; and the Federal Government also contributes liberally to the support of the national guard maintained in Oklahoma which is set forth in a letter from the Adjutant General dated July 11, 1930 as follows:

1st. Ind.

July 11, 1930. To: Mr. A. L. Beckett, Okmulgee, Oklahoma.

1. In reply to basic communication, the following is furnished:

6 Warrant Officers; 395 Officers; 4,835 Enlisted Men.

Equipment and Military Stores issued by the Federal Government approximately \$5,000,000, including

Horses	360
Motor Vehicles	258

(Motor trucks, passenger vehicles, tractors, motorcycles, with side cars, and ambulances)

Received from the Federal Government during the year 1928:

Armory Drill Pay	383,000.00
Transportation	110,000.00
Camp pay and expenses	194,000.00
Caretakers pay	105,000.00
Miscellaneous expenditure	100,000.00
Feed, bedding, and veterinary supplies	1,600.00
Freight, shipments to State	51,430.00
Expense Sgt. Instructors on duty	14,000.00
Officers camp and school of instruction	12,000.00
Improvement Okla. N. G. Site	41,500.00
Total	949,100.00

Chas. F. Barrett,
Adjutant General.

It now seems practically certain that the next legislature will be called upon to revise our entire tax system. It is, therefore, highly important that every citizen of this State should give his attention to a study of government expense and the sources of government revenue, and use whatever means may be in his power to see to it that the solutions of these great economic questions are properly made. That, if possible, government cost be reduced, if it may be done without hurtful sacrifice of government service. That every class of wealth in the State be made to bear its proper share of the tax burden. To this end this little volume is offered for your study and consideration.

Part III
The Strange Case of Ottawa County

The Strange Case of Ottawa County

Every loyal Oklahoman grows just a bit chesty when he reads certain statistics regarding our state and compares them with other less favored states of our union. We get quite a thrill when we read that Ottawa County, in the northeast corner of Oklahoma, with 504 square miles of territory, produces 30% of the entire lead and zinc output of the United States; that it gives employment to more than 5,000 miners, and that in addition to its great mineral wealth, it also has fertile prairies and valleys which add their liberal contribution to the sum total of wealth produced in the state each year.

All of this is fine, but if the average citizen should be told that Oklahoma as a state would be very much better off financially if Ottawa County had been given to Missouri or Kansas and left out of Oklahoma entirely, he would be somewhat surprised, but it is even true.

Ottawa County furnishes an outstanding example of the effect of legislation and the difference between Ottawa County and other counties of the state of Oklahoma is not a difference in the character of its population, soil or its industries, but a difference which has been made solely by and through the laws of the state, especially the law relating to gross production tax.

Let it be first understood that practically all of Oklahoma's mineral production is oil and gas, coal, lead and zinc; that oil, gas and coal are produced in a large number of counties, but our entire lead and zinc production is confined to Ottawa County.

For a long time coal had been the chief mineral output of the counties now comprising the state of Oklahoma, but by 1907, at the time of the admission of our state into the union, the oil industry had grown to considerable proportions, in fact there was then the same complaint of over-production that we have today and the price of oil was about 42c per barrel.

In the year 1908, there was produced in Oklahoma 45,799,000 barrels of oil with a market value of \$19,235,580.00. The coal production that year was 2,948,116 tons, worth \$5,976,504.00. Ottawa County's production in lead and zinc was 12,274 tons, worth \$368,324 on the whole.

In 1910, the legislature passed what is known as the "Gross Revenue Tax," which was House Bill No. 76, being Chapter 4 of the session laws of 1910.

That Act provided that there should be paid one-half of one per centum of the gross received from the total production

of ores bearing lead, zinc, jack, gold, silver, copper or asphalt; one-half of one per centum of the gross received from production of petroleum or other minerals, oil or natural gas. Such taxes to be in addition to the taxes levied and collected upon an ad valorem basis upon mining oil and gas property and the appurtenances thereunto belonging. All of this tax was paid into the general revenue fund of the state and was used by the state for general government purposes.

At the time of the passage of this law, oil production had increased to a little more than 52,000,000 barrels, coal had decreased somewhat and the tax did not apply to it. The lead and zinc production had increased to 17,714 tons with a value of \$635,136.00.

This law remained in effect until March 11, 1915, and to that time Ottawa County was on the same basis as other mineral producing counties in the state.

For the year 1915 the oil produced in barrels had increased to 117,910,444, the price had drooped off again to 58c per barrel. The total production value for the year 1915 was \$68,388,057.00. The value of the lead and zinc output for Ottawa County was \$2,417,771.00.

Subdivision A of the Laws 1915, provided for a gross production tax of 2% on oil and gas but did not change the amount to be charged against lead and zinc and left it at one-half of one per cent of the total value of the ore produced. Up to that time the gross production had been in addition to ad valorem taxes, but by this Act the gross production tax was made the sole tax chargeable against all property used in connection with the production of oil and gas, lead or zinc, and in this Act the first favoritism was shown to Ottawa County.

When collected this gross production tax was distributed one-half to the general revenue fund of the state, the remaining one-half was returned to the County from whence the same was collected to be used in aid of the common schools of such county. Through these provisions, Ottawa County paid on its minerals produced, just one-fourth of the taxes charged against other counties producing minerals and were exempted from all other taxes against their property.

The extraordinary session of the legislature in 1916 again charged the gross production tax. In the meantime the annual production of oil had dropped from nearly 118 million barrels to 106 million barrels, but the price had increased to \$1.26 per barrel, making the oil output worth \$133,799,702.00.

Under the beneficent influence of favorable legislation, or from other causes, the value of lead and zinc output had increased to \$5,402,512.00, or more than 100%.

The 1916 Act provided a gross production tax of 3% of the gross value of oil and gas produced, but did disturb the old rate of one-half of one per cent against Ottawa County's lead and zinc production, and provided that one-half of one per cent should be "in full and in lieu of all taxes by the state, county, city, town, township, school district and other municipalities upon any property rights attached to or inherent in the right to said minerals upon leases upon the mining of asphalt, and ores bearing lead, zinc, jack, gold, and silver."

But Ottawa County's representatives in the legislature were not satisfied with that liberal discrimination in their favor, they further took care of their interests in the provisions of the bill providing for the division and distribution of the taxes. The bill provided:—

"Section 4. The gross production tax provided for in this Act is hereby levied and collected for the following specific purposes to-wit:—

(1) For current expenses of state government, two-thirds.

(2) For and in aid of the common school of the county from whence the oil or gas and other mineral is produced, one-sixth, (five mills).

(3) For and in aid of construction of permanent roads and bridges of the county from whence the oil or gas and other mineral is produced, one-sixth, (five mills)."

Now those two little words "five mills" inclosed in parenthesis at the end of paragraphs two and three in Section 4, as construed by those enforcing the laws, have had an amazing effect upon Ottawa County and its fiscal relations to the state. Without these words, the state would be entitled to retain two-thirds of the gross production collected from that county, and the county would be entitled to have returned to it the remaining one-third; one-half of which, or one-sixth of the whole, would be for aid of common schools and the other one-sixth for roads and bridges. But by further defining the amounts to be returned to Ottawa County as "five mills" for school and "five mills" for roads, officers administering the collection and distribution of the tax have some way concluded that the "five mills" plus "five mills" for roads would cover all of the one-half of one per cent collected from Ottawa County and have returned the whole amount year after year since 1916.

So administered, the minerals produced from Ottawa County, and all the property of those producing it used in connection with its production, had paid not one cent of state taxes nor one cent of county, town, township, school district or other municipal tax.

While oil and gas has paid 3% of its gross production, of

which the state has received two-thirds, Ottawa County producers of lead and zinc have paid only one-sixth as much taxes on their production and the state had received no part of it.

In the biennial report of the State Auditor of date June 30, 1928, we find that for the year 1927 Ottawa County paid in gross production tax \$151,357.99, and that the state returned to Ottawa County that year from gross production \$160,122.54. In 1928 Ottawa County paid \$90,630.47 gross production tax and received back \$90,630.47. Why it returned more than it paid in 1927 is not shown in the report.

Let us see some of the results of this discrimination, not only as it affects the state, but as it affects Ottawa County itself as a whole.

Had Ottawa County, in 1928, paid the same rate of gross production tax on the same basis as the oil and gas producing counties of the state, it would have paid \$543,782.82, of which the state would have received \$362,521.88, and there would have been returned to Ottawa County \$181,260.94 for road and bridge work. So that the state has lost \$362,521.88, and Ottawa County has received only one-half the amount which it would have received on an equal basis. The only ones benefited by this discrimination are the persons and corporations engaged in the production of lead and zinc.

Ottawa County has a population of 38,742, as shown by the last census. For purpose of comparison we will take two counties in the state who are nearest the same population, Payne and Carter, and using the Auditor's report as a basis, we find the following:

County	Population	Taxable Wealth	Weak School Aid Received
Ottawa County	38,742	\$19,104,832	\$24,464
Payne County	35,882	44,870,744	2,181
Carter County	41,317	35,325,837	9,822

As we know, the weak school aid fund is distributed, not in proportion to the population and wealth of the county, but in proportion to its need and the poverty of its schools. The result of this tax loss on Ottawa County as a whole is easily shown by the above figures. The taxable wealth of each of the other counties is far greater than Ottawa, and Ottawa has need of a far greater sum for its weak schools.

Let us make some other comparisons. Payne County had available for use by the county for general purposes for the fiscal year 1929-30 appropriations amounting to \$338,419.53, of which only \$217,081.00 must be raised by ad valorem tax. Carter County has available for the same year \$235,630.00 of which

\$211,793.00 is to be raised by tax. Ottawa County has only \$119,733.00 available for all general purposes, including highways, and of this amount must pay \$102,210.00 from ad valorem tax. Having far less public funds than either of the other counties, such property as is taxable in Ottawa County must bear a higher tax rate than in either of the others.

Take another comparison. For its bonded indebtedness, Ottawa County must provide for this year's sinking fund \$40,981.11, all of which must be raised by ad valorem tax. Payne County's sinking fund requires \$67,070.30, no part of which has to be paid by ad valorem tax.

Thus it is clearly demonstrated that while the lead and zinc industry is bearing ably one-sixth the tax that is imposed upon oil production, the county in which this industry is located suffers heavily in consequence, and the state receives no support whatever.

Notwithstanding the fact that Ottawa County pays to the treasury of the state no gross production tax and receives a large contribution by way of charity for its weak schools, the state also maintains what is denominated a "Junior College" at Miami for which the present year's appropriation is \$115,000.00.

This apparent favoritism to Ottawa County has not benefited the county at large. If there has been any benefit, it has been solely to those engaged in the production of lead and zinc. The net result has been that the citizenship at large have less taxable wealth, poorer highways and schools, and higher taxes than other counties in the state with approximately the same population.

Appendix
The Indian Constitutions

Okmulgee Constitution

After the close of the Civil War, because of the participation of the Five Civilized Tribal Governments with the Confederate States of America, the United States Government declared all former treaties with these Indian Governments abrogated, and in 1866, procured new treaties with each of these tribal governments and as conditions of these treaties obtained certain concessions which would not have been possible but for the helpless condition in which these tribes found themselves after the disastrous conclusion of that war.

The United States was in need of land which it might use as reservations for a number of tribes located in other states and territories and which were impeding the orderly progress of settlement and development. For this purpose some of the Five Civilized tribes, in the treaties of 1866, ceded to the United States approximately one-half of their landed holdings. These cessions together forming that part of our state which was included in Oklahoma Territory, except the panhandle.

Another provision which was incorporated in all these treaties was that the several tribes would accept their former slaves as citizens of the tribes and permit them to share in their common ownership of land and other rights of citizenship.

Until these treaties the tribal governments had refused to permit any railroad right-of-way to be granted, or railroad constructed, through their Nations, and by these treaties they agreed that railroads might build and rights-of-way be granted through their several Nations and as a result, the M. K. & T. Railroad, north and south, and the Atlantic & Pacific, (now the Frisco), east and west were constructed.

Another provision common to each of these treaties was "That a Council consisting of delegates elected by each nation or tribe, lawfully resident within the Indian Territory, may be annually convened in said Territory—that said Council shall be presided over by the superintendent of Indian Affairs." This Council was given power to enact laws for the government of all the Indian tribes located in Oklahoma.

As a result of this provision of the treaties, a general council was called to convene at Okmulgee, then the Capital of the Muskogee Nation, on September 27, A. D., 1870. Before this time a number of Indian reservations had been established upon the lands ceded to the government by the Five Civilized Tribes and Indians of other tribes removed to and located on these reservations. All of these tribes were invited to send delegates to and participate in the National Council. On the day fixed, delegates were present from the following tribes: Cherokee, Muskogee, Ottawa, Eastern Shawnee, Quapaws, Senecas, Wyandottes, Confederate Peorias, etc., Sac & Fox, Absentee Shawnees and Great and Little Osages.

Honorable Enoch Hoag, Indian Superintendent, was present to preside over the council, but declared a quorum not present and adjourned until the following day. Additional delegates came until the 29th when a quorum was declared present and the council was duly convened with Mr. Hoag presiding.

The Seminole delegates arrived on the 29th. On the 30th, this council adjourned to reconvene on the first Monday in December following, and invitations were sent to the Comanche, Kiowas, Arapahoe, Cheyenne, Caddo, Wichita and other tribes of the plains to send delegates to that council.

The council again convened December 6, 1870, and delegates from the

Choctaw and Chickasaw Nations and several of the plains tribes met in addition to those who had attended the former session. The council remained in session until December 20, 1870, during which time a constitution was prepared and adopted for government of the Indian Territory.

Delegates from these tribes met in council annually at Okmulgee until 1878, continuing through all these years their effort to bring this Super-Indian Government into existence, but all their labors were in vain.

The constitution which their delegates drafted and sought to make effective, is of great historical importance in that it reflects the composite governmental ideas of the several Indian Tribes who participated in its preparation, and it is included here for the reason that heretofore it has never been made generally available for the study of those interested in Oklahoma History.

The Constitution of the Indian Territory

(Drafted at Okmulgee in 1870.)

Whereas the people of the nations of Indians inhabiting the Indian Territory have agreed by treaty with the Government of the United States, and being by its agents invited to meet in General Council under the forms prescribed by the Treaties of 1866 and the action thereon of the Government of the United States, having thus met to frame the laws and arrange the machinery of a government for the country occupied and owned by them, in order to draw themselves together in a closer bond of union, for the better protection of their rights, the improvement of themselves, and the preservation of their race and relying on the guidance and favor of Almighty God to carry out in a consistent and practicable form the provisions of said treaties at the earliest practicable day, do hereby enact and promulgate the following as the Constitution or organic law of the said Indian Territory:

ART. I

Sec. 1. All that portion of country bounded on the east by the states of Arkansas and Missouri, on the north by the state of Kansas, on the west by the Territory of New Mexico and the state of Texas, and on the south by the state of Texas, which has been set apart and guaranteed by the Treaties and laws of the United States as a permanent home for the Indians therein lawfully resident or such as may be in like manner settled therein hereafter for the purpose of this Constitution shall be known and styled as "The Indian Territory."

Sec. 2. Each of the nations of Indians who by themselves, or through their representatives may enter this confederacy, do agree that the citizens of each and every one of said nations shall have the same rights of transit, commerce, trade, or exchange in any of said nations as he has in his own, subject only to consistency with existing treaty stipulations with the United States and the laws regulating trade and intercourse, and under such judicial regulations as are hereinafter provided. But no right of property or lands, or funds owned by any one nation shall be in any manner invaded by citizens of another nation; and it is hereby distinctly affirmed that the rights of each of these nations to its lands, funds and all other property shall remain the sole and distinct property of such nation. Any Indian nation now represented in this General Council or which may hereafter enter in a legal manner, or be now in said Indian Territory, may be admitted to representation and all the privileges of this joint government by accepting and agreeing through their proper authorities to the provisions of this Constitution.

ART. II -

Sec. 1. The powers of this Government shall be divided into three distinct departments, to be called the Legislative, the Executive and the Judicial Departments of the Indian Territory.

Sec. 2. No person belonging to one of these departments shall exercise any of the powers properly belonging to either of the others except in cases hereinafter expressly directed or permitted.

ART. III

Sec. 1. The Legislative power shall be vested in a General Assembly which shall consist of a Senate and House of Representatives; and the style of their acts shall be,—“By it enacted,” or “Be it resolved by the General Assembly of the Indian Territory.”

Sec. 2. The Senate shall consist of a member from each nation whose population is two thousand citizens, and one member for every additional two thousand citizens, or fraction greater than one thousand. Provided, nations with populations less than two thousand may unite and be represented in the same ratio, and provided further, that the Ottawas, Peorias and Quapaws shall be entitled to one senator, and the Senecas, Wyandotts and Shawnees to one senator, and the Sac & Foxes to one senator.

Sec. 3. No person shall be eligible to a seat in the General Assembly, but a bona fide citizen of the nation which he represents and who shall have attained the age of twenty-five years.

Sec. 4. The House of Representatives shall consist of one member from each nation and an additional member for each one thousand citizens or fraction thereof greater than five hundred.

Sec. 5. The members of the Senate and House of Representatives shall be elected by the qualified voters of their respective nations according to their laws or customs and shall hold their office for the term of two years. Vacancies that may occur shall be filled in like manner.

Sec. 6. The Senate when assembled shall choose a President and its other officers, and the House of Representatives a speaker and other officers; and each shall judge of the qualifications and returns of its own members. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Sec. 7. Each branch of the General Assembly shall keep a journal and determine the rules of its proceedings, punish a member for disorderly behavior and with the concurrence of two-thirds, expel a member, but not a second time for the same offense.

Sec. 8. The General Assembly shall have power to legislate upon all subjects and matters pertaining to the intercourse and relations of the nations of the Indian Territory, the arrest and extradition of criminals escaping from one nation to another; the administration of justice between members of the several nations of the said Territory and persons other than Indians and members of said nations; and the common defense and safety of the nations of said Territory. But the said General Assembly shall not legislate upon matters other than those above indicated. The General As-

sembly shall meet annually on the first Monday in June at such place as may be fixed upon at their regular session.

Sec. 9. Members of the General Assembly and other officers, both Executive and Judicial, before they enter upon the duties of their respective offices, shall take the following oath of affirmation, to-wit: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the Indian Territory and that I will faithfully and impartially discharge to the best of my ability, the duties of the office of ----- according to law. So help me God."

Sec. 10. The members of the General Assembly shall be paid four dollars per day while in actual attendance thereon and four dollars mileage for every twenty miles going and returning therefrom on the most direct travelled route, to be certified by the presiding officer of each house. Provided no member shall be allowed per diem compensation for more than thirty days at any annual session.

Sec. 11. Members of the General Assembly shall in all cases except of treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly and in going to and returning from the same.

Sec. 12. No power of suspending the laws of this territory shall be exercised unless by the General Assembly or its authority. No retrospective law nor any law impairing the obligation of contracts shall be passed.

Sec. 13. Whenever the General Assembly shall deem it necessary to provide means to support the Government of the Indian Territory, it shall have the power to do so; but no revenue shall be raised not actually necessary and in accordance with law, uniform in its operations throughout the Territory.

Sec. 14. All bills making appropriations shall originate in the House of Representatives; but the Senate may propose amendments or reject the same. All other bills may originate in either branch subject to the concurrence or rejection of the other.

Sec. 15. The House of Representatives shall have the sole power of impeaching. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation and shall be presided over by the Chief Justice; and no person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 16. The governor and all Civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit under this Government; but the party whether convicted or acquitted, shall nevertheless be liable to indictment, trial and punishment according to law as in other cases.

Sec. 17. The salaries of all officers created under this Constitution, not otherwise provided shall be regulated by law, but no increase or diminution shall be made in the same during the term for which said officers may have been elected or appointed.

ART. IV

Sec. 1. The executive power of the Territory shall be vested in a Governor who shall be styled the Governor of the Indian Territory, and whose term of office shall be two years, and until his successor shall be elected and qualified. He shall be elected by the qualified electors of each nation

on the first Wednesday in April at the usual places of holding elections of the several nations. The returns of the election of Governor shall be sealed up and directed to the Secretary of the Territory who shall open and publish them in the presence of the Senate and House of Representatives in joint session assembled. The person having the highest number of votes shall be declared Governor by the president of the Senate; but if two or more shall be equal and highest in votes, then one of them shall be chosen by the majority of votes by joint ballot of both Houses of the General Assembly.

Sec. 2. The manner of conducting and determining contested elections shall be by law.

Sec. 3. No person shall be eligible to the office of Governor who shall not have attained the age of thirty years.

Sec. 4. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office, until another Governor shall be duly qualified. In case of the death, resignation, removal from office or other disqualifications of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall fill the office until the President of the Senate shall have been chosen and qualified to act as Governor.

Sec. 5. The Governor shall receive at stated times for his services a compensation to be fixed by law which shall be neither increased nor diminished during the period for which he shall have been elected, nor shall he receive within that period other emoluments from the Indian Territory.

Sec. 6. The Governor shall from time to time give to the General Assembly information in writing of the state of the Government and recommended to its consideration such measures as he may deem expedient and shall take care that the laws be faithfully executed.

Sec. 7. The Governor, on extraordinary occasions may by proclamation convene the General Assembly at the seat of Government to legislate upon such matters only as he may recommend.

Sec. 8. When vacancies occur in offices the appointment of which is vested in the Governor by and with the consent of the Senate, he shall have power to fill such vacancies by commission which shall expire at the end of the next session of the General Assembly.

Sec. 9. The Governor may grant pardons, and respites and remit fines for offenses against the laws of this Territory, and shall commission all officers who shall be appointed or elected to office under the laws of the Territory.

Sec. 10. Every bill which shall have passed both houses of the General Assembly shall be presented to the Governor; if he approves, he shall sign it; if not he shall return it, with his objection, to the house in which it may have originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If after such reconsideration two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of the members of that house, it shall become a law; but in such case the votes of both houses shall be determined by yeas and nays, and the names of members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall become

a law in like manner as if he had signed it unless the General Assembly by their adjournment prevent its return, in which case it shall be a law unless sent back within three days after their next meeting.

Sec. 11. There shall be a Secretary of said Territory who shall be appointed by the Governor with the advice and consent of the Senate and who shall hold his office for two years, and whose duties shall be prescribed by law. He shall also act as treasurer of the Territory until otherwise provided. Before entering upon his duties as Treasurer, he shall give bond with such sureties as may be required by law. No money shall be drawn from the Treasury but by warrant from the Governor, and in consequence of appropriations made by law. There shall also be appointed in like manner one Marshal who shall have power to appoint such deputies as may be authorized. There shall likewise be appointed one Attorney General and two District Attorneys, whose duties and terms of office shall be defined by law.

Sec. 12. All commissions shall be in the name and by the authority of the Indian Territory, and be sealed with the Seal and signed by the Governor and attested by the Secretary of the Territory.

ART. V.

Sec 1. The Judicial Department of the Indian Territory shall be vested in a Supreme Court, three District Courts and such inferior courts as may be provided by law; but their jurisdiction shall not interfere with the civil and criminal jurisdiction retained to each separate nation by the treaties of 1866.

Sec. 2. The Supreme Court shall be composed of the three Judges who shall be appointed by the Governor with the approval of the Senate as District Judges. Two of said Judges shall form a quorum of the Supreme Court for the transaction of business. Their term of office shall be six years, provided that the office of one of said judges shall be vacated in two years, of one in four years, and of one in six years, so that at the expiration of each two years one said judges shall be appointed as aforesaid. The judge appointed for six years shall be the First Chief Justice of the Supreme Court and upon the expiration of his term the senior judge in office shall be thereafter Chief Justice.

Sec 3. The Supreme Court shall meet at the Capital commencing on the first Mondays in June and December in each year. The Supreme Court shall be the court of appellate jurisdiction from the district courts and original jurisdiction in such cases as may be prescribed by law.

Sec. 4. The Supreme District judges shall have power to issue writs of Habeas Corpus and other process necessary to the exercise of their appellate or original jurisdiction.

Sec. 5. The District Court shall have original jurisdiction of all cases civil and criminal arising from the trade or intercourse between the several nations and all cases arising under the legislation of this government as may be prescribed by law.

Sec. 6. Writs of error, bills of exceptions, and appeals may be allowed from the final decisions of the District Courts in such cases as shall be prescribed by law.

Sec. 7. It shall be the duty of the General Assembly to divide the Indian Territory into three districts which shall be as nearly equal in

territory and population as may be practicable, assign one of the three judges to each district and provide for the holding of terms of the district court in each at such time and places as may be deemed expedient.

Sec. 8. No person shall be appointed a judge of any of the Courts until he shall have attained the age of thirty years and be a person of good character and suitable qualifications.

Sec. 9. No judge shall sit on a trial of any case in which he may be interested, or in which he is connected to either of the parties by affinity or consanguinity, except by consent of the parties; and in case of disqualification of any judge, the vacancy shall be filled as may be prescribed by law.

Sec. 10. All writs and other process shall run in the name of the Indian Territory and bear test and be signed by the Clerk issuing the same.

Sec. 11. Indictments shall conclude "Against the peace and dignity of the Indian Territory."

Sec. 12. Each court shall appoint its own Clerk whose duty and compensation shall be fixed by law.

ART. VI

Sec. 1. The General Assembly may propose such amendments to this Constitution as three-fourths of each branch may deem expedient; and the Governor shall issue a proclamation directing all civil officers of the Territory to promulgate the same as extensively as possible within their respective districts, at least six months previous to the annual sessions of the National Councils of the nations parties hereto; and if three-fourths of such National Councils at such next annual sessions shall ratify such proposed amendments they shall be valid to all intents and purposes as parts of this Constitution.

DECLARATION OF RIGHTS

That the general, great and essential principles of liberty and free government may be recognized and established we declare:

Sec. 1. That all political power is inherent in the people and all free governments are founded on their authority and instituted for their benefit; and they shall have at all times the inalienable right to alter, reform or abolish their form of government as may be lawfully provided for.

Sec. 2. The free exercise of religious worship and serving God without distinction of creed shall forever be enjoyed within the limits of this Territory. Provided that the liberty of conscience shall not be construed as to excuse acts of licentiousness or justify practices inconsistent with the peace, safety and good morals of this Territory

Sec. 3. No religious test shall ever be required as a qualification to any office of public trust in this Territory.

Sec. 4. Every citizen shall be at liberty to speak, write or publish his opinions on any subject being responsible for the abuse of this privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

Sec. 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches, seizures, and intrusions; and no warrant to search any place or to seize any person or thing shall be issued

without describing them as nearly as may be, nor without good cause supported by oath or affirmation.

Sec. 6. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury of the district wherein the crime shall have been committed; the right of demanding the nature and cause of the accusation, of having the witnesses to testify in his presence, of having compulsory process to procure witnesses in his favor, of having the right to be heard by himself and counsel, of not being compelled to testify against himself, nor to be held to answer any criminal charge but on information or indictment by a grand jury.

Sec. 7. All prisoners shall be bailable before conviction by sufficient surety except for a capital offense where the proof is evident or the presumption great.

Sec. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted, and all courts shall be open and every person for an injury done him in his person, reputation or property, shall have remedy as the law directs.

Sec. 9. No person for the same offense shall twice be put in jeopardy of life or limb and the right of trial by jury shall remain inviolate.

Sec. 10. No person shall be imprisoned for debt.

Sec. 11. The citizens shall have the right in a peaceable manner to assemble for their common good, to instruct their representatives and to apply to those vested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless the public safety shall require it.

Sec. 13. All powers not herein expressly granted by the nations parties to this constitution are reserved by them respectively according to the provisions of their several treaties with the United States.

SCHEDULE FOR THE CONSTITUTION

In order to organize the Government of the Indian Territory, and secure practical operation for the same, it is hereby ordained that the provisions of this schedule shall be of the same binding force as the Constitution, of which it is a part that it shall be the duty of the Secretary of this General Council to transmit a duly authenticated copy of this Constitution to the executive authority of each nation represented in the General Council and to ask the acceptance and ratification of the same by Councils or people of the respective Nations.

Upon receiving from such authority notifications of its acceptance and ratification by National Councils representing two-thirds of the population of the nations represented in the General Councils, it shall be his duty to promulgate such fact and to call a session of the General Council from the nations ratifying this general Constitution at such place as the present session may designate for its next meeting. It shall be the duty of the General Council when so assembled to adopt such measures as may be necessary to secure the election of a Governor and members of the General Assembly, and to fix the time of the first meeting of said assembly, whose duty it shall be to perfect the organization of a Government of the Indian Territory under the provisions of the foregoing Constitution.

Provided, that this Constitution shall be obligatory and binding only upon such nations and tribes as may hereafter duly approve and adopt the same.

G. W. GRAYSON, Secretary.

LIST OF DELEGATES TO OKMULGEE CONSTITUTIONAL
CONVENTION

CHEROKEE NATION, Wm. P. Ross, Riley Keys, Allen Ross, S. H. Benge, J. A. Scales, O. H. P. Brewer, S. M. Taylor, Stealer, Joseph Vann, Moses Alberty, Ezekial Proctor, Stand Watie, Henry Chambers, Clement N. Vann, Geo. W. Johnson, J. W. Adair, Joseph Johnson, I. G. Vore, Secretary of Convention.

MUSKOGEE NATION, G. W. Stidham, Pleasant Porter, John R. Moore, L. C. Perryman, G. W. Grayson, Joseph M. Perryman, Sanford W. Perryman, Oktar-har-sars Harjo, Timothy Barnard, J. M. C. Smith, George W. Walker, Charke Martup Yoholar, David M. Hodge.

OTTAWA NATION, Francis King.

EASTERN CHEROKEES, Lazarus Flint.

QUAPAWS, George Lane, Robert Lumbard.

SENECAS, James King, George Spicer.

WYANDOTTES, James Hicks, George Wright.

SAC AND FOX, Keokuk, Mattatah.

CONFEDERATE PEORIAS & C, Edward Black.

ABSENTEE SHAWNEES, John White, Joseph Ellis.

GREAT AND LITTLE OSAGES, Augustus Captain, Wm. Connor, Wah-tah-in-kah.

SEMINOLE NATION, Fus-hat-che Harjo, John F. Brown, Cot-cho-che, E. J. Brown.

CHICKASAW NATION, Charles P. H. Percy, Joseph James, Hopiah-tubbe, Colbert Carter, Jackson Kemp.

CHOCTAW NATION, Campbell LeFlore, John McKinney, William Fry, Ma-ha-tubbe, Alexander R. Durant, James Thompson, Joseph P. Fulsom, Alfred Wright, Coleman Cole.

Interpreters for the Muskogee and Seminole Nations, David M. Hodge, Choctaw and Chickasaw Nations, Joseph P. Fulsom. Absentee Shawnees, Robert Deer.

Constitution of the State of Sequoyah

PREAMBLE

Invoking the blessing of Almighty God and reposing faith in the Constitution and Treaty obligations of the United States, we, the people of the State of Sequoyah, do ordain and establish this Constitution.

ARTICLE I

BILL OF RIGHTS

Sec. 1. All political power is vested in and derived from the people; is founded upon their will, and is instituted for the good of the whole.

Sec. 2. The people of this State have the inherent and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness: Provided, such change be not in conflict with the Constitution of the United States.

Sec. 3. All persons have an inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry. To give security to these things is the principal office of government.

Sec. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences. No person shall, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, or be disqualified from testifying, or from serving as a juror. No human authority can control or interfere with the rights of conscience. No person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession; but this liberty of conscience shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace, or safety of this State, or with the rights of others.

Sec. 5. No person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher, or teacher of any sect, church, creed, or denomination of religion; but, if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

Sec. 6. No money shall ever be taken from the public Treasury, directly or indirectly, in aid of any church, sect, or denomination of religion, or in aid of any priest, preacher, minister, or teacher thereof, as such. No preference shall be given to, nor any discrimination made against, any church, sect, or creed of religion, or any form of religious faith or worship.

Sec. 7. No religious corporation can be established in this State, except such as may be created under general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages, cemeteries, and educational and eleemosynary institutions.

Sec. 8. No power shall interfere to prevent the free exercise of the right of suffrage; and all elections shall be free and open.

Sec. 9. The courts of justice shall be open to every person, and remedy offered for every injury to person, property, or reputation, and right and justice shall be administered without sale, denial, delay, or prejudice. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to know the accusation against him; to be furnished the names of the witnesses and an abstract of the evidence adduced against him upon which the indictment was found by the grand jury; to be confronted with the witnesses against him; in all cases to have compulsory process for the attendance of witnesses in his behalf; and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 10. No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree: if a new trial be granted by the court; if the judgment be reversed after verdict; or, if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

Sec. 11. The right of trial by jury shall remain inviolate; but a jury for the trial of criminal or civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law; a jury trial may be waived by the parties in civil cases in manner prescribed by law, and a jury in a civil case may render a verdict by a majority vote. A grand jury shall consist of twelve men, any nine of whom, concurring, may find an indictment.

Sec. 12. No person shall, for felony, be proceeded against criminally otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; in all other cases offenses may be prosecuted criminally by indictment or information, as shall be prescribed by law.

Sec. 13. No person shall, without due process of law, be deprived of life, liberty, or property.

Sec. 14. Imprisonment for debt shall not be allowed, except for the non-payment of fines and penalties imposed for violation of law.

Sec. 15. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof of guilt is evident, or the presumption great.

Sec. 16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 17. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Sec. 18. The military shall always be in subordination to the civil power. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Sec. 19. No law shall be passed impairing the freedom of speech. Every person shall be free to say, write, or publish, whatever he will, on any subject, being responsible for all abuse of that liberty. In case of suit and prosecution for libel or slander, the truth thereof may be given in evidence.

Sec. 20. The people shall be secure in their persons, papers, homes, and effects, from unreasonable searches or seizures; and no warrant shall

issue to search any place, or to seize any person, or thing, except upon complaint in writing, supported by oath or affirmation, describing, as nearly as may be, the place to be searched, or the person or thing to be seized.

Sec. 21. The right of a citizen to keep or bear arms in the common defense, and in aid of the civil power, when thereto legally summoned, shall not be questioned; but nothing herein contained shall justify wearing concealed weapons.

Sec. 22. Private property can not be taken for private use, with or without compensation, without the consent of the owner, except for private ways of necessity, for drains and ditches across the lands of others for agricultural, mining, milling, power, light, manufacturing and sanitary purposes, and then only in such manner as may be prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and as such, judicially determined without regard to any legislative assertion that the use is public.

Sec. 23. Private property shall not be taken or damaged for public use without just compensation, to be ascertained by a jury, or board of commissioners of not less than three freeholders, in such manner as may be prescribed by law; and, until the same is paid to the owner, or into court, subject to his unconditional order, the property shall not be disturbed nor his right therein divested. The fee of land taken for railroad purposes, without consent of the owner, shall remain in him subject to the use for which it is taken.

Sec. 24. Laws impairing the obligation of contracts, or making irrevocable grants of special privileges or immunities; Ex post facto laws, or such as are retrospective in their operation, shall not be enacted by the General Assembly; nor shall separate or exclusive emoluments or privileges be granted, except in consideration of adequate public service.

Sec. 25. Treason against this State can consist only in levying war against it, adhering to its enemies, or giving them aid or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No person shall be attainted of treason or felony by the legislature. No conviction can work corruption of blood or forfeiture of estate; and the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

Sec. 26. Slavery shall never exist in this State; neither shall involuntary servitude, except as punishment for crime, whereof the criminal shall have been duly convicted. The State shall not lease or sell the labor of convicts, but may use it in employments not harmful to them.

Sec. 27. Persons elected or appointed to any office or employment of trust or profit under the laws of this State, or of any municipality therein, shall personally devote their time to the performance of the duties thereunto pertaining.

Sec. 28. The people have the right peaceably to assemble for their own good, and, by petition or remonstrance, to seek from those invested with the powers of government, redress of grievances.

Sec. 29. All persons are, and shall be, equal before the law. No citizen shall ever be deprived of any right, privilege, or immunity, or exempted

from any duty or responsibility, on account of race, color, or previous condition.

Sec. 30. All rights not specifically granted to the State by the terms of this Constitution are reserved to the people.

Sec. 31. The State of Sequoyah is an inseparable part of the Federal Union, and the Constitution of the United States is the Supreme Law of the land.

ARTICLE II

DISTRIBUTION OF POWERS

The powers of government shall be divided into three distinct departments—the Legislative, the Executive, and the Judicial—each of which shall be confined to a separate magistracy, and no person or collection of persons, charged with the exercise of powers properly belonging to one of these departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly authorized.

ARTICLE III

LEGISLATIVE DEPARTMENT

Sec. 1. The legislative power of this state shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, and be styled the "General Assembly of the State of Sequoyah." The enacting clause of every law shall be, "Be it enacted by the General Assembly of the State of Sequoyah."

Sec. 2. The Senate shall consist of twenty-one members, one to be chosen from each senatorial district, whose term of office shall be four years: Provided, At the first election under this Constitution the Senators for the odd numbered districts shall be elected for two years only.

Sec. 3. The House of Representatives shall consist of not less than forty-eight, nor more than seventy-five members, to be chosen biennially, whose term of office shall be two years.

Sec. 4. No person shall be a Senator or Representative, who, at the time of election, is not a citizen of the United States, and of this State, and who has not been, for one year next preceding his election, an actual resident of the county or district for which he is chosen. Senators shall be at least twenty-five years, and Representatives at least twenty-one years of age.

Sec. 5. The term of all members of the General Assembly shall begin on the day of their election.

Sec. 6. The General Assembly shall meet, biennially, at the seat of government, on the first Tuesday after the first Monday in January, until otherwise provided by law; but its first session, under this Constitution, shall be held as herein provided.

Sec. 7. The Governor shall, within ten days after any vacancy occurs in either house, issue a writ of election to fill such vacancy.

Sec. 8. No collection or holder of public money shall be eligible to any office or trust or profit in this State, until he shall have accounted for and paid over all sums for which he may have been liable.

Sec. 9. No person who denies the existence of a Supreme Being, nor any person who has been, or may hereafter be, convicted of embezzlement, or defalcation of the public funds of the United States, or of any state, county, or municipality therein, or who has been convicted of a felony, shall ever be eligible to any office of trust, or profit in this State: Provided, Persons who have, heretofore, been convicted of the crimes of unlawfully introducing, or of unlawfully disposing of, intoxicating liquors, shall not, on that account, be considered as coming within the disqualification prescribed in this section. The General Assembly shall provide by law, for the punishment of embezzlement or defalcation as a felony.

Sec. 10. No member of the General Assembly shall be eligible to any other office in this State, nor to any office created by the General Assembly during his term of office.

Sec. 11. Each House shall elect or appoint its own officers and employes, and shall be the sole judge of the election and qualifications of its members. A majority of all members elected to each House shall constitute a quorum to do business; but a smaller number of either House may adjourn from day to day, and compel the attendance of its absent members, in such manner, and under such penalties, as it may provide.

Sec. 12. Each House shall have the power to determine the rules of its proceedings; to punish its members or other persons, for contempt, or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, unlawful restraint, offers of bribes, or private solicitation; and, by a two-thirds vote, to expel a member, but not a second time for the same offense. A member expelled for corruption, shall not, thereafter, be eligible to membership in either House; and such punishment shall not bar an indictment and punishment for such offense.

Sec. 13. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, except such parts as require secrecy. The "yeas" and "nays" on a question, shall, upon the demand of three members, be entered on the journal.

Sec. 14. The Sessions of each House shall be open, except when, in the opinion of its members, its business requires secrecy.

Sec. 15. Whenever an officer, civil or military, shall be appointed by the joint, or concurrent, vote of both Houses, or by the separate vote of either House, the vote shall be taken by "yeas" and "nays," and entered on the journals.

Sec. 16. Members of the General Assembly shall be privileged from arrest during attendance at the Sessions of their respective Houses, and in going to, and returning from the same, except for treason, felony, and breaches of the peace; and for any speech or debate in either House, they shall not be questioned in any other place.

Sec. 17. The members of the General Assembly shall be paid the sum of six dollars per day, for the days in session, not exceeding ninety days, and the sum of ten cents per mile from their homes to the Capitol, by the nearest traveled route; but such limitation of time shall not apply to its first session held under this Constitution.

Sec. 18. Each House, at the beginning of every regular session of the General Assembly, and whenever a vacancy may occur, shall elect from its members, a presiding officer, to be styled, respectively, President of the Senate, and Speaker of the House of Representatives; and whenever, at the close of any session, it may appear that the term of office of the Senator

who has been elected President of the Senate, will expire before the next regular Session, the Senate shall elect as President, another Senator whose term of office does not so expire, who shall immediately qualify; and, in case of a vacancy in the office of Governor, or absence of the Governor from the State, or in case of the temporary mental, or physical, incapacity of the Governor to perform the duties of his office, such President of the Senate shall perform the duties, and exercise the powers, of Governor, as elsewhere herein provided.

Sec. 19. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose, and the contents of each bill, or resolution, shall be plainly and fully stated in its title.

Sec. 20. Every bill shall be read at length, on three several days in each House, unless the rules be suspended by a two-thirds vote of the House before which it is pending, when the same may be read the second and third times on the same day; and no bill shall become a law unless, on its final passage, the vote be taken by "yeas" and "nays." The names of the members voting for and against the same shall be entered on the journals, and a majority of each House must be recorded thereon as voting in its favor.

Sec. 21. A law may be revived, amended, or its provisions extended only by reenacting, and publishing it at length, and not otherwise.

Sec. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases:

Changing the names of persons or places; laying out, opening, altering, and working roads or highways; vacating roads, town plats, streets, alleys, and public grounds; locating, or changing county seats; regulating county and township affairs; regulating practice in the courts; regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables; providing for changes of venue in civil and criminal cases; incorporating cities, towns, or villages, or changing or amending the charter of any town, city or village; providing for the election of members of the Board of County Commissioners in any county, or the election of officers of incorporated towns or cities; summoning and impaneling grand, or petit juries; providing for the management of common schools; regulating the rate of interest on money; opening and conducting of any elections, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties, or forfeitures; creating, increasing, or decreasing fees, per centage or allowances of public officers during the term for which said officers are elected or appointed; changing the law of descent; granting to any corporation, association, or individual, the right to lay down railroad tracts, or amending existing charters for such purposes; granting to any corporation, association, or individual, any special or exclusive privilege, immunity or franchise: In these, and in all other cases where a general law can be made applicable, no special law shall be enacted.

Sec. 23. The General Assembly shall not have power to release or extinguish, in whole, or in part, the indebtedness, liability, or obligation of any corporation, or individual, to this state, or any county, district, or municipal corporation therein.

Sec. 24. No local or special bill shall be passed, unless notice of the intention to apply therefor, shall be published in the locality where the matter, or thing to be affected, is situated, which notice shall be published at least

thirty days prior to the introduction of the bill in the manner provided by law, and the evidence of the publication of such notice shall be exhibited and entered upon the journals of both houses of the General Assembly before the act is passed.

Sec. 25. No extra compensation shall be made to any officer, agent, employe, or contractor, after the contract is made or the service rendered; nor shall any money be appropriated, or paid, on any claim, the subject matter of which shall not have been provided for by preexisting law, unless such compensation, or claim, be allowed by bill, passed by two-thirds of the members elected to each House of the General Assembly.

Sec. 26. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that at which the two Houses are sitting.

Sec. 27. No money shall be drawn from the Treasury, except in pursuance of specific appropriations made by law, the purpose of such appropriations and the maximum amount in dollars and cents being distinctly stated in the bill; and no appropriation shall be made for a longer period than two years.

Sec. 28. The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State: All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 29. No State tax shall be provided for, or appropriation of money made, except by a two-thirds vote of both Houses, for any purpose other than to pay the just debts of the State; to defray the necessary expenses of the government; to sustain public schools, and eleemosynary institutions; to repel invasion, and suppress insurrection or riot; to maintain necessary quarantine; and to protect human life: Provided, In case the revenues of the State, within the maximum limit of taxation authorized by this Constitution, are insufficient for its lawful expenditures, the General Assembly may, from time to time, during the first twenty-five years next after the admission of this State into the Union, borrow the necessary amounts of money not exceeding, in the aggregate, ten million dollars, to be due and payable at any time to be fixed by law, not exceeding forty years from date of loan, the rate of interest not to exceed four per centum per annum.

Sec. 30. No Act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to person or property; and, in case of death from injuries, the right of action shall survive, and the General Assembly shall prescribe in whose name, and for whose benefit, such action shall be prosecuted.

Sec. 31. No obligation or liability held or owned by the State against any railroad, or other corporation, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished, by the General Assembly; nor shall such obligation or liability be released, except by payment thereof into the State Treasury.

Sec. 32. No new bill shall be introduced into either House during the last three days of the session.

Sec. 33. The General Assembly shall have power to create new counties; to change county lines; to locate or change the State Capital, as provided by this Constitution, and to locate or change the location of all other State institutions: Provided, Such location or change be ratified by a majority vote of the electors of the State, County, or District affected, at a

general election conducted in all respects as provided for amendments to this Constitution.

Sec. 34. The General Assembly shall provide by suitable laws for the opening and maintaining of roads and highways, bridges, ferries, toll roads, and toll bridges; and may, when deemed expedient, create a bureau to be known as the "Bureau of Statistics and History," which shall embrace Mining, Manufacturing, Agriculture, and Forestry. It may provide for a State Geologist, who shall be appointed by the Governor, by and with the consent of the Senate.

Sec. 35. Power to change the venue on civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 36. No money or property belonging to the public school funds, or to this State for the benefit of schools, universities, or colleges, shall ever be used for any other than for the respective purposes to which it belongs.

Sec. 37. The General Assembly shall, from time to time, provide for the payment of all legal debts of the State.

Sec. 38. Any officer in this State who shall, in any manner, make any profit upon the public funds of any kind, belonging to the State, or to any County, or other subdivision of the State, shall be punished as provided by law, and such punishment shall include disqualification to hold office for a period of not less than five years.

Sec. 39. The General Assembly shall fix the salaries and fees of all officers in the State not herein provided for, and no greater salary or amount of fees than is fixed by law shall be paid any officer, employe, or other person, or at any rate other than par value; and the number of clerks and employes of the different departments and institutions of the State, and their salaries, shall be fixed by law.

Sec. 40. Except as otherwise provided in this Constitution, no law shall be enacted by the General Assembly, exempting from taxation any property in this State.

Sec. 41. The General Assembly shall not alter or annul the Charter of any corporation now existing, nor remit any forfeiture of Charter, nor pass any law for the benefit of such corporation, except on condition that such corporation shall, thereafter, hold its charter subject to the provisions of this Constitution.

Sec. 42. All wild fish, game, animals, birds and fowls in this State are declared to be the property of the State; and the General Assembly shall provide by law for their protection and preservation, and for the regulation of the use thereof.

Sec. 43. No officer of this State, or any county, city, or town, shall receive, directly or indirectly, for salary, fees or perquisites more than five thousand dollars per annum, and pay and all sums in excess of this amount collected by any officer shall be paid to the proper officers as provided by law.

Sec. 44. The General Assembly shall, by law, prescribe the manner of contesting elections in cases not specifically provided for in this Constitution.

Sec. 45. The General Assembly may provide, by law, for assessments on real property, for local improvements; in towns and cities, but such as-

assessment shall not be made with the consent of a majority in value of the resident property holders owning property within the locality to be affected, and such assessments shall be ad valorem and uniform.

Sec. 46. The General Assembly shall enact laws prohibiting the manufacture or sale of adulterated food, and other articles, and providing punishment for the violation thereof.

Sec. 47. The General Assembly shall provide by law for the publication of the Constitution, and the revision and publication of all statutes and session laws of this State, with annotations thereon, at least once in every ten years. Such publication shall be sold at a price not exceeding ten per centum above its cost.

Sec. 48. The General Assembly shall have power to enact such land registration laws as will provide for inexpensive transfers, and the determination of the rightful owners of real estate, and shall have power to create the necessary agencies therefor.

Sec. 49. The General Assembly shall provide for the location and erection of the following public buildings.

Normal School Buildings.

State Asylum Building for Deaf, Dumb, Blind and Orphans.

State Reform School Buildings.

Agricultural and Mechanical College Buildings.

State Penitentiary Buildings.

State Asylum Building for the Insane.

State University Buildings.

State University Buildings for Colored Persons; and such other public buildings, except the State Capitol Building, as may be provided for by law.

ARTICLE IV

EXECUTIVE DEPARTMENT

Sec. 1. The Executive Department of this State shall consist of a Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of State, and Superintendent of Public Instruction; all of whom shall, in person, keep their offices at the seat of government, and hold their offices for a term of four years, and until their successors are elected and qualified: Provided, Such officers shall not be eligible for re-election for the next succeeding term.

Sec. 2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "Governor."

Sec. 3. The Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of State, and Superintendent of Public Instruction, shall be elected by the qualified electors of the State, at the time and places of voting for members of the General Assembly, in accordance with the provisions of this Constitution. The persons receiving the highest number of votes for each of the respective offices shall be declared duly elected thereto; but if two or more candidates receive the same highest number of votes cast for any office, the General Assembly, by a majority vote of all the members elected to both Houses, in joint Session, shall choose one of such persons to fill said office.

Sec. 4. Contested elections for Governor, Secretary of State, Attorney General, Treasurer of State, Auditor of State, and Superintendent of Public Instruction, shall be determined, except as in this Constitution otherwise

provided, by the members of both Houses of the General Assembly in joint session, who shall have exclusive jurisdiction to try and determine the same, and all such contests shall be tried and determined at the first session of the General Assembly after the election in which the same shall have arisen.

Sec. 5. No person shall be eligible to the office of Governor, except a citizen of the United States, and of this State, who shall have attained the age of thirty years, and shall have been two years a resident of this State or Territory.

Sec. 6. The Governor shall be Commander-in-Chief of the military and naval forces of this State.

Sec. 7. He may require information in writing from the officers of the Executive Departments on any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 8. He shall give to the General Assembly, from time to time, and, at the close of his official term, to the next General Assembly, information by Message, concerning the condition and government of the State, and recommend for its consideration such measures as he may deem expedient.

Sec. 9. A Seal of the State shall be kept by the Secretary of State, used by him officially, as directed by law, and called the "Great Seal of the State of Sequoyah."

Sec. 10. All grants and commissions shall be issued in the name and by authority of the State of Sequoyah, signed by the Governor and attested by the Secretary of State, and sealed with the Great Seal of the State.

Sec. 11. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of Governor, except as herein provided.

Sec. 12. In case of the death, conviction or imprisonment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of his term, or until the disability be removed, or a Governor elected and qualified shall devolve upon and accrue to, the President of the Senate.

Sec. 13. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the Speaker of the House of Representatives shall, in like manner, administer the government

Sec. 14. Whenever the office of Governor shall have become vacant by death, resignation, removal from office, or otherwise, provided such vacancy shall not happen within nine months next before the expiration of the term of office for which the late Governor shall have been elected, the President of the Senate, or Speaker of the House of Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause an election to be held to fill such vacancies, giving by proclamation sixty days notice thereof, which election shall be governed by the rules prescribed for general elections for Governor as far as possible.

Sec. 15. Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the House in which it originated which House shall enter the objections at large upon its journal and proceed to reconsider it. If, after such reconsid-

eration, two-thirds of the whole number elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered; and, if approved by two-thirds of the whole number of members elected to that House it shall be a law; but in such case the votes of both Houses shall be determined by "yeás" and "nays," and the names of the members voting for, or against, the bill shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had approved it, unless the General Assembly, by its adjournment, prevents its return, in which case it shall become a law, unless he shall file the same with his objections, in the office of the Secretary of State within twenty days after such adjournment, and shall give notice thereof by public proclamation.

Sec. 16. Every order, or resolution, in which the concurrence of both Houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him, or being disapproved, shall be repassed by both Houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 17. The Governor shall have power to disapprove any item or items of any bill making appropriations of money, embracing distinct items; and the part or parts of the bill approved shall be law, and the item or items of appropriations disproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Sec. 18. In all criminal and penal cases, excepting in those of treason and impeachment, the Governor shall have power to grant reprieves, commutations of sentence, and pardons, after conviction; and to remit fines and forfeitures under such rules and regulations as shall be prescribed by law: Provided, The General Assembly may create a Board of Pardons for all the above purposes, after which the Governor may exercise these powers only on recommendation of a majority of such board. In cases of treason he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutations of sentence, or pardon, with his reasons therefor, stating the name and crime of the convict, the sentence, its date, and the date of the commutations, pardon, or reprieve.

Sec. 19. The Governor may, by proclamation, or extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that shall have become, since its last adjournment, dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which it is convened, and no other business than that set forth therein shall be transacted.

Sec. 20. In case of disagreement between the two Houses of the General Assembly, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him by the presiding officers of the two Houses, adjourn them to a time not beyond the date of the next regular session, and, on account of danger from an enemy or disease, to such other place of safety, within this State, as he may think proper.

Sec. 21. The Secretary of State shall keep a full and accurate record of all the official acts and proceedings of the Governor, and, when required, lay the same with all papers, minutes, and vouchers relating thereto, before the General Assembly.

Sec. 22. The Secretary of State, Attorney General, Treasurer of State, Auditor of State, and Superintendent of Public Instruction, shall perform such duties as may be prescribed by law; they shall not hold at one and the same time, any other office or commission, civil or military, in the State, or under any other State, or the United States, or any other power, and in case of vacancy occurring in any of said offices by death, resignation, or otherwise, the Governor shall fill said office for the unexpired term by appointment.

Sec. 23. When any office, from any cause, may become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill the same by granting a commission, which shall expire when the person elected to fill said office at the next general election, shall be qualified.

ARTICLE V.

JUDICIAL DEPARTMENT

Sec. 1. The judicial powers of this State shall be vested in the Senate, sitting as a Court of Impeachment; in a Supreme Court, in Circuit Courts; in County Courts; in Justices of the Peace; in Police Magistrates, and in such other courts as may be created by law in and for Cities and Incorporated towns.

SUPREME COURT

Sec. 2. The Supreme Court shall be composed of three judges, and they shall be chosen from among their number a presiding judge who shall be styled Chief Justice; two of whom shall constitute a quorum, and the concurrence of two shall be necessary to every decision. The General Assembly may, if it be deemed necessary, increase the number of the judges of the Supreme Court to five, and, on such increase being made, a majority of the judges shall be necessary to constitute a quorum, and a concurrence of three judges shall be necessary to each decision.

Sec. 3. No person shall be eligible to the office of Judge the Supreme Court unless he shall be at least thirty years of age, shall have practiced law at least eight years, be of good moral character, learned in the law, a citizen of the State and of the United States, for two years a resident of the State, or territory, and for one year an actual resident of the Grand Division from which he shall have been selected.

Sec. 4. The State is hereby divided into three Grand Divisions. One of the Judges of the Supreme Court shall be selected from each of said Grand Divisions, and they shall be elected by the qualified electors of the State. Said Grand Divisions shall be named respectively—Northern Grand Division, Southern Grand Division, and Western Grand Division. Said judges shall hold their offices during the term of six years from the date of their commission, except as herein provided. At the first meeting of the Court after the first judicial election under this constitution the judges shall, by lot, divide themselves into three classes, one of which said judges shall hold office for two, one for four, and one for six years, after which each judge of the Supreme court shall be elected for a full term of six years. A record shall be made in the Court of this classification.

The Northern Grand Division shall be composed of the Counties of Quapaw, Cherokee, Lenapah, Skiatook, Cooweescoowee, Mayes, Delaware, Tahle-

quah, Tumechiche, Coweta, Euchee, Tulladega, Okmulgee, Flint, Sequoyah, and Arbeka.

The Southern Grand Division shall be composed of the counties of Seminole, Spokogee, Cussehta, Muskogee, Eufaula, Breckenridge, Tobuksy, Hailey, Sans Bois, Thomas, Wade, Rutherford, Hitchcock, Push-ma-ta-ha, McCurtain, and Bixby.

The Western Grand Division shall be composed of the counties of Cheadle, Moseley, Blue, Tom Needles, Byrd, Johnson, Overton, Garvin, McLish, Washington, Curtis, Bonaparte, Gilbert, Jefferson, Guy, and Harris.

Provided, In case the General Assembly hereafter increases the number of Judges of the Supreme Court, it shall at such time re-district the State into a number of grand divisions equal to the proposed number of Supreme Judges, and rename such Grand Divisions.

JURISDICTION

Sec. 5. The Supreme Court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, writs of error and supersedeas, quo warranto, and other remedial writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction, and to hear and determine the same; its judges shall be conservators of the peace throughout the State, and each of them shall have power to grant any of the aforesaid writs, and to make writs of habeas corpus, returnable either before himself, or before the Supreme Court, or before any Circuit Court of the State, or any judges thereof: Appeals from Circuit Courts to the Supreme Court are hereby authorized.

The Supreme Court shall have general appellate jurisdiction, co-extensive with the State, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

Sec. 6. The Supreme Court shall have a Clerk who shall be elected by the Court, who shall hold his office for the term of six years, unless sooner removed by the Court, and whose duties and emoluments shall be as provided by law.

Sec. 7. The Supreme Court shall appoint one Reporter of its decisions, who shall hold his office for six years, subject to removal by the Court, whose duties and emoluments shall be as provided by law.

Sec. 8. There shall be two terms of the Supreme Court held in each year at the seat of government, at such times as may be provided by law.

Sec. 9. In case all or any of the judges of the Supreme Court shall be disqualified from presiding in any cause, or causes, the Court, or the disqualified judge, shall certify the fact to the Governor, who shall immediately commission the requisite number of men having the same qualifications required for a judge of the Supreme Court, to sit in the trial and determination of such causes.

Sec. 10. From and after the election and qualification of the judges of the Supreme Court, each of said judges shall receive a salary of five thousand dollars per annum, payable quarterly, until otherwise provided by law, and their salaries shall not be increased or diminished during the term for which said judges were elected.

CIRCUIT COURT

Sec. 11. The Circuit Courts shall have original jurisdiction in all Law, Equity, and Criminal causes, the exclusive jurisdiction of which has not been by this Constitution vested in some other Court, and shall exercise a superintending control and appellate jurisdiction over County and Municipal Courts, and Justices of the Peace, and appeals shall be allowed to the Circuit Courts from the final order, or judgment of County Courts, and it shall have power to issue, hear and determine all the necessary writs and process, to carry into effect their general and specific powers, any of which writs and process may be issued upon order of the judges of the appropriate Court during the term of the Court, or in vacation, and shall hold two or more terms of Court each year in every organized County.

Sec. 12. The State shall be divided into convenient Circuits, each circuit to be made up of contiguous counties, for each of which circuits a judge of the Circuit Court shall be elected, who, during his continuance in office, shall reside in, and be a conservator of the peace within the circuit for which he shall have been elected.

Sec. 13. No person shall be eligible to the office of judge of the Circuit Court unless he shall be at least thirty years of age, shall have practiced law at least eight years, be of good moral character, learned in the law, a citizen of the State and of the United States, for two years a resident of the State or Territory, and for one year an actual resident of the District for which he shall have been elected.

Sec. 14. The General Assembly shall provide for the times of holding Court in each County, which shall not be changed by the General Assembly except at its regular session next preceding the general election for the judges of said Courts, but additional terms may be provided for in any County.

Sec. 15. The judges of the Circuit Court shall be elected by the qualified electors of the several Circuits, and shall hold their offices for the term of six years, and until their successors are qualified.

Sec. 16. Judges of the Circuit Court shall receive a salary of three thousand dollars per annum, payable quarterly, which shall not be increased or diminished during the terms for which said judges shall be respectively elected or appointed.

Sec. 17. Clerks of the Circuit Court shall be elected by the qualified electors of the several Counties for the term of four years, and shall be ex-officio recorders, and they shall receive such salaries as may be provided by law.

Sec. 18. Judges of the Circuit Court may temporarily exchange circuits, or hold courts for each other, under such regulations as may be prescribed by law.

COUNTY COURTS

Sec. 19. There shall be elected in and for each organized County one County Judge, and one Clerk of the County Court whose terms of office shall be four years and until their respective successors in office shall be qualified, and each of whom shall receive such salary as may be provided by law.

Sec. 20. No person shall be eligible to the office of County Judge unless he shall be at least twenty-eight years of age; shall have practiced law at least five years, be of good moral character, learned in the law, a citizen of

the State and of the United States, for two years a resident of the State, or Territory, and for one year an actual resident of the territory composing the County in which he shall be elected: Provided, At the first election held under this Constitution, persons who have not practiced law at least five years may be elected.

Sec. 21. The Supreme Court, Circuit Courts, and County Courts shall be courts of record, and shall respectively have a seal for the authentication of their process, acts and judgments.

Sec. 22. County Courts shall have original jurisdiction in all matters of probate, settlement of the estates of deceased persons, appointment of administrators, executors, guardians and conservators, and settlement of their accounts, and in all matters relating to apprentices, incompetents and insane persons: shall have jurisdiction to try and determine all misdemeanors, all actions at law where the amount in controversy does not exceed, excluding interest and costs, the sum of one thousand dollars, and in forcible entry and detainer, and unlawful detainer, and in actions of unlawful detainer, it shall not be necessary in order to maintain said action, that the relation of landlord and tenant exist: Provided, That said County Courts shall not have jurisdiction of causes in which the title to real estate shall be in controversy; and shall have appellate jurisdiction from the final judgment of Justices of the Peace, Municipal and other inferior Courts.

Sec. 23. In the absence of the Judge of the Circuit Court from the County, the judge of the County Court shall have power to issue orders for temporary injunctions, and other provisional writs, in the county, returnable to the Court having jurisdiction, provided that either party may have such order reviewed by any superior judge, in vacation, in such manner as may be provided by law.

Sec. 24. In the absence of the Judge of the Circuit Court from the County, the judge of the County Court shall have power to issue, hear, and determine, writs of habeas corpus, under such regulations and restrictions as may be provided by law.

Sec. 25. In case of a vacancy occurring by death, disqualification, resignation, or removal from office, of any judge of the Supreme, or Circuit, or County Court, such vacancy shall be filled by the Governor of the State, by appointment of a person possessing the qualifications herein required for judges of the Court to which he is appointed, who shall serve as judge until his successor is qualified, as provided by law.

Sec. 26. Judges shall not charge juries with regard to matters of fact, nor comment thereon, but shall declare the law, and in jury trials, on request of either party, shall reduce their charge or instructions to writing, and deliver the same to the jury prior to the beginning of the argument of counsel.

Sec. 27. No Judge or Justice of the Peace shall preside or participate in the trial of any cause in the result of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been counsel, or have presided, in any inferior court.

Sec. 28. Whenever the office of Judge of the Circuit, or County Court, of any County is vacant at the commencement of a term of such Court, or the judge of said Court shall fail to attend, the regular practicing attorneys in attendance on said Court may meet at ten o'clock a. m., on the second day of the term and elect a judge to preside at such court until the regular

Judge shall appear; and if the judge of said Court shall become sick, or die, or be unable to continue to hold such Court after its term shall have commenced, or shall, from any cause, be disqualified from presiding at the trial of any causes then pending therein, then the regular practicing attorneys in attendance on such Court may, in like manner, on notice from the Judge or Clerk of said Court, elect a judge to preside at such Court or to try said causes, and the attorney so elected shall possess the same qualifications and have the same power and authority in said Court as the regular judge would have had, if presiding; but this authority shall cease at the close of the term at which such election shall be had. The proceedings shall be entered at large upon the record of the Court.

Sec. 29. The judges of the Supreme, Circuit, or County Courts, shall not, during their continuance in office, practice law, or appear as Counsel in any Court, State or Federal, within this State, or any Department of the Government.

STATES ATTORNEYS

Sec. 30. At the first election for members of the General Assembly after the adoption of this Constitution, and every four years, thereafter, there shall be elected, by the qualified electors of each organized County, a States Attorney, for such organized County, whose term of office shall be four years, and who shall perform such duties and shall receive such salary as may be provided by law.

JUSTICES OF THE PEACE

Sec. 31. The qualified electors of each voting precinct in this State shall elect such number of Justices of the Peace as may be provided by law, whose terms of office shall be for two years, who shall be commissioned by the Governor, and their official oath be endorsed on the commission, and a copy thereof shall be filed in the office of the Clerk of the County Court. Justices of the Peace shall receive such compensation as may be provided by law.

Sec. 32. Justices of the Peace shall have original jurisdiction in the following matters: 1st: Exclusive of the County and Circuit Courts, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest and costs, and concurrent jurisdiction in matters of contract where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest and costs; 2nd: Concurrent jurisdiction in suits for the recovery of personal property where the value of the property does not exceed the sum of one hundred dollars, and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars; 3rd: Concurrent jurisdiction in actions of forcible entry and detainer, and of unlawful detainer, and in actions of unlawful detainer it shall not be necessary in order to maintain said action that the relation of landlord and tenant exist: Provided, Justices of the Peace shall not have jurisdiction where a lien on land, or title thereto, is involved; 4th: Such jurisdiction of misdemeanors as may be prescribed by law; 5th: To sit as examining Courts and commit, discharge, or recognize, offenders to the Court having jurisdiction, for further trial, and to bind persons to keep the peace, or for good behavior. For the foregoing purposes they shall have power to issue all necessary process. They shall be conservators of the peace within their respective Counties.

Sec. 33. A Justice of the Peace shall be a qualified elector, a resident of the voting precinct for which he is elected, shall possess a fair business education, and be a man of good moral character.

Sec. 34. Appeal may be taken from the final judgments of Justices of the Peace to the County Courts under such regulations as may hereafter be provided by law. The qualified electors of each voting precinct in each county shall elect a constable for the term of two years, who shall be furnished by the presiding judge of the County Court with a certificate of election, on which his official oath shall be endorsed. His compensation and duties shall be prescribed by law.

Sec. 35. All judicial officers shall be commissioned by the Governor. All law relating to Courts shall be general and uniform operation. The organization, jurisdiction, powers, proceedings and practices of all Courts of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such Courts, severally, shall be uniform.

Sec. 36. The General Assembly may, for cause entered on the journals, upon due notice and opportunity for defense, remove from office any judge, upon concurrence of two-thirds of all the members elected to each House. All other officers in this article mentioned shall be removed from office by the Governor on prosecution and final conviction for felony, or misdemeanor in office; or, the Governor may, upon the joint address of the Judge of the Circuit Court, the Judge of the County Court, and the three County Commissioners, remove from office all such officers mentioned in this article, for whose removal provisions has not been otherwise herein named, for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.

Sec. 37. All courts of record, inferior to the Supreme Court, shall, on or before the first day of June of each year, report in writing to the judges of the Supreme Court, such defects and omissions in the laws as their experience may suggest; and the judges of the Supreme Court shall, on or before the first day of January of each year, report to the Governor, in writing, such defects and omissions in the Constitution and laws as they may find exist, together with appropriate forms of amendments and bills to cure such defects and omissions. The judges of the several Circuit Courts shall report to the next General Assembly the number of days they have held Court in the several Counties composing their respective circuits, during the preceding two years.

Sec. 38. All officers provided for in this Article shall hold their office until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county, or precinct, for which they may be elected or appointed. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term did not exceed one year the vacancy shall be filled by appointment as follows: Of Judges, by the Governor; of Clerks of Courts, by the Court to which the office appertains, or by the judge or judges thereof; and all such other offices, by the Board of County Commissioners, in the County where the vacancy occurs.

Sec. 39. All process shall run in the name of the State of Sequoyah, and all prosecutions shall be carried on "In the name and by authority of the State of Sequoyah," and conclude "Against the peace and dignity of the State."

MUNICIPAL COURTS

Sec. 40. Municipal, or Corporation Courts, of towns and cities, may be invested with jurisdiction concurrent with justices of the peace.

ARTICLE VI

SUFFRAGE AND ELECTIONS

Sec. 1. Every male person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections, except as otherwise herein provided:

FIRST—He shall be a citizen of the United States, or, not being a citizen of the United States, he shall have declared his intention, according to law, to become such, not less than one year before he offers to vote.

SECOND—He shall have resided in the State one year; in the County six months; and in the voting ward, or precinct, thirty days immediately preceding the election at which he offers to vote.

Sec. 2. The following classes of persons shall not be allowed to vote at any election in this State:

FIRST—Persons under the age of twenty-one years.

SECOND—Idiots, lunatics, or paupers supported by the State or County.

THIRD—All persons convicted of felony, or of the wilful violation of any election laws, subject to such exceptions as the General Assembly may provide.

FOURTH—Soldiers, marines and seamen employed in the service of the Army, or Navy of the United States.

Sec. 3. Elections shall be free, equal, and by secret ballot. No power shall ever interfere to prevent the free exercise of the right of suffrage.

Sec. 4. The General Assembly shall, at the first session thereof, enact laws to extend the right of suffrage to women of rightful age, and otherwise qualified according to the provisions of this article. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon.

Sec. 5. David N. Robb, of Atoka, and David M. Hodge, of Broken Arrow, members of the Republican party, and Carl Pursel, of Muskogee and Andrew B. Cunningham, of Tahlequah, members of the Democratic party, all of whom are legal electors of the proposed State of Sequoyah, (now Indian Territory), are hereby appointed a Supreme Election Board of Indian Territory, and its successor the proposed State of Sequoyah, with power of succession to the membership of said Supreme Election Board in case of death, disability, or failure to serve, on the part of any such members of said board, succession to be in method following:

In case such vacancy shall be from the Republican membership thereof, the surviving Republican member shall immediately designate another Republican elector to fill such vacancy. In case the vacancy shall be from the

Democratic membership of such board the surviving Democratic member shall at once appoint a Democratic elector to fill such vacancy.

In case any such vacancy, or vacancies shall not be filled as hereinabove provided, within five days from the occurrence of such vacancy, then the last presiding officer of this Constitutional Convention shall immediately fill such vacancy, or vacancies, by the appointment of an elector of the political party upon the side whereon said vacancy exists. Provided, however, that after the election for ratification or rejection of this Constitution, instead of the filling of vacancies by appointment made by the last presiding officer of this Constitutional Convention, such filling of vacancies shall be by appointment of the Chairman of the State Committee of the party to which such vacancy belongs.

Said Supreme Election Board shall have supreme power in the calling and conduct of the election at which this Constitution is submitted to the people for ratification, and for the election of all officers whose election may be provided for at the time of the vote on the ratification of this Constitution, and for the election of all state, county, township, municipal, and other public officials, at any and all elections subsequent to said election for the ratification of this Constitution, until such time thereafter as the General Assembly of this State shall otherwise by law provide. Said Supreme Election Board shall designate all times, places, and the manner of holding elections, including the election for the ratification of this Constitution. It shall appoint all necessary election officers; none but electors qualified, under the provisions of this Constitution, shall be permitted to vote, or to hold any office of trust or profit in this State.

The Supreme Election Board, or a majority thereof, shall immediately upon the closing of the polls, at all elections, cause all legal votes to be counted, the result tabulated and transmitted to said Supreme Election Board; the result of each and every such election shall be at once certified by said Supreme Election Board, or a majority thereof, and the result shall be publicly announced; Said Supreme Election Board, under such rules as it may provide, shall hear and determine all contests.

Certificates of election issued and certified to by the Supreme Election Board, or a majority thereof, shall be final proof of the result of such election, not only as to the ratification of this Constitution, but as to the election of all public officers who shall receive such certificates of election.

The Supreme Election Board shall subdivide all counties into voting precincts, which shall remain until otherwise provided by law.

Sec. 6. All general elections for state and county officers, for members of the House of Representatives, and the Senate, of the State of Sequoyah, and Representatives to the Congress of the United States, shall be held on the Tuesday next following the first Monday in November of each year, except the first election, which shall be held as herein provided. Such elections may be held as herein provided for general elections, or, as may be hereafter provided by law. All State and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

All officers whose election is not provided for in this Constitution shall be elected or appointed as may be provided by law.

No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall, at the same time, hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Sec. 7. Senators and Representatives, and all Judicial, State, County, Municipal, and other officers, shall, before entering upon the duties of their respective offices, take and subscribe the following oath, or affirmation:—

“I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this State, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses authorized by law; that I have not knowingly, violated any election laws of this State, nor procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.”

Sec. 8. The foregoing oath shall be administered by some person authorized to administer oaths, and, in the case of state officers, and judges of the supreme court, shall be filed in the office of the Secretary of State, and in the case of other judicial, county, municipal and other officers, in the office of the Clerk of the County in which the same is taken; any person refusing to take said oath (or affirmation) shall forfeit his office; and any person who shall be convicted of having sworn (or affirmed) falsely, or of having violated said oath (or affirmation) shall be guilty of perjury and be forever disqualified from holding any office of trust or profit in this State. The oath, to members of the General Assembly, shall be administered by one of the judges of the supreme court, or by any other person authorized by law to administer oaths, in the hall of the House of which the member shall belong.

The General Assembly shall by law provide the terms and amount of bond which must be given by all public officials who are entrusted with the custody of public funds, and it may require bond of any other public officers. Until said bond is executed, filed and approved, as required by law, such officer shall not qualify. All official bonds shall be made payable to the State for the use and benefit of the State, District, County, or Municipality, as the case may be.

Sec. 10. In trials of contested elections, and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony on the ground that it may incriminate him, or subject him to public infamy; but such testimony shall not be used against him in judicial proceedings, except for perjury in giving such testimony.

Sec. 11. No person shall be qualified as an election officer who shall hold at the time of the election any office, appointment or employment in or under the government of the United States, or of this State, or of any municipality or county, or under any municipal board, in any city, save only the justice of the peace, alderman, notaries public, and persons in the military service; nor shall any election officer be eligible to any civil office to be filled at any election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

Sec. 12. If the officers of any election shall unlawfully refuse or fail to receive, count, or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any contest arising out of said election.

Sec. 13. All voting by persons acting in representative capacity shall be by "yeas" and "nays."

Sec. 14. Every person, who shall have given, or offered a bribe, threat, or reward, to secure his election, shall be disqualified from holding office during the term for which he may have been elected.

Sec. 15. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of this state to fight a duel, shall be ineligible to vote, or to hold any office of trust or profit in this State.

Sec. 16. No person shall be elected or appointed to any office, civil or military, in this State, who is not a citizen of the United States, and who shall not have resided in this State two years next preceding his election or appointment.

Sec. 17. The General Assembly shall have power to enact laws providing for the registration of electors.

ARTICLE VII

EDUCATION

Sec. 1. General intelligence and virtue are essential to the preservation of government by the people, and it is a fundamental duty of the State to provide for its citizens the best possible preparation for intelligent and virtuous citizenship; therefore, the General Assembly shall establish and maintain a system of free public education for all persons in the State between the ages of six and twenty-one years, and also provide for the establishment and maintenance of institutions for the education of the deaf, dumb, and blind, of this State.

Sec. 2. The school fund of this State shall consist of the proceeds of all lands that may hereafter be granted by the United States; all moneys, stocks, bonds, or other property, that may be acquired, by donation or otherwise, for purposes of public education; the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, the sale of estrays, fines, penalties and forfeitures; the net proceeds of a graduated inheritance tax, which is hereby authorized, and for which the General Assembly shall provide by law, to an amount not exceeding five per centum upon the estates of deceased persons of ten thousand dollars and upwards in value; the proceeds of such occupation tax as may be provided by law; the annual poll tax of not less than one dollar, as provided in this Constitution; and other taxes herein provided for.

Sec. 3. No person shall be permitted to vote at any election in this State who shall not have paid his poll tax to the proper officer, at least thirty days before the holding of said election.

Sec. 4. In distributing the school fund no distinction shall be made on account of race or color. Separate schools shall be provided for children of African descent.

Sec. 5. No religious, or other sect, or sects, shall ever be permitted to control any part of the school funds of this State, nor shall any funds be appropriated for the support of any sectarian school.

Sec. 6. The General Assembly shall provide for the teaching of the

elements of agriculture, horticulture, stock breeding and feeding, and domestic science, in the public schools of this State.

Sec. 7. Supervision of the Public Schools shall be vested in a Superintendent of Public Instruction, and in such other officers as the General Assembly may provide by law. The Superintendent of Public Instruction shall receive such salary and perform such duties as shall be prescribed by law.

Sec. 8. The General Assembly shall, as soon as practicable, provide by law for the establishment and maintenance of a university of the first class, to be located by a vote of the electors of the State of Sequoyah, as provided in this Constitution and to be styled "The University of the State of Sequoyah." The General Assembly shall also provide for the establishment and maintenance of such High Schools, Normal, Agricultural and Mechanical, and other Colleges, as it may deem expedient.

Sec. 9. The State University, and all other Institutions for higher education, shall be under the supervision and control of a board of seven members, of whom the Governor shall be one, and the remaining six of whom shall be nominated by the Governor, and, by and with the consent of the Senate, appointed. They shall hold office for six years, two retiring every second year, except that in the first board, two shall be appointed for two, and two for four years only. Not more than four members of such board shall belong to one political party. They shall be designated the "Regents of Education." They shall prescribe the methods of appointing the faculties of the Institutions under their care; arrange, in connection with the several faculties, the various courses of study; secure, as far as possible, helpful correlation and and co-operation between the Institutions of higher learning in this State, and take such steps as may be practicable for establishing and maintaining the highest and most uniform standard possible, for literary and other degrees, which may be granted under the sanction of authority of the State.

ARTICLE VIII

MINES AND MINING

Sec. 1. There shall be established and maintained the office of Inspector of Mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the Governor shall, with the consent of the Senate, appoint thereto a person proven, in the manner provided by law, to be competent and practical, and who has had not less than four years actual and continuous service either as a mining engineer, mine superintendent, mine foreman, or expert miner, in a mine in actual operation: His term of office shall be four years and until his successor is appointed and qualified. He shall take the oath and give the bond required by law. A suitable room in the Capitol shall be provided for him by the State.

Sec. 2. The General Assembly shall provide by law for the proper ventilation of mines, the construction of shafts for escape, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall make such regulations, from time to time, as may be necessary for the proper drainage of mines, the prevention of needless or wanton waste of mineral oil and gas from wells, and the protection of the streams and rivers of this State from being polluted.

Sec. 3. Neglect or failure of a mine owner, or mine lessee, to comply

with the laws and State regulations in regard to mines, or the orders of the Inspector of Mines made under and in pursuance thereof, shall render such mine owner, or mine lessee, responsible for all damages to the life, health, or person, of employes, or other persons, resulting from such neglect or failure.

Sec. 4. All mines from which gold, silver, or other valuable metals, soda, saline, coal, mineral oil, mineral water, asphalt, gas, or other valuable deposits, are, or may be, produced, shall, in addition to the surface improvements, and in lieu of taxes on the land, be taxed on the gross product thereof, as may be prescribed by law; Provided, The product of all mines, and all gas, oil, and mineral water wells, shall be taxed in proportion to the value thereof.

Sec. 5. Until the General Assembly of this State shall make provision by law for the safe operation of mines within this State the act of Congress approved March 3, 1891, entitled, "An act for the protection of the lives of miners in the Territories," 26 Stat. L., 1104, Chap. 564, shall be in force as the law of this State.

Sec. 6. The General Assembly may provide that the science of mining, metallurgy and the drilling, construction and management of oil, gas, and artesian wells, be taught in one or more of the institutions of learning under the patronage and control of this State.

Sec. 7. The Inspector of Mines shall appoint competent inspectors of oil and gas, who shall hold office under his direction and during his pleasure. Their powers, duties, and compensation, shall be such as the General Assembly may by law prescribe.

Sec. 8. All persons and corporations shall upon payment of just compensation, have the right of way across public, private, and corporate lands, for the construction of ditches, canals and flumes, for the purpose of conveying water for domestic use; for the irrigation of agricultural lands; for mining and manufacturing purposes, and for drainage: The use of the waters of the State for domestic, irrigation, mining and manufacturing purposes, shall be deemed a public use. The procedure in exercising the right of eminent domain under this section shall be the same as that provided by law for railroads.

Sec. 9. Boys under the age of fourteen years, and women, or girls, of any age, shall not be employed nor permitted to be in, or about, coal, iron or other mines for the purpose of being employed therein: Provided, however, that this provisions shall not prevent the employment of boys and females who are over the age of fourteen years from clerical work at such mines or collieries.

ARTICLE IX

CORPORATIONS

Sec. 1. As used in this article the term "corporation" or "company" shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be construed to mean the charter of an incorporation by, or under which, any such corporation is formed; the term "transportation company" shall include any company.

trustee or other person owning, leasing or operating for hire, a railroad, street railway, canal, steamboat or steamship line, oil, or gas pipe-line, and also any freight car company, car association, or car trust, sleeping car company, express company, or companies, trustee or person, in any way engaged in business as a common carrier over a route acquired in whole or in part under the right of eminent domain; the term "rate" shall be construed to mean rate of charge for any service rendered or to be rendered; the term "rate," "charge," and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company," shall include any company owning, leasing, or operating for hire, any telegraph or telephone line, or other means of communication; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as in the plural number; the term "bond" shall mean all certificates, or written evidences of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token issued by, or under authority of, a transportation or transmission company entitling the holder to any service from such company free of charge, or at a reduced rate. The provisions of this article shall always be so restricted in their application as not to conflict with any provision of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Sec. 2. The creation of corporations, and the extension and amendments of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and all corporations being creatures of the law shall be amendable thereto and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly; Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user or mis-user. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

Sec. 3. A permanent commission, to consist of three members, is hereby created, which shall be known as the "State Corporation Commission." The Commissioners shall be appointed by the Governor, subject to confirmation by the Senate; and their regular terms of office shall be six years, except those first appointed under this Constitution, of whom one shall be appointed to hold office for two years, one for four, and one for six years. Whenever a vacancy in the Commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the Senate, as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointment, enter upon the duties of their office; but no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon,

or continue in, office after the Senate shall have refused to confirm his appointment, or adjourned sine die without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof. At least one of the Commissioners shall have the qualifications prescribed for judges of the Supreme Court; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of the Supreme Court. The commission shall annually elect one of its members chairman of the same, and shall have one clerk, one bailiff, and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and be subject to removal by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution. The General Assembly may establish within the department, and subject to the supervision and control of the commission, subordinate divisions, or bureaus of insurance, banking, or other special branches of the business of that department. All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall, at all times, transport, free of charge, within this State, the members of said commission and its officer, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commission, and funds for its lawful expenses, including pay for witnesses summoned, and the cost of executing processes issued by the commission of its own motion; and shall fix the salaries of the members, clerks, assistants, and subordinates of the commission, and provide for the payment thereof.

Sec. 4. (a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters or certificates of incorporation and amendments or extensions thereof, for domestic corporations, and all licenses to foreign corporations, to do business in this State; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations, authorized by, or doing business in this State. The commission shall prescribe the form of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such reports, and annually tabulate and publish them in statistical form, except so far as they are inconsistent with this Constitution, or may be hereafter abolished or changed by law.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classification of traffic, and rules and regulations, and shall require them to estab-

lish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules, and regulations and requirements, the commission may from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted or acted upon, by any such company, inconsistent with those prescribed by the commission within the scope of its authorities shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and the protection of employes; and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discrimination by any transportation or transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise in connection with public duties of such company. Before the commission shall prescribe or fix any rate, charge or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given by the commission, at least ten days notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company, or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for four consecutive weeks in one or more of the newspapers of general circulation, published at the seat of government, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement, and every such general order, rule, regulation or requirement made by the commission shall be published at length for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws; Provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be conferred by law upon the authorities of any city, town, or county, to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly with-

in the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, **and enforcing** by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission, sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution, or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and changes in connection therewith, or with the assessment of the property of corporations, or the appraisal of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars as may be prescribed, or authorized, by law; and each day's continuance of such failure or refusal after due service upon such corporation of the order or requirement of the commission, shall constitute a separate offense: Provided, That should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule or any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon, or an increase thereof, as provided for in sub-section (c) of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure, and provisions as to cost, as may be prescribed by law) may be taken by the corporation, the rates, charges or classifications of traffic, schedule, facilities, conveniences or service of which are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the State. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court from the Circuit courts, except that such an appeal shall be of right, and the Supreme Court may provide by rule for proceedings in the matter of ap-

peals in any particular in which the existing rules of law are inadequate. If such appeal be taken by the corporation the rates, charges or classifications of traffic, schedules, facilities, conveniences or service of which are affected, the State shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the State or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court only; and in all appeals to which the State is a party, shall be represented by the Attorney General or his legally appointed representative. No court of this State (except the Supreme Court, by way of appeals as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, however, that the writs of mandamus and prohibition shall lie from the Supreme Court to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or office.

(e) Upon the granting of an appeal, a writ of supersedeas may be awarded by the Supreme Court suspending the operation of the action appealed from, until the final disposition of the appeal; but, prior to the final reversal thereof by the Supreme Court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved on review by the Supreme Court), payable to the State, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeals, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and by such methods of distribution, as may be prescribed by the commission, or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the Supreme Court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the habeas corpus, and State's cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the Supreme Court; but the chairman of the commission, under the seal of the commission, shall certify to the Supreme Court all the facts upon which the action appealed from was based and which may be essential to the proper decision of the questions involved in appeal, together with such of the evidence introduced before, or considered by the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons, upon which the action appealed from was based, and such statements shall be read and considered by the Supreme Court, upon disposing of the appeal. The Supreme Court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal; provided, however, that the action of the commission appealed from shall be regarded as prima facie just, reasonable and correct; but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the Court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall at the same time, substitute therefor, such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules, and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the commission, prescribing or altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceedings by any person against such corporation, nor in any collateral proceedings, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, therefor prescribed by the commission within the scope of its authority, and then in force, be questioned; Provided, however, that no case based upon or involving any other of the commission, shall be heard, or disposed of, against the objection of either party, so long as such order is

suspended in its operation by an order of the Supreme Court as authorized by this Constitution or by any law passed in pursuance thereof.

i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall, from time to time, recommend such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

Sec. 5. Provisions shall be made by general laws for the payment of a fee to the State by every domestic corporation, upon the granting, amendment, or extension of its charter, and by every foreign corporation, upon obtaining a license to do business in this State, as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing business in this State, of an annual registration fee of not less than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business, or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure of any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State, if it be a foreign company; and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by this article; but the General Assembly may, by general laws, relieve from the payment of the said registration fee any purely charitable institution or institutions.

Sec. 6. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the State from taking the property and franchise of corporations and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

Sec. 7. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just

and equitable between such company and the public, to or from any junctional or competitive points or localities or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this provisions shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

Sec. 8. No transportation of transmission company doing business in this State shall grant to any member of the General Assembly, or to any State, county, district or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section, the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege or benefit as is prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting, free of charge, any member of the police force or fire department while in the discharge of his official duties, nor prohibit the acceptance by any such policeman or fireman of such free transportation.

Sec. 9. The doctrine of fellow servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employe shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employe or employes of the common master, that a servant would have (at the time when this Constitution goes into effect) if such acts or omissions were those of the master himself in the performance of a nonassignable duty; provided, that the injury, so suffered by such railroad employe, resulting from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person employed by the company, having the right, or charged with the duty, to control or direct the general services of the immediate work of the party injured, or the general services of the immediate work of the co-employe through, or by, whose act or omission he is injured; or that it result from the negligence of a coemploye engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employe is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or nonassignabl duty.

The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this

section. Knowledge by any such railroad employe injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defense to any action for injury caused thereby. When death, whether instantaneous or not, results to such an employe from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representatives, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relative) shall, respectively have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a coemploye while in the performance, as vice-principal of a nonassignable duty of the master. Every contract or agreement, expressed or implied, made by an employe, to waive the benefit of this section, shall be null and void; and the provisions of this Section shall apply to all corporations, domestic and foreign, doing business in this State. This section shall not be construed to deprive any employe, or his legal or personal representative, surviving consort or relatives (and any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land at the time this constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge for the above-named class of employees the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employes of railroads, or of employes of any person, firm or corporation.

Sec. 10. No foreign corporation shall be authorized to carry on in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporations without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this State, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within the State, when this Constitution goes into effect; but any such public service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use, or operate, within this State, any public or municipal franchise or franchises in addition to such as it may own, lease, use or operate when this Constitution goes into effect, or to exercise the right of eminent domain. The property of foreign corporations within the State shall always be subject to attachment, the same as that of non-resident individuals; and nothing in this section shall restrict the power of the State to enact proper laws governing or concerning foreign corporations whenever, and in whatever respect it may deem wise or expedient.

Sec. 11. The right of the State, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered nor abridged.

Sec. 12. The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare, and shall have power to control by general laws all corporations organized and doing business under the laws of this State, and all foreign corporations doing

business in this State, engaged in mining, manufacturing or producing for sale any article of commerce of common consumption or use by the people of this State, so that said corporation shall be compelled to fix uniform maximum and minimum prices for said articles of commerce and common consumption and use, offered for sale in this State, and it shall be made unlawful for any corporation or corporations doing business in this State to discriminate against or demand from the people of this State a greater or higher price for any article of commerce of common consumption, or use, than is charged by said corporation or corporations to the inhabitants of any other state.

Sec. 13. The exclusive right to build or operate railroads parallel to its own, or to any other line of railroad, shall not be granted to any company, but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel, intersect, connect with, or cross with its roadway, any other railroad or railroads; but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each other passengers, freight and loaded or empty cars, without delay or discrimination.

Sec. 14. The General Assembly shall enact general laws regulating and controlling all issues of stocks and bonds by corporations. Whenever stocks or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or directed by the commission) setting forth fully and accurately the basis, or financial plan upon which such stocks or bonds are to be issued; and where such basis or plan includes services or property (other than money) received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or directed by the commission, the services and property, together with the valuation at which the same are received, or are to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and enforce (in the manner hereinafter provided), against any corporations refusing or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines and penalties as are authorized by this Constitution, or may be prescribed by law.

Sec. 15. No property, nor right of way, shall be appropriated to the use of any corporation until full compensation therefor shall be first made to the owner in money, or first secured to him by a deposit of money subject to his immediate order, which compensation, irrespective of any benefit from any improvement proposed by such corporation, shall be ascertained in a court of competent jurisdiction, as shall be prescribed by law, and the provisions of this Constitution.

ARTICLE X

BANKS AND BANKING

Sec. 1. The General Assembly shall have power to provide for the incorporation of eleemosynary and educational institutions, banks or banking

companies and trust companies, the same to be under the supervision of the State Corporation Commission.

Sec. 2. No bank, or trust company, shall be established otherwise than under a general banking law, nor otherwise than on a specific basis.

Sec. 3. Every bank or banking company, or trust company, shall be required to cease all banking operations within twenty years from the time of its organization, (unless the General Assembly shall extend the time), and promptly thereafter close its business; but shall have corporate capacity to sue, and shall be liable to suit, until its affairs and liabilities are fully closed.

Sec. 4. The legal rate of interest shall be six per centum per annum, but ten per centum may be permitted by contract, and all contracts for a greater rate of interest than ten per centum per annum, either directly or indirectly, paid or to be paid, shall constitute usury, and shall forfeit an amount of the debt equal to double the amount of the entire interest so charged; this applies to all persons, natural and artificial.

ARTICLE XI

MUNICIPAL CORPORATIONS

Sec. 1. The General Assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns, and restrict their powers of taxation, assessment, borrowing money and contracting debts, so as to prevent the abuse of such power. Provided, that cities and incorporated towns of 2,500 inhabitants, or more, shall have power to issue bonds for general improvements under such rules and regulations as may be provided by law.

Sec. 2. No municipal corporation shall be authorized to pass any laws contrary to the general laws of the State; nor to levy any tax on real or personal property, except as hereinafter provided.

Sec. 3. Except as herein otherwise provided, the State shall never assume or pay the debt or liability of any county, town, city, or other corporation whatever, or any part thereof, unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defense; nor shall indebtedness of any corporation to the State ever be released or in any manner discharged, save by payment of the same into the public treasury.

ARTICLE XII

BOUNDARIES AND DIVISIONS

Sec. 1. The State of Sequoyah is bounded as follows: On the North by the Territory of Oklahoma and the State of Kansas; on the East by the States of Missouri and Arkansas; on the South by the State of Texas, on the West by the Territory of Oklahoma; the area of the State of Sequoyah includes all lands within the boundaries of the Indian Territory, including the Quapaw Agency.

Sec. 2. This State is hereby divided into counties, named and described as follows: (All descriptions are referred to the Indian Meridian Guide and Base Line established by United States Geological Survey, 1895-1896):

ARBEKA COUNTY.—Townships 14, and 13, North, Ranges 6, 7, 8, 9,

and 10 East.—All of Township 12, 11, and 10 North Ranges 6, 7, 8, 9 and 10, East, lying north of the meandering center line of the North Fork River.

BIXBY COUNTY.—Townships 1 and 2 North, and 1, 2, and 3 South, Ranges 12, 13, and 14 East.—Townships 1, 2, and 3 South, Range 11 East; Townships 2 and 3 South, Ranges 9 and 10 East.

BLUE COUNTY.—Townships 4, 5, and the north half of 6, South, Ranges 9, 10, 11, 12, 13, and 14 East.

BONAPARTE COUNTY.—Township 6 North, Ranges 7, 6, 5, 4, and 3 West.—All of Township 6 North, Range 2 West, lying west of the center line of the Canadian River and the east line of Range 2 West.—Townships 4 and 5 North, Ranges 2, 3, 4, 5, 6, and 7 West.

BECKINRIDGE COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 12 North, Range 18 East; thence east along the north line of Township 12 North to the center line of the Arkansas River; thence southeasterly along the meandering center line of the Arkansas River to a point where the center of the Canadian River (extended) intersects; thence in a westerly direction along the meandering center line of the Canadian River to the west line of Range 18 East; thence north along the west line of Range 18 East to the point or place of beginning.

BYRD COUNTY.—All of Townships 6, 5, 4, 3, 2, and 1 North, Ranges 4, 5, and 6, East, lying south of the meandering center line of Canadian River.

CHEADLE COUNTY.—Townships 4 and 3 North, Ranges 7, 8, 9, 10 and 11, East.—All of Townships 7, 6, and 5 North, Ranges 7, 8, 9, 10 and 11 East, lying south of the meandering center line of the Canadian River.

CHEROKEE COUNTY.—Township 29 North, Ranges 18, 19 and 20 East.—All of Township 29 North, Range 21 East, lying west of the meandering center line of the Neosho River.—Townships 28, 27, 26, 25, and the North, Ranges 15, 16, and 17 East; Township 21 North, Range 12, 13 and

COOWEESCOOWEE COUNTY.—Townships 24, 23, 22, 21, and 20 North, Ranges 15, 16, and 17 East; Township 21 North, Ranges 21, 13 and 14 East; Township 20 North, Ranges 14 and the East half of 13 East. From which deduct the Southeast Quarter of Township 24 North and the Northeast Quarter of Township 23 North, Range 17 East.

COWETA COUNTY.—Bounded by a line described as follows: Beginning at a point where the North line of Township 19 North intersects the center line of Range 13 East; thence East along the North line of Township 19 North, to the center line of the Verdigris River; thence southerly along the meandering center line of the Verdigris River to the west line of Range 17 East, in Township 17 North; thence south along the said west line to the north line of Township 16 North; thence east along said north line to the center of the Verdigris River; thence southerly along the meandering center line of the Verdigris River to the East line of Range 17 East; thence south along said east line to the center line of the Arkansas River; thence westerly along the meandering center line of the Arkansas River to the north line of Township 17 North; thence east along said north line to the center line of Range 13 East; thence North along said center line to the point or place of beginning.

CURTIS COUNTY.—Bounded by a line described as follows: Beginning at a point where the North and West State lines of this State intersect in Township 10 North; thence easterly and southerly following the meandering center line of the Canadian River to the north line of this State to the north line of Township 6 North; thence west along said north line to the west line of this State; thence north along said west State line to the point or place of beginning.

CUSSEHTA COUNTY.—Townships 12 and 11 North, Ranges 11, 12, 13 and 14, East.—Townships 10 and 9 North, Ranges 12, 13, and 14 East.—All of Township 8 North, Ranges 12, 13, 14 East lying north of the meandering center line of the Canadian River.

DELAWARE COUNTY.—Townships 24, 23, 22, 21, and 20 North, Ranges 22, 23, 24, and 25 East; Townships 21 and 20 North Range 26 East.

EUCHEE COUNTY.—Townships 20, 19, 18, 17, 16, and 15 North, Ranges 10, 11, and 12 East, and the West half of Townships 20, 19, and 18 North, Range 13 East.

EUFAULA COUNTY.—Townships 12, 11, 10, 9 and 8 North, Ranges 15, 16, and 17 East.

FLINT COUNTY.—Townships 14, 15, 16, 17, 18, and 19, North, Ranges 24 and 25 East.—All Townships 14, 15, 16, 17, 18, and 19, North, Ranges 26 and 27 East, lying west of the Arkansas State Line.

GARVIN COUNTY.—All of Townships 2, 3, 4, 5, and 6 North, Ranges 1 West and 1, 2, and 3, East lying south on the north boundary line of this State which is the meandering center line of the Canadian River.

GILBERT COUNTY.—Townships 1, 2, and 3 North, and Townships 1 and 2 South, Ranges 5, 6, 7, and 8 West.—The west boundary of this county being the westline of this State.

GUY COUNTY.—Townships 2 and 3 North, Ranges 2, 3, and 4 West, Townships 1 North and 1 and 2 South, Ranges 1, 2, 3, and 4 West.

HAILEY COUNTY.—Townships 2, 3, 4, 5, 6, and 7, North, Ranges 16 and 17 East.—Townships 2, 3, and 4 North, Range, 15 East.—Townships 3, 4, and 6, North, Range 18 East.—Townships 4 and 5 North, Range 19 East.

HARRIS COUNTY.—Townships 3 and 4 South, Ranges 1, 2, 3, and 4 West.—Township 5 South, Ranges 2, 3, and 4 West.—All of Townships 6, 7, and 8 South, Ranges 2, 3, and 4, West, lying north of the Texas State line.

HITCKOCK COUNTY.—Townships 5 and 6, South, Ranges 15, 16, 17, 18, 19, 20, and 21 East.—All of Townships 7 and 8 South, Ranges 15, 16, 17, 18, 19, 20 and 21 East, lying north of the Texas State line.

JEFFERSON COUNTY.—All of Townships 3, 4, 5, 6, 7, and 8, South, Ranges 5, 6, 7, and 8 West, lying east of the west boundary line of this State and north of the Texas State line.

JOHNSTON COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 1 South, Range 4 East; thence east along the north line of Township 1, South, to the east line of Range 7 East; thence south along said east line to the north line of Township 2 South; thence east along said north line to the east line of Range 8

East; thence south along said east line to the center line of Township 5 South; thence on the west and south by a line described as follows: Beginning at the above mentioned beginning point, thence south along the west line of Range 4 East to the south line of Township 4 South; thence east along said south line to the center line of the Washita River; thence southerly along the meandering center line of the Washita River to the center line of Township 5 South; thence east along said center line of Township 5 South to the east line of Range 8 East.

LENAPHA COUNTY.—Townships 29 and 28 North, Ranges 12, 13, 14, 15, 16 and 17 East; Townships 27, 23, and 25 North, Ranges 15, 16 and 17 East.

McCURTAIN COUNTY.—Townships 1, 2, 3, 4, 5, 6 and 7 South Ranges 22, 23, 24, 25 and 26, East.—Township 8 South, Ranges 24, 25, and 26 East.—Township 9 South, Range 26 East.—All of Township 8 South, Ranges 22 and 23 East, lying north of the Texas State line.—All of Township 9 South, Ranges 23, 24 and 25 East, lying north of the Texas State line.—All of Township 10 South, Ranges 24, 25, and 26 East, lying north of the Texas State line.—All of Township 10 South, Range 27 East, lying west of the Arkansas State line and north of the Texas State line. All of Townships 1, 2, 3, 4, 5, 6, 7, 8, and 9, South, Range 27 East, lying west of the Arkansas State line.

McLISH COUNTY.—Townships 1 North and 1, 2, 3, and 4 South, Ranges 1, 2, and 3 East. To which add the north half of Township 5 South, Range 2 East.

MAYES COUNTY.—The south half of Township 24 North, Ranges 18, 19, 20, and 21 East.—Townships 23, 22, 21, and 20 North, Ranges 18, 19, 20 and 21, East. To which add the Southeast Quarter of Township 24 North and the Northeast Quarter of Township 23 North Range 17 East.

MOSELEY COUNTY.—Townships 1 and 2 North, Ranges 7, 8, 9, 10, and 11 East.—Township 1 South, Ranges 8, 9, and 10 East.

MUSKOGEE COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 15 North, Range 16 East; thence east along the north line of Township 15 North to the center line of the Arkansas River; thence southerly and easterly along the meandering center line of the Arkansas River, to the center line of the Verdigris River (extended); thence northerly along the meandering center line of the Verdigris River to the north line of Township 15, North; thence east along said north line to the east line of Range 20 East; thence south along said east line to the south line of Township 13 North; thence west along the said south line to the west line of Range 16 East; thence north along said west line to the point or place of beginning.

OKMULGEE COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 17 North, Range 13 East; thence east along the north line of said Township 17 North to the center line of the Arkansas River; thence southerly along the meandering center line of the Arkansas River to the north line of Township 15 North; thence west along the said north line of Township 15 North to the east line of Range 15 East; thence south along the said east line to the south line of Township 13 North; thence west along said south line to the west line of Range 11 East; thence north along the said west line to the north line of Township 14 North; thence east along the said north line to the west line

of Range 14 East; thence north along said west line to the point or place of beginning.

OVERTON COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner, Township 5 South, Range 4 East; thence east along the north line of Township 5 South, to the center of the Washita River; thence southerly following the meandering center line of said River to the center line of Township 5 South; thence east along center line to the east line of Range 8 East; thence south along said east line to the south line of Township 6 South; thence west along said south line to the east line of Range 7 East; thence south along said east line to the south line of Township 7 South; thence west along said south line to the Texas State line; thence westerly along the Texas State line to the west line of Range 4 East; thence north along said west line to a point or place of beginning.

PUSH-MA-TAHA COUNTY.—Township, 2 North, Ranges 18, 19, and 20 East. Townships 1 North, 1, 2, 3, and 4, South, Ranges 15, 16, 17, 18, 19, and 20 East. Townships 1, 2, 3, and 4, South, Range 21 East.

QUAPAW COUNTY.—All of Township 29 North, Range 21 East, lying east of the meandering center line of the Neosho River. Townships 29 North, Ranges 22, 23, 24, and 25 East. Townships 28, 27, 26, 25, North, Ranges 22, 23, 24, and 25 East.

RUTHERFORD COUNTY.—Bounded by a line described as follows: Beginning at a point where the center line of Range 24 East, intersects the center line of the Arkansas River; thence easterly following the meandering center line of the Arkansas River to the Arkansas State line; thence southerly along the Arkansas State line to the south line of Township 6 North; thence west along said south line to the center line of Range 24 East; thence north along said center line of Range 24 East to the point or place of beginning.

SANS BOIS COUNTY.—Bounded by a line described as follows: Beginning at a point where the west line of Range 18 East, intersects the center line of the Canadian River; thence easterly along the meandering center line of the Canadian River to the East line of Range 20 East; thence south along said east line to the south line of Township 6 North; thence west along said south line to the west line of Range 18 East; thence north along said west line to the point or place of beginning.

SEMINOLE COUNTY.—All of Township 11, North, Ranges 5, 6, 7, and the west half of 8, East, lying south of the meandering center line of the North Fork of the Canadian River. Townships 10, 9, 8, 7, 6, North, Ranges 5, 6, 7, and the west half of 8 East; and all of Township 5, North, Ranges 5, 6, 7, and the west half 8 East, lying north of the meandering center line of the Canadian River.

SEQUOYAH COUNTY.—Bounded by a line described as follows: Beginning at the northwest corner of Township 13 North, Range 21 East; thence east along the north line of Township 13 North to the Arkansas State line; thence south along the Arkansas State line to the center line of the Arkansas River; thence westerly following the meandering center line of the Arkansas River to the North line of Township 12 North; thence east along said north line to the west line of Range 21 East; thence north along said west line to the point or place of beginning.

SKIATOOK COUNTY.—Townships 27, 26, 25, 24, 23, and 22 North, Ranges 12, 13, and 14 East.

SPOKOGEE COUNTY.—Bounded by a line described as follows: Beginning at a point where the center line of Range 8 East, intersects the center line of the North Fork of the Canadian River; thence southeasterly following the meandering center line of the North Fork of the Canadian River to the west line of Range 11 East; thence North along said west line to the north line of Township 10 North; thence east along said north line to the east line of Range 11 East; thence south along said east line to the north line of Township 7 North; thence east along said north line to the center line of the Canadian River; thence southwesterly along the meandering center line of the Canadian River to center line of Range 8 East; thence north along said center line to the point or place of beginning.

TAHLEQUAH COUNTY.—Townships 19, 18, 17, 16, 15, and 14 North, Ranges 21, 22, and 23, East,

THOMAS COUNTY.—Bounded by a line described as follows: Beginning at a point where the west line of Range 21 East, intersects the center line of the Canadian River; thence northerly along the meandering center line of the Canadian River to a point where said center line (extended) intersects the center line of the Arkansas River; thence southeasterly along the meandering center line of the Arkansas River to the center line of Range 24 East; thence south along said center line of Range 24 East to the south line of Township 6 North; thence west along said south line to the west line of Range 21 East; thence north along said west line to the point or place of beginning.

TOBUKSY COUNTY.—Bounded by a line described as follows: Beginning at a point where the west line of Range 12 East, intersects the center line of the Canadian River; thence northerly and easterly, following the meandering center line of said River to the east line of Range 14, East; thence south along said east line to the north line of Township 7 North; thence east along said north line to the east line of Range 15 East; thence south along said east line to the south line of Township 5 North; thence west along said south line to the east line of Range 14 East; thence south along said east line to the south line of Township 3 North; thence west along said south line to the west line of Range 12 East; thence north along said west line to the point or place of beginning.

TOM NEEDLES COUNTY.—The south half of Township 6 South, Ranges 9, 10, 11, 12, 13, and 14 East.—All of Townships 8 and 9 South, Ranges 6 and 7 East, lying north of the Texas State line.—All of Townships 7, 8, 9, and 10 South, Ranges 8, 9, 10, 11, 12, 13, and 14 East, lying north of the Texas State line.

TULLADEGA COUNTY.—Townships 19, 18, 17, 16, and 15 North, Ranges 6, 7, 8, and 9, East, being bounded on the north and west by the state line of this State.

TUMECHICHE COUNTY.—Bounded by a line described as follows: Beginning at a point in the north line of Township 19 North, where the center line of the Verdigris River intersects said line; thence East along said north line of said Township 19 North to the east line of Range 20 East; thence south along the said east line of Range 20 East to the south line of Township 16 North; thence west along said south line of Township 16 North to a point where said line intersects the center line of the Verdigris River; thence down the meandering center line of the Verdigris River to a point where said line (extended) intersects the center line of the Arkansas River; thence up the meandering center line of the Arkansas River to a point where the east line of Range 17 East intersects the said Arkansas River Center

line; thence north along the said east line of range 17 East to a point where said east line intersects the center line of the Verdigris River; thence northerly along the meandering center line of the Verdigris River, to the north line of Township 16 North; thence west along said north line to the west line of Range 17 East; thence north along said west line to the center line of the Verdigris River; thence northerly along the meandering center line of the Verdigris River to the point or place of beginning.

WADE COUNTY.—Township 3, North, Range 19 East.—Township 3, 4, and 5, North, Range 20 East—Townships, 1, 2, 3, 4, and 5, North, Ranges 21, 22, 23, 24, 25, and 26, East. All of Townships 1, 2, 3, 4, and 5, North, Range 27 East, lying west of the Arkansas State line.

WASHINGTON COUNTY.—Townships 5 and 6 South, Ranges 1 West and 1, 2, and 3 East.—All of Townships 7, 8, 9, and 10 South, Ranges 1 West and 1, 2 and 3 East, lying north of the Texas State line. From which deduct the north half of Township 5 South, Range 2 East.

Sec. 3. It is hereby directed that within sixty days after the acceptance of this Constitution and the admission of this State by Congress, the Supreme Election Board provided by this Constitution shall cause to be held a general election in this State, and in the counties, district and municipalities thereof, for the election of a full complement of officers as provided by this Constitution, excepting only its first representatives in Congress, and that previous to the calling of such election said Supreme Election Board shall ascertain, as nearly as may be, the valuation of all taxable property of each and every county in this State, and that where said Supreme Election Board finds the aggregate value of all taxable property in any one county to be of a sum total less than one million dollars that such county shall be considered as unorganized, and for the time being attached for administrative purposes, to the adjoining county having the lowest valuation of taxable property, and shall so remain as a district of said county to which it is attached until such time as the General Assembly shall otherwise provide: Provided, That at any time, at any regular election to be held in said unorganized county, upon the written petition of one hundred electors of such unorganized county, addressed and delivered to said Supreme Election Board or its successor in the management of elections, thirty days prior to such proposed general election, requesting the separation and organization of such unorganized county, that the electors of said unorganized county shall, at said ensuing general election, be permitted to vote upon the question of the separation and organization of said unorganized county; and if the majority of the electors of said unorganized county voting at said election shall vote in favor thereof, said county shall be immediately detached and organized under its separate county government. Provided, however, that at all times such unorganized county shall have its full representation in the General Assembly of this State, and shall have four terms of county court in said unorganized county each year, held by the Judge of the county to which said unorganized county is attached, and the said court shall be held at the county seat of such unorganized county, and the Clerk of the County Court shall appoint and maintain a Deputy Clerk for said unorganized county, who shall be an elector of said unorganized county and maintain his office at said county seat of said unorganized county.

Sec. 4. The State of Sequoyah is hereby divided into twenty-one Senatorial Districts, each district composed as follows.

DISTRICT	COUNTIES
1st -----	Quapaw and Cherokee;
2nd -----	Lenahpa and Skiatook;

3rd	-----	Cooweescoowee and Mayes;
4th	-----	Delaware, Flint and Tahlequah;
5th	-----	Tumecliche and Coweta;
6th	-----	Euchee, Tulladega, and Arbeka;
7th	-----	Okmulgee and Cussehta;
8th	-----	Seminole and Spokogee;
9th	-----	Muskogee and Breckinridge;
10th	-----	Sequoyah and Thomas;
11th	-----	Wade, Rutherford and McCurtain;
12th	-----	Eufaula and Tobuksy;
13th	-----	Bixby, Push-ma-ta-ha and Hitchcock;
14th	-----	Hailey and Sans Bois;
15th	-----	Blue and Tom Needles;
16th	-----	Overton and Johnston;
17th	-----	Byrd, Cheadle and Moseley;
18th	-----	Garvin and McLish;
19th	-----	Harris and Washington;
20th	-----	Gilbert, Jefferson and Guy;
21st	-----	Curtis and Bonaparte;

And one Senator shall be elected from each district.

Sec. 5. From the limit of seventy-five members of the House of Representatives, each county of this State shall first have one member. Thereafter to justly give representation to such counties as have population in excess of their pro rata proportion of the population of the entire State, the excess number of Representatives making the grand total not above seventy-five shall be ascertained, then taking all counties of the State, the population of which is greater than the sum obtained by dividing the total population of the State by the total number of counties of the State and adding such excess population together, divide the total of such additions by the divisor, being the excess authorized membership of the House of Representatives, the quotient will be the ratio for additional representation in such counties of excess population, and said excess representatives shall be allotted as follows:

Any such county having an excess of population equal to one or more of such full ratios shall have an additional member of the House of Representatives for each such full excess ratio, or in case any such County shall have less than a full excess ratio or ratios, then its excess shall be multiplied by five, and if the sum so obtained equals one excess ratio such County shall have one additional member in the fifth term of the ensuing Federal Census decade. If the sum so obtained equals two full excess ratios, then such County shall have one additional member each in the fourth and fifth terms of the ensuing Federal Census decade. If the sum so obtained equals three full excess ratios then such County shall have one additional member each in the first, second and third terms of the ensuing Federal Census decade. If the sum so obtained equals four full excess ratios then such County shall have one additional member each in the first, second, third and fourth terms of the ensuing Federal Census decade. Provided, however, that in case the said excess ratio is less than the population of the County of this State having the smallest population, then the population of such least populous County shall in every instance hereinabove mentioned be treated as the true excess ratio.

Provided, That until the next Federal Census is taken and published, the population as ascertained according to the provision of this Constitution shall be the basis for the above apportionment and be ascertained and declared by the Supreme Election Board, and thereafter on the publishing of each Federal Census, the Governor, the Attorney General and the Secretary

of State, of this State, shall within thirty days from the publication of such Federal Census, and under the above rules, compute and declare the apportionment for the ensuing decade.

Sec. 6. The State of Sequoyah is hereby divided into eight Circuit Court Districts, each such district composed of the following counties:

The first Districts shall be composed of the counties of:—Cherokee, Lenahpa, Skiatook, Cooweescoowee and Mayes.

The second District shall be composed of the counties of:—Quapaw, Delaware, Flint, Sequoyah, Tahlequah, Tamechichee and Coweta.

The third District shall be composed of the counties of:—Euchee, Arbeka, Tulledega, Okmulgee, Seminole, Spokogee and Cussehta.

The fourth District shall be composed of the counties of:—Muskogee, Eufaula, Breckinridge, Thomas and Sans Bois.

The fifth District shall be composed of the Counties of:—Tobuksy, Cheadle, Moseley, Bixby and Blue.

The sixth District shall be composed of the counties of:—Rutherford, Wade, Hailey, Push-ma-ta-ha, McCurtain, Hitchcock and Tom Needles.

The seventh District shall be composed of the counties of:—Overton, Johnston, Byrd, McLish, Washington, and Harris.

The eighth District shall be composed of the counties of:—Curtis, Bonaparte, Gilbert, Jefferson, Garvin and Guy.

And one judge of the circuit court shall be elected in each of said districts, as in this constitution provided.

Sec. 7. For the purpose of determining the population of each and every separate county of this State, it is hereby directed that the vote cast in each and every county at the election for ratification or rejection of this constitution be multiplied by five and one-tenth, the product so obtained is hereby declared to be the legal population of every such county and so to remain and be treated in all cases until the taking and publication of the next federal census.

Sec. 8. The County seat of each county named in this constitution shall be determined by the place receiving the highest number of votes at the election held for the ratification of this constitution by the electors of each county.

Sec. 9. The General Assembly shall provide by general law for the creation of new counties, locating or changing county seats and changing county lines, but each of said questions shall be submitted to a vote of the electors residing within the territory affected, and shall be approved by a majority of the votes cast for or against said proposition before such new county shall be created, the county seat located or changed, or the lines of any county shall be changed. But no new county shall be formed unless it contains taxable property of the valuation of one million dollars as shown by the last preceding tax return, and not then unless the remaining portion of the old county or counties shall each contain taxable property of the value of at least two millions of dollars; nor shall said new county contain a population of less than five thousand bona fide inhabitants; nor shall the new county have an area of less than four hundred square miles, nor shall the area of the old county or counties from the territory from which the new county shall be taken be respectively reduced in area to less than four hundred square miles. The General assembly shall provide by law for an equitable division of the indebtedness of said old county or counties, as the case may be, so that the new county so created shall assume and become responsible for the payment of its just proportion of said debt or debts.

Sec. 10. Each organized county in this state shall be a body corporate

and politic, and shall possess such powers as are provided in this constitution; together with such other powers as may hereafter be provided by law, including the following;

To sue and be sued; to purchase and hold real estate and personal property for the use of the county, and land sold for taxes as provided by law; to sell and convey such property; to make such order respecting the same as may be deemed conducive to the best interests of the county; to make all contracts and do all other acts authorized by law.

Sec. 11. The powers of a county shall be executed and administered by the Board of County Commissioners herein provided for, and by such other officers and agents as may be provided by law, and all suits brought for the benefit of the County or against it shall be brought in the name of the county. No execution on any judgment rendered by any court against a county shall be issued against said county, but the collection of said judgment shall be in the manner and form provided by law.

Sec. 12. There shall be, and are hereby created, the following county officers: Judge of the county court, clerk of the circuit court, who shall be ex-officio recorder, clerk of the county court, states attorney, sheriff, who shall be ex-officio tax collector, county treasurer, county surveyor, three county commissioners, who shall be freeholders, and a county assessor. Each of said offices shall be filled by election, or by appointment, as herein provided, or as may hereafter be provided by law, for the creation of such other county officers as may be from time to time found necessary.

County judges, clerks of the circuit court, clerks of the county court, states attorneys, sheriffs, county treasurers, county surveyors, county commissioners, county assessors, and such other county offices as may be created by law, shall be elected by the electors of each county and shall respectively perform such duties and receive such salary and emoluments as are herein, or as may hereafter be provided by law. After the first election held under this constitution the county commissioners shall divide each county into three compact districts as nearly equal in population as practicable, subject to alteration at least once in three years thereafter. At the next election preceding the end of the terms of said first elected county commissioners, a county commissioner shall be elected for each of said county commissioners districts.

Sec. 13. The Board of County Commissioners shall have no power or authority to create or recognize any debt or obligation of the county in excess of the limit fixed by law; nor to issue any obligation or evidence of indebtedness exceeding in the aggregate the limit of indebtedness fixed by law, for county purposes, for any one year, nor levy taxes exceeding in the aggregate one per centum of the value of the taxable property in the county: Provided, Sheriffs and County Treasurers shall not be eligible to re-election as their own immediate successors.

Sec. 14. No county shall in any manner whatsoever, either directly or indirectly, create any indebtedness exceeding two per centum of the assessed value of taxable property in the county as shown by the last general assessment roll of said county; nor in excess of the taxes for the current year, unless such excess shall have been authorized by a majority vote of the electors of said county.

Sec. 15. The Board of County Commissioners shall provide and furnish suitable rooms in which to hold Circuit Court and County Court, and proper offices for all county officers.

Sec. 16. Appeals may be taken to the Supreme Court from all final decisions or findings of the Board of County Commissioners in such manner as the General Assembly may provide.

ARTICLE XIII

REVENUE, TAXATION AND EXEMPTIONS

Sec. 1. All property within the boundaries of the State, not exempt under the laws of the United States, shall be taxed in proportion to the value thereof, to be ascertained as provided by law. The word "property" as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal or mixed, capable of private ownership.

Sec. 2. All property used for free public libraries, free museums, cemeteries, property used exclusively for public schools and all property of the United States, this State, and of counties and municipal corporations in this State, shall be exempt from taxation. All property owned by the Morrow Indian Orphan Home, located near the city of Atoka, and all property owned by the Whitaker Orphan Home, located near the city of Pryor Creek, so long as the same shall be used exclusively as free homes or schools for orphan children and for poor and indigent persons, shall be exempt from taxation. The General Assembly may provide for the exemption from taxation of such other property as may be used exclusively for agricultural and horticultural societies, for schools, and for religious and charitable purpose, but such exemptions shall only be by general law. The General Assembly may provide for a deduction from credits of debts due to bona fide residents of this State, except in cases of credits secured by mortgages or trust deeds.

Sec. 3. All lands and the improvements thereon, except as herein provided, within the boundaries of this State, shall be assessed for taxation, except such as may be exempt by reason of treaty stipulations, existing between the Indians and the United States government.

Sec. 4. The specification of the objects and subjects of taxation shall not deprive the General Assembly of power to require objects and subjects to be taxed, in such manner as may be consistent with the principles of taxation as fixed in this Constitution.

Sec. 5. The General Assembly shall provide in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, County, Municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to the officer of the county having authority to receive state and county taxes, and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of a court of competent jurisdiction, to be designated by law.

Sec. 6. The right of redemption from all sales of real estate for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than four years from such sales thereof. And the General Assembly shall provide by law, for reasonable notice to be given to the owner, or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: Provided, occupants shall in all cases be served with personal notice before the time of redemption expires; and provided further That minors, lunatics, imbeciles and other incompetents and married women, shall be allowed three years in which to redeem real estate from sales for taxes or assessments after minors shall have reached their majority, after lunatics, imbeciles and other incompetents shall be restored to natural reason, and after married women shall have become femmes sole.

Sec. 7. The General Assembly shall not have power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

Sec. 8. All taxes levied for State purposes shall be paid into the State treasury.

Sec. 9. The General Assembly may invest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous pro-property, or otherwise, provided the consent of a majority of resident property owners affected by such local improvements shall have been first obtained. For all other corporate purposes, municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

Sec. 10. The General Assembly shall not impose taxes upon Municipal Corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

Sec. 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

Sec. 12. No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner, or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding eight per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness. Any county, city, school district or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within thirty years from the time of contracting the same.

Sec. 13. The General Assembly shall provide by law for the levy and collection of all State, County, School and Municipal taxes, and for an annual poll tax of not less than one dollar on every male inhabitant of this State, over twenty-one and under sixty years of age, except paupers, idiots and insane persons; said poll tax shall be paid into the State School Fund.

Sec. 14. The total taxes on all property, for all purposes, including State, County, and Municipal taxes, shall not exceed in any one year thirty mills on the dollar, to be divided as follows: Not more than seven mills on the dollar for State purposes, of which two mills shall be for the support of public schools: Not more than ten mills on the dollar for county purposes, of which three mills shall be used for the support of public schools: Not more than thirteen mills on the dollar for municipal purposes, of which five mills shall be used for the support of public schools: Provided, That the General Assembly shall, by general laws, authorize school districts to levy, by a majority vote of the citizens over twenty-one years of age

therein, an additional tax of five mills on the dollar, in any one year, for school purposes: Provided, Further, that no such tax shall be appropriated to any other district than that for which it was levied: And Provided further, That to pay the bonded indebtedness of any municipality, an additional tax of five mills on the dollar may be levied by a vote of the electors of said municipality.

Sec. 15. Municipal corporations in this State may, in addition to taxes provided for school purposes by this constitution, by a majority vote of the electors of said municipality, levy an additional tax of four mills on the dollar of the assessed valuation, for school purposes only; Provided, that no election shall be ordered for this purpose except upon the written petition of one-seventh of the property tax payers of said municipality. Provided, further, that thirty days notice by publication in the usual way shall be given, and proof of such publication filed with the petition.

Sec. 16. The Board of County Commissioners of each County shall equalize the valuation for tax assessment of their county as provided by law.

Sec. 17. The Governor, Secretary of State, and Attorney General shall be a State Board of Equalization and shall perform the duties thereof as provided by law.

Sec. 18. All revenue and appropriation bills shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 19. The personal property of any resident of this State who is not married or the head of a family, in specific articles or money to be selected by such resident, not exceeding in value the sum of two hundred dollars in addition to his or her wearing apparel, shall be exempt from seizure on attachment or sale on execution or other process from any court, issued for the collection of any debt contracted; provided, that no property shall be exempt for debts, contracted for the purchase-money therefor, while in the hands of the vendee.

Sec. 20. The personal property of any resident of this State who is married or the head of a family, in specific articles or money, to be selected by such resident, not exceeding in value the sum of five hundred dollars in addition to his or her wearing apparel and that of his or her family, shall be exempt from seizure on attachment, or sale on execution, or other process from any court on any debt contracted; Provided, that no property shall be exempt for debts contracted for the purchase money therefor while in the hands of the vendee; Provided further, that all necessary tools of mechanics and laborers and the implements of farmers, to an amount not exceeding three hundred dollars, shall be exempt from seizure on attachment or sale on execution. The General Assembly shall provide by law for the protection afforded in this and the preceding sections herein, so that all persons may enjoy the same without interference by any court, and without cost to them.

Sec. 21. Upon the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the life of the surviving spouse so long as he or she may remain unmarried, or so long as the guardian of the minor heirs of the deceased may be permitted, under order of the proper court having jurisdiction, to use and occupy the same with said minors.

Sec. 22. The homestead, not in any town or city, shall consist of not more than one hundred acres of land, which may be in one or more parcels, with improvements thereon, to be selected by the owner; Provided, the same shall not exceed in value the sum of five thousand dollars, and in no event shall such homestead be reduced to less than forty acres, with the improvements thereon, without regard to value; Provided, further, that Indian homesteads in excess of one hundred acres made under the laws, and the treaties between the United States and the Indian tribes of this State, shall be affirmed and respected until said homesteads become alienable.

Sec. 23. The homestead in any city, town or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner; Provided, said homestead shall not exceed in value the sum of five thousand dollars, and in no event shall such homstead be reduced to less than one quarter of an acre of land, together with the improvements thereon, without regard to value; Provided, that any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

Sec. 24. The homestead of a family shall be, and is hereby protected from, forced sale, for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in the last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase money thereof, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed, or other lien, shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any conditions of defeasance shall be void.

ARTICLE XIV.

MILITIA.

Sec. 1. The Militia shall consist of all able bodied male persons residents of this State, between ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State; and shall be organized, armed, equipped and trained as may be prescribed by law, not inconsistent with the regulations governing the United States Army.

Sec. 2. The Militia of this State shall be divided into two classes, viz: That portion which shall be organized, armed and equipped, which shall be known as the "Sequoyah National Guards" and the unorganized Militia, which shall be known as the "Sequoyah Reserves."

Sec. 3. The Governor shall have power to call out the National Guard, and to call and organize the Reserve for the purpose of executing the laws of the State, repelling invasion, suppressing riot or insurrection, and preserving the public peace.

Sec. 4. Officers of the National Guard shall be selected from the organization to which they belong. All offices shall be filled by competitive examinations, to be held by a board consisting of three members, one of whom shall be an officer of the United States Regular Army, not below the

rank of Captain, one a medical officer of the National Guard and the third member to be selected by the other two. The United States Regular officer and Medical officer of the board to be designated by the Governor. Vacancies shall be filled by seniority, subject to examination by the board of officers as prescribed for original appointment.

Sec. 5. The Commissioned officers of the National Guard shall hold their respective office during good behavior, unless otherwise provided by law; provided, however, that in case an organization of the National Guard shall be mustered out of service, the officers thereof shall be given certification of honorable discharge.

Sec. 6. No officer of the National Guard shall be deprived of his commission except by sentence of a properly constituted Court Martial having jurisdiction of the same.

Sec. 7. The findings and decree of Courts Martial shall not be reversible by a civil tribunal, except as provided by law.

Sec. 8. The officers of the military service of this State shall be, such as are provided by law.

Sec. 9. The execution by an officer in the Military service of this State of a written order, or of verbal order, the interpretation of which could not be reasonably misunderstood, from his superior officer, or a person to whom he has been directed to report for duty, shall be a complete defense to any suit or action which may be brought against him in the Civil Criminal courts of the State; but this shall not relieve the persons responsible for such order from liability.

ARTICLE XV.

PROHIBITION.

Sec. 1. The manufacture, sale, barter, or giving away of intoxicating liquors or spirits of any kind within this State is forever prohibited.

Sec. 2. Any person who shall, within this State, manufacture, or for any purpose sell, barter or give away, or by any means furnish, to any one any vinous, malt or fermented liquors or intoxicating spirits or drinks of any kind whatsoever, and any person who may, within this State, in any manner advertise or solicit the sale or purchase of any such liquors, shall, upon conviction thereof, in any court of competent jurisdiction, be punished for each offense by fine not less than fifty dollars, nor more than one thousand dollars, and by imprisonment not less than sixty days, nor more than one year and one day; Provided, That the General Assembly may provide by law for one dispensary, under the supervision of this State, in each county, for the sale of liquors for medicinal, mechanical and scientific purposes only, each sale to be made upon sworn application in writing stating the purpose for which the liquor is to be used; and any person who shall make a false affidavit to obtain liquor for any other purpose shall be deemed guilty of perjury. Each sale shall be duly registered, and the register thereof, shall be, at all times, open to inspection by any officer or citizen of this State. If any person employed in a dispensary be convicted of making any sale of liquor for any purpose other than herein provided, he shall be punished by imprisonment for not less than one year and one day. The payment, in this State, by any person, of the special tax required of liquor dealers by the United States, shall be prima facie evidence of his intention to violate the provisions of this section.

Sec. 3. The Governor shall appoint three Commissioners, two from the dominant political party and one from the party casting the next highest vote at the last state election, one of whom shall be learned in the law, to be known as "Enforcement Commissioners," who shall be vested with full authority and power and be required, with the advice and under direction of the Governor, to strictly enforce the liquor laws of this state; and, in the performance of their duties, such Commissioners may command the aid of the Attorney General of the state, all states attorneys, and all sheriffs and other executive officers of the counties, and any other person by them appointed; but the authority so conferred upon such commissioners shall not in any degree relieve any other officer from the discharge of any duty relating to the execution of such laws. The General Assembly shall, at its first session, fix the salaries of such commissioners, and provide for them all assistance and expenses necessary for the proper performance of their duties, and enact laws for the aid and government of such commissioners in the work of enforcing the law aforesaid. The Governor may at any time remove any member of such commission from office for immoral conduct, inefficiency, or delinquency of duty, and appoint another competent person to fill the vacancy.

ARTICLE XVI

GENERAL PROVISIONS

Sec. 1. The following shall be the device for the "Great Seal of the State of Sequoyah":

In the center shall be a five pointed star, with one ray pointing downward. The star shall be divided into five diamond shaped rays by lines connecting the angles between the rays with the center. The upper left hand ray shall contain the symbol from the ancient seal of the Cherokee Nation, viz: A seven pointed star surrounded by a wreath of oak leaves. The upper right hand ray shall contain the symbol from the ancient seal of the Creek Nation, viz: A sheaf of wheat and a plow. The lower left hand ray shall contain the symbol from the ancient seal of the Choctaw Nation, viz: A Tomahawk, bow and three crossed arrows. The lower right hand ray shall contain the symbol from the ancient seal of the Seminole Nation, viz: A village with houses and factory besides a lake upon which an Indian is paddling a canoe. The lowest ray shall contain the symbol from the ancient seal of the Chickasaw Nation, viz: An Indian warrior standing upright with bow in his hand. Surmounting the star between the two upper rays shall be a half length figure of Sequoyah holding tablet upon which are inscribed the letters 4660-C in the alphabet invented by Sequoyah, and forming the Cherokee words meaning "We are brethren." Surrounding the central star and grouped between its rays, shall be forty-five small stars, representing the forty-five states of the Union to which the forty-sixth is now added. In a circular band surrounding the whole device shall be inscribed "Great Seal of the State of Sequoyah, 1905."

Sec. 2. All courts of record and municipal corporations shall have a seal which shall be used in attesting all process, judgments, decrees, ordinances, or other official documents of the court or municipal corporation to which it belongs, in form as provided by law.

Sec. 3. The State of Sequoyah and the several counties, districts, and municipalities thereof shall never lend credit funds, nor guarantee, nor in any way contribute to private or corporate enterprises, nor in any way invest or become interested therein.

Sec. 4. No public officer in this state shall be permitted, at any time

during his incumbency in office, to solicit or receive any gift, grant or emolument of any kind other than his salary as fixed by law for the doing or not doing of any act or thing incident to his official duties and obligations: Any violation of this provision shall work a forfeiture of the office held by him.

Sec. 5. The State of Sequoyah shall never be made defendant in any of its courts without its consent.

Sec. 6. The real and personal property of any femme covert in this state, acquired either before or after marriage, whether by gift, grant, inheritance, devise, or otherwise, shall, so long as she may choose, be and remain her separate estate and property, and may be devised, bequeathed or conveyed by her the same as if she were a femme sole, and the same shall not be subject to the debts of her husband: Provided, that any land acquired from or through her husband shall not be disposed of in any way without his consent.

Sec. 7. The General Assembly shall provide by law for a Board of Health to be appointed by the Governor, with the consent of the Senate, which shall be known as the "State Board of Health," the duties of which shall be to examine and pass upon the qualifications of applicants for license to practice medicine, surgery, dentistry or pharmacy in this state; said State Board of Health shall have power to declare and maintain quarantine, and to prescribe such sanitary regulations as are necessary and are not in conflict with the laws of this state.

Sec. 8. Polygamy is forever prohibited in this state and the same shall be deemed a felony; any person convicted of such crime shall be punished by fine of not less than one hundred dollars and imprisonment for not less than one year and one day.

Sec. 9. No divorce shall be granted in this state otherwise than by judicial proceedings. Lotteries, or the sale or giving away of lottery tickets in this state are forever prohibited. Prize fights, or other brutal sports shall not be allowed in this state.

Sec. 10. The General Assembly shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals, and other similar public works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done, responsible for their ultimate payment.

Sec. 11. The labor of children under twelve years of age in factories and workshops in this state is prohibited.

Sec. 12. It shall be unlawful for any person, or corporation to require from its servants or employes as a condition of their employment or otherwise, any contract or agreement, whereby such person or corporation shall be released or discharged from liability or responsibility, on account of personal injuries received by such servants or employes while in the service of such person or corporation, by reason of the negligence of such person or corporation, or the agents or employes thereof; all such contracts shall be absolutely null and void.

Sec. 13. No railroad hereafter constructed in this state shall pass within a distance of four miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains: Provided, such

town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

Sec. 14. Two months of current wages, for personal service, shall not be subject to garnishment.

Sec. 15. All labor of convicts confined in the state's prisons and reformatories shall be performed within the prison grounds, except where the work is done on public roads, or public works under the direct control of the state.

Sec. 16. The first day of the week commonly called Sunday, shall forever be respected as a day of rest, and the General Assembly shall enact appropriate laws making this provision of this Constitution effective.

Sec. 17. The provisions of this Constitution are not intended to conflict with, nor shall they ever be so construed as conflicting with, the Constitution of the United States, or with any right, or privilege, as to person or property, enjoyed by or secured to any Indians or other citizens of the Five Civilized Tribes, or their descendants, or to citizens of the Quapaw Agency, by any law or existing treaty between the United States and said Indians or tribes of Indians, and particularly as to homesteads, exemptions, and taxation.

ARTICLE XVII

AMENDMENTS

Sec. 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly, and, if the same shall be agreed to by two-thirds of all the members elected to each of the two Houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals; and it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the state at the next general election, and cause the same to be published without delay for at least twelve consecutive weeks prior to said election, in at least one newspaper of general circulation published in each county; and if a majority of the electors voting at such election shall ratify the same, such amendment or amendments shall become a part of this Constitution.

Sec. 2. If two or more amendments are proposed, they shall be submitted in such manner that electors may vote for or against each of them separately.

ARTICLE XVIII

SCHEDULE

Sec. 1. That no inconveniences may arise from a change from the present governments in force in the Indian Territory, to a permanent government, it is declared that all writs, actions, prosecutions, claims, or liabilities, of whatsoever nature or kind, and rights of individuals and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the Judicial Department under this Constitution, be issued under the authority in force in the Indian Territory, shall be as valid as if issued in the name of the State of Sequoyah; and all writs and process, both civil and criminal, that have been issued by any of the courts having jurisdiction in the Indian Territory, and made returnable to said Courts, not served at the time the Courts

of the State assume jurisdiction, shall be, by the officers having charge thereof, served and returned into the appropriate Court of the state.

Sec. 2. All laws now in force in the Indian Territory, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the General Assembly of this state.

Sec. 3. All fines, penalties, forfeitures and escheats, accruing to the Indian Territory, shall accrue to the use of the state, or to either of the Five Civilized Tribes of Indians, as the case may be.

Sec. 4. All recognizances, bonds, obligations, or other undertakings heretofore entered into in the Indian Territory, or which may hereafter be entered into in the Indian Territory before the organization of the Judicial Department under this Constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the state, and all bonds, obligations or other undertakings executed in the Indian Territory, or to any officer of the United States therein in his official capacity, shall pass over to the proper state authorities and to their successors in office, or the towns therein respectively interested, and may be sued for and recovered upon accordingly. All criminal prosecutions and penal action, which have arisen or which may arise in the Indian Territory before the organization of the Judicial Department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the state.

Sec. 5. All officers, civil and military, holding their offices and appointments in the Indian Territory, under the authority of the United States, or of either of the Five Civilized Tribes of Indians, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution. Provided, that if the State of Sequoyah shall not be admitted into the Union as one of the United States prior to the 4th day of March, 1906, nothing in this Constitution contained shall be construed as being in conflict with the laws or agreements for the termination of the tribal governments of the Five Civilized Tribes, or, as authorizing the continuance in office of any of the officers thereof.

Sec. 6. This Constitution shall be submitted to the qualified electors of the Indian Territory for adoption or rejection at an election to be held on Tuesday, the 7th day of November, 1905. Said election, as nearly as may be, shall be called and held in all respects in the manner provided by this Constitution, and the returns, thereof, shall be made to the Supreme Election Board provided by this Constitution, who shall canvass the same, and if a majority of the legal votes cast shall be for the Constitution, the Supreme Election Board shall certify the result to the President of the United States, together with a statement of the votes cast thereon, and a copy of the articles, provisions and ordinances of said Constitution. Said Supreme Board shall, as herein directed, provide for the election of four Congressmen at Large, from the State of Sequoyah, to represent this state in the 59th Congress of the United States, and shall issue to each Congressman so elected, a certificate of his election. They shall also provide for the selection of the county seat town of each county by the qualified electors thereof. A Certificate of the vote cast for county seat in each county shall be returned to the Secretary of State when he shall be elected and qualified, and shall be filed and preserved by him.

THE INDIAN CONSTITUTIONS

At said election the ballot shall be in the following form :

FORM OF BALLOT :

Indian Territory, Proposed State of Sequoyah
For Ratification of Constitution.

Yes

No.

For County Seat of _____County

For Congressmen at Large to represent the
State of Sequoyah, in the 59th Congress of the
United States, from the date of the admission
of this State:

(Note, The voter, on the ratification or rejection of the Constitution, will vote either "yes" or "no," distinctly erasing the other. If the voter votes "no," that is, for rejection of the whole Constitution, he will ignore the remainder of the ticket. If the elector votes "yes" on the ratification of the Constitution, he may vote for the town of his choice for county-seat of the county designated, and for four representatives of his choice for Congressmen, in all cases erasing all words and names for which he does not desire to cast his vote.)

The form of ballot must be uniform at all voting places in the Territory, excepting only as to the name of the county and the towns in such county aspiring to be the county-seat thereof. The Board of Elections will so prepare the ballots in each county as to designate the name of such county and towns which said Board has recognized as properly aspiring to be the county-seat town, and have on the Ballots of each county, the name of the county and such aspiring county-seat towns, printed thereon.

As to the candidates for Representatives at Large to the 59th Congress, the Supreme Election Board will cause the names of such candidates to be printed upon all ballots, and opposite each name of such candidates shall be printed the name of the party or convention nominating such candidate, provided, that not more than four candidates shall be allowed to be placed upon such ballot by any one political party or convention. The elector may vote for not exceeding four such candidates, and will distinctly erase the names of all candidates for whom he does not desire to vote.

Sec. 7. This Constitution shall take effect and be in force immediately upon the admission of the Indian Territory as a state.

Sec. 8. Immediately upon the admission of the Territory as a state, the Supreme Election Board shall issue a proclamation which shall be published, and a copy, thereof, mailed to the chairman of the subordinate county election board of each county, calling an election by the people for all the state, district, or other officers created and made elective by this

Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation, nor more than sixty days after the admission of the Territory as a state. The County Election Board of the several counties shall thereupon order such election for said date, notice thereof to be given, in and for the length of time provided by the Supreme Election Board, for the election of all state, county and other public officers (Congressmen excepted). Every qualified elector of this state, at the date of said election, shall be entitled to vote. Said election shall be conducted in all respects in the manner provided by this Constitution.

Sec. 9. The Supreme Election Board, provided for in this Constitution, shall constitute a Board of Canvassers to canvass the vote of said election for members of Congress, the state and district officers, and members of the General Assembly. The said Supreme Election Board shall assemble at the seat of government of the Territory on the 10th day after such election, (or on the following day, if said day falls on Sunday), and proceed to canvass the vote for all state, district, county and other public officers and members of the General Assembly, in the manner provided by this Constitution; and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the Secretary of State an abstract, certified by them, of the number of the votes cast for each person, for each of said offices, and of the total number of votes cast in each county.

Sec. 10. All officers elected at said election, except members of the General Assembly, shall, within thirty days after they have been declared elected, take the oath and give the bond required by this Constitution, and shall thereupon enter upon the duties of their respective offices; but the General Assembly may require by law all such officers to give other and further bonds as a condition of their continuance in office.

Sec. 11. The Governor-elect of the state, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the General Assembly of the state at the seat of government, on a day to be named in said proclamation, and it shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the General Assembly, both houses thereof in joint session, shall then and there proceed to elect, as provided by the Constitution of the United States, and by law, two senators of the United States for the State of Sequoyah. At said election the two persons who shall receive a majority of all the votes cast by the members elected to the Senate and House of Representatives, shall be elected as such United States Senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the Senate and House shall issue a certificate to each of said Senators, certifying his election, which certificate shall also be signed by the Governor, attested by the Secretary of State and the Great Seal of the State.

Sec. 12. The General Assembly shall pass all necessary laws to carry into effect the provisions of this Constitution.

Sec. 13. Whenever any two of the judges of the Supreme Court of this state, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the United States Court of Appeals for the Indian Territory, and the papers, records and proceedings of said Court, and other property pertaining thereto, in all cases over which the Supreme Court of this state is, by this Constitution, given jurisdiction, shall pass into the jurisdiction and possession of the Supreme Court of the state; and until so superseded the United States Court of

Appeals for the Indian Territory, and the judges thereof, shall continue with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the Circuit Court of any district, elected under the provisions of this Constitution, shall have qualified in office, the several causes then pending in the United States District Court therein, within any county or counties in such district, papers and proceedings of said court and all other property pertaining thereto, in all cases over which the Circuit Courts of this state are by this Constitution given jurisdiction, shall pass into the jurisdiction and possession of the Circuit Court of the state for such district, and until then the United States District Courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore provided by the laws of the United States. When the judge of the County Court of any county, elected under the provisions of this Constitution, shall have qualified in office, the several causes then pending in the United States District Court and in United States Commissioners Courts within any county in such district, and the records, papers and proceedings in said United States District Commissioners Courts over, which County Court are given jurisdiction by this Constitution, shall pass into the jurisdiction and possession of the County Court of this state for such county: until the United States District shall be superseded in the manner aforesaid, the said District Courts, and the judges thereof, shall continue with the same jurisdiction and power to be exercised in the same districts, respectively, as heretofore constituted under the laws of the United States.

Sec. 14. Whenever this Constitution shall go into effect, the records, and papers and proceedings of the Probate Court in each county, and all causes and matters of administration, and all other matters pending therein, shall pass into the jurisdiction of the County Court of the same county, and the County Court shall proceed to final decree, or judgment, or order, or other determination of said matters and causes as the United States Courts, sitting as courts of probate, might have done if this Constitution had not been adopted. Provided, that the removal of causes to the several courts of this state shall apply only to such causes as by the law of the United States, and the treaties of the United States with the several Indian Tribes of the Indian Territory, are properly removable to the State Courts.

Sec. 15. All actions, causes, proceedings, and matters which shall be pending in the Supreme, Circuit, or County Courts of the Five Civilized Tribes of Indians, at the time of the admission of the state into the Union, whereof the Supreme, Circuit, or County Court would have had jurisdiction, had such court existed at the commencement of such actions, causes, proceedings and matters, respectively, shall be transferred to said Supreme, Circuit, or County Court, as the case may be; and all files, records, indictments, proceedings and matters shall be transferred to said State Courts and said courts of this state, to which said causes shall be transferred, shall proceed to final decree, or judgment, or order, or other determination, as said Indian Courts might have done if this Constitution had not been adopted.

Sec. 16. The members of the General Assembly and all state officers, district, county, circuit, and Supreme Judges, elected at the first election held under this Constitution, shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification to the commencement of such full term.

Sec. 17. This Convention does hereby declare on behalf of the people of Indian Territory, that this Constitution has been prepared and sub-

mitted to the people of the Indian Territory for their adoption or rejection, with no purpose of setting up or organizing a state government until such time as the Congress of the United States shall enact a law for the admission of the Indian Territory as a state.

Sec. 18. The seat of state government of the State of Sequoyah shall be located at the town of Fort Gibson, in said state, for the term of six years from the date of the admission of this state into the Union, and thereafter until its location be changed by an act of the General Assembly, which act, must, before becoming effective, be approved by a majority of the electors of this state, at a general election, of which six months notice shall be given, as when amendments to this Constitution are to be voted on: Provided, if the people of Fort Gibson, shall fail to provide grounds and building suitable for state offices, including assembly rooms for the two Houses, free of cost to the state, the Supreme Election Board is hereby authorized to designate some other suitable place for the temporary seat of government, until the first General Assembly, shall, by law, otherwise provide.

When this Constitution shall have been ratified by the people of the State of Sequoyah, it shall be correctly and properly engrossed on parchment, and when duly signed by the officers and members of this Constitutional Convention, shall be filed in the office of the Secretary of State and sacredly preserved by him as the fundamental law of the State of Sequoyah.

Done in open Convention at the City of Muskogee, in the Indian Territory, this eighth day of September, in the year of our Lord one thousand nine hundred and five.

We hereby certify that the foregoing is a true, correct and complete copy of the Constitution adopted by the Constitutional Convention of the State of Sequoyah (Indian Territory).

In testimony whereof we hereto set our hands this 14th day of October, 1905.

P. PORTER,
Chairman.

Attest:
ALEX POSEY,
Secretary.

LIBRARY OF CONGRESS



0 016 089 110 5