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Proceedings of the Senate

of the

EXTRAORDINARY SESSION

of the

Third Legislature of the State of Oklahoma

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1911
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LIEUTENANT GOVERNOR GEORGE W. BELLAMY

President of the Senate

OFFICERS OF THE SENATE

HON. GEO. W. BELLAMY, Lieutenant-Governor
President
El Reno, Oklahoma

HON. J. ELMER THOMAS
President Pro Tempore
Lawton, Oklahoma

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Secretary
Cheyenne, Oklahoma.

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Chaplain
Talihina, Oklahoma

C. NAYLOR
Messenger
Guthrie, Oklahoma.

MEMBERS OF THE SENATE

District	Name	County	P.-O.	Term Expires
First	*J. H. Langston	Beaver Harper Cimarron Texas	Guymon	1914
Second	R. E. Echols E. L. Mitchell	Roger Mills Beckham Ellis Dewey	Elk City Cheyenne	1914 1912
Third	*W. A. Briggs	Woodward	Woodward	1914
Fourth	H. J. Denton	Greer Harmon	Hollis	1912
Fifth	Guy P. Horton	Tillman Jackson	Altus	1914
Sixth	J. J. Williams Geo. A. Coffey	Custer Kiowa Washita	Weatherford Lone Wolf	1912 1914
Seventh	*J. W. McCully	Alfalfa Major	Helena	1914
Eighth	P. J. Goulding	Garfield	Enid	1912
Ninth	*E. B. Chapman *W. R. Dutton	Kay Grant Osage	Tonkawa Foraker	1912 1914
Tenth	J. Q. Newell	Noble Pawnee	Jennings	1912
Eleventh	*Jos. J. Jones	Creek Payne	Sapulpa	1914
Twelfth	*Ben F. Berkey	Logan	Guthrie	1914
Thirteenth	Wm. Tilghman	Lincoln Pottawotamie	Chandler	1914
Fourteenth	*F. M. Colville T. F. McMechan	Oklahoma Canadian	Edmund Okla. City	1912 1914
Fifteenth	Joe Smith Geo. W. Barefoot	Caddo Grady	Anadarko Chickasha	1912 1914
Sixteenth	*E. D. Brownlee	Blaine Kingfisher	Kingfisher	1912

*Republican

District	Name	County	P.-O.	Term Expires
Seventeenth	J. Elmer Thomas	Comanche	Lawton	1912
	F. W. Anderson	Jefferson Stevens	Waurika	1914
Eighteenth	Harry K. Allen	Carter Love	Ardmore	1912
	C. B. Kendrick	Murray	Davis	1914
Nineteenth	R. P. Wynne	Cleveland	Lexington	1912
	J. B. Thompson	Garvin McClain	Pauls Valley	1914
Twentieth	T. F. Memminger	Atoka	Atoka	1914
	Jesse M. Hatchett	Bryan	Meade	1912
Twenty-first	E. T. Sorrells	Latimer LeFlore	Milton	1914
Twenty-second	*F. L. Warren	Hughes Okfuskee	Holdenville	1912
Twenty-third	R. M. Roddie	Pontotoc Seminole	Ada	1914
Twenty-fourth	W. P. Stewart	Choctaw McCurtain Pushmataha	Hugo	1912
Twenty-fifth	W. N. Redwine	Pittsburg	McAlester	1914
Twenty-sixth	W. M. Franklin	Johnson Marshall	Madill	1912
Twenty-seventh	*H. B. Beeler	Haskell McIntosh Muskogee	Checotah	1912
Twenty-eighth	*J. H. Cloonan	Adair Sequoyah	Bunch	1912
Twenty-ninth	E. C. Harlin	Craig Mays	Welch	1914
Thirtieth	E. M. Landrum	Cherokee Delaware Ottawa	Tahlequah	1912
Thirty-first	A. F. Vandeventer	Tulsa Washington	Bartlesville	1914
Thirty-second	*R. T. Potter	Okmulgee Wagoner	Okmulgee	1912
Thirty-third	Gid Graham	Nowata Rogers	Catoosa	1914

*Republican

SENATE JOURNAL

—OF THE FIRST—

EXTRAORDINARY SESSION OF THE THIRD LEGISLATURE

Oklahoma City, Oklahoma.

Monday, November 28th, 1910.

Called to order by the president, Mr. Bellamy, pursuant to the Governor's call, and the Governor's call was read as follows:

State of Oklahoma, Executive Department.

PROCLAMATION

Whereas, At an election held in the State of Oklahoma on June 11th, 1910, a large majority of the votes cast at said election were in favor of a measure initiated for the purpose of permanently locating the Capital of this State, and in favor of locating the Capital within, or not to exceed five miles from Oklahoma City; and,

Whereas, Since said date the Supreme Court of the State of Oklahoma has held that said measure was not legally adopted because of defects in the procedure under which said measure was submitted; and,

Whereas, By reason of the necessity to permanently determine and settle the location of the State Capital and to carry out the expressed will of the people as declared in said election, an extraordinary occasion exists within the meaning of the Constitution requiring that the Legislature be convoked in special and extraordinary session; and,

Whereas, In my opinion the public welfare requires that said extraordinary and special session shall be convoked at Oklahoma City;

Now, Therefore, I, C. N. Haskell, Governor of the State of Oklahoma, by virtue of the authority vested in me, and for the reasons aforesaid, DO HEREBY CONVOKE AND CALL THE LEGISLATURE OF THE STATE OF OKLAHOMA to meet at Oklahoma City at twelve o'clock noon on Monday, the twenty-eighth day of November, in the year of our Lord one thousand nine hundred and ten.

In Testimony Whereof, I have hereunto set my hand and caused the great seal of the State of Oklahoma to be hereunto affixed at Guthrie this twenty-third day of November, in the year of our Lord nineteen hundred and ten, and of the independence of the United States of America, the one hundred and thirty-fifth.

C. N. HASKELL,
Governor of the State of Oklahoma.

Attest: THOS. P. SMITH,
Secretary of State.

Prayer by the chaplain.

On motion of Senator Williams a committee of three was appointed to examine the credentials of the newly elected members. Senators Williams, Sorrells and Brownlee were appointed as such committee.

On motion of Senator Roddie a committee of three was appointed for the purpose of securing a judge to administer oaths to the new members of the Senate. Senators Roddie, Colville and Eggerman were appointed as such committee.

Senator Williams reported on behalf of the Committee on Credentials as follows:

"Mr. President: We, your committee appointed to examine the credentials of the newly elected members of the Senate of Oklahoma, beg leave to report that we have examined said credentials and find the following newly elected members entitled to seats in this body:

First District—J. H. Langston.
Second District—R. E. Echols.
Third District—Wm. A. Briggs.
Fifth District—Guy P. Horton.
Sixth District—Geo. A. Coffey.
Seventh District—J. W. McCully.

Ninth District—Wm. R. Dutton.
Eleventh District—Joseph J. Jones.
Twelfth District—Ben F. Berkey.
Thirteenth District—William Tilghman.
Fourteenth District—Thomas F. McMechan.
Fifteenth District—Joe Smith and G. W. Barefoot.
Seventeenth District—F. W. Anderson.
Eighteenth District—C. B. Kendrick.
Nineteenth District—J. B. Thompson.
Twentieth District—T. F. Memminger.
Twenty-first District—E. T. Sorrells.
Twenty-third District—Reuben M. Roddie.
Twenty-fifth District—W. N. Redwine.
Twenty-seventh District—Sid Garrett.
Twenty-ninth District—E. C. Harlin.
Thirty-first District—A. F. Vandeventer.
Thirty-third District—Gid Graham.

Respectfully submitted,

J. J. WILLIAMS,
E. D. BROWNLEE,
E. T. SORRELLS,
Committee.

On motion of Senator Williams the report was adopted.

The newly elected members were sworn in by Mr. Munden, judge of the Superior Court of Oklahoma county.

The roll was called. The following members were present: Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Dutton, Echols, Eggerman, Franklin, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Memminger, Mitchell, McMechan, McCully, Newell, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 40.

Absent: Allen, Denton, Potter, Tilghman; total, 4.

The president anounced a quorum present.

Senator Anderson placed the name of J. Elmer Thomas in nomination for president pro tempore. Senator Franklin seconded the nomination.

Senator Cloonan placed the name of Senator R. T. Potter in nomination for president pro tempore. Seconded by Senator Colville.

There being no other nominations roll was called and vote resulted as follows:

Thomas—Anderson, Barefoot, Coffee, Echols, Eggerman, Franklin, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Kendrick, Landrum, Memminger, Mitchell, McMechan, Newell, Redwine, Roddie, Smith, Sorrells, Stewart, Thompson, Williams, Wynne, Vandeventer; total, 27.

Potter—Beeler, Briggs, Berkey, Brownlee, Chapman, Colville, Cloonan, Dutton, Jones, Langston, McCully, Warren; total, 12.

Absent: Allen, Potter, Denton and Tilghman; total, 4.

Present but not voting: Thomas.

The president declared Senator Thomas elected president pro tempore.

Senator Mitchell nominated T. M. Miller for secretary.

On motion of Senator Roddie the vote that was cast for president pro tempore was cast for the secretary.

On motion of Senator Echols the caucus nominees for officers of the Senate were elected as follows:

P. P. Duffy, Secretary to Lieutenant Governor.

Journal Clerk—Herbert Cook.

Calendar Clerk—C. B. Easterling.

Reading Clerk—C. S. Gilkerson.

Chief Enrolling and Engrossing Clerk—H. S. Blair.

Chaplain—H. A. Tucker.

Official Reporter—A. M. Works.

Messenger—Chas. Naylor.

On motion of Senator Echols the vote that was cast for president pro tempore was ordered recorded as cast for all the officers.

Senator Cloonan presented the following list of officers and employees on behalf of the minority:

Secretary—A. T. Secrest, Okesa.

Reading Clerk—R. B. Quinn, Guymon.

Sergeant-at-Arms—Carl Morris, Sapulpa.

Assistant Sergeant-at-Arms—Ed Munger, Bunch.

Official Reporter—Walter Ferguson, Cherokee.

Chaplain—Bishop W. A. Quayle, Oklahoma City.

Doorkeeper—P. J. Becker, Holdenville.

Calendar Clerk—Chester Lowry, Stillwater.

Messenger—Elmore McGinley, Guthrie.

Page—Sam Griswold, Guthrie.

Page—R. M. Choate, Bunch.

The following officers of the Senate were sworn in by Lieutenant Governor Bellamy:

President Pro Tempore—J. Elmer Thomas.

Secretary—T. M. Miller.

P. P. Duffy, Secretary to Lieutenant Governor.

Journal Clerk—Herbert Cook.

Calendar Clerk—C. B. Easterling.

Reading Clerk—C. S. Gilkerson.

Chief Enrolling and Engrossing Clerk—H. S. Blair.

Chaplain—H. A. Tucker.

Official Reporter—A. M. Works.

Messenger—Chas. Naylor.

Assistant Journal Clerk—Ralph Hornbeck.

Doorkeeper—Claud Biard.

Assistant Doorkeeper and Assistant Sergeant-at-Arms—J. B. Simpson.

Assistant Enrolling and Engrossing Clerk—Mrs. Lillian Roberts.

Assistant Enrolling and Engrossing Clerk—Cicero Howard.

Auditor and Postmistress—Mrs. Lela Catlin.

Watchman—Thomas Bridges.

Stenographers—Miss Kate Pierce, Miss Ethel Lawson.

Pages—Robert Alexander, Glen Coffland, Eddie Underwood.

Senator Vandeventer moved that the Secretary be instructed to record the same vote for the employees that was cast for the president pro tempore.

Motion carried.

Senator Thomas moved that a committee of three be appointed to notify the House that the Senate was organized and ready for the transaction of business.

Senators Barefoot, Thomas and Beeler were appointed as such committee.

Senator Thomas reported on behalf of the committee that the House was still in the process of organization and were not ready to receive the message.

Moved that a Senate recess be taken until four p. m. this day. Motion carried.

AFTERNOON SESSION

The Senate met at four o'clock p. m., pursuant to recessing. Called to order by the president. A quorum present.

A message from the House as follows was received:

"To the Honorable Senate: I am instructed to transmit House Concurrent Resolution No. 1 ratifying the Proclamation of the Governor calling the Legislature in extraordinary session, which was adopted by a vote of eighty yeas, twenty-six nays, two absent and not voting."

On motion of Senator McMechan, Senator Tilghman from District Thirteen was sworn in by Judge Munden, judge of the Superior Court of Oklahoma county.

A message from the House was read as follows:

"Oklahoma City, Nov. 28th, 1910.

"To the Honorable Senate: I am instructed by the Honorable House of Representatives to inform your honorable body that the House of Representatives has selected a committee of its members composed of Honorable J. H. Baldwin, J. I. Gillespie, K. C. Cox, J. J. Roland and T. H. Stockton to inform your honorable body that the House of Representatives is now organized and ready for the transaction of business."

Senator Roddie nominated for sergeant-at-arms, J. F. Etter of Ada.

Senator Roddie moved that the vote cast for the president pro tempore be cast for J. F. Etter for sergeant-at-arms. There being no objections, so ordered.

On motion of Senator Franklin House Concurrent Resolution No. 1 was taken up and read at length, as follows:

HOUSE CONCURRENT RESOLUTION NO. 1

By W. A. DURANT

"*Whereas,* The governor of the State of Oklahoma has issued the following proclamation, to-wit:

" 'State of Oklahoma, Executive Department.

PROCLAMATION

Whereas, At an election held in the State of Oklahoma on June 11, 1910, a large majority of the votes cast at said election were in favor of a measure initiated for the purpose of permanently locating the Capital of this State, and in favor of locating the Capital within, or not to exceed five miles from Oklahoma City; and,

Whereas, Since said date the Supreme Court of the State of Oklahoma has held that said measure was not legally adopted because of the defects in the procedure under which said measure was submitted; and,

Whereas, By reason of the necessity to permanently determine and settle the location of the State Capital and to carry out the expressed will of the people as declared in said election, an extraordinary occasion exists within the meaning of the Constitution requiring that the Legislature be convoked in special and extraordinary session; and,

Whereas, In my opinion the public welfare requires that said extraordinary and special session shall be convoked at Oklahoma City;

Now, Therefore, I, C. N. Haskell, governor of the State of Oklahoma, by virtue of the authority vested in me, and for the reasons aforesaid, DO HEREBY CONVOKE AND CALL THE LEGISLATURE OF THE STATE OF OKLAHOMA to meet at Oklahoma City at twelve o'clock noon on Monday the twenty-eighth day of November in the year of our Lord one thousand nine hundred and ten.

In Testimony Whereof, I have hereunto set my hand and caused the great seal of the State of Oklahoma to be hereunto affixed at Guthrie this twenty-third day of November in the year of our Lord one thousand nine hundred and ten, and of the independence of the United States of America the one hundred and thirty-fifth.

C. N. HASKELL,
Governor of the State of Oklahoma.

Attest: THOS. P. SMITH,
Secretary of State.' (SEAL)

Whereas, By authority of and pursuant to said proclamation, the members of the Third Leigslature of the State of Oklahoma have assembled and are now convened in special and extraordin-

ary session in said city of Oklahoma City in said State of Oklahoma;

Therefore, Be It Resolved by the House of Representatives, the Senate Concurring Therein: That the action of the governor in issuing said proclamation be and the same is hereby concurred in."

The question being, shall the resolution be adopted, the roll was called, resulting as follows:

Yeas: Anderson, Barefoot, Beeler, Chapman, Coffey, Colville, Denton, Echols, Franklin, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Kendrick, Landrum, Memminger, Mitchell, McMechan, McCully, Newell, Redwine, Roddy, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 33.

Nays: Berkey, Briggs, Brownlee, Cloonan, Dutton, Eggerman, Jones, Langston, Warren; total, 9.

Absent: Allen, Potter; total, 2.

The president declared the resolution passed.

Senator Franklin moved to reconsider the vote by which the resolution was passed.

Senator Roddie moved to lay the motion on the table to reconsider the vote by which the resolution was passed.

Vote taken. Motion carried.

Senator Memminger asked to be excused on account of sickness, and on motion of Senator Roddie it was so ordered.

Senator Vandeventer moved that a committee of three be appointed to notify the House that the Senate had approved House Concurrent Resolution No. 1.

Senators Vendeventer, Eggerman and Colville were appointed as such committee.

Senator Roddie moved that a committee of three be appointed to notify the governor that the senate was organized and ready to receive his message.

Senators Roddie, Beeler and Hatchett were appointed as such committee.

Senator Goulding introduced the following resolution:

SENATE CONCURRENT RESOLUTION NO. 1

By GOULDING

"Be It Resolved, By the Senate of Oklahoma, the House of Representatives concurring therein, that the sergeants-at-arms

of the Oklahoma State Senate and the Oklahoma House of Representatives are hereby instructed to go to Guthrie and bring to Oklahoma City all of the legislative furniture, including typewriters and all property belonging to the Legislature of the State of Oklahoma."

The vote was taken and the resolution was adopted.

Senator Goulding moved that the old committee on state and legislative affairs be made a committee for the extraordinary session.

Vote was taken and the president declared the motion carried.

On motion of Senator Echols the president pro tempore appointed William Childers as night watchman.

A committee was received from the House to notify the Senate that the House was organized and ready to meet in joint session.

On motion of Senator Thompson the rules of the Second Legislature were made the rules of the extraordinary session of the Third Legislature.

On motion of Senator Vandeventer the joint rules of the Second Legislature were made the joint rules of the extraordinary session of the Third Legislature

Senator Thompson was appointed a committee of one to notify the House that the joint rules of the Second Legislature had been adopted as the joint rules of the extraordinary session of the Third Legislature.

On motion of Senator Franklin a committee of three was appointed to adjust the mileage of the members.

Senators Newell, Anderson and Tilghman were appointed as such committee.

A message was received from the House that the House had adopted the joint rules of the Second Legislature to be the joint rules of the extraordinary session of the Third Legislature.

A committee was received from the House inviting the Senate to meet in joint session in the House of Representatives.

On motion of Senator Thompson the invitation was accepted.

Message from the House:

"House of Representatives, Nov. 28th, 1910.

To the Honorable Senate: I am instructed by the House of Representatives to inform your honorable body that the House

of Representatives has adopted Senate Concurrent Resolution No. 1 by the following vote:

Yeas, 78.

Nays, 18.

Absent, 12."

The Senate proceeded in a body to the hall of the House of Representatives to hold a joint session of the Senate and House for the purpose of receiving the Governor's message.

The president of the Senate presided over the joint session.

The roll of the Senate was called and the following members were present: Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Franklin, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne and Vandeventer; total, 40.

Absent: Allen, Eggerman, Langston; total, 3.

Absent but excused: Memminger, 1.

The president declared a quorum present.

The roll of the House was called and the Speaker declared a quorum present.

The governor was introduced then by the president of the Senate and delivered his message in writing as follows:

"Executive Department, State of Oklahoma.

To the Third Legislature assembled in Extraordinary Session to Enact Such Law as You Deem Proper Relating to the Location of the Seat of State Government and to Provide for Capitol Buildings, Grounds, and Other Things Pertaining Thereto:

I submit to you that the government of our State is founded upon the right of the people of the State to control the affairs of State.

That when the people have spoken it is the duty of all public officers to carry out the express will of the people.

The location of the seat of State government and the creation of the necessary buildings is a matter of convenience to the people and a matter of right which no other power should seek to take away.

A brief history from the beginning of Oklahoma Territorial government to the present, touching this question is of interest to all of us. The Organic Act of Oklahoma Territory established the seat of government at the city of Guthrie subject to the will of the people of the Territory thereafter. The Territory having been organized, settled, and the Legislature elected by the people to represent them thereafter the Territorial Legislature enacted a law locating the Capital at Oklahoma City. This was the express will of the people through their Legislature. The Governor of the Territory, holding office by appointment, vetoed this bill.

Thereafter the Legislature enacted another law locating the Capital at the city of Kingfisher, and when this law came before the Governor, holding office by appointment, the will of the people as expressed by the Legislature was again vetoed, and later we find that representatives of the city of Guthrie secured an amendment known as a "rider" upon an appropriation bill in Congress, the language, in part, being as follows, referring to the Territory of Oklahoma:

> "That the Legislative assembly shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location, etc., etc."

This will be found in thirty-second volume, United States Statutes at Large, page one hundred forty-eight, and was for the purpose only of denying the people of Oklahoma Territory of the right to regulate their own internal affairs and closed the incident against the will of the people until the time came for formulating the language that should be written into the Enabling Act to provide for State government in Oklahoma and Indian Territories.

The Constitution of the United States gave Congress no power whatever to deprive the people of this State of all the rights and privileges possessed by all the other states already in the Union, but, unmindful of and without consulting two hundred fifty thousand voters of the two Territories, a committee of three men present in Washington sought again to destroy the will of the people and to favor a single particular city of our State and caused to be placed in the Statehood Bill a provision directing that the Capital of the new State should remain at the City of Guthrie for a period of practically six years longer.

The Supreme Court of the United States and the Supreme Court of our own State have declared the law to be that the

people of Oklahoma alone have the right at all times to locate their own State Capital and that the suggestion of Congress was without any force and effect and could not lawfully deprive our people of the right to locate their own Capital whenever and where they might see fit.

In the exercise of this right of self government the First Legislature of the State of Oklahoma submitted to the people two propositions pertaining to a State Capital and which were voted on at the regular election in November, nineteen hundred and eight.

The first of these propositions, intending to give the right to locate the State Capital, received 120,352 votes "Yes" against 71,933 votes "No."

The second proposition, being what has been familiarly known as the "New Jerusalem" plan of a Capital city, received 117,441 votes "Yes" against 75,792 votes "No," so that it will be seen that all of the votes cast on these measures upwards of forty thousand majority declared in favor of each proposition and due solely to the fact that a majority of the people who voted for office candidates at said election did not participate in the Capital election.

These bills failed to become operative but clearly indicated that the people of the State desired to have their Capital location settled and shortly thereafter the people of the State, by petition, initiated a bill in the fall of nineteen hundred and nine on which they demanded the right to vote again on the Capital question, and after several months of litigation and dilatory tactics this measure came to a vote on the eleventh day of June, nineteen hundred and ten, and by a majority of fifty-six thousand, five hundred fifty-eight the people of the State of Oklahoma declared that the seat of State government should be in or within five miles of Oklahoma City.

And again, in the face of the express will of the people, the most determined litigation was instituted and finally resulted in the Supreme Court of our State sustaining the clear right of the people to locate their Capital as they had sought to do, but owing to defect in the legal phraseology, which in no way affected the substance and intent of the bill, our Supreme Court found it necessary to set this act aside but clearly pointed out that the State Legislature might enact the necessary State Capital legislation if it desired so to do, and, finding that every purpose and intent of the law sought to be enacted by the people may be made effective by act of the Legislature, I, therefore in pursuance of

my duty as governor of this State, submit to your honorable body this question and recommend that, without departing from the substance of the law which the people sought to enact, you do enact the same into law in form and substance as was the intent of the people, omitting therefrom the section which appropriated six hundred thousand dollars of public moneys to be used for Capital purposes. I ask that this appropriation be omitted from the bill because we find it possible to secure grounds and erect buildings without the necessity of taking a single dollar from the public funds. I recommend this to you because the people have decided the question expressing their will by such a large majority, and because of the form of government of the State of Oklahoma the will of the people is the supreme law of the State.

I have also to report to you that prior to the election on June eleventh, when the Capital bill was adopted, I had invited all cities candidate for Capital honors to make tender to the people of the State of such contributions to the expense of Capitol buildings as they might see fit. Numerous propositions were submitted and which I promptly published in full to all the people of the State, so that the people voted fully knowing what the several propositions were.

The people selected Oklahoma City, including its five mile surroundings as their choice. This included four distinct sites and propositions any one of which would probably have given the State a free site and an ample Capitol building costing substantially one million, five hundred thousand dollars.

Proceeding under this act a Capitol Commission was appointed which selected the proposition offered which was closest to the Oklahoma City limits and by the substitution of lands in part nearest the city a compact area was obtained with its most remote point even two miles nearer the city than the remote point of the nearest proposition, and a contract was entered into by the terms of which sixteen hundred acres of free land supplemented by one hundred thousand dollars of cash was placed as a guarantee that from the proceeds of sale of lots the State should have the following sums of money before the guarantors should be reimbursed with any of their surplus lands or of any of their one hundred thousand dollars in cash, to-wit:

For Capitol building purposes one million, five hundred thousand dollars.

For furniture, fixtures and ground improvements one hundred fifty thousand dollars.

For salaries and expenses of commissioners, clerical and other expenses, forty thousand dollars.

For all incidental expenses of the State in removing its offices, records, etc., from Guthrie to the new Capitol building ten thousand dollars.

Total, free to the State, one million, seven hundred thousand dollars, without the State paying or even advancing a single dollar of the people's money.

This site was found to be well suited for a beautiful Capitol suburb to Oklahoma City, and as a means of transportation, in addition to the existing single track street railway, a more direct double track boulevard line is assured under a written contract and by the terms of which the rate of fare is never to exceed five cents from any point in the city to the Capitol building.

At the time these contracts were made the bill adopted by the people was in litigation and, therefore, all deeds and contracts were deposited with a trustee to surrender to the State of Oklahoma in case the court held the Capital law valid and the time limit was fixed at about December twentieth, nineteen hundred and ten, so that, notwithstanding the court declared said law invalid, in case now your honorable body shall enact the substance of said act of the people into law before December twentieth the same contracts and donations will be available although not obligatory upon the State, and I call attention to this, that the enactment of this law will leave the State free to consider any other or better propositions that may be made always keeping in mind that if nothing better is offered by the twentieth day of December that the State still has the opportunity to accept the donations above tendered, and that the interest of the State alone will be considered by us.

In conclusion, I call your attention to the following facts:

By a direct vote of the people, or through their representatives elected to the Legislature, the question of changing the Capital City has five times been voted upon and every time the vote has carried to change the Capital.

I call your attention to the fact that Guthrie has no claim, legal, equitable or moral, to the honor of being the Capital City. It has at all times sought to defeat the will of the people by an appointed governor's vetoe, by court litigation or by acts of Congress unwarranted and unauthorized; that Guthrie has at all times received substantial payment from the people for every favor the Territory or the State has had. Our taxpayers are even yet today paying substantially twenty-three thousand dol-

lars per year for the rent and maintenance of offices in Guthrie; that this special session of the Legislature was necessary in order to save the existing contract expiring on December twentieth in case no more desirable tender is made the State, and that the entire expense of this special session need not equal more than six months' office rent now being paid at the present Capital, and that it places Oklahoma in the position of having the city favored by the people with the seat of State government share the profits with the taxpayers of the State to the end that an ample State Capitol building, furnished and ready for use, will be acquired by the State free from cost of a single dollar to our taxpayers, and to those who say that Oklahoma is a great rich State and should not object to assessing its taxpayers for the cost of Capitol building and equipment, I desire to reply that no business man or corporation ever grows so rich but what in making its location to the favor of any city or community it invariably expects that community to share the profit in dollars and cents and that it is your duty and my duty as official representatives of our people to conduct their business with the same care and interest and the same economy that the shrewdest business man of our State would conduct his own private business.

Gentlemen of the Legislature, I have completed the duty devolving upon me and it rests with you solely and in your own judgment to give the people in substance and effect the law that they clearly intended to adopt.

Respectfully submitted,

C. N. HASKELL,
Governor.

November 28, 1910."

On motion of Senator Vandeventer the joint session dissolved, and the Senate reassembled in the Senate chamber.

Senator Thompson introduced the following bill:

SENATE BILL NO. 1

By THOMPSON

A Bill Entitled An Act, Providing for the Permanent Location of the Seat of Government and Capital of the State of Oklahoma, Creating a Board of Capitol Commissioners and Defining Its Powers and Duties, Authorizing Said Board to Accept

for Capitol Purposes the Proceeds of the Sale of Land or Donation From Other Sources and Appropriation of the Same for Capitol Purposes, and Repealing All Laws in Conflict with the Same and Declaring an Emergency.

On motion of Senator Echols the rules were suspended and five hundred copies of Senate Bill No. 1 were ordered printed.

Senator Redwine introduced the following bill:

SENATE BILL NO. 2

By REDWINE

An Act, Providing for the Location of the Seat of Government for the State of Oklahoma, and Providing for the Appointment of a Committee from the Senate and the House of Representatives, to Report Upon a Suitable Site for State Buildings.

On motion of Senator Echols the rules were suspended and five hundred copies of Senate Bill No. 2 were ordered printed.

Senator Williams introduced the following bills:

SENATE BILL NO. 3

By WILLIAMS

An Act Making an Appropriation to Pay the Salaries of the Officers and Employees of the Senate and House of Representatives of the Extraordinary Session of the Third Legislature, and Declaring an Emergency.

SENATE BILL NO. 4

By WILLIAMS

An Act Making an Appropriation to Pay the Mileage and Per Diem of the Members and Contingent Expenses of the Extraordinary Session of the Third Legislature and Declaring an Emergency.

Senator Goulding was excused for Tuesday, November 29th.

Senators Landrum and Echols were added to the committee on legislative affairs.

On motion of Senator Williams the Senate adjourned until Tuesday, November 29th, at 2:00 P. M.

SENATE JOURNAL

SECOND DAY'S SESSION.

Oklahoma City, Okla., Tuesday, November 29th, 1910.

The Senate met at two o'clock P. M. pursuant to adjournment. Called to order by President Bellamy.

The roll was called with the following members present:

Present: Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colvlle, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 42.

Absent: Allen.

Excused: Memminger.

The president announced a quorum present.

Prayer by the chaplain.

On motion of Senator Roddie the reading of the Journal was omitted.

Senator Vandeventer made the following motion in writing:

"Mr. President: I move to print ten thousand copies of the governor's message to the Legislature for distribution."

On motion of Senator Vandeventer the motion was adopted.

On motion of Senator Roddie the following senators were named as a committee on committeees: Senators Eggerman, Thompson, Echols, Vandeventer, Hatchett, Thomas and Lieut.-Governor Bellamy.

Senator Colville introduced the following resolution of respect:

RESOLUTIONS OF RESPECT.

Whereas, In the all wise providence of the Supreme Ruler of the universe, our beloved brother senator Richard S. Curd, has, during the interim since last session, been called from this lower sphere of existence to a well-earned rest in the Upper Kingdom, and,

Whereas, Senator Curd, during his long lifetime of sixty-eight eventful years, was a man of character, honor and integrity, and endeared himself to all who knew him, and especially to those with whom he served in the first and second sessions of the State senate of the State of Oklahoma,

Therefore, Be It Resolved, That we, the Senate of the State of Oklahoma, hereby express our deepest respect for the life and character of our departed brother, and,

Be It Further Resolved, That we extend to his widow in this the hour of sorrow our condolence and sympathy, and

Be It Further Resolved, That a copy of these resolutions be printed in the Senate Journal for the day, a copy engrossed and sent to his widow, and copies be furnished the press for publication.

J. M. McCULLY,
W. R. DUTTON,
FRANK M. COLVILLE.

Senator Roddie moved the adoption of the resolution as read. Motion carried.

On motion of Senator Eggerman the senate recessed for five minutes.

Senator Eggerman reported on behalf of the Committee on Committees as follows:

"Mr. President: We, your Committee on Committees, beg leave to report as follows: We recommend a committee to be designated as the 'Special Capitol Committee' to be composed of fifteen members as follows: J. B. Thompson, M. F. Eggerman, R. E. Echols, J. Q. Newell, Geo. W. Barefoot, F. W. Anderson, A. F. Vandeventer, Landrum, Stewart, Kendrick, Hatchett, Denton, Potter, Brownlee, Beeler.

M. F. EGGERMAN, Chairman."

Senator Roddie moved the adoption of the report of the committee as read. Vote was taken and report was adopted.

BILLS ON SECOND READING.

Senate Bill No. 1 by Mr. Thompson read and referred to the Capital Committee.

Senate Bill No. 2 by Mr. Redwine read and referred to the Capital Committee.

Senate Bill No. 3 by Mr. Williams was read and on motion of Mr. Thomas the rules were suspended and the bill was placed on the calendar under head of "Bills on Third Reading."

Senate Bill No. 4 by Mr. Williams was read and on motion of Senator Roddie the rules were suspended and the bill was placed on the calendar under the head of "Bills on Third Reading."

Message from the Governor:

STATE OF OKLAHOMA.

EXECUTIVE DEPARTMENT.

Second message to the Third Legislature in Extraordinary Session:

To the end that a speedy hearing and determination may be had in all actions that may be brought to determine the validity of the removal of the Capital of the State of Oklahoma, or any state normal school or other educational or charitable institution of the state, I respectfully submit for your consideration the necessity of conferring exclusive original jurisdiction upon our Supreme Court to hear and determine all such actions as is now the law in controversies concerning county seats.

Respectfully submitted,

C. N. HASKELL,

Governor.

November 28th, 1910.

Oklahoma City, Okla., November 29th, 1910.

Third message to the Third Legislature in Extraordinary Session:

At the recommendation of numerous senators and realizing that if action is taken at all it must be taken now before beginning the new administration, I submit for your consideration the ques-

tion of salary for the State Charities Commission, and express the view that the present salary is not sufficient to cover the actual expenses and provide any fair compensation.

Respectfully submitted,

C. N. HASKELL,

Governor.

Senator Franklin introduced the following bill: Senate Bill No. 5 by Franklin. A Bill Entitled an Act Fixing the Salary or Emoluments of the Commissioner of Charities and Corrections and Declaring an Emergency.

On motion of Senator Goulding the following committee was appointed on approval and correction of the Journal: Goulding, Sorrells, and Potter.

On motion of Senator Thomas, Senator Potter was requested to address the Senate.

The following invitation was read:

November 29, 1910.

To the Honorable Senate:

The undersigned wish to place at the disposal of the Honorable senate, or its committees or members, one of their offices located at 711-713 Colcord Building, together with the law library, for their use during the session of the Legislature.

Very respectfully,

FRED BRASTED,

CLINTON O. BUNN.

On motion of Senator Goulding the invitation was accepted and thanks were extended.

On motion of Senator Potter it was ordered that when the Senate adjourn this day, it do so till 3 p. m. Wednesday, November 30th, in memory of the late Senator Richard S. Curd, of Alfalfa county.

On motion of Senator Wynne the following employees were named: John Conway, doorkeeper; J. L. Pardue, janitor; and John Hogan, assistant janitor.

On motion of Senator Roddie the minority was requested to name one stenographer and one page.

Lieut.-Governor Bellamy put in nomination Charles Naylor, of McAlester, for messenger.

On motion of Senator Thomas the nomination was confirmed.

The following senate employees were sworn in: Mrs. Lillian Roberts, assistant enrolling and engrossing clerk; Ralph Hornbeck, assistant Journal clerk; Claud Biard, doorkeeper; J. B. Simpson, assistant dooorkeeper and assistant sergeant-at-arms; Thomas Bridge, watchman; Childers, watchman; Miss Kate Pierce, stenograauher; Miss Ethel Lawson, stenographer; John Conway, cloak room attendant; Glen Coffland, Eddie Uundewood and Robert Alexander, pages; J. L. Pardue, janitor, and John Hogan, assistant janitor.

On motion of Senator Roddie the senate adjourned.

SENATE JOURNAL

THIRD DAY'S SESSION

Oklahoma City, Okla., Wednesday, Nov. 30, 1910.

The Senate met at 3:00 p. m. pursuant to adjournment, and was called to order by the president, Mr. Bellamy.

The roll was called, with the following members present: Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Garrett, Goulding, Graham, Harlen, Hatchett, Horton, Jones, Kendrick, Landrum, Mitchell, McMechan, McCully, Newell, Potter, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Williams, Wynne, and Vandeventer; total, 37.

Absent: Brownlee, Allen, Langston, Memminger, Redwine, Tillman, Warren; total, 7.

Prayer by the Chaplain.

On request of Senator Goulding the approval of the Journal was passed over until tomorrow.

Invitation was read as follows:

"Oklahoma City, Nov. 30, 1910.

Members of the Senate, Third State Legislature of Oklahoma.

Hon. Geo. W. Bellamy, President; Hon. J. Elmer Thomas, President Pro Tempore:

Honorable Sirs—On behalf of the Oklahoma Historical Society it gives me great pleasure to extend the courtesies of the pioneer State institution in Oklahoma City.

Trusting you may find it convenient to visit the collection, single, double or in larger bodies, I am,

Respectfully,

W. R. CAMPBELL, Custodian.

Hon. JASPER SIPES, President.

Hon. LON WHORTON, Secretary."

On motion of Senator Goulding the invitation was accepted with thanks.

BILLS ON SECOND READING.

Senate Bill No. 5 by Franklin was read at length.

On motion of Senator Franklin the rules were suspended and the bill was placed on the Calendar under the head of Bills on Third Reading.

Senator Hatchett introduced the following resolution:

SENATE RESOLUTION NO. 1

By HATCHETT

A RESOLUTION REQUESTING THE GOVERNOR TO SUBMIT CERTAIN DOCUMENTS TO THE SENATE

Be It Resolved, That the governor be requested to submit to the Senate either the original or a copy of all contracts, documents and other records on file in his office relative to propositions for the definite location of the State Capital, together with all reports made by the State Capital Commission heretofore appointed by him and such legal opinions as may be on file in his office bearing upon the same.

On motion of Senator Eggerman the rules were suspended and the Bills on Third Reading were taken up in open Senate.

Vote was taken and the resolution was adopted.

Senate Bill No. 3 by Mr. Williams was read at length. Senator Williams offered the following amendment by adding five thousand dollars for the officers and employees of the Senate and five thousand dollars for the officers and employees of the House.

Vote was taken and the amendment was adopted.

Senator Roddie offered the following amendment: Amend the title by adding "and declaring an emergency."

Vote was taken and the amendment was adopted.

The question being, shall the bill pass as amended, the roll was called and the vote resulted as follows:

Yeas: Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 39.

Absent: Allen, Brownlee, Redwine, and Warren; total, 4.

Excused: Memminger; total, 1.

The bill having received a majority of the members elected to and constituting the Senate, the president declared the bill passed.

The question being, shall there be an emergency declared, the roll was called, the vote resulting as follows:

Yeas: Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 38.

Nays: Jones; total, 1.

Absent: Allen, Brownlee, Redwine, Warren; total, 4.

Excused: Memminger; total, 1.

The emergency having received a two-thirds majority of all the members elected to and constituting the Senate, the president declared the emergency carried.

The title of the Bill was agreed to as amended and the bill was ordered engrossed.

Senate Bill No. 4, by Mr. Williams, was read at length, and Senator Williams offered the following amendment by adding twenty-five thousand dollars.

Vote was taken and the amendment was carried.

The question being, shall the bill pass as amended, the roll was called, the vote resulting as follows:

Yeas: Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Smith, Sorrells, Stewart, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 36.

Nays: Franklin, Roddie, Thomas; total, 3.

Absent: Allen, Brownlee, Warren, Redwine; total, 4.

Excused: Memminger; total, 1.

The Bill having received a majority of all the members elected to and constituting the Senate, the president declared the Bill passed.

The question being, shall there be an emergency declared, the roll was called, the vote resulting as follows:

Yeas: Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Garrett, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 37.

Nays: Franklin, Roddie; total, 2.

Excused: Memminger; total, 1.

Absent: Allen, Brownlee, Redwine, Warren; total, 4.

The emergency having received a two-thirds majority of all the members elected to and constituting the Senate, the president declared the emergency carried.

The title of the Bill was agreed to as amended and the same was ordered engrossed.

Message received from the House:

"House of Representatives,
Oklahoma City, Nov. 30, 1910.

To the Honorable Senate: I am directed by the House of Representatives to transmit to you the engrossed copy of House Bill No. 2, by Cornell, which has been passed by the House of Representatives and signed by the speaker in open session.

The bill was read first time as follows:

House Bill No. 2, by Cornell. An Act Conferring Exclusive Original Jurisdiction on the Supreme Court Over All Actions Thtat May Be Brought to Determine the Validity of the Removal or Location of the Capital of the State of Oklahoma, or Any State Normal School, or Other Educational or Charitable Institution of the State of Oklahoma, and Declaring an Emergency."

Senator Cloonan on behalf of the minority put in nomination Miss Blanch Neill for stenographer and Samuel Griswold for page. Seconded by Senator Coffey.

Vote was taken and they were elected.

Senator Colville moved to reconsider the vote by which Senate Bill No. 4 was passed. The motion failed for want of a second.

Senator Smith was excused for Thursday, Dec. 1.

On motion of Senator Mitchell a special committee of three were apopinted on compilation, style and arrangement. Senators Mitchell, Coffey and Berkey were named as such committee.

The Senate adjourned until Thursday, December 1st, at 2:00 p. m.

SENATE JOURNAL

FOURTH DAY'S SESSION

Oklahoma City, Okla., Thursday, December 1, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by the president pro tempore, Mr. Thomas.

The roll was called with the following members present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 40.

Absent: Garrett, Denton; total, 2.

Excused: Memminger, Smith; total, 2.

The president anounced a quorum present.

Prayer by the chaplain.

On motion of Senator Goulding the Journal of the first and second day's sessions was approved as corrected.

On motion of Senator Roddie, Senator Garrett was excused.

Senator Williams introduced the following resolution:

SENATE CONCURRENT RESOLUTION NO. 2
By WILLIAMS *and* COFFEY

Be It Resolved, By the Senate of the State of Oklahoma, the House of Representatives concurring therein, that a committee to consist of five members of the Senate, to be elected by the Senate, composed of three of the majority and two of the minority; and five members of the House of Representatives composed of three of the majority and two of the minority, be elected by the House of Representatives. Said committees to act as a joint committee and to have power to receive propositions and secure options from the citizens of Oklahoma City, Oklahoma, upon lands, etc., for the purpose of erecting a State Capitol building for the State of Oklahoma, in Oklahoma City. Said joint

committee shall meet at the earlest possible time after their election and organize by electing one of its members as chairman and one of its members as secretary. The committees shall report to their respective bodies as soon as they have secured all of the options and propositions that the citizens of Oklahoma City have to offer.

On request of Senator Echols the resolution was laid over under the rules.

On motion of Senator Eggerman, ex-Senator Stafford was requested to address the Senate.

Senators Eggerman, Potter and Newell were appointed as a committee to escort the ex-senator to the rostrum.

On motion of Senator Echols, ex-Senator Joe Morris was requested to address the Senate.

Senators Echols, McMechan and Horton were appointed as a committee to escort the ex-senator to the rostrum.

Senator Newell reported on behalf of the special committee on mileage, as follows:

"Oklahoma City, Dec. 1, 1910.

Mr. President: We, your special committee on mileage and per diem, beg leave to submit the following report:

H. K. Allen	Ardmore	200 miles	$20.00
F. W. Anderson	Waurika	240 miles	24.00
G. W. Barefoot	Chickasha	82 miles	8.20
Harry B. Beeler	Checotah	324 miles	32.40
Ben F. Berkey	Guthrie	64 miles	6.40
Wm. A. Briggs	Woodward	444 miles	44.40
E. D. Brownlee	Kingfisher	114 miles	11.40
E. B. Chapman	Tonkawa	240 miles	24.00
J. H. Cloonan	Bunch	564 miles	56.40
F. M. Colville	Edmond	28 miles	2.80
Geo. A. Coffey	Lone Wolf	254 miles	25.40
H. J. Denton	Hollis	380 miles	38.00
W. R. Dutton	Foraker	324 miles	32.40
R. E. Echols	Elk City	252 miles	25.20
M. F. Eggerman	Shawnee	80 miles	8.00
Wm. M. Franklin	Madill	250 miles	25.00
Sid Garrett	Ft. Gibson	356 miles	35.60
P. J. Goulding	Enid	178 miles	17.80
Gid Graham	Catoosa	260 miles	26.00
E. C. Harlin	Welch	390 miles	39.00
Jesse M. Hatchett	Durant	284 miles	28.40

Guy P. Horton	Altus	300 miles	30.00
J. J. Jones	Sapulpa	208 miles	20.80
C. B. Kendrick	Davis	146 miles	14.60
E. M. Landrum	Tahlequah	426 miles	42.60
J. H. Langston	Guymon	870 miles	87.00
Tom F. McMechan	Oklahoma City		
J. W. McCully	Helena	230 miles	23.00
E. L. Mitchell	Cheyenne	336 miles	33.60
T. F. Memminger	Atoka	266 miles	26.60
J. Q. Newell	Jennings	166 miles	16.60
R. T. Potter	Okmulgee	270 miles	27.00
W. N. Redwine	McAlester	240 miles	24.00
Reuben M. Roddie	Ada	170 miles	17.00
Joe Smith	Anadarko	152 miles	15.20
E. T. Sorrells	Milton	446 miles	44.60
W. P. Stewart	Hugo	406 miles	40.60
J. Elmer Thomas	Lawton	180 miles	18.00
J. B. Thompson	Pauls Valley	110 miles	11.00
Wm. Tilghman	Chandler	94 miles	9.40
Frank L. Warren	Holdenville	154 miles	15.40
J. J. Williams	Weatherford	152 miles	15.20
R. P. Wynne	Lexington	70 miles	7.00
A. F. Vandeventer	Bartlesville	290 miles	29.00

Respectfully submitted,

J. Q. NEWELL, Chairman."

Senator Newell moved the adoption of the report. Vote was taken and the report was adopted.

On motion of Senator Roddie a special committee of three on enrolled and engrossed bills were appointed. Senators Mitchell, Denton and Dutton were appointed as such committee.

BILLS ON SECOND READING

House Bill No. 2, by Cornell. On motion of Senator Roddie the rules were suspended and the bill was placed on the calendar under the head of Bills on General Orders.

BILLS ON THIRD READING

On motion of Senator Goulding, bills on third reading were taken up.

On motion of Senator Colville the Senate went into a committe of the whole to consider the Bills on General Orders.

Senator Redwine was called to the chair.

The president took the chair and the committee of the whole reported as follows:

"Mr. President: We, your committee of the whole, having had under consideration Senate Bill No. 5, recommend that the same be referred to a special committee of three to report tomorrow at 2:30 p. m.

W. N. REDWINE, Chairman."

Senator Redwine moved the adoption of the report. Vote was taken and the report was adopted.

Senator Vandeventer made the following motion in writing:

"Mr. President: I move that sergeant-at-arms be instructed to procure a picture of the late lamented Bill Cross and that the same be placed on the walls of the Senate chamber.

Vote was taken and the motion was adopted.

Senator Mitchell made the following report on behalf of the special committee on enrolled and engrossed bills:

"Mr. President: Your committee on enrolled and engrossed bills begs leave to report to the Senate that we have carefully examined Senate Bills Nos. 3 and 4 and find them correctly engrossed.

E. L. MITCHELL, Chairman.

Senator Mitchell moved the adoption of the report.

Vote was taken and the report was adopted.

President Pro Tempore Mr. Thomas signed the engrossed copies of Senate Bills Nos. 3 and 4 and the same were ordered transmitted to the House of Representatives.

On motion of Senator Cloonan, Samuel Griswold was sworn in as page.

On motion of Senator Vandeventer the picture of the governor-elect, Lee Cruce, was ordered placed on the walls of the Senate Chamber.

On motion of Senator Roddie the Senate auditor was ordered to purchase one dollar's worth of stamps for each member.

On motion of Senator Roddie the Senate recessed until 7:30 p. m.

EVENING SESSION

The Senate met at 7:30 p. m., pursuant to recessing.

Called to order by the president pro tempore, Mr. Thomas.

On roll call the following members were present: Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey,

Colville, Eggerman, Graham, Hatchett, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, Newell, Potter, Roddie, Sorrells, Thomas, Tilghman; total, 25.

Absent: Allen, Cloonan, Denton, Dutton, Echols, Franklin, Garrett, Goulding, Harlen, McCully, Redwine, Stewart, Thompson, Warren, Williams, Wynne, Vandeventer; total, 17.

Excused: Memminger, Smith; total, 2.

The president announced a quorum present.

On motion of Senator Roddie the Senate adjourned until Friday, December 2, at 2:00 p. m.

SENATE JOURNAL

FIFTH DAY'S SESSION

Oklahoma City, Okla., Friday, Dec. 2, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by the president pro tempore, Mr. Thomas, and the roll was called with the following members present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Harlin, Hatchett, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total 39.

Absent: None.

Excused: Memminger, Garrett; total, 2.

The president announced a quorum present.

Prayer by the chaplain.

On motion of Senator Anderson, the senators proceeded to select their seats by drawing.

The Senate recessed for five minutes.

The Senate was called to order and the following message was received from the House:

"House of Representatives,
Oklahoma City, Dec. 2, 1910.

To the Honorable President of the Senate:

I am directed by the House of Representatives to transmit to your honorable body the engrossed copy of House Bill No. 3, entitled "An Act Authorizing the Governor to Accept a Gift or Donation of Not to Exceed Eighty Acres of Land as a Site for a State Capitol and Declaring an Emergency," which has been passed by the House of Representatives by the following vote: Ayes, 86; nays, 15; absent, 7; and signed by the speaker in open session."

House Bill No. 3, by Bowles and Jones, read the first time, entitled "An Act Authorizing the Governor to Accept a Gift or Donation of Not to Exceed Eighty Acres of Land as a Site for a State Capitol and Declaring an Emergency."

On motion of Senator Goulding the Journal of the Third Day's Session was approved as corrected.

Senator Sorrells introduced the following resolution:

SENATE CONCURRENT RESOLUTION NO. 3
By SORRELLS

Be It Resolved, By the Senate, the House of Representatives concurring therein, that Union labor be employed throughout in the construction of all Capitol buildings when possible to secure same.

Senator Sorrells moved the adoption of the resolution.

On objection of Senator Brownlee, the resolution was laid over under rules.

On motion of Senator Goulding special orders were called for.

Special Orders Senate Bill No. 5 not being ready for consideration, Senate Concurrent Resolution No. 2 was taken up.

Senate Concurrent Resolution No. 2 was read at length.

On motion of Senator Colville the resolution was referred to the Capitol Location Committee. Without objection Senator Colville withdrew his motion.

BILLS ON THIRD READING

House Bill No. 2, by Mr. Cornell, was read at length.

On motion of Senator Eggerman the bill was referred to a special Legal Advisory Committee of five. Eggerman, Thompson, Vandeventer, Potter and Thomas were named as such committee.

Senator Potter on behalf of the special committee appointed on the legality of Senate Bill No. 5, made the following report in behalf of the majority, which read as follows:

"To the President of the Senate:

We, your committee to whom was referred Senate Bill No. 5, by Franklin, beg leave to report that in our opinion, said proposed bill is in conflict with Section 10, Article 23, of the Constitution of the State of Oklahoma, which reads as follows:

'Except wherein otherwise provided in this Constitution, in no case shall the salary or emoluments of any public official be

changed after his election or appointment, or during his term of office, unless by operation of law enacted prior to such election or appointment; nor shall the term of any public official be extended beyond the period for which he was elected or appointed, provided, that all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

Your committee further reports that in its opinion, if the terms of this Bill were such that it could be construed to take effect in the future, after the expiration of the in-coming term of the commissioner of charities and corrections, it would be constitutional.

Respectfully submitted,

JESSE M. HATCHETT,
R. T. POTTER."

Senator Franklin submitted the following report in behalf of the special committee appointed on Senate Bill No. 5, in behalf of the minority:

MINORITY REPORT
ON THE LEGALITY OF SENATE BILL NO. 5

Mr. President:

I beg leave to differ from the majority of the members of the special committee to which was referred Senate Bill No. 5. I recommend that the same do pass without amendment.

After examining a number of authorities, I believe that the great weight of authority supports the two positions that I have heretofore taken in regard to this bill, to-wit: First. That until the salary of a State officer has once been fixed by law, which has been interpreted to mean by statute, the provisions of the Constitution that the salary or emoluments of any public official can not be changed after his election or appointment, or during his term of office, does not apply. Second. That there is no election or the election is not complete until the returns of the general election are sealed up and transmitted by the returning officers to the secretary of state, directed to the speaker of the House of Representatives, and the result of the election is published in the presence of a majority of each branch of the Legislature, and the result is declared as provided for in Section 5, Article 6 of the Constitution.

In support of the first contention we find that Section 15 of the Schedule to our Constitution provides that 'until otherwise

provided by law, the officers of the State shall receive annually as compensation for their services the following amounts.' The words 'until otherwise provided by law' have been construed by a number of courts to mean 'until otherwise provided for by statute.' When we refer to Section 10 of Article 23 of the Constitution, which prevents the changing of the salary or emoluments after election or appointment or during the term of office, we find that the same contains an exception—'except wherein otherwise provided in this Constitution.' As stated, it is otherwise provided that the Legislature may change the salaries of State officers as fixed in the Schedule. When they are once fixed by law, which has been interpreted to mean by statute, the words 'except wherein otherwise provided in this Constitution,' in the section prohibiting the changing of salary or emoluments, can be eliminated and the section applied as was evidently intended, by making that exception. If this is not a proper construction, the words 'except wherein otherwise provided in this Constitution' are meaningless and can serve no purpose.

I think we have sufficient judicial construction of similar constitutional provisions to justify this construction of our Constitution.

I think that Section 5 of Article 6 of the Constitution settles the second position when it provides for the canvassing the returns of the general election and the declaring of the result of the election.

It is my contention that there is no election until the last thing has been done which must be done under our statutes and the result declared as provided for by our Constitution. A person who has requested his name to be placed upon the ballot is subject to be voted for at the primary election. If he receive a majority at the primary election he is subject to be voted for in the general election and if nominated in the general election, he is subject to be declared elected by the proper authority and his election is not complete until all the machinery of election laws, including the statute and the Constitution, have been complied with and the result of the election declared by the proper authorities.

There is ample authority holding that the mere fact that one has been voted for or is subject to be declared elected is not sufficient to constitute an election, but one must be, to be elected, no longer a candidate, no longer a person just simply voted for, and no longer just subject to be declared elected, but one who is declared or admitted to be elected and who has received or is

found entitled to receive the certificate of election. This position is supported by good authority. When an election has once been declared by the proper authority the Supreme Court, in the case of *Taylor and Marshall vs. Beckham,* held that the courts would not go back of the result declared, especially when the discretion in declaring the result was in the General Assembly having the power under the Constitution to canvass and declare the result of the election and that the claimant to the emoluments of an office who had not been declared elected by the proper authority had no legal or equitable interest in the emoluments of that office.

It is my contention that the election of the commissioner of charities and corrections for the term commencing the second Monday in January, 1911, is not completed and that Senate Bill No. 5 would be legal if it was admitted that the Legislature could not change the salary of the commissioner of charities and corrections after the election or during her term of office, and I might further contend that so far no certificate of election has been issued and so far there is nothing to indicate in the way pointed out by law, who has received the majority of the votes for commissioner of charities and corrections in the general election.

There have been about one-half a million adjudicated cases in the United States but there has been conflicting decisions from most of these. I believe that the great weight of authority sustains the contentions that I make but I understand that there is a Colorado case which holds against one of the contentions that I make, but that case was never appealed, and I do not think that it is supported by respectable authorities upon the issues decided in that case.

It has been said that 'you can convince a person against their will and they will be of the same opinion still,' and it can truthfully be said that one who objects to a measure can find some kind of authority to support his contention, but if there is any doubt as to the legality of Senate Bill No. 5 I believe the same should be passed and an opportunity be given the Supreme Court of our State to determine the matter.

I would not in any way try to reflect upon the other members of the committee, for they are able lawyers and I believe they have been conscientious in their investigation of the matter submitted to us.

It is pertty generally agreed that the salary of the commissioner of charities and corrections should be raised and in the interests of justice we should resolve any doubt that we might

have in favor of what we think is just and right to this department.

Respectfully submitted,

WM. M. FRANKLIN."

On motion of Senator Williams the Senate went into a committee of the whole for the consideration of Senate Bill No. 5. Senator Coffey was called to the chair.

The president took the chair and the committee of the whole arose and reported as follows:

"Mr. President:

We, your committee of the whole, having had under consideration Senate Bill No. 5, recommend that the same be passed as amended.

GEO. A. COFFEY, Chairman."

On motion of Senator Coffey the report was adopted.

On motion of Senator Goulding Senate Bill No. 5 was placed upon third reading and final passage.

Senate Bill No. 5 was read at length, as amended by the committee of the whole.

Senator Franklin moved to strike out $2,500 and insert $3,000.

The question being, shall the amendment be adopted, the roll was called and the vote resulted as follows:

Yeas: Coffey, Colville, Franklin, Goulding, Graham, Horton, Jones, Kendrick, Landrum, McMechan, Newell, Sorrells, Thompson, Tilghman, Williams, Vandeventer; total, 16.

Nays: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Cloonan, Denton, Dutton, Echols, Eggerman, Hatchett, Harlen, Langston, Mitchell, McCully, Potter, Redwine, Roddie, Smith, Stewart, Thomas, Warren, Wynne; total, 26.

Absent: Garrett; total, 1.

Excused: Memimnger; total, 1.

The amendment having failed to receive a majority of the members elected to and constituting the Senate, the president declared the amendment lost.

Senator Anderson moved that $2,500 be struck out and that $2,400 be inserted in lieu thereof.

Vote was taken and amendment lost.

Senator Warren offered the following amendment: That $2,500 be struck out and that $2,000 be inserted in lieu thereof.

The question being, shall the amendment be adopted the roll was called and the vote resulted as follows:

Yeas: Beeler, Berkey, Briggs, Brownlee, Chapman, Cloonan, Dutton, McCully, Potter, Warren; total, 10.

Nays: Allen, Anderson, Barefoot, Coffey, Colville, Denton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, Newell, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 32.

Absent: Garrett; total, 1.

Excused: Memminger; total, 1.

The amendment having failed to receive a majority of the members elected to and constituting the Senate, the president declared the amendment lost.

Senate Bill No. 5 was read at length, as amended.

The question being, shall the bill pass as amended, the roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Coffey, Colville, Denton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, Newell, Redwine, Roddie, Smith, Sorrells, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 31.

Nays: Beeler, Berkey, Briggs, Brownlee, Chapman, Cloonan, Dutton, McCully, Potter, Stewart, Warren; total, 11.

Absent: Garrett; total, 1.

Excused: Memminger; total, 1.

The bill having received a majority of all the members elected to and constituting the Senate, the president declared the bill passed.

The question being, shall there be an emergency declared, the roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Coffey, Colville, Denton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, Newell, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 32.

Nays: Beeler, Berkey, Briggs, Brownlee, Chapman, Cloonan, Dutton, McCully, Potter, Warren; total, 10.

Absent: Garrett; total, 1.

Excused: Memminger; total, 1.

The emergency, having received a two-thirds majority of all the members elected to and constituting the Senate, the president declared the emergency carried.

Senator Franklin moved to reconsider the vote by which the bill passed.

Senator Franklin moved to lay the motion to reconsider the vote by which the bill passed on the table.

Vote was taken. Motion carried.

The bill was ordered to be engrossed.

Senator Cloonan explained his vote as follows:

"Mr. President:

I vote 'no' on Senate Bill No. 5 because I believe it is setting a bad precedent, and will only open the way for other State officers to apply for like increase.

CLOONAN."

Senator Jones was excused until Monday.

Senators Warren and Kendrick were excused until Tuesday.

The Senate recessed for ten minutes.

The Senate was called to order.

Senators Dutton, Goulding, Brownlee, Horton and Chapman were excused until Monday.

Senator Williams called up Senate Concurrent Resolution No. 2, which was read at length.

Senator Goulding offered the following amendment:
"Mr. President:

I move to amend Senate Concurrent Resolution No. 2 by striking out all after word 'of' in line three, down to the word 'said' in line seven, and insert in lieu thereof 'the present Capital Committee of the Senate and the House.'"

Vote was taken and the amendment was adopted.

On motion of Senator Williams the resolution was adopted and ordered engrossed.

Message received from the House:

"House of Representatives.
Oklahoma City, December 2, 1910.

To the President of the Honorable Senate:

I am directed by the House of Representatives to transmit you herewith engrossed copy of House Bill No. 1, which has this day passed the House of Representatives by the following roll call vote: Ayes, 97; nays, 10; absent, 1; and which was signed by the speaker in open session."

The bill was read the first time by title as follows:

HOUSE BILL NO. 1.

By WRIGHT, PEERY *and* DURANT

Entitled, An Act Providing for the Permanent Location of the Seat of Government and Capital of the State of Oklahoma, Creating a Board of Capitol Commissioners and Defining Its Powers and Duties, Authorizing Said Board to Accept for Capitol Purposes the proceeds of the Sale of Land or Donation From Other Sources and Appropriation of the Same for Capitol Purposes, and Repealing All Laws in Conflict With the Same, and Declaring an Emergency.

Senator Mitchell made the following report:

"Mr. President:

We, your committee on enrolled and engrossed bills, have carefully examined and compared Senate Bill No. 5, by Franklin, and Senate Concurrent Resolution No. 2, by Williams, and find the same correctly engrossed.

E. L. MITCHELL, Chairman."

Senate Bill No. 5 and Senate Concurrent Resolution No. 2 were signed by President Bellamy and ordered transmitetd to the House of Representatives.

The Senate adjourned until Saturday, December 3rd, at 9:00 a. m.

SENATE JOURNAL

SIXTH DAY'S SESSION

Oklahoma City, Oklahoma, Saturday, Dec. 3, 1910.

The Senate met at 9:00 a. m., pursuant to adjournment.

Called to order by the president pro tempore, Mr. Thomas.

The roll was called with the following members present: Allen, Anderson, Barefoot, Berkey, Coffey, Eggerman, Franklin, Graham, Harlen, Kendrick, Landrum, Langston, McMechan, McCully, Mitchell, Newell, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Vandeventer; total, 25.

Absent: None.

Excused: Beeler, Briggs, Brownlee, Chapman, Colville, Cloonan, Denton, Dutton, Echols, Garrett, Goulding, Hatchett, Horton Jones, Memminger, Mitchell, Potter, Warren, Wynne; total, 18.

The president announced a quorum present.

Prayer by the chaplain.

The assistant journal clerk, R. R. Hornbeck, handed in his resignation, which was read as follows:

"Oklahoma City, December 3, 1910.

To the President and Members of the Honorable Senate:

Owing to press of business matters at home and the sudden illness of my father, who, during my absence, is acting as my substitute in printing office, I hereby respectfully tender my resignation as assistant journal clerk of the Senate during the special session of the Third Legislature of the State of Oklahoma,

resignation to be in effect on and after Monday, December 5, 1910."

On motion of Senator Coffey the resignation was accepted.

The approval of the previous day's journal was deferred.

BILLS ON SECOND READING

House Bill No. 1, by Wright, Peery and Durant, was read and referred to Committee on Capital Location.

On motion of Senator Eggerman the Senate adjourned until Monday, December 5th, at 2:00 p. m.

SENATE JOURNAL

SEVENTH DAY'S SESSION

Oklahoma City, Oklahoma, Sunday, Dec. 4, 1910.

No session.

SENATE JOURNAL

EIGHTH DAY'S SESSION

Oklahoma City, Oklahoma, Monday, Dec. 5, 1910.

The Senate met at 2:00 p. m., pursuant to recessing.

Called to order by the president pro tempore, Mr. Thomas.

The roll was called, the following members being present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 39.

Absent: None.

Excused: Brownlee, Garrett, Kendrick, Memminger, Redwine; total, 5.

The president anonunced a quorum present.

Prayer by the chaplain.

The Journals of the Fourth, Fifth and Sixth Day's Sessions were approved as corrected.

A message from the House was read as follows:

"House of Representatives.
Oklahoma City, Dec. 5, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the engrossed copies of Senate Bills No. 3 and No. 4; also House Concurrent Resolution No. 3 by Vogle, which have been passed by the House and signed by the speaker."

House Concurrent Resolution No. 3, by Vogle, was read at length:

"HOUSE CONCURRENT RESOLUTION NO. 3
By VOGLE

Bt It Resolved, By the House of Representatives, the Senate concurring therein, that the salaries of the members of the House

of Representatives and of the Senate, including per diem and mileage, together with the salaries of the officers and employees of the House of Representatives and Senate and all necessary expenses incurred in the conduct of this extraordinary session of the Third Oklahoma Legislature, are hereby allowed, and the State auditor is hereby authorized and instructed to issue warrants against the legislative funds appropriated for such purposes to said members, officers and employees, as itemized in the payrolls furnished to the State auditor by the auditor of the House of Representatives and the auditor of the Senate."

On motion of Senator Williams the resolution was laid over one day under the rules.

The president appointed as a special committee to investigate the legality of the resolution, Senators Williams, Vandeventer and Hatchett.

Senator Newell presented the following invitation as follows:

"Oklahoma City, Okla., Dec. 3, 1910.

Hon. J. Elmer Thomas, President of the Senate:

Dear Sir—You are cordially and especially invited, and through you all members of the Legislature are also cordially and especially invited, to visit the stock yards and packing plants at any time most convenient for you to do so.

The Oklahoma National Stock Yards, including the Horse and Mule Market, are in full operation. Morris & Company's packing plant is also in full operation, and Schwarzchild-Sulzberger plant is under construction and will be in operation some time in the spring. Altogether we think you would enjoy a visit here, and we will certainly enjoy having you with us.

Yours very truly,

OKLAHOMA LIVE STOCK EXCHANGE,
By John N. Shepler, *President.*

OKLAHOMA NATL. STOCK YARDS CO.,
By E. F. Beeler, *Vice-President.*

MORRIS & COMPANY,
By R. W. Evans.

SCHWARZCHILD & SULZBERGER,
By C. F. Welhener, *Manager.*"

CONCURRENT RESOLUTION NO. 4

By NEWELL

Whereas, An invitation to visit the various packing plants in Oklahoma City on a date to be fixed, has been extended this Legislature by the Oklahoma Live Stock Exchange, the Oklahoma National Stock Yards Co., Morris & Company, and Schwarzchild & Sulzberger; therefore be it

Resolved, By the Senate, the House of Representatives concurring therein, that we accept said invitation and fix the hour of 10 o'clock a. m., Tuesday, December 7, 1910, as the date for making said visit."

On motion of Senator Newell the resolution was adopted and the invitation was accepted with thanks.

On request of Senator Eggerman the special committee appointed to investigate the legality of House Bill No. 2 was excused.

Senator Williams was called to the chair to act as president pro tempore in the absence of the president and the president pro tempore.

Acting President Pro Tempore Mr. Williams signed the engrossed copy of Senate Concurrent Resolution No. 4 and the same was ordered transmitted to the House.

Senator Colville offered the following Senate Resolution:

SENATE RESOLUTION NO. 2.

By MR. COLVILLE

Whereas, The American History Class of the Central State Normal School of Edmond, Oklahoma, will be present in a body tomorrow, Tuesday, December 6, to listen to the deliberations of this body; therefore be it

Resolved, That the sergeant-at-arms be hereby instructed to reserve twenty-five seats in the lobby for their convenience."

On motion of Senator Colville, the resolution was adopted.

Senator Sorrells called up Senate Concurrent Resolution No. 3, relating to the employment of union labor on the building of the State Capitol, which was read at length.

The question being, shall the resolution be adopted, the roll was called, resulting as follows:

Yeas: Allen, Barefoot, Beeler, Berkey, Chapman, Coffey, Colville, Cloonan, Dutton, Echols, Franklin, Graham, Harlen, Horton, Jones, Landrum, Langston, Mitchell, McMechan, Newell,

Roddie, Smith, Sorrels, Tilghman, Warren, Williams; total, 26.

Nays: Stewart; total, 1.

Absent: Anderson, Briggs, Brownlee, Denton, Eggerman, Garrett, Goulding, Hatchett, Kendrick, McCully, Potter, Redwine, Thomas, Thompson, Wynne, Vandeventer; total, 16.

Excused: Memminger; total, 1.

The resolution having received a majority, the president declared the resolution passed.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared Senate Concurrent Resolution No. 3, by Mr. Sorrells, find the same correctly engrossed.

E. L. MITCHELL, Chairman."

On motion of Senator Mitchell the report was adopted.

Acting President Pro Tempore Mr. Wililiams signed the engrossed copy of Concurrent Resolution No. 3 and the same was ordered transmitted to the House.

Senator Eggerman reported on behalf of the special committee as follows:

"Mr. President:

We, your special judiciary committee, to whom was referred House Bill No. 2, having had said bill under consideration, beg leave to report said bill back to the Senate with the recommendation that said bill do pass as amended, which said amendment is attached hereto and made a part of this report.

Amend Section 1 by adding the following to the end of said section: 'Provided that any resident tax payer of this State shall have a right to a hearing before the Supreme Court, upon application filed and presented within ten days after the passage and approval of an Act, locating or changing the location of any institution mentioned in this Act, upon the execution of a good and sufficient bond for cost, to be approved by the court.'

M. F. EGGERMAN,
J. B. THOMPSON,
R. T. POTTER,
A. F. VANDEVENTER,
J. ELMER THOMAS."

Senator Eggerman moved the adoption of the report.

Senator Briggs moved to amend the report as follows: Strike out the word "ten" and insert in lieu thereof the word "twenty."

Senator Briggs moved the adoption of the amendment.

Senator Roddie moved as a substitute that the amendment be laid on the table.

Vote was taken. Motion lost.

The question being, shall the amendment be adopted, vote was taken and the amendment lost.

The question being, shall the report be adopted, the vote was taken and the report was adopted.

Senator Potter moved that the rules be suspended and the bill be put upon Third Reading and Final Passage.

Vote was taken and the rules were suspended.

House Bill No. 2 was read at length as amended by the Senate.

Senator Vandeventer moved to reconsider the vote by which the committee report on House Bill No. 2 was adopted.

Vote was taken and the vote was reconsidered.

Senator Vandeventer offered the following amendment: After the word "that" in the first line and before the word "any" add the words "the attorney general, or."

Senator Allen moved to lay the amendment on the table.

Vote was taken and the motion to table was lost.

The question being, shall the amendment be adopted, the vote was taken and the amendment was lost.

The question being, shall the special committee report be adopted, the vote was taken and report was adopted.

The question being, shall the bill pass as amended, the roll was called, vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 38.

Nays: None.

Absent: Beeler, Brownlee, Garrett, Kendrick, Redwine; total, 5.

Excused: Meminger; total, 1.

The bill, having received a majority of all the members elected to and constituting the Senate, the president declared the bill passed.

The question being, shall there be an emergency declared, the roll was called, resulting as follows:

Yeas: Allen, Anderson, Barefoot, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Horton, Jones, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 37.

Nays: None.

Absent: Beeler, Brownlee, Garrett, Harlin, Kendrick, Redwine; total, 6.

Absent and excused: Memminger; total, 1.

The emergency, having received a two-thirds majority of all the members elected to and constituting the Senate, the president declared the emergency passed.

Acting President Pro Tempore Mr. Williams signed the engrossed copy of House Bill No. 2 as amended by the Senate, and the same was ordered transmitted to the House of Representatives.

A message from the House to the honorable Senate:

"Sir—I am directed by the House of Representatives to inform the honorable Senate of the passage of Senate Concurrent Resolution No. 4, by Mr. Newell, by the House and signed by the speaker of the House of Representatives."

A message from the House:

"To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform the honorable Senate that the House has refused to agree to the Senate amendments to House Bill No. 2 and has asked for a conference on the same.

The speaker has appointed on the part of the House Messrs. Maxey, Williams of Comanche, and DeFood."

On motion of Senator Coffey, the Senate agreed to the request of the House and the president appointed Senators Thompson, Vandeventer and Hatchett as such committee.

On motion of Senator Warren the Senate adjourned until 2:00 p. m., Tuesday, December 6, 1910.

SENATE JOURNAL

NINTH DAY'S SESSION

Oklahoma City, Oklahoma, Tuesday, Dec. 6, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by the president pro tempore, Mr. Thomas.

The roll was called, the following members being present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 42.

Excused: Garrett, Memminger; total, 2.

The president anounced a quorum present.

Prayer by the chaplain.

A message from the House was read as follows:

"Oklahoma City, Okla., Dec. 5, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform the honorable Senate that the House has passed Senate Bill No. 5 as amended by the House and it has been signed by the speaker in open session."

A second message from the House of Representatives was read as follows:

"Oklahoma City, Okla., Dec. 5, 1910.

To the President of the Honorable Senate:

Sir—I a mdirected by the House of Representatives to inform the honorable Senate of the passage of Senate Bill No. 5 conference committee report on House Bill No. 2 and that the bill as amended by the conference report was passed by the following roll call: Ayes, 89; nays, 4; absent, 15."

The conference committee report on House Bill No. 2 was read at length:

"Mr. President and Mr. Speaker—We, your conference committee, appointed by the Senate and House of Representatives, for the purpose of conferring on House Bill No. 2, by Mr. Cornell, entitled 'An Act Conferring Exclusive Original Jurisdiction on the Supreme Court,' beg leave to submit the following report which we recommend for adoption: Amend Section 1 by adding the following to end of said section: 'Provided that any resident tax payer of this State shall have a right to a hearing before the Supreme Court upon the execution of a good and sufficient bond for cost to be approved by the clerk of the court, and provided further that any and all actions brought under the provisions of this Act shall be commenced within ten days after the passage of any Act for the removal or location of the State Capitol or any Normal school or other educational or charitable institution of this State.'"

J. B. THOMPSON,	J. H. MAXEY,
A. F. VANDEVENTER,	J. ROY WILLIAMS,
JESSE M. HATCHETT,	H. L. VOGLE,
Senate Committee.	House Committee.

On motion of Senator Eggerman the report was adopted.

House Bill No. 2 was read at length as amended by the conference committee.

The question being, shall the bill pass as amended, the roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 38.

Nays: None.

Absent: Brownlee, Dutton, Echols, Garrett, Mitchell; total, 55.

Excused: Memminger; total, 1.

The bill, having received a majority of all the members elected to and constituting the Senate, the president declared the bill passed.

The question being, shall there be an emergency declared, the roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 38.

Nays: None.

Absent: Brownlee, Dutton, Echols, Garrett, Mitchell, total, 5.

Excused: Memminger; total, 1.

The emergency, having received a majority of all the members elected to and constituting the Senate, the president declared the emergency carried.

Senator Franklin called up the House amendment of Senate Bill No. 5.

The House amendment was read at length and Senator Franklin moved that the Senate concur in the House amendment.

Vote was taken and the Senate concurred in House amendment to Senate Bill No. 5.

Senate Bill No. 5 was read at length as amended by the House.

The question being, shall the bill pass as amended, roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Coffey, Colville, Denton, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, Newell, Redwine, Roddie, Smith, Sorrells, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 30.

Nays: Beeler, Berkey, Briggs, Brownlee, Chapman, Cloonan, Dutton, McCully, Potter, Stewart, Warren; total, 11.

Absent: Echols, Garrett; total, 2.

Excused: Memminger; total, 1.

The bill, having received a majority of all the members elected to and constituting the Senate, the president declared the bill passed.

The question being, shall there be an emergency declared, the roll was called, the vote resulting as follows:

Yeas: Anderson, Allen, Barefoot, Coffey, Colville, Denton, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan,

Newell, Redwine, Roddie, Smith, Sorrells, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total 30.

Nays: Beeler, Berkey, Briggs, Brownlee, Chapman, Cloonan, Dutton, McCully, Potter, Stewart, Warren; total, 11.

Absent: Echols, Garrett; total, 2.

Excused: Memminger; total, 1.

The emergency, having received a two-thirds majority of all the members elected to and constituting the Senate, the president declared the emergency carried.

Senator Franklin moved to reconsider the vote by which the emergency carried.

Senator Franklin moved to lay the motion on the table to reconsider the vote by which the emergency carried.

Vote was taken and the motion carried.

The bill was ordered engrossed as amended.

Senator Williams introduced the following resolution which was read as follows:

SENATE CONCURRENT RESOLUTION NO. 5

By WILLIAMS

Be It Resolved, By the Senate of the State of Oklahoma, the House of Representatives concurring therein, that two committees, each consisting of three members of the Senate, to be appointed by the president of the Senate, and three members of the House of Representatives, to be appointed by the speaker of the House, are hereby created.

It shall be the duty of one of the said committees to visit, during the time intervening the adjournment of this, the extraordinary session of the Third Legislature, and the convening of the regular session on January 3, 1911, the State Penitentiary at McAlester, the Reformatory at Granite, and the Boys' Training School at Paul's Valley. It shall be the duty of the other committee to visit, during the time specified above, the Insane Asylums at Fort Supply and Vinita, and the Institution for Feeble Minded at Enid.

Said committee shall make a thorough investigation of said institutions and ascertain as near as possible what appropriations are needed for their support and maintenance for the next two fiscal years.

Said committees shall make their report in writing to their

respective bodies at the regular session of the Third Legislature.

The members of said committee shall receive as compensation for their services $6.00 per day and their necessary traveling expenses, including hotel bills.

Each committee shall be allowed one stenographer, who shall receive a salary of $4.00 per day and necessary traveling expenses, including hotel bills.

On motion of Senator Eggerman the resolution was laid over one day under the rules.

Senator Goulding introduced the following resolution:

SENATE RESOLUTION NO. 4

By GOULDING.

Whereas, It has been reported to members of the Senate that certain funds of Senate incidental account at the special session of the Second Legislature were misappropriated by employes and officers of the Senate; therefore be it

Resolved, By the Senate of Oklahoma that a committee of three from the Senate be appointed by the president of the Senate to investigate such matters and that said committee be empowered to send for persons and papers and to administer oaths, and that said committee report their finding back to the Senate at their earliest possible convenience.

Senator Goulding moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

The president appointed in accordance with Senate Resolution No. 3 Senators Goulding, Hatchett and Brownlee as such committee.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared Senate Bill No. 3, by Mr. Williams, find the same correctly enrolled.

E. L. MITCHELL, Chairman."

On motion of Senator Mitchell the report was adopted.

"Mr. President:

We, your committee on enrolled and engrossed bills, have carefully examined and compared Senate Bill No. 4, by Mr. Williams, and find same correctly enrolled.

E. L. MITCHELL, Chairman."

The enrolled copy of Senate Bill No. 3 was read the fourth time at length, and signed by the president pro tempore, Mr. Thomas, and same was ordered transmitted to the House.

Then enrolled copy of Senate Bill No. 4 was read the fourth time at length and signed by the president pro tempore, Mr. Thomas, and same was ordered transmitted to the House.

On motion of Senator Stewart the Senate adjourned until Wednesday, December 6, at 2:00 p. m.

SENATE JOURNAL

TENTH DAY'S SESSION

Oklahoma City, Oklahoma, Wednesday, Dec. 7, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by the president, Mr. Bellamy.

The roll was called, the following members being present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Denton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 41.

Absent: Dutton, Garrett; total, 2.

Excused: Memminger; total, 1.

The president anounced a quorum present.

Prayer by the chaplain.

A message from the governor:

FOURTH MESSAGE

"State of Oklahoma, Executive Department.

To the Legislature:

Gentlemen—Inasmuch as the betterment and maintenance of the various State institutions, educational, charitable, and penal, is of great importance and rests largely with your honorable body it is important that you have the fullest information concerning these institutions and their necessities.

I, therefore, suggest that you consider the advisability of appointing a legislative committee or committees, as you deem wise, to visit these several institutions and look into their conduct and management during the interval between the present special session and the coming regular session of the Legislature

to the end that the regular session of your honorable body may have the fullest information pertaining to all these institutions.

Respectfully submitted,

C. N. HASKELL, Governor.

December 6, 1910."

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, have carefully examined and compared Senate Bill No. 5, by Franklin, and find the same correctly enrolled.

E. L. MITCHELL, Chairman.

Dec. 7, 1910."

The enrolled copy of Senate Bill No. 5 was read the fourth time and signed by the president, Mr. Bellamy, and the same was ordered transmitted to the House.

A message from the House:

"Oklahoma City, Okla., Dec. 6, 1910.

"To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body House Concurrent Resolutions Nos. 5, 6, 7, which have passed the House of Representatives and been signed by the speaker.

House Concurrent Resolution No. 5 was read as follows:

"HOUSE CONCURRENT RESOLUTION NO. 5

By BARRETT

Memorializing Congress to Assist State Departments of Agriculture in the Distribution of Their Bulletins, Reports and Printed Matter Pertaining to Farmers' Institutes and General Agricultural Work by Granting to the Several States the Franking Privilege Now Enjoyed by the Federal Department of Agriculture.

Be It Resolved, By the Legislature of the State of Oklahoma, That

Whereas, The most effective work of State Departments of Agriculture, experiment stations, demonstration farms and other State agencies for the development of agriculture and its kindred industries, is accomplished by the dissemination of bulle-

tins and reports concerning the results of experiments made and of the scientific research undertaken by these departments; and,

Whereas, The expense of postage under the classifications of the Post Office Department is an almost unsurmountable obstacle to the general dissemination of this valuable literature; therefore be it

Resolved, By the House of Representatives of the State of Oklahoma, the Senate concurring therein, that the Congress of the United States is hereby respectfully requested to grant to the several states the use of the franking privilege now enjoyed by the federal department for the distribution of all bulletins, reports and other literature issued by the State Departments of Agriculture for the improvement and development of agriculture and its kindred science; that a copy of this resolution suitably engrossed be sent to each of our senators and representatives in Congress to be presented by them in their respective houses."

On motion of Senator Eggerman the rules were suspended and the resolution was adopted.

A message from the governor was read as follows:

FIFTH MESSAGE

"State of Oklahoma, Executive Department.

Oklahoma City, Oklahoma, December 7, 1910.

To the Legislature, State of Oklahoma, Extraordinary Session:

At the request of several members of your honorable body, I hereby submit, for your consideration, enactment of law that would authorize the commissioners of the land office to appraise, advertise, and sell at public sale section sixteen of township twelve north of range three west, in Oklahoma county, State of Oklahoma, and a part of the common school lands of the State, and that among other provisions protecting the State at such public sale I recommend that you provide that the commissioners of the land office shall have authority to reject any or all bids made at such public sale.

Respectfully submitted,

C. N. HASKELL, Governor."

House Concurrent Resolution No. 6 was read as follows:

"HOUSE CONCURRENT RESOLUTION NO. 6

By BARRETT

Memorializing Congress to Aid the Development of Consolidated Rural Schools and the Improvement of Agriculture and

Commercial Conditions Within the State by the Extension of National Aid to the Building of Good Roads.

Be It Resolved, By the House of Representatives of the State of Oklahoma, the Senate concurring therein, that the Congress of the United States is hereby respectfully requested to aid in the establishment of consolidated rural schools and to improve the agricultural and commercial conditions in the several states by extending national aid to the building of good roads; that a copy of this resolution be properly engrossed and sent to each of our senators and representatives in Congress for presentation to each of their respective houses."

The vote was taken and the resolution was adopted.

House Concurrent Resolution No. 7 was read at length as follows:

"HOUSE CONCURRENT RESOLUTION NO. 7
By BARRETT

Memorializing Congress to Create an Annual Endowment Fund Similar to the 'Hatch' or 'Adams' Fund for the Promotion of Agricultural Extension Work in the Different States for the Purpose of Disseminating Educational, Experimental and Scientific Research Among the People by Co-operating With the Railroads, State and County Fairs and Other Agencies in Running Live Stock and Farm Demonstration Trains and Conducting Traveling Institutes, Short Courses and Other Practical Efforts for the Education of the People and the Promotion and Development of Live Stock Growing and Better Farming in All the States.

Be It Resolved, By the House of Representatives of the State of Oklahoma, the Senate concurring therein, that the Congress of the United States is hereby memorialized to create an annual fund or endowment similar to the 'Hatch' or 'Adams' funds for the promotion of agricultural experiment and educational extension work among the people of the several states by enabling Boards of Agriculture, experiment stations and agricultural colleges, to co-operate with railroad companies, state and county fair associations, and other bodies in running live stock trains, conducting traveling farmers' institutes and farm demonstrations and holding short courses for the promotion and improvement of live stock and development of better farming methods in all the states; that a copy of this resolution suitably engrossed be sent to each of our senators and representatives in Congress."

Vote was taken and the resolution was adopted.

A message from the House:

"Oklahoma City, Okla., Dec. 6, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body enrolled copy of House Bill No. 2, which has been signed by the speaker."

The enrolled copy of House Bill No. 2 was read the fourth time at length and signed by the president, Mr. Bellamy, and ordered transmitted to the House.

Senator Wynne presented a communication which was read and on motion of Senator Vandeventer the communication was referred to the Committee on Capital Location.

The following bill was introduced and read the first time:

SENATE BILL NO. 6

By THE CAPITAL LOCATION COMMITTEE

A Bill, Entitled an Act, Providing for the Sale of Certain School Land, to-wit: All of Section Sixteen (16), in Township Twelve (12) North Range Three (3), West of Indian Meridian in Oklahoma County, and Declaring an Emergency.

The Journal of the Eighth Day's Session was approved as corrected.

On motion of Senator Thomas a committee of three was appointed to furnish a complete list of the officers and employes and their per diem. Senators Thomas, Franklin, and Wynne were appointed as such committee.

On motion of Senator Potter, ex-President Pro Tempore J. C. Graham was requested to address the Senate.

On motion of Senator Thompson the Senate adjourned until Thursday, December 8, at 2:00 p. m.

SENATE JOURNAL

ELEVENTH DAY'S SESSION

Oklahoma City, Oklahoma, Thursday, Dec. 8, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by the president, Mr. Bellamy.

The roll was called, the following members being present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlen, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 41.

Absent: Warren; total, 1.

Excused: Garrett, Memminger; total, 2.

The president declared a quorum present.

Prayer by the chaplain.

The Journal of the Ninth Day's Session was approved as corrected.

Senator Redwine presented a telegram from Eufaula in opposition to the Putnam site and demanding the location of the Capitol within the corporate limits of Oklahoma City.

Read and referred to the Committee on Capitol Location.

Message from the House:

"To the President of the Senate:

I am directed by the House of Representatives to transmit to you herewith Senate Bill No. 5, by Mr. Franklin, fixing the salary of the commissioner of charities and corrections, which has been signed by the speaker of the House of Representatives."

Second message from the House:

"Oklahoma City, Okla., Dec. 8, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House to transmit to your honorable body House Concurrent Resolution No. 11 by, Mr. Anthony,

authorizing the State auditor to issue warrants in payment of the employees of the Senate and House of Representatives for the special session of the Third Legislature upon the certificate of the auditor and the presiding officer of each house.

Signed by the speaker pro tempore."

Third message from the House:

"Oklahoma City, Dec. 8, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House to transmit to your honorable body House Concurrent Resolution No. 10, by Messrs. Barrett, Williams, and Miller, of Muskogee, providing for a legislative committee consisting of six members of the House and five members of the Senate to make arrangements for the inauguration of Governor-elect Cruce on January 9, 1911, etc.

Signed by the Speaker."

House Concurrent Resolution No. 10 was read at length as follows:

"HOUSE CONCURRENT RESOLUTION NO. 10

By BARRETT, WILLIAMS *and* MILLER
of Muskogee

Providing for a Legislative Committee Consisting of Six Members of the House and Five From the Senate to Make Arrangements for the Inauguration of Governor-elect Cruce, on January 9, 1911, and to Report Said Arrangements to the Regular Session Which Convenes on January 3, 1911, for Its Approval.

Whereas, The people of Oklahoma have elected Honorable Lee Cruce as governor for the four-year term beginning January 9, 1911; and,

Whereas, The inaugural ceremonies are a matter of social, political and material interest and importance to the people of the whole State; therefore be it

Resolved, By the House of Representatives of the State of Oklahoma, the Senate concurring therein, that a legislative committee, consisting of six members of the House and five members of the Senate, be appointed to make arrangements on behalf of the State to make the inauguration of the second governor of Oklahoma an event in which all the people will take a proper

state pride participating; and that said committee shall report its action on the first day of the regular session; be it further

Resolved, That the speaker of the House and the president of the Senate pro tempore be added as ex-officio members of said committee of arrangements."

On motion of Senator Goulding the resolution was laid over under the rules.

House Concurrent Resolution No. 11 was read at length as follows:

"HOUSE CONCURRENT RESOLUTION NO. 11

By ANTHONY

Be It Resolved, By the House of Representatives, the Senate concurring, that the auditor of the State of Oklahoma is hereby authorized to issue warrants in payment of the employees of the Senate and of the House of Representatives for the special session of the Third Legislature, upon the certificate of the Auditor and the presiding officer of each House, in the amount not exceeding $2,500.00 for the House of Representatives and $.....for the Senate.

Passed by the House of Representatives this, the 8th day of December, A. D. 1910."

On motion of Senator Vandeventer the resolution was referred to the special committee on legislative affairs.

Senator Wynne reported on behalf of the special committee on the salaries of the officers and employes as follows:

"Mr. President:

We, your special committee, beg leave to report the following resolution, and move its adoption:

"SENATE RESOLUTION NO. 5

Be It Resolved, That the following officers and employes of the Senate of the Third Legislature, State of Oklahoma, be allowed the salary set opposite their names, to-wit:

Secretary T. M. Miller, $6.00 per day.

Reading Clerk C. S. Gilkerson, $5.00 per day.

Enrolling and Engrossing Clerk H. S. Blair, $5.00 per day.

Sergeant-at-Arms F. J. Etter, $5.00 per day.

Reporter A. M. Works, $6.00 per day.

Messenger C. Naylor, $4.00 per day.

Chaplain H. A. Tucker, $5.00 per day.

Employes:

Journal Clerk Herbert Cook, $5.00 per day.
Calendar Clerk C. V. Easterling, $5.00 per day.
Secretary to Lieutenant Governor P. P. Duffy, $5.00 per day.
Assistant Journal Clerk Ralph Hornbeck, $4.00 per day.
Doorkeeper Claude Biard, $4.00 per day.
Assistant Doorkeeper J. B. Simpson, $4.00 per day.
Assistant Enrolling and Engrossing Clerk Mrs. Lillian Roberts, $4.00 per day.
Auditor and Postmistress Mrs. Lelia Catlin, $4.00 per day.
Watchman Thomas Bridge, $4.00 per day.

Stenographers:

Miss Kate Pierce, $5.00 per day.
Miss Ellen Simmons, $5.00 per day.
Miss Ethel Lawson, $5.00 per day.
Miss Blanche Neill, $5.00 per day.
Messenger to Lieutenant Governor Charles Naylor, $4.00 per day.

Pages:

Robert Alexander, $2.00 per day.
Glenn Coffland, $2.00 per day.
Eddie Underwood, $2.00 per day.
Sam Griswold, $2.00 per day.

Cloak Room Attendants:

John Conway, $4.00 per day.
Janitor J. L. Pardue, $3.50 per day.
Assistant Janitor John Hogan, $2.50 per day.
Assistant Janitor Hugh Bostick, $2.50 per day.
Will Childers, night watchman, $4.00 per day.

We further find that Ralph Hornbeck, assistant journal clerk, resigned on December 5, 1910, and recommend that he be paid up to and including that date. Also Hugh Bostick began work on Sunday, December 4, 1910.

R. P. WYNNE,
WM. M. FRANKLIN,
J. ELMER THOMAS,
Committee."

Senator Vandeventer moved that the vote by which the report on salaries of the officers and employees was adopted, be reconsidered.

After discussion by Senators Landrum, Sorrells, Eggerman, Franklin, Coffey, and Vandeventer, the vote was taken and the motion lost.

Senator Wynne moved the adoption of the report. Vote was taken and the report was adopted.

The Senate took a recess for five minutes.

The president, Mr. Bellamy, signed the engrossed copies of House Concurrent Resolutions Numbers 5, 6, and 7, and the same were ordered transmitted to the House.

Senator Vandeventer reported on behalf of the special committee on House Concurrent Resolution No. 11 as follows:

"Mr. President:

We, your special committee, appointed on House Concurrent Resolution No. 11, by Mr. Anthony, recommend that the same be amended as follows: Strike out all after the word 'House' in line six.

VANDEVENTER,
WILLIAMS,
Committee.

On motion of Senator Williams the report was adopted.

On motion of Senator Williams the resolution was adopted as amended by the Senate.

On motion of Senator Thomas a committee on Senate and legislative affairs was appointed to take charge of the payrolls, and see that the same was properly presented to the State auditor.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared engrossed copy of Senate Resolution of Respect, by Senators McCully, Dutton and Colville find the same correctly engrossed.

E. L. MITCHELL, Chairman.

Dec. 8, 1910."

On motion of Senator Mitchell the report was adopted.

Bills on Second Reading:

House Bill No. 3, by Bolen and Jones, was read and referred to Committee on Capitol Location.

Senate Bill No. 6, by Capitol Location Committee was read and on motion of Senator Eggerman, the rules were suspended and the bill was placed upon the Calendar under head of Bills on General Orders.

Senator Williams called up Senate Concurrent Resolution No. 5, that two committees be appointed, one from the Senate and one from the House, composed of three members each, to investigate the different institutions of the State.

Senator Barefoot offered the following amendment.

Amend by adding, "all educational institutions of the State.'

On motion of Senator Coffey a committee of three was appointed to investigate the legality of such a resolution.

The president appointed Senators Coffey, Thomas and Brownlee.

On motion of Senator Vandeventer the Senate adjourned until Friday at 2:00 p. m., December 9.

SENATE JOURNAL

TWELFTH DAY'S SESSSION

Oklahoma City, Oklahoma, Friday, Dec. 9, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by the president, Mr. Bellamy.

The roll was called with the following members present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 41.

Absent: Brownlee; total, 1.

Excused: Garrett, Memminger; total, 2.

The president anounced a quorum present.

Prayer by the chaplain.

The Journal of Tenth's Day's Session was approved as corrected.

Senator Thomas introduced the following resolution:

SENATE CONCURRENT RESOLUTION NO. 6
By THOMAS

Whereas, An expense in the sum of Fifty ($50.00) Dollars has been incurred in furnishing stamps to the members of the Senate; therefore be it

Resolved, By the Senate, that said sum of Fifty ($50.00) Dollars be allowed against the legislative contingent fund and the State auditor be, and is hereby authorized and directed to issue his warrant against said fund in said sum of Fifty ($50.00) Dollars in favor of F. J. Etter, sargeant-at-arms of the Senate.

On motion of Senator Thomas, the resolution was adopted.

Senator Thomas introduced the following concurrent resolution. Senate Concurrent Resolution No. 6, by Thomas, was read as follows:

Whereas, An expense in the sum of Two Hundred Two Dollars and Fifty-five cents ($202.55) has been incurred, by reason of the transfer of the legislative furniture from Guthrie to Oklahoma City; therefore be it

Resolved, By the Senate, the House of Representatives concurring therein, that said sum of Two Hundred Two Dollars and Fifty-five Cents ($202.55) be allowed against the legislative contingent fund and the State auditor be, and is hereby authorized and directed to issue his warrant against said fund in said sum of Two Hundred and Two Dollars and Fifty-five Cents ($202.55), in favor of F. J. Etter, sergeant-at-arms of the Senate."

On motion of Senator Thomas the resolution was adopted.

Senator Sorrells introduced the following Senate resolution, Senate Resolution No. 7, by Sorrells, which was read as follows:

"SENATE RESOLUTION NO. 7

By SORRELLS

Whereas, The governor has convoked a special session of the Legislature of this State for the purpose of locating the seat of government of the State; and,

Whereas, In the campaign for the ratification of the 'Capitol Bill' voted on June 11, 1910, Oklahoma City, through its representatives in said campaign over the State, said to the people of the State that if they would locate the seat of government at Oklahoma City, Oklahoma City would give to the people of the State a free Capitol; and,

Whereas, There are other cities in the State that are anxious to submit to this Legislature propositions asking for the location of said seat of government; now, therefore, be it

Resolved, That it is the sense of this Senate that the Chamber of Commerce of Oklahoma City be and are hereby requested to submit to this Senate within twenty-four hours after the passage of this resolution, propositions proposing one or more sites for the State Capitol buildings, within the corporate limits of the city, and a guarantee of One Million Dollars."

On motion of Senator Thompson the resolution was laid over one day under the rules.

Senator Goulding introduced the following bill.

"SENATE BILL NO. 7

By GOULDING

A Bill, Entitled an Act, Providing for the Location of the Capitol and Seat of Government of the State of Oklahoma, and Declaring an Emergency."

The president, Mr. Bellamy, signed the engrossed copies of Senate Concurrent Resolution No. 6, by Mr. Thomas, and House Concurrent Resolution No. 11 by Mr. Anthony, and same were ordered transmitted to the House.

Senator Thompson reported on behalf of the Capitol Location committee as follows:

"Oklahoma City, Oklahoma, Dec. 9, 1910.

Mr. President:

We, your Capitol Location committee, to whom was referred Senate Bill No. 1 and House Bill No. 1, each of said bills proposing to locate the permanent Capital of the State of Oklahoma at Oklahoma City, and having had said bills under consideration for ten days and that as a result of said consideration and deliberation thereon, we, on yesterday, deemed it necessary to issue a public statement setting forth the status of the subject matter and our conclusions relative thereto, and that we did at 11 o'clock p. m. on yesterday, issue the following statement, which said public statement signed statement is as follows, to-wit:

"*To the People of the State of Oklahoma*:

It is the sense of the Senate Capital Location committee that no bill will be reported for passage until such time as we have a proposition submitted proposing a free, satisfactory Capitol site together with a satisfactory guarantee that the State will receive a free Capitol building.

After ten days' deliberation, during which time this committee has given an average of five hours a day to committee from Oklahoma City, we are still without any satisfactory proposition proposing a guaranteed free Capitol building, and unless

such guaranteed proposition is submitted forthwith we will report in favor of an immediate adjournment.

(Signed) J. B. THOMPSON, Chairman.
A. F. VANDEVENTER,
W. P. STEWART,
H. B. BEELER,
E. D. BROWNLEE,
J. ELMER THOMAS,
R. T. POTTER,
M. F. EGGERMAN,
H. J. DENTON,
R. E. ECHOLS,
JESSE M. HATCHETT,
E. M. LANDRUM,
C. B. KENDRICK,
G. W. BAREFOOT,
J. Q. NEWELL,
F. W. ANDERSON.'

We beg to report further that your committee met this a. m., from 9:30 to 12 o'clock, during which time two local committees appeared before us, each submitting possible propositions looking toward the securing on the part of the State, of a free Capitol site, together with a satisfactory guarantee that the State will receive a free Capiol building, but each said local committee requested additional time to perfect the details of their respective proposals and your committee has granted their request, and fixed 10 o'clock a. m. tomorrow, at which time said committees agree to appear and submit their detailed final propositions.

Wherefore, Your committee respectfully requests that they be given one additional day to report whether or not, in their opinion, it is possible to secure a satisfactory proposition for the permanent location of our State Capitol at this time."

The report was received.

A message from the House:

"Oklahoma City, Dec. 9, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House to inform the honorable Senate that the House has agreed to Senate Amendment to House Concurrent Resolution No. 11, by Mr. Anthony."

Second message from the House:

"Oklahoma City, Okla., Dec. 9, 1910.

To the Honorable Senate:

I am directed by the House of Representatives to request the honorable Senate to give the present parliamentary status of House Bill No. 1 relating to the State Capitol."

Third message from the House:

Oklahoma City, Okla., Dec. 9, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House to transmit to your honorable body House Concurrent Resolution No. 9, by Messrs. Whitman and Ashby of Pushmataha, providing that labor demands proper recognition, etc., which has passed the House and been signed by the speaker."

House Concurrent Resolution No. 9 was read at length as follows:

"HOUSE CONCURRENT RESOLUTION NO. 9

By WHITMAN *and* ASHBY

of Pushmataha

Whereas, Labor, the sinew of all progress, prosperity and development, demands proper recognition.

We, the House of Representatives of the Third Legislature of the State of Oklahoma, in extraordinary session, the Senate concurring, do memorialize the National Congress now in session, that a National Commission of Arbitration be created, to consist of seven members, three to be selected by the American Federation of Labor, three by the president of the United States, and the seventh to be selected by the commissioners so appointed, with full power to act, to whom all disputes may be referred for final settlement arising between employer and employees, to the end that the wage earner may receive that protection delegated under our National Constitution and that capital may be checked in its greed for greater conservation of wealth."

On motion of Senator Potter the resolution was laid over one day under the rules.

Senator Allen introduced the following bill, which was read the first time:

"SENATE BILL NO. 8

By MR. ALLEN

A Bill, Entitled an Act, Providing for the Sale of Certain School Lands, to-wit: All of Section Sixteen (16), Township Twelve (12) North, Range Three (3) West of the Indian Meridian in Oklahoma County and Declaring an Emergency."

"SENATE BILL NO. 9

By MR. ALLEN

A Bill, Entitled an Act, Providing for the Permanent Location of the Seat of Government and Capitol of the State of Oklahoma, and Providing for the Platting and Sale of the Land for State Capitol Purposes and Declaring an Emergency."

Senator Coffey reported on behalf of the special committee as follows:

"Oklahoma City, Okla., Dec. 9, 1910.

To the Honorable President of the Senate:

Mr. President—We, your special committee, to whom was referred Senate Concurrent Resolution No. 5, by Mr. Williams, having had same under consideration, beg leave to report said resolution back to the Senate with the recommendation that it do pass as amended, a copy of said amended resolution being attached hereto and made a part of this report.

(Signed) GEO. A. COFFEY, Chairman."

Senator Coffey moved the adoption of the report.

After discussion by Senators Franklin, Thompson, Graham, Vandeventer, Allen, Coffey, Wynne, Eggerman, Sorrells, Roddie, Senator Roddie moved the previous question.

The question being, shall the report be adopted, vote was taken and the motion lost.

The question being, shall the resolution be adopted, roll was called, the vote resulting as follows:

Yeas: Barefoot, Coffey, Colville, Cloonan, Denton, Echols, Goulding, Graham, Newell, Thomas, Thompson, Tilghman, Williams, Vandeventer; total, 14.

Nays: Allen, Anderson, Berkey, Briggs, Dutton, Eggerman, Franklin, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Warren, Wynne; total, 25.

Absent: Brownlee, Chapman, and Beeler; total, 3.

Excused: Garrett, Memminger; total, 2.

The resolution failing to receive a majority, the president declared the same lost.

Senator Goulding called up House Concurrent Resolution No. 10, which was read at length.

Senator Goulding offered the following amendment: "Strike out the word 'five' and insert in lieu thereof the word 'six.' "

Vote was taken and the amendment adopted.

Senator Vandeventer offered the following amendment: "Provided this committee shall act in conjunction with such other committees as may be appointed from other sources."

Taken by common consent.

The question being, shall the resolution be adopted as amended, vote was taken and the resolution was adopted.

Senator Hatchett moved that the committee appointed be instructed not to incur any expense on behalf of the State. Vote was taken, motion carried.

Senator Williams made a motion to reconsider the vote by which Senate Concurrent Resolution No. 5 was lost.

On motion of Senator Vandeventer the Senate adjourned until Saturday, December 10, 1910, at eleven o'clock a. m.

SENATE JOURNAL

THIRTEENTH DAY'S SESSION

Oklahoma City, Oklahoma, Saturday, Dec. 10, 1910.

The Senate met at 11 a. m., pursuant to adjournment.

Called to order by the president, Mr. Bellamy.

The roll was called with the following members present: Allen, Anderson, Barefoot, Berkey, Briggs, Brownlee, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 38.

Absent: Chapman; total, 1.

Excused: Garrett, Memminger, Beeler, Roddie, Smith; total, 5.

President anounced a quorum present.

Prayer by the chaplain.

The Journal of the Eleventh Day's Session was approved as corrected.

On motion of Senator Thomas, Senator Chapman was excused until Monday.

On motion of Senator Williams, Senator Roddie was excused on account of sickness.

On motion of Senator Cloonan, Senator Beeler was excused indefinitely subject to call.

Senator Williams introduced the following resolution. Senate Resolution No. 8 was read as follows:

"SENATE RESOLUTION NO. 8

By WILLIAMS

Whereas, An expense of Two Hundred and Thirty-five Dollars and Sixty-five Cents ($235.65) has been incurred in the

printing of Senate Bills, Senate Journals and supplies for the Senate; therefore be it

Resolved, By the Senate, that the sum of Two Hundred Thirty-five Dollars and Sixty-five Cents ($235.65) be allowed against the legislative contingent fund, and the State Auditor be, and is hereby authorized and directed to issue his warrant against said fund in said sum of $235.65 in favor of the Warden Printing Company, of Oklahoma City, Oklahoma."

On motion of Senator Williams the resolution was adopted as read.

Senate Resolution No. 9, by Mr. Williams, was read as follows:

"SENATE RESOLUTION NO. 9

By WILLIAMS

Whereas, Some incidental expenses are being incurred for supplies for the Senate, and the sergeant-at-arms of the Senate is being presented with bills for said supplies; therefore be it

Resolved, By the Senate, that the sum of Ten Dollars ($10.00) be allowed against the legislative contingent fund and the State auditor be, and is hereby authorized and directed to issue his warrant against said fund in the sum of Ten Dollars ($10.00) in favor of F. J. Etter, Sergeant-at-arms of the Senate, to pay for said supplies."

On motion of Senator Williams the resolution was adopted as read.

The president, Mr. Bellamy, signed the engrossed copies of Senate Resolutions Nos. 6, 8, and and 9, and House Concurrent Resolution No. 10 and same were ordered transmitted to the House.

Senator Thompson reported on behalf of the Capital Location Committee as follows:

"Oklahoma City, Okla., Dec. 10, 1910.

Mr. President:

We, your State Capitol Location Committee, beg leave to report that we have pending before us satisfactory propositions, and report further that we will report on bills now pending before us on Monday, December 12.

J. B. THOMPSON, Chairman."

The report was received.

Bills on second reading:

Senate Bill No. 7, by Mr. Goulding, was read and referred to the Committee on Capital Location.

Senate Bill No. 8, by Mr. Allen, was read and referred to the Committee on Capital Location.

Senate Bill No. 9, by Mr. Allen, was read and referred to the Committee on Capital Location.

On motion of Senator Vandeventer the Senate adjourned until Monday, December 12, at 2:00 p. m.

SENATE JOURNAL

FOURTEENTH DAY'S SESSION.

Oklahoma City, Oklahoma, Sunday, Dec. 14, 1910.
No session.

SENATE JOURNAL

FIFTEENTH DAY'S SESSION

Oklahoma City, Okla., Monday, December 12th, 1910.

The Senate met at 2 p. m., pursuant to adjournment.

Called to order by the president, Mr. Bellamy.

The roll was called, the following members being present: Messrs. Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 42.

Absent, none.

Excused: Garrett, Memminger; total, 2.

The president declared a quorum present.

Prayer by the chaplain.

The Journal of the Twelfth Day's Session was approved as corrected.

Senator Beeler presented the following communication:

"Eufaula, Okla., Dec. 11.

President of the Senate,

Oklahoma City, Okla.

Eufaula offers one thousand acres of land within one mile of city and bonus of five hundred thousand dollars for location of State Capitol here.

CARL W. GUST, President Board of Trustees."

Senator Thomas presented the following communication, which was read as follows:

"CAPITOL SITE PROPOSAL

To the Honorable Charles N. Haskell and Members of the Legislature, in Special Session Assembled, at Oklahoma City, Okla.

Sirs—We, the undersigned, herewith make you the proposition of giving, free, to the State of Oklahoma, for public purposes, Five Hundred Acres of land, $800,000.00 in cash, free gas for five years, free water supply for twenty years, all necessary building stone for foundation purposes; for and in consideration that the Capitol of the State of Oklahoma, be located, permanently at Skiatook, Oklahoma.

We also guarantee ten distinct ways in and out by railroad facilities, interurban accommodations, a macadamized highway open to the public leading to the important cities in Oklahoma, and the Southwest, well bridged and oiled down roads.

We pledge ourselves, our heirs and assigns, to execute a bond in the amount of $200,000.00 as a forfeit in case the above stipulations are not carried out.

We await, with pleasure, the decision of your honorable body.

(Signed) C. H. CLEVELAND,
A. W. LUCAS,
J. L. WEST,
J. H CRAIG,
A. B. PARK,
W. C. RYAN,
ALBERT BRODIE,
FRED LYNDE
R. J. NABORS,
R. L. NABORS,
G. M. JANEWAY,
S. T. MILLER,
W. A. HAMILTON,
R. W. BLAINE,
C. E. STRANGE,
GREEN SPEARGAIN
W. G. PHILLIPS."

The communication was referred to the Committee on Capitol Location.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared Senate Concurrent Resolution No. 6, by Mr. Thomas, find the same correctly engrossed.

E. L. MITCHELL, Chairman.

Dec. 10th, 1910."

On motion of Senator Mitchell the report was adopted.

Senator Allen introduced the following concurrent resolution which was read as follows:

"SENATE CONCURRENT RESOLUTION NO. 7

By ALLEN.

Whereas, The civilized nations of the world, including Great Britain and most of the continental nations, have enacted laws providing compensations for industrial accidents upon a basis of rightful compensation, and changing the basis from that of negligence, and,

Whereas, The Congress of the United States has attempted legislation looking towards this end in providing compensation for injuries received by working men on the Isthmian Canal; and,

Whereas, The various states of the American Union, including New York, Massachusetts, Minnesota, Illinois and Wisconsin, now have commissions provided by their respective state legislatures to investigate the question of compensation of working men for injuries received with the course of duty, and,

Whereas, The statistics of the United States show that the majority of the accidents that happen within the course of employment occur by reason of the dangers incident to employments, and without fault upon the part of either the employer or employe, which under our present system precludes any recovery for such injuries, thereby forcing the employe to bear the pain, physical suffering and financial loss caused thereby; and,

Whereas, Under our present system of laws "originally borrowed from England, but long since discarded by that progressive nation," the injured has no assurance of recovery for

his accident, although he have a meritorious cause of action, and is forced to contribute from one-fourth to one-half of what he does recover for expenses and fees in the litigations necessary to a recovery, and,

Whereas, A very small percentage of the amount which the employer now pays to secucre himself against accidents actually goes to compensate the man who is actually injured, and this goes in such uneven proportions and in such times and amounts as to render very little aid to the injured and those dependent upon him at the time and under the circumstances most needed, thereby causing great economical loss to the employer and to the employe, and,

Whereas, Under our present system of antiquated laws, accidents now generally mean law suits; law suits mean speculation; such speculation means hostility and such ill feeling between the employer and the employe that it leaves both parties in such fear and apprehension that their actual interest can not be best preserved and furthered, and,

Whereas, Under the present system, by reason of the untold thousands of accidents occurring within our State, the public is put to great expense in the administration of its courts, its hospitals, its charitable institutions, and individual citizens are greatly harrassed by its results; therefore be it

Resolved, By the Senate, the House concurring therein, that a joint committee consisting of three members from the Senate and three from the House be appointed for the purpose of investigating the question of industrial accidents and working men's compensation, and to accumulate all available statistics and laws of other states and nations bearing on said subject, and to formulate and to present to the next session of this Legislature such legislation as should be enacted covering this subject."

The resolution was laid over one day under the rules. The Senate took a recess for ten minutes.

The Senate was called to order by the presiding judge.

Senator Dutton arose to a point of personal privilege on account of an article appearing in the Oklahoma City Times.

A message from the House:

"Oklahoma City, December 12th, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform the Honorable Senate that the House has agreed to the Senate Amendments to House Concurrent Resolution No. 10, providing for a Legislative Committee consisting of six members

of the House and six members of the Senate to make arrangements for the inauguration of Governor-Elect Cruce."

Senator Thomas, on behalf of the Capitol Location Committee, reported that the committee was ready to report on the two bills for the location of the permanent capitol and would like to report at ten o'clock tomorrow.

Senator Berkey moved that the Senate adjourn until Tuesday, December the 13th, at 2 P. M.

Senator Vandeventer moved as a substitute that the Senate adjourn until Tuesday, December 13th at 10 A. M.

The question being shall the Senate adjourn until 10 o'clock A. M. instead of 2 P. M. The roll was called, the vote resulting as follows:

Yeas: Messrs. Allen, Anderson, Barefoot, Beeler, Brownlee, Chapman, Denton, Thomas, Vandeventer; total 9.

Nays: Berkey, Coffey, Colville, Cloonan, Dutton, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thompson, Tilghman, Williams, Wynne; total 29.

Absent: Briggs, Echols, Eggerman, Warren; total 4.

Excused: Garrett, Memminger; total 2.

The president declared the motion to adjourn until 10 o'clock lost.

Senator Berkey withdrew his motion to adjourn until 2 o'clock P. M. Tuesday, December 13th, 1910.

Senator Franklin moved that five hundred copies of each of the two bills reported out by the Capitol Location Committee be printed, also the report. Senator Hatchett moved to amend the motion so as to include the proposition presented to the committee by the citizens of Oklahoma. Without objections the amendment was accepted. Vote was taken and the motion was adopted as amended.

Senator Roddie moved that the Senate adjourn until 10 o'clock A. M. Tuesday, December 13th.

Senator Berkey moved as a substitute that the Senate adjourn until Tuesday, December 13th, at 2 P. M. Vote was taken and the substitute was adopted.

The Senate adjourned until Tuesday, December 13th, at 2 P. M.

SENATE JOURNAL

SIXTEENTH DAY'S SESSION

Oklahoma City, Oklahoma, Tuesday, Dec. 13, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by the president, Mr. Bellamy.

The roll was called with the following members present: Allen, Anderson, Barefoot, Beeler, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 41.

Absent: None.

Excused: Denton, Garrett, Memminger; total, 3.

The president declared a quorum present.

Prayer by the chaplain.

The Journal of the Thirteenth Day's Session was approved as corrected.

On motion of Senator Colville, ex-Governor Barnes was requested to address the Senate.

The Senate took a recess for five minutes.

Senate was called to order and resumed business.

On request, Senator Hatchett and Senator Brownlee were relieved from farther duty on the investigation committee, and the president appointed Senators Franklin and Briggs to fill the vacancies.

The president appointed Senators Goulding, Thomas, Williams, McMechan, Newell, Potter, Colville on the committee for the inauguration of the governor-elect.

Senator Thomas submitted the following communication, which was read as follows:

"To the Senate and House of Representatives of the State of Oklahoma:

The Commercial Club and citizens of El Reno, Oklahoma, make you the following proposition for the location of the Capital in city of El Reno:

We will donate to the State Three Hundred (300) Acres, beginning four blocks from the court house square, extending in a body west from said point; also Two Hundred (200) Acres in and adjacent to the city limits, and we will donate Two Hundred Thousand ($200,000.00) Dollars in cash, and will execute a bond in the sum of One Hundred Thousand ($100,000.00) Dollars, to be approved by your bodies, guaranteeing that the Five Hundred Acres referred to above will be platted and sold and will net the State for Capitol purposes, at least the sum of One Million Five Hundred Thousand ($1,500,000.00) Dollars, and we will guarantee that this amount will be realized within two years from the date of the location of the Capital in the city of El Reno.

And in addition to the above, we will furnish a site, consisting of Twenty (20) Acres within the corporate limits of said city of El Reno for the location of the Capitol Building.

Respectfully submitted,

B. W. RILEY, President Commercial Club, El Reno, Okla.
F. E. RICKEY,
HENRY SHAFER,
DICK LYONS,
E. E. BLAKE,
And Fifty Others."

The communication was referred to the Capital Location Committee.

Senator Williams introduced the following Senate resolution:

"SENATE RESOLUTION NO. 10

Whereas, An expense has been incurred to the amount of Five ($5.00) Dollars for Senate supplies purchased from Simon & Mayer; therefore be it

Resolved, By the Senate, that the sum of Five ($5.00) Dollars be allowed against the legislative contingent fund and the

State auditor be and is hereby authorized and directed to issue his warrant against said fund in the sum of Five ($5.00) Dollars in favor of Simon & Mayer.

Senator Williams moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

The president signed the engrossed copy of Senate Resolution No. 10, and the same was ordered transmitted to the House.

Senator Thompson reported on behalf of the Capital Location Committee as follows:

"COMMITTEE REPORT

Oklahoma City, Oklahoma, Dec. 13th, 1910.

Mr. President:

We, your Senate Capital Location Committee, to whom was referred House Bill No. 1 and Senate Bill No. 1, having had said bills and the subject matter therein contained under consideration, beg leave to report back to the Senate as follows, to-wit:

As to the advisability of locating the seat of government and the Capital of this State at Oklahoma City at this time, we are unanimously agreed and beg leave to report that we have considered said bills and have agreed to report said Senate Bill No. 1 back to this Senate with the recommendation that same do not pass; and further, we have agreed to report said House Bill No. 1 back to this Senate with the recommendation when said report is submitted that said bill do pass, as amended by your committee.

With reference to the subject matter contained in said bills, we further recommend that the permanent site for the location of said Capitol building be fixed at this time and in as much as the people are determined that said site be free and the Capitol building to be erected thereon be free, your committee recommends that the Legislature determine upon the said site and the manner and method by which said building is to be erected without cost to the people of the State, before the bill locating the seat of government and permanent Capitol be passed.

We further recommend that the proposition proposing a free Capitol site and a free building to be ereccted thereon, as submitted by O. G. Lee, C. F. Colcord, C. G. Jones and others be accepted, that the Senate, by concurrent resolution, accept said proposition and present same to the honorable House of Repre-

sentatives for their concurrence therein, and to this end, your committee herewith submits such concurrent resolution, proposing an acceptance of said proposition and recommends that said resolution be adopted.

Respectfully submitted,

J. B. THOMPSON, Chairman.

On motion of Senator Thompson the report was adopted.

Senator Thompson introduced the following concurrent resolution which was read as follows:

SENATE CONCURRENT RESOLUTION NO. 8

By SENATE CAPITAL LOCATION COMMITTEE

A RESOLUTION

PROPOSING ON THE PART OF CERTAIN RESIDENTS AND CITIZENS OF OKLAHOMA CITY A FREE SITE FOR THE LOCATION OF THE STATE CAPITOL OF THE STATE OF OKLAHOMA; A FREE SITE FOR THE ERECTION THEREON OF THE EXECUTIVE MANSION; AND THE DONATION OF THE SUM OF ONE MILLION DOLLARS FOR THE ERECTION OF SAID CAPITOL BUILDING; AND PROPOSING ON THE PART OF THE STATE OF OKLAHOMA AN ACCEPTANCE OF SAID FREE SITES FOR SAID STATE CAPITOL BUILDING AND EXECUTIVE MANSION, AND AN ACCEPTANCE OF SAID DONATION IN SAID SUM OF ONE MILLION DOLLARS, AND AUTHORIZING THE GOVERNOR OF OKLAHOMA TO ENTER INTO SUCH CONTRACT OR CONTRACTS WITH SAID CITIZENS AND RESIDENTS OR ANY CORPORATION ORGANIZED BY AND FOR THEM LOOKING TOWARD THE CARRYING INTO EFFECT OF THE TERMS AND PROVISIONS OF SAID PROPOSITION.

Whereas, It is the desire of the State of Oklahoma and the

people thereof, to permanently locate the seat of government and the Capitol of said State; and,

Whereas, It is the desire of said State and the people thereof, to secure, without cost to the people of said State, a free Capitol site and a free Capitol building; and,

Whereas, There has been submitted to the Senate Capital Location Committee, and through said committee, to the Legislature and the State of Oklahoma a proposition proposing a free site for the location thereon of the State Capitol building; a free site for the executive mansion, and the donation of the sum of One Million Dollars for the erection of said State Capitol building, which said proposition is in words and figures as follows, to-wit:

"A PROPOSITION

To the Senate Capital Location Committee and the Legislature of the State of Oklahoma:

We, the undersigned residents and citizens of Oklahoma City, and our associates, hereby submit to the Senate Capital Location Committee, and through said committee to the Legislature and the State of Oklahoma the following proposition for the immediate permanent location of the seat of government, and the State Capitol, at Oklahoma City, in Oklahoma County, Oklahoma.

In consideration of the immediate permanent location of the legal Capital of the State of Oklahoma at Oklahoma City, on a site to be hereinafter described, by the Legislature now in session at Oklahoma City, and the commencement of the work of erecting said State Capitol building on said tract, to be hereinafter described, on, or before the first day of July, 1911, and that said Capitol building shall be prosecuted with due diligence until completed and shall be completed, as provided herein, by July 1st, 1914, saving and excepting, only, unavoidable delays occasioned by strikes, legal complications, unavoidable casualties, acts of God, and the failure of said persons hereinafter mentioned, and their associates, and the trustee hereinafter named, to perform and fulfill the conditions, agreements, and obligations herein proposed and agreed to be done, and the immediate establishment of the seat of government and Capitol of the State at Oklahoma City, in said County and State, we propose to do and cause to be done the following matters and things:

We, the said undersigned citizens and residents and our associates propose and agree to organize a corporation to be

known as THE STATE CAPITOL BUILDING COMPANY (or to be known by some other appropriate name), said corporation to be organized under the laws of the State of Oklahoma and to be incorporated for the sum of One Thousand Dollars ($1,000.00), divided into one hundred shares of Ten Dollars ($10.00) each.

Said Company above mentioned to be incorporated and organized for the purpose of acting as trustee in behalf of said persons above mentioned and their associates, as donors, and the said State of Oklahoma as the donee, as provided herein.

We further agree to make, execute and deliver to the State of Oklahoma a good and sufficient bond in the sum of One Hundred Thousand Dollars ($100,000.00) for the faithful performance of the agreements and obligations mentioned and contained in this said proposition, which said bond to be made, executed and delivered is, in words and figures, as follows, to-wit:

BOND

Know All Men by These Presents:

That the undersigned residents and citizens of Oklahoma City, in the County and State of Oklahoma, do, by these presents, firmly obligate and bind themselves to the State of Oklahoma in the total sum of One Hundred Thousand ($100,000.00) Dollars, subject, however, to the following conditions, to-wit:

1. The State of Oklahoma shall, by and through its Legislature assembled now in extraordinary session, by a legal and constitutional enactment, approved by the governor of Oklahoma, said enactment to be passed at said extraordinary session with the emergency clause, locate the permanent Capitol and seat of government of the State of Oklahoma at Oklahoma City.

2. That the said enactment shall provide that the Capitol buildings and site shall be situated near Lincoln boulevard, between Eighteenth and Twenty-third streets, Oklahoma City, and within the corporate limits of said city.

Provided, however, the obligations hereof shall cease and determine and become null and void and of no effect, if and when any person, firm or corporation shall provide and furnish to the State of Oklahoma a free Capitol site within the location above described, consisting of at least fifteen acres, and a sum of One Million ($1,000,000.00) Dollars to be used in and for the erection and equipment of a Capitol building or buildings and the furnishings thereof; and,

Provided, further, that no one of the signers hereof shall be obligated hereby to pay, in any event, a greater sum than five thousand ($5,000) dollars, by reason of signing this undertaking.

Signed at Oklahoma City this December 12th, 1910.

.....

The said bond to be made, executed, and delivered by not less than thirty (30) acceptable sureties, and as provided herein.

We propose and agree to furnish to the State of Oklahoma, on or before the first day of July, 1911, a free site for the purpose of erecting thereon a State Capitol building, and a free site for the erection thereon of an executive mansion for the said state of Oklahoma, which sites shall not in the aggregate exceed the sum of twenty (20) acres, and which site for the said Capitol building is described as folows, to-wit:

The Capitol building shall center on the one-half section line running north and south between the northeast quarter and the northwest quarter of section twenty-seven (27), township twelve (12) north, range three (3) west of the Indian meridian, otherwise known as the center of Lincoln boulevard at its intersection with the center of Twenty-second street extended east from the right-of-way of the Atchison, Topeka & Santa Fe railway, said Capitol site to consist of fifteen acres surrounding said point in a square form as nearly as possible.

The executive mansion shall be located in the vicinity of said Capitol grounds on a site consisting of one-half block as the surrounding lands are platted, subject to the approval of the Capitol Commission, the same to be free of cost to the State.

The exact dimensions of said site for said Capitol building, and the location of said site for the executive mansion to be hereafter agreed upon by the State Capitol Commission, to be hereafter created, on the part of the State; and by said corporation to be organized as herein provided, on behalf of said persons and their associates, herein mentioned.

And we further agree to secure title to six hundred and fifty (650) acres of land adjacent to or in the immediate vicinity of said proposed State Capitol site location, the title to said six hundred and fifty acres of land so secured to be free and clear of any and all incumbrances of whatsoever nature, and said six hundred and fifty acres, hereinbefore mentioned, less the site for the State Capitol building and the site for the executive mansion, which said sites are to be conveyed to the said State of Okla-

homa, are to be secured and conveyed to the said The State Capitol Building Company, or such company as may be organized, to be by said Company held, managed, and sold, as provided herein, in trust for the said persons hereinbefore mentioned, and their associates, understood to be the donors, and the proceeds from the sale of said lands are to be held in trust for said State of Oklahoma herein mentioned, as the donee under the terms of this proposal and the bond referred to heretofore herein.

The legal title to all property which may be acquired by said corporation by donation for the Capitol fund shall at all times remain in the corporation, but the proceeds from the sale of said lands, after paying the expenses herein provided for, shall be a trust fund in the hands of said company for the benefit of the State for the purpose herein named until said company shall have paid, as provided in its proposal to the State of Oklahoma, the said sum of One Million ($1,000,000.00) Dollars.

We propose and agree to cause and to have said company, to be organized, plat said lands, so secured as hereinbefore provided, into lots, blocks, streets, alleys, boulevards, and parks, as the said corporation, trustee aforesaid, may determine, sell, and cause to be sold, said lands or a sufficient portion thereof, after paying all expenses incident to the platting, grading and selling of said lots and blocks, to make the sum of $1,000,000.00, which said sum of $1,000,000.00 shall be, by said company, paid to the said State of Oklahoma as hereinafter provided, and as follows, to-wit:

A sufficient sum only shall be, by said company, paid to said State to meet the expenses and bills incurred in the erection of said Capitol building as said building progresses; but in no event faster than hereinafter provided, to-wit: The sum of $25,000.00 shall be paid on the 1st day of July, 1911; and on the 1st day of each and every month thereafter, the sum of $25,000.00; and that any sum remaining of the $1,000,000.00 on the 1st day of July, 1914, shall be paid on said date, but it is understood that said trustee shall not be required to pay to said State of Oklahoma moneys faster than the same is used in the construction of said State Capitol building, it being further understood that all moneys furnished said State of Oklahoma, as herein provided, shall be used in the erection of said State Capitol building, and no part of said moneys shall be used for any other purpose whatever.

Provided, further, that in the event the erection of said Capitol building should be enjoined or become involved in litiga-

tion as to the legality of the site or as to the location thereon, then and in that event said trustee, hereinbefore mentioned, shall not be required to make further payments until said matter is finally settled and determined, and provided, further, that in no event shall the said trustee or any of said persons herein mentioned, or their associates designated herein as donors, become liable to any person, persons, firm or corporation, by reason of any contract which said State of Oklahoma may make in reference to the erection of the said State Capitol building. And provided, further, that the Legislature shall by legislative enactment exempt the funds which may come into the hands of the said company from being reached by legal process or suits of any kind or character, except such suits as the State may maintain for the protection or recovery of such fund, and neither said company nor these proposers shall be liable to suits of any kind or character regarding such fund by any person, persons, firms, company or corporation except by the State as aforesaid for the protection or reccovery thereof.

We propose and agree to have said company, to be organized as herein provided, hold said 650 acres of land as trustee, as aforesaid, and to have said company absolutely and solely control the sale and management of said real estate, and other estates, donations, and contributions that may be acquired by said company, and to have said company pay to said State of Oklahoma the said sum of One Million Dollars, as provided herein, provided that immediately upon receiving the final payment of said sum of One Million Dollars, as herein provided, the governor of the State of Oklahoma shall execute a formal release of all the persons signing this proposal and bond and release said company, and acknowledging full payment of all of the sums provided for herein, and the performance of all matters offered herein to be performed, duly attested by the secretary of state, and acknowledged in the form provided by law for the acknowledging of deeds of conveyances.

We further agree to permit said State of Oklahoma, through any duly authorized agent or representative, to have free and unrestricted access to any and all books, plats, and records of said company, to be organized, and said agent or representative shall have authority to examine and check up all books, vouchers, papers, and records of every kind pertaining to the management and sale of said real estate and other trust holdings and shall furnish to said State of Oklahoma, through its duly appointed and authorized agent, a statement of moneys expended and obligations incurred with reference to the holding and manage-

ment of said trust whenever requested so to do by said State of Oklahoma once every three months, and the same right and privilege herein agreed to be given said State of Oklahoma relative to said company is to be granted by said State of Oklahoma to said company with reference to any and all vouchers, books, records, contracts, papers, and any and all matters pertaining to the erection of said State Capitol building and the expenditure of said sum of One Million Dollars herein proposed and agree to be donated to said State of Oklahoma for the erection of said State Capitol building, and the State is to make reports to the company when requested, but not oftener than every three months.

We propose and agree immediately upon the passage and approval of said Bill locating said State Capitol and seat of government at Oklahoma City, Oklahoma, on said tract herein described, to have said company, in behalf of said donors, make and enter into a contract with C. N. Haskell, governor of Oklahoma, in behalf of said State of Oklahoma, which contract shall contain and set forth substantially the provisions herein set out and proposed for the purpose of carrying out and performing the terms and conditions herein agreed to be done and performed, and for which said bond hereinbefore set out is given to insure.

We further propose that the treasurer of said corporation shall be required to give bond in the sum of One Hundred Thousand ($100,000.00) Dollars for the faithful performance of the duties of his office and shall pay out no moneys except upon the written order of the president and secretary of the company.

We further propose that the persons who sign this instrument will also sign the bond to the State of Oklahoma, a copy of which is given above, and that they will also become stockholders of the corporation.

It is further understood that the signers of this proposal shall not be personally, jointly, or severally liable in any circumstances other than the liability stated in the bond to the State of Oklahoma for One Hundred Thousand ($100,000.00) Dollars, and a copy of which is given above in the proposal.

After said sites shall have been furnished for the Capitol building and executive mansion, and the One Million Dollars, provided for herein, paid to the state, and expense of the corporation paid then and in that event any moneys or properties held by the said corporation provided for herein shall be held by it for the use and benefit of all those making donations for said purpose.

This proposition has been executed in duplicate, one copy is hereby delivered to the Senate Capital Location Committee for

the use and benefit of the Legislature and said State of Oklahoma, and one copy is retained by said proposers hereof, for the use and benefit of said proposers and said company to be organized, as provided herein.

Witness our names this 12th day of December, A. D. 1910.

C. F. COLCORD,
C. G. JONES,
H. OVERHOLSER,
J. J. CULBERTSON,
MARY J. McMECHAN,
JOHN THREADGILL,
A. C. ENOCHS,
S. C. HEYMAN,
JOSEPH HUCKINS, Jr.,
C. A. McNABB,
W. F. HARN,
O. B. KEE,
F. P. JOHNSON,
LEON LEVY,
J. L. FRANCIS,
C. F. WOODWARD,
ED S. VAUGHT,
E. E. WESTERVELT,
WILL H. CLARK,
ORVEL J. JOHNSON,
FRANKLIN L. GAST,
C. P. PHELPS,
W. A. KNOTT,
J. L. PATRICK,
K. W. DAWSON,
O. H. MITSCHER,
A. F. BINNS,
O. G. LEE,
JOHN F. WINANS,
E. F. SPARROW,
SIDNEY L. BROCK,

Therefore, Be It Resolved, By the Senate, the House of Representatives concurring therein, That said proposition be and the same is hereby accepted on behalf of the State of Oklahoma; and be it further

Resolved, That the governor of the State of Oklahoma be, and he is hereby authorized and directed to enter into any con-

tract or contracts, on behalf of the State of Oklahoma, for the purpose of carrying into effect the terms and conditions of said proposition.

Senator Roddie moved that the resolution be laid over one day under the rules.

Senator Williams moved as a substitute that the rules be suspended and the resolution taken up.

The question being, shall the rules be suspended, the roll was called, the vote resulting as follows:

Yeas: Anderson, Barefoot, Beeler, Briggs, Brownlee, Chapman, Cloonan, Coffey, Colville, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 38.

Nays: Berkey, Roddie; total, 2.

Absent: Allen; total, 1.

Excused: Memminger, Denton, Garrett; total, 3.

The president declared the rules suspended.

Senator Goulding moved that the resolution be read and considered section by section.

Senator Roddie moved as a substitute that the resolution be laid over till the next legislative day.

After discussion by Senators Coffey, Vandeventer, Harlin, Franklin, Goulding, Thomas, Stewart, Sorrells, Hatchett, Brownlee, the question being, shall the substitute prevail, the roll was called, the vote resulting as follows:

Yeas: Allen, Berkey, Briggs, Brownlee, Chapman, Cloonan, Dutton, Echols, Eggerman, Goulding, Graham, Hatchett, Harlin, Kendrick, Landrum, McMechan, McCully, Newell, Roddie, Tilghman; total, 20.

Nays: Anderson, Barefoot, Beeler, Coffey, Colville, Franklin, Jones, Langston, Mitchell, Potter, Redwine, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 20.

Absent: Horton; total, 1.

Excused: Denton, Garrett, Memminger; total, 3.

The vote being a tie, the president voted in favor of the substitute, and declared the resolution laid over till next legislative day.

A message from the House:

"Oklahoma City, Oklahoma, Dec. 13, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body House Concurrent Resolution No. 13, by Mr. Emmanuel, an act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, which has been passed by the House this day and signed by the speaker in open session."

House Concurrent Resolution No. 13 was read as follows:

"HOUSE CONCURRENT RESOLUTION NO. 13

By EMMANUEL

Whereas, Under the provisions of an Act of Congress of the United States, entitled 'An Act to Ratify and Confirm an Agreement with the Choctaw and Chickasaw Tribes of Indians, and for Other Purposes,' approved July 1st, 1902, whereby certain lands in the Chickasaw Nation were reserved from allotment and provisions made for the payment to the Indian tribes therefor by the United States government at the rate of Twenty Dollars per acre and which said land having been reserved, maintained and used as a pleasure resort, commonly known as the 'Platt National Park,' situated in Murray County; and

Whereas, It is expressed in said Act of Congress that it is the intention that the land so reserved from allotment shall in the future be conveyed by the United States government to such Territorial or State organization as might exist when such conveyance was made; and

Whereas, The secretary of the interior has construed said last named provision in said Act as casting a cloud on the title of the United States government to said lands, and has recommended that no appropriation be made for said lands as a pleasure resort by reason of the cloud on the title thereto; now, therefore, be it

Resolved, By the House of Representatives, the Senate concurring therein, that the said State disclaim any right, title or interest in and to the lands aforementioned, the same being lands

now embraced in what is known as 'Platt National Park' adjoining the city of Sulphur, in said Murray County; and be it further

Resolved, That the Congress of the United States is requested and memorialized to make a suitable appropriation to maintain, preserve, protect and care for said lands for the purpose of a public pleasure resort as it is heretofore done."

The resolution was laid over one day under the rules.

On motion of Senator Roddie, the Senate adjourned until Wednesday, December 14th, at 9:00 a. m.

SENATE JOURNAL

SEVENTEENTH DAY'S SESSION.

Oklahoma City, Okla., Wednesday, Dec. 14th, 1910.

The Senate met at 9:00 a. m., pursuant to adjournment.

Called to order by President Pro Tempore Mr. Thomas.

The roll was called, the following members being present: Allen, Anderson, Barefoot, Berkey, Briggs, Chapman, Coffey, Colville, Cloonan, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 36.

Absent: Beeler, Dutton, Denton, Horton, Potter; total, 5.

Excused: Brownlee, Garrett, Memminger; total, 3.

The president anounced a quorum present.

Prayer by the Chaplain.

Senator Goulding renewed his motion to take up Senate Concurrent Resolution No. 8 paragraph by paragraph, and section by section.

Senator Roddie offered the following substitute for Senate Concurrent Resolution No. 8, which was read as follows:

"SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 8
By SENATOR RODDIE
A RESOLUTION

PROVIDING FOR THE ACCEPTANCE BY THE STATE OF OKLAHOMA OF A PROPOSITION MADE AND TENDERED TO THE STATE OF OKLAHOMA THROUGH ITS GOVERNOR AND STATE CAPITOL COMMISSION ON THE TWENTY-THIRD DAY OF AUGUST, 1910, DONATING A FREE SITE FOR THE

LOCATION OF THE STATE CAPITOL OF THE STATE OF OKLAHOMA AND THE DONATION OF THE SUM OF ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS FOR THE ERECTION OF THE STATE CAPITOL BUILDING OR BUILDINGS AND THE EXECUTIVE MANSION AND THE FURNISHING AND EQUIPMENT OF SAID STATE CAPITOL BUILDING OR BUILDINGS AND THE EXPENSES OF THE STATE CAPITOL COMMISSION, INCLUDING SALARIES, AND ALL INCIDENTAL EXPENSES AND THE REMOVAL OF THE OFFICES, RECORDS AND PROPERTY OF THE STATE FROM THE FORMER CAPITAL AT GUTHRIE, AND AUTHORIZING THE GOVERNOR OF OKLAHOMA TO ENTER INTO CONTRACT WITH SAID CITIZENS AND CORPORATION MAKING SUCH PROPOSITION AND DONATION, AS SHALL PROPERLY SECURE SAID DONATION TO THE STATE OF OKLAHOMA AND CARRY INTO EFFECT THE TERMS AND PROVISIONS OF SAID PROPOSITION AND THE CONTRACTS AND AGREEMENTS EMBODIED THEREIN.

Whereas, It is the desire of the State of Oklahoma and the people thereof, to permanently locate the seat of government and the Capitol of said State; and,

Whereas, It is the desire of the State and the desire of the people thereof, as expressed in special election, held June 11, 1910, to secure, without cost to the people of said State, a free Capitol site and free Capitol building or buildings to cost not less than One Million Five Hundred Thousand Dollars; and,

Whereas, There was submitted to the State of Oklahoma, through its governor, and State Capitol Commission, by I. M. Putnam, L. L. Land, and Homer Eiler, and the State House Development Company, a corporation, a proposition offering a free site of eighty acres, for the location thereon of the State

Capitol building or buildings and the executive mansion, and the donation of the sum of One Million Seven Hundred Thousand Dollars, and the conveyance to the State of Oklahoma of a tract of land, aggregating sixteen hundred acres lying in a contiguous and compact body adjacent to Oklahoma City for said State Capitol purposes, for the construction and erection of said State Capitol building or buildings and executive mansion and the furnishing and equipment thereof of said State Capitol building or buildings and the expenses of the State Capitol Commission, including salaries and all incidental expenses, and the removal of the offices, records and property of the State from the former Capital at Guthrie, which proposition has been renewed and extended to the twentieth day of December, 1910, which said proposition is in words and figures as follows, to-wit:

'*Whereas,* State House Development Company has caused to be presented to the governor and State Capitol Commission of the State of Oklahoma a certain written proposal respecting the conveyance to the State of Oklahoma of certain lands therein described, for State Capitol purposes, a copy of which proposal is hereto attached, made a part hereof, and marked, for identification Exhibit A; and,

Whereas, The State Capitol Commission, with the approval of the governor, has, by unanimous vote, accepted the said written proposal, and designated and appropriated the land therein described for Capitol purposes, and has, by an order unanimously adopted and recorded at length in the records of its proceedings, located the Capitol of the State of Oklahoma on the Northwest Quarter of the Southeast Quarter of Section Fifteen, Township Twelve North, Range Four West of the Indian Meridian, in Oklahoma County, said quarter section being within two and one-half miles of the city of Oklahoma City; and,

Whereas, The State Capitol Commission, with the approval of the governor, has by its order, unanimously adopted and recorded at length in the records of its proceedings, directed said commission on behalf of the State of Oklahoma, and with the approval of the governor, to make and enter into this identical contract and agreement; now, therefore,

Know All Men by These Presents: That the State of Oklahoma, acting by and through the State Capitol Commission of the said State, with the consent and approval of the governor thereof, does hereby make and enter into the following contract with Statehouse Development Company, an Oklahoma corporation, the parties hereto, in consideration of the premises, and

each in consideration of the premises and agreement of the other, agreeing as follows:

First. Statehouse Development Company agrees to pay the purchase money due on Tract Two, Seventeen and Eighteen described in Exhibit A, according to said description, respectively; and agrees, when demanded, to pay off and cause to be released of record the mortgage referred to in the description of Tract Eight in Exhibit A, the amount due on said four tracts aggregating the sum of One Hundred Thousand Dollars, and agrees to furnish to said Capitol Commission for preliminary work of construction of the Capitol, for platting, laying out and marketing the lands described in Exhibit A, for providing temporary quarters and accommodations for State officers and all expense of removal of State offices and property from Guthrie, and for other uses of the Commission, including salaries and expenses, the sum of One Hundred Thousand Dollars when demanded, not however, exceeding the sum of Twenty Thousand Dollars in any one month.

Second. The State of Oklahoma, by and through the State Capitol Commission, agrees to sell and does hereby sell and agree to convey to Statehouse Development Company the residue of all lands described in said Exhibit A left and remaining after a suitable site and other grounds, not to exceed eighty acres, has been selecteed and reserved for building purposes and grounds, and after a sufficient part thereof has been sold or disposed of by the said Commission to aggregate the net sum of One Million Six Hundred Thousand Dollars, after deducting from sales the cost and commissions for selling same. But nothing herein shall prevent said Commission from continuing the sale of said land until the entire amount is sold, if, in the judgment of said Commission and said Statehouse Development Company, it would be to the best interest of all parties for the Commission to continue such sale. But it is understood and agreed that the excess of the sales, contracts, notes or money shall be paid over and delivered to said Statehouse Development Company after said sum of One Million Six Hundred Thousand Dollars, less the cost and expense of sale shall have been realized.

Third. The full intent and purpose of the foregoing contract is that the State of Oklahoma shall have:

(a) One Million Five Hundred Thousand Dollars in cash for the erection of the State Capitol building or buildings;

(b) One Hundred Fifty Thousand Dollars for furniture, equipment and ground improvements;

(c) Forty Thousand Dollars for expenses of the Commission, including salaries and all incidental expenses, and the residue thereof for additional improvements of the Capitol grounds, and addition;

(d) Ten Thousand Dollars to defray all expense of every character that the State officers may incur in the removal of their offices and State property from the former Capital at Guthrie, and the residue thereof, if any, to be added to the above mentioned fund for the improvement of Capitol grounds and addition, to the end that the people of the State of Oklahoma shall have Capitol grounds and buildings equipped, furnished and ready for the use of the State without any cost whatever to the taxpayers of the State, and for the insurance of this result is, first, the One Hundred Thousand Dollars in cash hereinbefore provided, and second, the proceeds resulting from the platting and sale of said several tracts of land described in Exhibit A, aggregating Sixteen Hundred acres.

Signed, sealed and delivered this 23rd day of August, 1910, at Oklahoma City.

THE STATE OF OKLAHOMA,
By STATE CAPITOL COMMISSION,
By TATE BRADY, Its Chairman.
TATE BRADY,
BOONE WILLIAMS,
LEO E. BENNETT,
The Members of the State Capitol Commission of the State of Oklahoma.

Approved:
C. N. HASKELL,
Governor of the State of Oklahoma.

STATE HOUSE DEVELOPMENT COMPANY,
By JOHN W. SHARTEL, Its President.

Attest:
MILTON BRYAN, Its Secretary.

To the Honorable Governor and Capitol Commission of the State of Oklahoma:

The undersigned, I. M. Putnam, L. L. Land, and Homer Eiler, herewith tender you, subject to the location of the Capitol of the State of Oklahoma on the Northwest Quarter of the

Southeast Quarter of Section Fifteen, Township Twelve North, Range Four West of the Indian Meridian, for and in consideration of one dollar, the following described real property, all of which is situated in Township Twelve North, Range Four West of the Indian Meridian, in Oklahoma County, State of Oklahoma, to-wit:

Tract One.

The South Ninety-four acres, being a strip ninety-four rods in width, off the South side of the Southeast Quarter of Section Ten, containing Ninety-four (94) acres. The title to this tract is to be free and clear of all incumbrances except a mortgage to Woodvine Smith for Fifteen Thousand ($15,000.00) Dollars, which Mr. Putnam personally undertakes and obligates himself to pay, discharge and satisfy within ninety (90) days or as needed and required.

Tract Two.

The North-east Quarter of Section Fifteen, containing One Hundred Sixty (160) acres. This tract is to be conveyed to the State of Oklahoma in fee simple, free and clear of all incumbrances except a balance of Twelve Thousand ($12,000.00) Dollars on purchase price, payable to John P. Mikesha, and Anna Mikesha, which Statehouse Development Company will pay, discharge and satisfy of record as demanded. Pending litigation involving this tract will be assumed and settled by Mr. Putnam.

Tract Three.

All the lots and blocks shown by the recorded plat in that part of Putnam City Addition to Oklahoma City located within the East One-half and the Northwest Quarter of the Southeast Quarter of Section Fifteen, except the following lots in said Putnam City Addition which have been heretofore sold and disposed of, to-wit: Lots One, Two, Four and Five in Block Nine; Lots One, Two and Four in Block Twenty-one; Lots Seventeen and Eighteen in Block Thirty-seven; Lots One to Twelve inclusive in Block Fifty-six; Lots One to Twenty inclusive in Block Fifty-seven; Lots One to Twenty-two inclusive in Block Fifty-eight; and Lots One to Twenty inclusive in Block Sixty-nine. This tract to be conveyed to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Four.

The South-west Quarter and the West One-half of the South-east Quarter of the Northwest quarter of Section Four-

teen, containing Sixty (60) acres, to be conveyed at once to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Five.

The Southwest Quarter of Section Fourteen, containing One Hundred Sixty (160) acres, to be conveyed at once to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Six.

The Northwest Quarter of Section Twenty-three, except ten (10) acres in a square form out of the Northeast corner thereof, containing One Hundred Fifty (150) acres, to be conveyed at once to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Seven.

All of the North One-half and the East Fifty (50) acres of the South One-half of the North-east Quarter of Section Twenty-two, containing One Hundred Thirty (130) acres, to be conveyed at once to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Eight.

The West One-half of the Southwest Quarter of Section Twenty-three, containing Eighty (80) acres, to be conveyed to the State of Oklahoma in fee simple, free and clear of all incumbrances, except Twenty Thousand ($20,000.00) Dollars to R. D. Neal, which Statehouse Development Company will pay, discharge and satisfy as demanded.

Tract Nine.

The East One-half of the Southeast Quarter of Section Twenty-two, containing Eighty (80) acres, to be conveyed to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Ten.

The Southeast Quarter of the Northeast Quarter of Section Twenty-seven, containing Forty (40) acres, to be conveyed to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Eleven.

All of Block Fifty-one, Fifty-two, Fifty-three, Fifty-four, Sixty-three, Sixty-four, Sixty-five and Sixty-six of Forest Hill Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof, to be conveyed to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Twelve.

The Southwest Quarter of Section Twenty-six, containing One Hundred Sixty (160) acres, to be conveyed to the State of Oklahoma in fee simple, subject to a mortgage for Twenty-one Thousand ($21,000.00) Dollars, which Messrs. L. L. Land and L. D. Knight will personally obligate themselves to pay off and discharge within ninety days, or as needed and required.

Tract Thirteen.

Twenty (20) acres off the West side of the Southeast Quarter of Section Twenty-six, subject to a mortgage on same for Twenty-five Hundred ($2,500.00) Dollars, which Messrs. Sol Barth and Mose Meyers will personally obligate themselves to pay off and discharge within ninety days or as needed and required.

Tract Fourteen.

All of the Northwest Quarter of Section Twenty-six, except Twenty-three and Six-tenths (23 6-10) acres out of the Northeast corner of said Quarter Section, bounded as follows: On the North by the North line of said Section; on the East by the East line of said Section; on the South by the Center line of Linwood Boulevard extended, and extending West Six Hundred Sixty (660) feet. The above tract containing One Hundred Thirty-six and Four-tenths acres, and is to be conveyed to the State of Oklahoma at once free, clear and discharged of all incumbrances except a purchase money contract on which there is now owing Seventeen Thousand ($17,000.00) Dollars, and which will be paid off within ninety days or as needed and required by you, and for the payment of this amount the Classen Company of Oklahoma City will stand personally obligated.

Tract Fifteen.

The Southwest Quarter of the Northeast Quarter and the West One-half of the Southeast Quarter of the Northeast Quar-

ter of Section Twenty-three, containing Sixty (60) acres, this tract to be conveyed in fee simple to the State of Oklahoma, free and clear of all incumbrances.

Tract Sixteen.

The North One-half of the Northeast Quarter of the Southeast Quarter of Section Twenty-three, containing Twenty (20) acres, which will be conveyed to the State of Oklahoma in fee simple, free and clear of all incumbrances.

Tract Seventeen.

All of Blocks Thirty-nine, Forty, Forty-one, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, Fifty-five, Fifty-six, Fifty-eight, Fifty-nine, Sixty-one and Sixty-two of Forest Hill Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof, which now stand on contract on which there is due Twenty-eight Thousand ($28,000.00) Dollars. The payment of this purchase money will devolve upon and be assumed by the Statehouse Development Company, which will procure the delivery of deed conveying the same to the State of Oklahoma in fee simple.

Tract Eighteen.

The Northeast Quarter of the North-east Quarter of Section Twenty-seven, containing Forty (40) acres, which now stands on purchase contract on which there is now due Forty Thousand ($40,000.00) Dollars. The payment of this purchase money and the delivery of a perfect title to the State of Oklahoma will devolve upon and be assumed by the Statehouse Development Company.

Provided, however, that out and from those of the above described eighteen tracts through which the same may run, there is reserved a strip of ground One Hundred (100) Feet in width owned and to be owned by Oklahoma Railway Company along and over which said Company proposes to construct its line of electric railway as hereinafter more particularly appears, together with an easement of lateral support in the twenty-five feet parking on each side of the said one hundred foot strip; and, provided, further, that out of and from Tract Fourteen above described there is reserved a strip of ground Forty (40) Feet in width in the middle of Linwood Boulevard, extended, owned by said Oklahoma Railway Company, the said strip extending West in the middle of said Linwood Boulevard, extended, a dis-

tance of one mile from the West line of Linwood Addition to Oklahoma City.

The above referred to corporation, viz., Statehouse Development Company, will be organized by ourselves and our associates and will have a capital stock of two hundred thousand ($200,000.00) dollars, all of which has been subscribed by responsible parties. The Company will be organized under the laws of the State of Oklahoma, with power to buy, acquire, sell, trade and deal in real property and estate located in incorporated cities and towns, and as additions thereto, and will enter into a contract with the State Capitol Commission, to be approved by the governor, agreeing to purchase and purchasing the residue of all lands so donated after a suitable site, not to exceed eighty (80) acres, has been selected and reserved for building purposes and grounds, and after a sufficient part thereof has been sold or disposed of by the State Capitol Commission of Oklahoma to aggregate the net sum of One Million Six Hundred Thousand Dollars ($1,600,000.00) after deducting from such sales the cost and commissions for selling the same, and for such contingent residue said company will pay the sum of Two Hundred Thousand ($200,000.00) Dollars, One Hundred Thousand ($100,000.00) Dollars of said sum to be used in defraying and paying purchase money on above described Tracts Two, Seventeen and Eighteen, as aforesaid, and in procuring the discharge of mortgage referred to in the above description of Tract Eight, and One Hundred Thousand ($100,000.00) Dollars of said sum to be furnished to the State Capitol Commission for the preliminary work of construction of the Capitol, laying out, platting and marketing said lands, providing temporary accommodations for State officers, and for other uses of the Commission, but not to be provided at a rate exceeding Twenty Thousand ($20,000.00) Dollars per month.

Deeds and conveyances shall be made for the eighteen tracts above described, either singly or in groups according to the owners, and shall be subject to the approval of the counsel for the Commission, together with abstracts showing the title to conform to the schedule hereinbefore contained. And the said deeds shall be deposited with the Central Reserve Bank of Oklahoma City, to be by it delivered to the State Capitol Commission whenever Messrs. W. A. Ledbetter, Henry G. Snyder and Milton Bryan shall certify to the said depository that the said State Capitol Commission has been duly and legally appointed, regularly organized, and that it has formally accepted the terms of this proposition and has made an order locating the Capitol of

the State of Oklahoma on the site specified herein, and that the location of the permanent Capitol of the State of Oklahoma at or near Oklahoma City has been upheld by the Supreme Court of the State of Oklahoma as being effective either instanter or after Nineteen Hundred Thirteen, A. D. Previous to the delivery of said deeds from the hands of the said depository as aforesaid, the said Commission shall be entitled to go into immediate possession of all the lands specified insofar as may be necessary in surveying and platting the same and doing any and all preliminary work which can be accomplished to hasten the progress of this work previous to the final adjudication in the Supreme Court of the State of Oklahoma of the legality of the action of the people of the State of Oklahoma in locating the said Capital of Oklahoma City either instanter or after Nineteen Hundred Thirteen, A. D.; and pending such litigation, releases of mortgages outstanding on the property above scheduled, which would in any way tend to prejudice the holder should the final ruling of the court be adverse to the location of the Capital at Oklahoma City, as aforesaid, shall be executed and placed in escrow along with said deeds under like conditions only. This offer and each of the donations above set forth are made subject to the condition that the State Capitol Commission shall at all times hold subject to its direct supervision and control all moneys realized from the sale of said eighteen tracts of land and each and every parcel thereof, so that it shall not be necessary for the Legislature of the State of Oklahoma to authorize the payment or use of any of said money before the same may be used by said Capitol Commission to carry out the purpose of said offer and donations or the contract between said Statehouse Development Company and said Commission.

This offer is made subject to the further condition that the said State Capitol Commission make and enter into an agreement with Oklahoma Railway Company embodying substantially the following terms and conditions, to-wit:

That.....Oklahoma Railway Company build a line of railway from Fortieth Street in Putnam City Addition southward and on a center Six Hundred Sixty (660) Feet East of the centers of Sections Fifteen and Twenty-two, above described, to the north line of the Southeast Quarter of Section Twenty-two above described; thence southeastwardly on a tangent and through the Southeast corner of the Southeast Quarter of said Section Twenty-two, and through and over Section Twenty-six to the Junction line with Thirteenth Street; thence Eastwardly along Thirteenth Street to the intersection with Linwood Boule-

vard; thence Southeastwardly to Tenth Street; thence East along the line of Tenth Street to about Lin Avenue; thence Southeast and parallel with the Rock Island railway to a junction with Linwood Boulevard and Virginia Avenue; or connecting with the junction of Linwood Boulevard and Thirteenth Street on route last described; thence in a Southeastwardly direction and crossing the Rock Island railway and North Canadian river and forming intersection with Main Street; or continuing Southeastwardly and forming intersection with Noble Avenue—or both—commencing at said Fortieth Street a Boulevard three hundred feet wide and extending to said junction of said tract with Thirteenth Street will be laid out, the middle one hundred feet of which Boulevard will be the right of way, above described, of the Oklahoma Railway Company. On each side of this right-of-way there shall be appropriated for parking a strip twenty-five feet in width, which strip shall be planted and cultivated by said Railway Company for a period of five years, after which the same shall be turned over to the Park Commission, or Department of Parks, of Oklahoma City, to which same shall be dedicated for park purposes, the Oklahoma Railway Company retaining no other interest therein than an easement of lateral support for its right of way, and the right to cross the same with inclined tracks, and the right to lay sidewalks across the same leading to and from station platforms and passenger landings, and the right to put in tracks to ascend or descend [illegible] from its high speed line, hereafter described, to or from connecting surface lines along the sides of its right of way as may be needed or required in the future in the formation of junction * * * * * On its right of way, with right of subjacent and lateral support upon said strips of parking, said Company to have the right to erect its road-bed at an average height of about seven feet, or less if found practicable, above the natural surface of the ground, except at crossings, draws and short depressions when the ground level should be ignored. * * * * Openings for intersecting streets under the tracks of the Company with center head room of eleven to twelve feet according to form of arch, shall be left and bridged approximately as follows:

Thirty-sixth street 1400 feet South of last on center line;
then 1200 feet South of last on center line;
then 1700 feet South of last on center line;
then 1900 feet South of last on center line;
then 1600 feet South of last on center line;
then 1300 feet South of last on center line
then 1500 feet South of last on center line.

Openings to be at least fifty feet wide from pier to pier and at least on concrete sidewalk; openings with eight feet of head room left between each street opening and no other streets, ways or highways to cross said railway, except as shown. The permanent plans for said railway and said bridges shall be submitted to and approved by said Capitol Commission. Said railway company to pave all intersecting streets, across the one hundred fifty foot strip comprising its right of way and said two strips of parking, and through and under its bridges, but to be under no obligation whatever to pave or bear any part of the expense of paving roadway or boulevard in the middle of which its said right of way lies. Said company will, as expeditiously as possible, construct a single track line from the end of the present Linwood line to said principal boulevard leading to the Capitol, and will have the same completed and in operation within thirty working days after the final adjudication on the Capitol location mentioned in this proposition. It will also excavate the roadway and parking on the East side of said principal boulevard and construct its two track fill from Linwood Boulevard to Fortieth Street, using the material so taken out to construct such fill, and will lay and construct at least one line of track thereon, using wooden trestles at street crossings, within four months from such final decision—barring accidents, strikes, or prolonged stromy or wet weather. It will also, whenever the Commission requires the West roadway for permanent paving, grade the same and complete the said four track fill with reasonable speed and shall likewise, whenever paving shall be ordered on that part of said principal boulevard from Linwood Boulevard Southeastwardly, grade its said roadbed and excavate said streets to the plans and grade prepared and approved, as aforesaid, and pave the intersecting streets whether occupied with tracks or not. The company will provide a service from said State Capitol to its Terminal building in Oklahoma City in twenty minutes running time, and will provide other tracks, bridges, high speed tracks, and other facilities, as needed in the fact of the growth and development of the communities served, to continue to maintain such running time, barring accidents, strikes or other causes beyond its control, and it is to be understood that between the beginning point of said high-speed line within about a mile of the business center of Oklahoma City to the said State Capitol, the said company will, as needed, elevate or depress its tracks from time to time as may be needed to maintain the time limit, above specified, or better time, so as to eliminate street crossings, and run non-stop cars from the center of Oklahoma City to said

State Capitol. Said railway company, in its ordinary street railway service, to furnish such transportation for passengers at the rate of five cents per passenger, reserving the right to charge a reasonable rate in excess of five cents for special services and accommodations in the nature of parlor cars or observation cars, if put in operation, between said business district of Oklahoma City and said State Capitol in connection with its interurban business. Said proposed line to be operated electrically but said company may use or permit the use by others of gasoline motor cars or gasoline electric motor cars and may during construction or by reason of accidents or breakdowns or other unavoidable casualty, when necessary, use steam as an auxiliary for operating power.

The above proposal and tender made and offered at Oklahoma City, Oklahoma, this 23rd day of August, 1910.

I. M. PUTNAM,
L. L. LAND,
HOMER EILER.

BOND

Know All Men by These Presents:

That we, whose names are hereunto subscribed, are held and firmly bound unto the State of Oklahoma in the sum of Five Hundred Thousand Dollars ($500,000.00), for which payment well and truly to be made, we do bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; provided, that our several liabilities shall be limited to the amounts hereinafter enumerated and set opposite our individual names, respectively.

Whereas, The above-bounden, I. M. Putnam, and his associates, L. L. Land and Homer Eiler, have heretofore, to-wit: on the twenty-third day of August, 1910, made a certain proposition to the governor and the State Capitol Commission of Oklahoma, and by them accepted, to donate to the State of Oklahoma, for the purpose of furnishing a site and paying the costs and expenses of the construction thereon of the permanent Capitol building of the State, the proceeds of the sale of certain tracts of land therein described, situate in Oklahoma County, or so much thereof as might be necessary to produce the sum of One Million Six Hundred Thousand Dollars ($1,600,000.00), together with expenses incident thereto; and,

Whereas, Said proposition was backed by a corporation formed by the said I. M. Putnam and his associates therein,

known as the Statehouse Development Company, with a fully subscribed capital of Two Hundred Thousand Dollars ($200,000.00), in the amount of One Hundred Thousand Dollars ($100,000.00) in cash;

Now, Therefore, The condition of this obligation is such that if the said proposition shall be accepted by the State of Oklahoma and the said tract of land containing Sixteen Hundred (1600) acres, surveyed and known as the State Capitol Addition to Oklahoma City, shall sell for, yield, produce, and net to the State of Oklahoma, for the purpose of constructing the permanent Capitol building of the State on the site designated in said proposition, a sum of money aggregating not less than One Million Six Hundred Thousand Dollars ($1,600,000.00), in excess of the necessary costs and expenses of surveying, platting, advertising, and selling said land, or so much thereof as shall be necessary to produce and yield said sum of money, or any deficit thereof shall be paid, then this obligation to be void and of no effect; otherwise to remain in full force and effect.

Witness our hands and seals this the 12th day of December, A. D. 1910.

I. M. Putnam	$100,000.00
Queen City Development Co.	75,000.00
Euclid Place Development Co.	25,000.00
Margaret McKinley	100,000.00
E. Hammond Jones	25,000.00
M. F. Owens	25,000.00
Bob Putnam	25,000.00
P. F. Petersen	20,000.00
J. M. Postelle	25,000.00
W. H. Phillips	20,000.00
Gertrude Chaffee	25,000.00
B. E. Day	50,000.00
J. H. Earp	25,000.00
W. T. De Van	5,000.00
H. S. Clarke	5,000.00
W. N. Shellenberger	10,000.00
Morey & Cummings	10,000.00
S. L. Denniston	5,000.00
H. A. Severin	25,000.00
J. H. Highley (land)	

W. T. S. Hunt	5,000.00
Joe Morris	10,000.00
G. Montgomery	5,000.00
R. R. Montgomery	5,000.00
O. E. Cheesman	5,000.00
W. E. Hodges	5,000.00
J. H. McMullen	5,000.00
H. A. Rogers	5,000.00
The Brayton Inv. Co.	5,000.00
A. N. Richards	2,500.00
J. F. McGill	2,500.00
C. H. Tyler	2,500.00
R. E. L. Hitt	5,000.00
P. R. Mattocks	2,500.00
Atoka Development Co.	2,500.00
Springdale Co.	2,500.00
B. D. Kimmell	1,000.00
Dunn & Alexander	10,000.00
S. B. Finley	5,000.00
Mattie M. Mallory	10,000.00
A. Lester Broadwater	5,000.00
W. W. Shipp	5,000.00
T. J. Cannon Co.	5,000.00
J. M. Hathaway	5,000.00
L. Stinchcomb	1,000.00
Dudley Ellis	1,000.00
S. C. Hoover	1,000.00
M. E. Highley	1,000.00
E. B. King	1,000.00
M. E. Stinson	20,000.00
Ina B. Hatfield	25,000.00
Chas. B. Chapman	1,000.00
Della Limerick	5,000.00
Hozappel & Curnutt	25,000.00
Ella K. Hackett	5,000.00
Mrs. M. A. Chapman	5,000.00
Louise Corder	2,500.00

W. C. Brady	5,000.00
J. D. Middleton	5,000.00
Will M. Clapper	5,000.00
Mrs. S. J. Baker	5,000.00
Sam Hand	1,000.00
C. F. Crane	1,000.00
Moore & McClure	10,000.00
J. T. Evans	5,000.00
R. E. Styll	5,000.00
R. L. Richie	1,000.00
W. B. Hill	1,000.00
Joseph Nash	1,000.00
W. R. Goit	1,000.00
G. T. Shephard	10,000.00
J. T. Garrett	1,000.00
W. R. Bevan	1,000.00
Homer C. Webb	1,000.00
Maud Leckner	1,000.00
D. C. Pryor	1,000.00
H. S. Mundy	1,000.00
Laura E. Bradley	2,000.00
Anna Challes	2,000.00
W. H. Keyser	5,000.00
G. E. Yancy	5,000.00
H. H. Miller	1,000.00
J. W. Robertson	1,000.00
J. W. Bruce	1,000.00
R. M. Conway	1,000.00
W. L. Harmon	1,000.00
Sam Calhoun	1,000.00
H. L. Short	1,000.00
W. R. Taylor	1,000.00
Chas. A. Geist	1,000.00
N. L. Linebaugh	2,500.00
W. P. Olin	1,000.00
Fred Brasted	5,000.00
J. C. Short	1,000.00

Tom W. Coates	3,000.00
J. G. Street	1,000.00
S. P. Puffer	2,500.00
I. M. Holcomb	2,000.00
W. S. Anderson	10,000.00
T. J. Wallace	1,000.00
M. Smith	5,000.00
Layton, Smith & Hawk	25,000.00
E. C. D'Yarmett	10,000.00
	$963,500.00

Therefore, Be It Resolved, By the Senate, the House of Representatives concurring therein, That said proposition be and the same is hereby accepted on behalf of the State of Oklahoma, and be it further

Resolved, That the governor of the State of Oklahoma be, and he is hereby, authorized and directed to enter into any contract or contracts, on behalf of the State of Oklahoma, for the purpose of carrying into effect the terms and conditions of said proposition.

Senator Williams moved that the substitute be laid over one day under the rules.

Senator Roddie rose to a point of order that the substitute resolution pending was a substitute and not a resolution, and the gentleman's motion was out of order.

The president sustained the point of order.

Senator Sorrells moved that the substitute be referred to the Capitol Location Committee with instructions for investigation.

Senator Redwine offered the following amendment:

That the committee be instructed to report back to the Senate at 2 p. m. this day.

Vote was taken and the amendment was adopted.

Vote was taken and the motion was adopted as amended.

The substitute was referred to the Capitol Location Committee.

Senator Kendrick called up House Concurrent Resolution No. 13, which was read at length.

On motion of Senator Kendrick the resolution was adopted.

President Pro Tempore Mr. Thomas signed the engrossed copy of House Concurrent Resolution No. 13 and the same was ordered transmitted to the House.

Senator Tilghman was excused until tomorrow, Thursday, December 15th.

Senator Allen called up Senate Concurrent Resolution No. 7, which was read at length.

On motion of Senator Allen the resolution was adopted.

On motion of Senator Roddie the Senate recessed until 2:00 p. m.

AFTERNOON SESSION

The Senate met at 2:00 p. m., pursuant to recessing.

Called to order by Acting President Pro Tempore Mr. Brownlee.

The roll was called and the following members were present: Allen, Anderson, Barefoot, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Warren, Williams, Wynne, Vandeventer; total, 41.

Absent: None.

Excused: Beeler, Garrett, Memminger; total, 3.

The acting president declared a quorum present.

The Journals of the Fifteenth and Sixteenth Day's Sessions were approved as corrected.

The acting president pro tempore called attention to a resolution that had been introduced at the morning session, and recognized Senator Dutton.

Senator Dutton—

I take it that the resolution referred to is the concurrent resolution that I asked unanimous permission to introduce. Since having introduced the resolution I have been informed by a number of reputable senators whose word I have taken to be absolutely good, that neither his excellency the governor, his wife, nor any other State official has any interest whatever in the Putnam site and I desire to withdraw the resolution.

Without objection the subject matter referred to will be withdrawn.

Message from the House:

"Oklahoma City, Dec. 14, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body Senate Concurrent Resolution No. 6, by Mr. Thomas, appropriating certain funds to pay for the removal of legislative furniture from Guthrie to Oklahoma City, which has been passed by the House and signed by the speaker in open session."

Senator Mitchell reported on behalf of the ccommittee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared Senate Concurrent Resolution No. 7, by Mr. Allen, find the same correctly engrossed.

E. L. MITCHELL, Chairman.

Dec. 14, 1910."

Report was received.

Acting President Pro Tempore Mr. Brownlee signed the engrossed copy of Senate Concurrent Resolution No. 7, by Mr. Allen, and same was ordered transmitted to the House.

Senator Briggs moved that the pen with which the acting president pro tempore, Mr. Brownlee, signed Concurrent Resolution No. 7 be presented to the author of said resolution.

Senator Colville offered to amend by adding that the pen be tied with 'ribbon blue.'

Without objection the amendment was accepted.

Vote was taken and the motion was carried.

President Pro Tempore Mr. Thomas took the chair.

The reading clerk, Mr. Gilkerson, was excused for the day, on account of indisposition.

The president appointed Senator Colville as reading clerk for the day.

Senator Thompson reported on behalf of the Committee on Capital Location as follows:

"COMMITTEE REPORT

"Oklahoma City, Dec. 14, 1910.

Mr. President:

We, your Senate Capital Location Committee, to whom was

referred substitute for Senate Concurrent Resolution No. 8, by Roddie, having had said substitute under consideration, beg to report same back to the Senate with the following suggestions and recommendations. We find that Senate Concurrent Resolution No. 8, by the Senate Capital Location Committee, contains a proposition made to this Legislature by certain residents and citizens of Oklahoma City, looking toward the State receiving a free Capitol site and a free Capitol building and a proposal on behalf of the State of an acceptance of the same, while the substitute for said Senate Concurrent Resolution No. 8, offered by Senator Roddie, is a recital of the purported record of certain transactions between I. M. Putnam, L. L. Land, Homer Eiler and the State House Development Company, a corporation, on behalf of the land owners, and the said State Capitol Commission, purported to be in behalf of said State of Oklahoma.

We report that said substitute is not and does not contain any proposal of any kind or character to this Legislature, said purported proposal, or the record of certain transactions being dated August 23rd, 1910, and signed only by said I. M. Putnam, L. L. Land and Homer Eiler on that date.

We further report that said proposal, when made to said purported State Capitol Commission on August 23rd, 1910, was made and submitted on condition that said purported State Capitol Commission would make and enter into a contract with the Oklahoma Street Railway Company, providing among other things for the construction of a line, or lines, of rapid transit service between said Oklahoma City and said proposed State Capitol site and so far as said record discloses, the said contract has not been made.

We further report that the purported bond attached to said purported State Capitol Commission on August 23rd, 1910, was a proposition made by said I. M. Putnam and his associates, to the said purported State Capitol Commission and of date, August 23rd, 1910.

We further report that said substitute contains no proposal of any kind to either this Legislature, or to said State of Oklahoma, and that there being no proposition submitted to either this Legislature or to said State of Oklahoma, then the purported bond, contained in said substitute, is of no force or effect.

We further report that in our opinion, if there was a valid proposition pending, then said bond would be of no force and effect, for the reason that said bond contains signatures of partnerships and corporations, without proper authority being shown for such signatures.

By way of explanation and suggestion, your committee reports further, the proposition known as the Putnam site has received careful and extensive consideration at the hands of your committee and we submit the following, relative to said site, as if there were pending a valid binding guaranteed proposition from those interested in that site.

We report that during our deliberations, that said I. M. Putnam appeared before our committee, advocating the Putnam site as a site for the permanent location of our State Capitol and at that time, Mr. Putnam, in addition to explaining his proposition, stated that he and his interests considered that they had already underwritten their proposition and did not consider it advisable or necessary to submit a further guarantee than the land itself.

We further report that our investigation disclosed that said Putnam site is from seven to nine miles, by the usual method of travel, from the center of Oklahoma City and that the best and quickest time hoped for from rapid transit service, is twenty minute schedule each way.

We further report that there are some twenty sections of land between said Oklahoma City and said site and adjacent to said site, said twenty sections contain some 12,800 acres, which if divided as is customary at this place, will make some 100,000 lots, which in the opinion of your committee will be placed in competition with the Capital Addition, proposed by said Putnam interests.

We further report that the said proposed site is north of the present packing plant and the packing plant that is being built and is in the path of the prevailing winds of this section.

We further suggest that the purported proposition and free site advocated by the Putnam interests, proposes to place the State in the real estate business, forcing the State to handle the said Capital Addition to the end that the money to be raised, will be raised by the State from the sale of the property placed at the disposal of the State.

We further suggest that it is almost unanimous opinion that these lots cannot be sold at Oklahoma City and but few of them can be sold in this State, but same, if sold, must be disposed of in other states, and that when sold, will come into the possession of speculators, who will hold same for profit and unimproved, and that instead of the State Capitol Addition being a developed, desirable addition the same will be an unimproved area adjacent to the State Capital of the State.

We further suggest that it is the opinion that these said lots are not and will not prove to be a good investment, and your committee is opposed to placing the State in the attitude of offering for sale lots that our own citizens are unwilling to purchase.

We further suggest that said Putnam site is not backed by Oklahoma City and only urged by persons interested in that particular section of the city.

We further suggest that we do not now, nor never have had, a definite offer from said interest, that no guarantee has been tendered, and further, that if said site had been definitely proposed and guaranteed, in our opinion, it would not be a desirable site for a location for the permanent seat of government of this State.

Therefore, your committee, for the reasons herein above enumerated, recommend that said substitute be not adopted.

(Signed) J. B. THOMPSON, Chairman,
J. Q. NEWELL,
A. F. VANDEVENTER,
C. B. KENDRICK,
R. T. POTTER,
JESSE M. HATCHETT,
E. M. LANDRUM,
G. W. BAREFOOT,
M. F. EGGERMAN,
F. W. ANDERSON,
R. E. ECHOLS,
W. P. STEWART,
H. J. DENTON."

"Oklahoma City, Okla., December 14, 1910.

To the Honorable Capital Committee of the State Senate:

Gentlemen—The proposition of the State House Development Company to furnish One Million, Seven Hundred Thousand Dollars for Capitol building, equipment, improvement, etc., fund free to the State, and the pledging of sixteen hundred acres of land and One Hundred Thousand Dollars cash liability to insure the same, may be amended so as to provide:

First. That our said company will manage and conduct the sale of lots, thereby relieving the State, if desired, all that trouble, and that the net proceeds of sales shall be turned into the State until the full amount is in the hands of the State.

Second. It is understood that whatever rent of offices for the next two years for the use of the State in Oklahoma City is not furnished free by Oklahoma City is to be paid for out of the One Hundred Fifty Thousand Dollars to be given the State by our company under the head of furniture, fixtures, etc., the purpose being to give the State free quarters while occupying temporary offices in Oklahoma City and its permanent building, grounds, furniture and fixtures, and the cost of moving into the same absolutely free to the taxpayers of Oklahoma.

Respectfully submitted,

STATE HOUSE DEVELOPMENT COMPANY,

By JOHN W. SHARTEL, President.

Senator Thomas moved the adoption of the report.

Senator Roddie moved to amend the report to read that the "Substitute do pass" instead of "do not pass."

The motion failed for want of a second.

The question being, shall the committee report be adopted the roll was called, the vote resulting as follows:

Ayes: Allen, Anderson, Barefoot, Berkey, Briggs, Brownlee, Chapman, Colville, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 37.

Nays: Coffey, Cloonan, Roddie; total, 3.

Absent: None.

Excused: Beeler, Garrett, Memminger, Tilghman; total, 4.

The president declared the report adopted.

On motion of Senator Echols the consideration of Senate Concurrent Resolution No. 8 was taken up and the resolution was read section by section.

The question being, shall the resolution be adopted, the roll was called, the vote resulting as follows:

Ayes: Allen, Anderson, Barefoot, Briggs, Brownlee, Chapman, Colville, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Horton, Jones, Kendrick, Landrum, Langston, Mitchell, McCully, Newell, Potter, Redwine, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 35.

Nays: Berkey, Coffey, Cloonan, Roddie; total, 4.

Absent: None.

Excused: Beeler, Garrett, Memminger, Tilghman; total, 4.

Present and excused from voting: McMechan; total, 1.

The president declared the resolution adopted.

Senator Franklin explained his vote as follows:

"I desire to vote 'aye' on Resolution No. 8, but when the bill follows embodying substantially the proposition contained in said resolution, I shall oppose the creation of a State Capitol Commission for the reason that the duties of such commission, if created, could be performed by and would be in the scope of the duties of the State Board of Public Affairs, useless, and should not be created. I vote for the resolution presuming that it will be followed by a bill embodying substantially the proposition contained therein for the reason that it is the only tangible proposition presented to us in proper form, which would secure for the people of this State a free Capitol site and buildings. I hoped for a better proposition but such has not been forthcoming. A 'gold brick' having the outward pretention of being a good, well guaranteed proposition is not sufficient."

Senator Berkey explained his vote as follows: "That I believe the resolution was subject to amendment. The president having decided that it was not, prevented me from offering an amendment. I vote no."

Senator Thompson moved to reconsider the vote by which the resolution passed.

Senator Thompson moved to lay the motion on the table to reconsider the vote by which the resolution was passed.

Vote was taken and the motion carried.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared Senate Concurrent Resolution No. 8, by the Senate Capital Location Committee, find the same correctly engrossed.

E. L. MITCHELL, Chairman.

Dec. 14, 1910."

On motion of Senator Mitchell the report was adopted.

The president pro tempore, Mr. Thomas, signed the engrossed copy of Senate Concurrent Resolution No. 8, and same was ordered transmitted to the House.

On motion of Senator Echols the Senate recessed until 4:30 p. m.

The Senate met at 4:30 p. m.

The roll was called, the following members were present: Anderson, Barefoot, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Eggerman, Goulding, Jones, Kendrick, Landrum, Mitchell, McMechan, Potter, Redwine, Smith, Sorrells, Thomas, Thompson, Warren, Williams, Wynne; total, 25.

Absent: Allen, Dutton, Echols, Franklin, Graham, Hatchett, Harlin, Horton, Langston, McCully, Newell, Roddie, Stewart, Vandeventer, Denton; total, 15.

Excused: Beeler, Garrett, Memminger, Tilghman; total, 4.

The president declared a quorum present.

Message from the House:

"Oklahoma City, Okla., Dec. 14, 1910.

To the President of the Senate:

Sir—I am directed by the House of Representatives to inform your honorable body that Senate Concurrent Resolution No. 8 by the Senate Capitol Location Committee, being a resolution proposing on the part of certain residents and citizens of Oklahoma City a free Capital site for the location of the State Capitol, etc., was taken up for consideration by the House and upon motion duly adopted was laid upon the table."

Senator Redwine introduced the following resolution:

"SENATE CONCURRENT RESOLUTION NO. 9

By REDWINE

Be It Resolved, By the Senate of the State of Oklahoma, House of Representatives concurring therein, that the extraordinary session of the Third State Legislature do now adjourn sine die."

Senator Roddie moved that the resolution be laid over one day under the rules.

The president declared the motion out of order.

Senator Hatchett moved the previous question.

Senator Roddie rose to a point of order that the previous question could not be moved until the expiration of one hour's discussion.

The president sustained the point of order.

Senator Horton was excused.

Senator Brownlee moved that the further consideration of the resolution be laid over until the next legislative day.

The question being, shall the resolution be laid over, the roll was called, the vote resulting as follows:

Yeas: Allen, Brownlee, Coffey, Colville, Cloonan, Dutton, Goulding, Harlin, Landrum, McMechan, Roddie, Sorrells; total, 12.

Nays: Anderson, Barefoot, Berkey, Briggs, Chapman, Eggerman, Franklin, Hatchett, Jones, Kendrick, Langston, Mitchell, McCully, Newell, Potter, Redwine, Smith, Stewart, Thomas, Thompson, Warren, Williams, Wynne Vandeventer; total, 24.

Absent: Echols, Graham, Horton, Denton; total, 4.

Excused: Beeler, Garrett, Memminger, Tilghman; total, 4.

The president declared the motion lost.

The question being, shall the resolution be adopted, the roll was called, the vote resulting as follows:

Yeas: Anderson, Barefoot, Berkey, Briggs, Dutton, Eggerman, Franklin, Hatchett, Jones, Kendrick, Landrum, Langston, Mitchell, McCully, Newell, Potter, Redwine, Smith, Stewart, Thomas, Thompson, Warren, Wynne, Vandeventer; total, 25.

Nays: Allen, Coffey, Colville, Goulding, Harlin, McMechan, Roddie, Sorrells, Williams; total, 9.

Absent: Denton, Echols, Horton, Brownlee, Cloonan, Graham; total, 6.

Excused: Beeler, Garrett, Memminger, Tilghman; total, 4.

The president declared the resolution adopted.

The resolution was ordered engrossed.

Senator Allen introduced the following Senate Concurrent Resolution, which was read as follows:

"SENATE CONCURRENT RESOLUTION NO 10

By ALLEN *and* BROWNLEE.

Whereas, The Federal government on the advent of Statehood contributed to the State of Oklahoma, public building lands amounting to 314,70 acres; and,

Whereas, On the advent of statehood, there was in the State treasury to the credit of the public land fund, and arising from rentals and otherwise, the sum of $666,000.00, and,

Whereas, The said public building lands aforesaid are worth at a minimum estimate of $30.00 per acre, making a total value of the public building lands and funds of $10,109,240.00, and,

Whereas, There has been heretofore appropriated out of said funds, the sum of $2,020,000, leaving a total of more than $8,000,000.00 unappropriated, and,

Whereas, The proposition to build a free Capitol for the State of Oklahoma originated in the minds of certain real estate speculators, and is a Utopian dream, pure and simple, and it is an unjust imposition upon the citizens of Oklahoma City to demand or expect that they contribute of their lands or money, a sufficient sum to build a free Capitol for the State of Oklahoma, and any proposition looking to that end means that the State shall unite with real estate speculators in order to further that end, and,

Whereas, The Legislature of the State of Oklahoma has been in extraordinary session for more than eighteen days at a cost of approximately $2,000.00 per day, and is an unjust burden upon the taxpayers of the State, and,

Whereas, The State public building lands aforesaid are amply sufficient to build a State Capitol, and commensurate with the wealth and dignity of the State of Oklahoma, and said Capitol can be built out of said public building funds without one cent of cost to the taxpayers of this State; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring therein, that a committee of fourteen members of the majority, and five members to be selected from the minority, be, and the same is hereby, appointed for the purpose of locating and designating a site for the State Capitol of the State of Oklahoma, within eight blocks of the intersection of Main and Broadway, to consist of not less than two blocks of ground, and that the attorney general of the State of Oklahoma be, and he is hereby, instructed to immediately commence proceedings in accordance with the laws now in force, to condemn such lands so designated by said committee.

That the sum of One Million Dollars or so much thereof as may be necessary, is hereby appropriated out of the State treasury for the payment of said lands so selected and condemned.

The question being, shall the resolution be adopted, the roll was called, the vote resulting as follows:

Yeas: Allen, Briggs, Brownlee, Chapman, Colville, Cloonan, Dutton, Langston; total, 8.

Nays: Berkey, Coffey, Eggerman, Franklin, Hatchett, Harlin, Jones, Kendrick, Landrum, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 25.

Absent: Anderson, Barefoot, Denton, Echols, Graham, Horton; total, 6.

Excused: Beeler, Garrett, Memminger, Tilghman; total, 4.

Present and excused from voting: Goulding; total, 1.

The president declared the resolution lost.

Senator Brownlee lodged a motion to reconsider the vote by which Concurrent Resolution No. 10 was lost.

On motion of Senator Vandeventer the Senate adjourned until Thursday, December 15th, at 2:00 p. m.

SENATE JOURNAL

EIGHTEENTH DAY'S SESSION

Oklahoma City, Oklahoma, Thursday, Dec. 15, 1910.

The Senate met at 2 p. m., pursuant to adjournment.

Called to order by President Pro Tempore Mr. Thomas.

The roll was called, the following members answering present: Allen, Anderson, Barefoot, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Denton, Dutton, Echols, Eggerman, Franklin, Graham, Hatchett, Harlin, Jones, Kendrick, Landrum, Langston, Mitchell, McMechan, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 38.

Absent: None.

Excused: Beeler, Garrett, Goulding, Horton, Memminger, Tilghman; total, 6.

The president declared a quorum present.

Prayer by the chaplain.

The Journal of the Seventeenth day's session was approved as corrected.

Senator Goulding was excused for Thursday and Friday on account of business.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, have carefully examined and compared Senate Concurrent Resolution No. 6, by Mr. Thomas, authorizing the payment of certain contingent expenses and find the same correctly enrolled.

E. L. MITCHELL, Chairman.

Dec. 15, 1910."

On motion of Senator Mitchell the report was adopted.

The president pro tempore, Mr. Thomas, signed the enrolled copy of Senate Concurrent Resolution No. 6, and same was ordered transmitted to the House.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared Senate Concurrent Resolution No. 9, by Mr. Redwine, providing for an adjournment sine die, find the same correctly engrossed.

E. L. MITCHELL, Chairman.

Dec. 15, 1910."

On motion of Senator Mitchell the report was adopted.

The president pro tempore, Mr. Thomas, signed the engrossed copy of Senate Concurrent Resolution No. 9, by Mr. Redwine.

Senator Williams presented the following petition:

"To the Legislative Bodies Now Assembled in the City of Oklahoma City:

We, the undersigned voters and taxpayers of Custer County, Oklahoma, commend the actions of the Senate in the Capital location matter. First we want an inside location as close in as we can get it to the business center of the city; secondly we want an elevated ground and a free Capital. We endorse the actions of our representatives in the two bodies, Senator J. J. Williams and Representative G. W. Cornell, for their stand on the inside location, believing that to be the choice of the people.

H. J. DAY,
and One Hundred Other Citizens of Weatherford, Okla."

The Senate recessed for five minutes.

The Senate resumed business.

Message from the House:

"Oklahoma City, Okla., Dec. 15, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the enrolled copy of Senate Concurrent Resolution No. 6, by Mr. Thomas, relating to the payment of funds for transferring the legislative furniture from Guthrie to Oklahoma City, which has been signed by the speaker in open session."

The resolution was ordered transmitted to the governor.

Senator Thompson on behalf of the Capital Location Committee reported as follows:

"Mr. President:

We, your committee, having had under consideration House Bill No. 1, by Wright, Peery and Durant, entitled, 'An Act Providing for the Permanent Location of the Seat of Government and Capital of the State of Oklahoma, etc.,' beg leave to recommend that the same do pass with the following amendments.

Respectfully submitted,

J. B. THOMPSON, Chairman.

AMENDMENT NO. 1.

Amend Section 1 by striking out the word "permanent" after the word "the" and before the word "seat" in line 2 on page 1.

AMENDMENT NO. 2.

Amend Section 1 by striking out all that part of said Section beginning with the word "provided" in line 4, down to and including the word "thereof" in line 8, on page 1, and inserting in lieu thereof, the words "and the permanent Capitol of the State shall be erected on the following described lands:

Fifteen acres of land surrounding a point on the half section line running north and south between the Northeast Fourth and the Northwest Fourth of Section Twenty-seven (27), Township Twelve (12) North, Range Three (3) West of the Indian Meridian, otherwise known as the center of Lincoln Boulevard at its intersection with the center of Twenty-second Street, extending east from the right-of-way of the Atchison, Topeka & Santa Fe Railway Company; and the executive mansion shall be located in the vicinity of said Capitol grounds on a site consisting of one-half block, the same to be selected by the Capitol Commission."

AMENDMENT NO. 3.

Amend Section 2 by inserting after the word "governor" and before the word "within" in line 2 on page 2, the following: "by and with the advice and consent of the Senate."

AMENDMENT NO. 4.

Amend Section 2 by striking out the word "fifty" in line 7, page 2, by inserting in lieu thereof the word "ten."

AMENDMENT NO. 5.

Amend Section 2 by striking out the word "four" in line 7, page 2, and inserting in lieu thereof the word "two."

AMENDMENT NO. 6.

Amend Section 2 by inserting in line 9 on page 2, after the word "thousand" and before the word "dollars" the words "five hundred."

AMENDMENT NO. 7.

Amend Section 2 in line 10, page 2, by striking out the word "Commission" and inserting in lieu thereof the word "Commissioners."

AMENDMENT NO. 8.

Amend Section 3 by striking out all after the word "commission" in line 1, page 3, to the end of the Section.

AMENDMENT NO. 9.

Amend Section 4 by striking out all that part of said Section beginning with the word "before" on page 3 in line 15 down to and including the word "thereof" in line 2 on page 5.

AMENDMENT NO. 10.

Amend Section 4 by striking out the word "all" in line 4 on page 5, and inserting in lieu thereof the words "such clerical."

AMENDMENT NO. 11.

Amend Section 4 by striking out the words "legal, clerical and otherwise" in line 5 on page 5, and inserting in lieu thereof the words "as may be."

AMENDMENT NO. 12.

Amend Section 4 by striking out all that part of said Section after the word "duties" in line 6 on page 5.

AMENDMENT NO. 13.

Amend Section 5 by striking out beginning with the word "the" in line 9 down to and including the word "Act" in line 10 on page 5, and inserting in lieu thereof the words "all moneys realized from donations, gifts or otherwise."

AMENDMENT NO. 14.

Amend Section 6 by striking out all of that part of said Section beginning with the word "and" in line 2 down to and including the word "practicable" in line 14 on page 6, and inserting in lieu thereof the words: "provided that the State shall in no case be liable for the cost of such plans and specifications until the same be accepted and approved by the Legislature."

AMENDMENT NO. 14.

Amend the bill by inserting Section 7 in the following words:

"Section 7. The governor shall have power to make all necessary contracts on behalf of the State in order to secure by gift or donation the proceeds of the sale of land from any person, firm or corporation for the purpose of creating a fund to be known as the 'State Capitol Fund' to the amount of One Million Dollars or more, or to receive donations or gifts as aforesaid other than from lands for such State purposes from any source whatever, but he shall not have power to purchase or hold any land on behalf of the State nor to bind the State to pay for the same."

AMENDMENT NO. 15.

Amend the bill by striking out Sections 7 and 8 on page 7.

AMENDMENT NO. 16.

Amend Section 9 by striking out the words and figures "Section 9" in line 17, page 7, and inserting in lieu thereof the words "Section 8."

On motion of Senator Thomas the report was received.

On motion of Senator Thompson the consideration of House Bill No. 1 was taken up.

On motion of Senator Stewart the Senate went into the committee of the whole for the consideration of House Bill No. 1.

Senator Vandeventer was called to the chair.

President Pro Tempore Mr. Thomas took the chair and the committee of the whole arose and reported as follows:

"Mr. President:

We, your committee of the whole, having had under consideration House Bill No. 1, recommend it back to the Senate, that the same do pass as amended.

VANDEVENTER, Chairman."

On motion of Senator Vandeventer the report was adopted.

Senator Vandeventer moved that the committee take charge of House Bill No. 1 and correctly arrange the amendments thereto. Vote was taken. Motion carried.

Senator Thompson reported on behalf of the Capital Location Committee as follows:

"Mr. President:

We, your committee, having had under consideration House Bill No. 3, entitled 'An Act Authorizing the Governor to Accept a Gift or Donation of Land for State Capitol Purposes, etc.,' beg leave to recommend that the same do pass with the following amendments.

Respectfully submitted,

J. B. THOMPSON, Chairman."

AMENDMENT NO. 1.

Amend Section 1 by striking out the words "to exceed eighty (80)" in line 4 and insert in lieu thereof "less than fifteen (15)."

AMENDMENT NO. 2.

Amend Section 1 by striking out the language beginning with the word "to" in line 5 down to and including the word "therefrom" in line 6, and inserting in lieu thereof the words "being particularly described as follows: fifteen acres of land surrounding a point on the half section line running north and south between the Northeast Fourth and Northwest Fourth of Section Twenty-seven (27), Township Twelve (12), North, Range Three (3) West of the Indian Meridian, otherwise known as the center of Lincoln Boulevard at its intersection with the center of Twenty-second Street, extending east from the right-of-way of the Atchison Topeka & Santa Fe Railway Company; and the executive mansion shall be located in the vicinity of said Capital grounds on the site consisfing of one-half block, the same to be selected by the Capitol Commission."

Mr. President—I move to amend House Bill No. 3, page 2 in line 3, after the word "company," by inserting the following words: "The governor is further authorized and empowered to accept on behalf of the State, one-half block to be used for executive mansion.

SORRELLS.

Adopted.

Senator Williams moved that the committee report be adopted. Vote was taken and the report was adopted.

On motion of Senator Redwine by a two-thirds vote the rules were suspended and House Bill No. 3 was considered in the Senate. House Bill No. 3 was read at length section by section.

Section 1 was read. By agreement the two bills were to be amended to conform with each other.

Senator Sorrells offered the following amendment:

"Mr. President:

I move to amend House Bill No. 3, page 2, in line 3 after the word 'company' by inserting the following words: 'The governor is further authorized and empowered to accept on behalf of the State one-half block to be used for executive mansion.'"

Senator Sorrells moved the adoption of the amendment.

Vote was taken and the amendment was adopted.

Senator Sorrells offered the following amendment:

"By adding the following words to the title: 'One-half block for.'"

Senator Sorrells moved the adoption of the amendment.

Vote was taken and the amendment was adopted.

Section 1 was adopted as amended.

Section 2 was adopted as read.

House Bill No. 3 was read at length as amended by the Senate. Roll call was postponed.

House Bill No. 1 was read section by section as amended.

Senator Franklin offered the following amendment: "On page 2, line 8, thereof, by striking out the words 'Capitol Commission' and placing in lieu thereof the words 'State Board of Public Affairs.'"

The question being, shall the amendment be adopted, the roll was called, the vote resulting as follows:

Yeas: Allen, Berkey, Briggs, Chapman, Coffey, Dutton, Eggerman, Franklin, Mitchell, McCully, Redwine, Sorrells, Warren, Williams; total, 15.

Nays: Anderson, Barefoot, Colville, Denton, Echols, Graham, Harlin, Jones, Kendrick, Landrum, McMechan, Newell, Potter, Roddie, Smith, Stewart, Thomas, Thompson, Wynne, Vandeventer; total, 20.

Absent: None.

Excused: Beeler, Brownlee, Cloonan, Garrett, Goulding, Horton, Langston, Memminger, Tilghman; total, 9.

Senator Franklin offered the following amendment: "Strike out Sections 2, 3, and 4, thereof, and insert in lieu thereof a section to be known as Section 2 as follows: 'Section 2. The State Board of Public Affairs, to facilitate the proper discharge of its duties as provided by law shall have the power to employ a competent engineer and architect and secure such clerical help and assistance as may be necessary to carry out the provisions of this Act.'"

The question being, shall the amendment be adopted, the roll was called, the vote resulting as follows:

Yeas: Allen, Berkey, Briggs, Chapman, Coffey, Dutton, Eggerman, Franklin, Hatchett, Mitchell, McCully, Redwine, Sorrells, Warren, Williams; total, 15.

Nays: Anderson, Barefoot, Colville, Denton, Echols, Graham, Harlin, Jones, Kendrick, Landrum, McMechan, Newell, Potter, Roddie, Smith, Stewart, Thomas, Thompson, Wynne, Vandeventer; total, 20.

Absent: Brownlee, Cloonan, Langston; total, 3.

Excused: Beeler, Garret, Goulding, Horton, Memminger, Tilghman; total, 6.

The president declared the amendment lost.

Senator Mitchell offered the following amendment: "Amend said bill by adding a new section after Section 1, said new Section to read as follows, to-wit: 'The taking or receiving, either directly or indirectly, by any member of said commission, or member of the Legislature, any rebate, percentage, or contract, money or other thing of value from any person, firm or corporation, offering, bidding for in open market, or seeking to make sale to said commission or members of the Legislature, shall be deemed a felony, and any member of said commission convicted under this section shall be punished by a fine not to exceed five thousand dollars, and be imprisoned in the penitentiary not less than five nor more than ten years.

The question being, shall the amendment be adopted, the roll was called, the vote resulting as follows:

Yeas: Berkey, Coffey, Dutton, Eggerman, Franklin, Graham, Harlin, Mitchell, Redwine, Roddie, Williams; total, 11.

Nays: Allen, Anderson, Barefoot, Briggs, Chapman, Colville, Denton, Echols, Hatchett, Jones, Kendrick, Landrum,

Langston, McMechan, McCully, Newell, Potter, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Vandeventer; total, 24.

Absent: Brownlee, Cloonan, Wynne; total, 3.

Excused: Beeler, Garrett, Goulding, Horton, Memminger, Tilghman; total, 6.

The president declared the amendment lost.

On motion of Senator Stewart a call of the Senate was made and a roll of the House was called to ascertain the absentees.

House Bill No. 1 was read at length for the third time.

The question being, shall the bill pass as amended, the roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Briggs, Brownlee, Chapman, Coffey, Colville, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Jones, Kendrick, Landrum, Mitchell, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 35.

Nays: Berkey, Cloonan, Langston; total, 3.

Excused: Beeler, Garrett, Horton, Memminger, Tilghman; total, 6.

On motion of Senator Echols, Senator McMechan was excused from voting.

Present and excused from voting: McMechan; total, 1.

The bill, having received a majority of all the members elected to and constituting the Senate, the president declared the bill passed.

The question being, shall there be an emergency, the roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Briggs, Chapman, Coffey, Colville, Denton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Jones, Kendrick, Landrum, Mitchell, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 33.

Nays: Berkey, Brownlee, Cloonan, Dutton, Langston; total, 5.

Excused: Beeler, Garrett, Horton, Memminger, Tilghman; total, 5.

Present and excused from voting: McMechan; total, 1.

The emergency having received a two-thirds majority of all members elected to and constituting the Senate, the president declared the emergency passed.

Senator Thompson moved to reconsider the vote by which the bill had passed.

Senator Thompson moved that the motion to reconsider the vote by which the bill had passed be laid upon the table.

Vote was taken and motion carried.

Senator Langston explained his vote as follows: "I vote 'No' for the reason that I believe this bill is in conflict with the spirit of the Enabling Act."

Senator Franklin explained his vote on House Bill No. 1 as follows: "I vote 'aye' but I do not think we should create a commission to be known as the 'Capitol Commission' for the duties prescribed for the commission does and should come under the scope of the State Board of Public Affairs. I do not think we should create useless offices. I have offered amendments to strike out the Capitol Commission. It is of superior concern to the people of the State that we should have a free Capital site and buildings, and for that reason I vote for the bill as it is. In my opinion it is the best, and in fact embraces the only substantial proposition offered to the Legislature to carry out the wishes of the people although I oppose certain conditions of the bill as stated above."

"Mr. President:

I vote 'yes' on this bill for the reason that I am convinced by the actions of the majority of this body that we must accept this proposition and pass this bill or get no legislation on this subject.

It is with a great deal of regret that I am forced to accept for my constituency one million dollars for a Capital with a guarantee of only one hundred thousand dollars to make it good, when we had the opportunity to accept one million six hundred thousand dollars with a guarantee of six hundred thousand dollars to make it good. I feel that it is better to sacrifice the seven hundred thousand dollars than to have the people get nothing.

I also feel assured that before any contract is signed, that the rights and interests of the State will be better protected than they are under this bill.

Therefore I accept a half loaf since I am forced to by the majority of this body rather than have nothing.

REUBEN M. RODDIE.

Message from the House:

"Oklahoma City, Oklahoma, December 15th, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the engrossed copy of Senate Concurrent Resolution No. 8, by the Senate Capitol Location Committee, providing a free Capital site, etc., which has been reconsidered by the House of Representatives and passed by the following vote this 15th day of December, 1910: Yeas, 94; nays, 5; absent, 8; present and not voting, 1."

President pro temopre, Mr. Thomas, signed the engrossed copy of House Bill No. 1 as amended by the Senate, same was ordered transmitted to the House.

A further consideration of House Bill No. 3 was taken up, question being, shall House Bill No. 3 pass as amended by the Senate. The roll was called, vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Briggs, Brownlee, Chapman, Coffey, Colville, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Jones, Kendrick, Landrum, Langston, Mitchell, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 36.

Nays: Berkey; total, 1.

Absent: Cloonan; total, 1.

Excused: Beeler, Garrett, Goulding, Horton, Memminger and Tilghman; total, 6.

Present and excused from voting: McMechan.

The bill, having received the majority of all the Senators elected to and constituting the Senate, the president declared the bill passed.

The question being, shall there be an emergency declared, the roll was called, the vote resulting as follows:

Yeas: Allen, Anderson, Barefoot, Briggs, Chapman, Coffey, Colville, Denton, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Jones, Kendrick, Landrum, Langston, Mitchell, McCully, Newell, Potter, Redwine, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Warren, Williams, Wynne, Vandeventer; total, 35.

Nays: Berkey, Brownlee; total, 2.

Absent: Cloonan; total, 1.

Excused: Beeler, Garrett, Horton, Memminger, Tilghman; total, 5.

Present and excused from voting: McMechan.

The emergency, having received a two-thirds majority of all the Senators elected to and constituting the Senate, the president declared the emergency carried.

Senator Thompson moved to reconsider the vote by which the bill had passed.

Senator Thompson moved to lay the motion on the table to reconsider the vote by which the bill had passed.

Vote was taken and the motion to table carried.

President pro tempore, Mr. Thomas, signed the engrossed copy of House Bill No. 3 as amended by the Senate, and the same was ordered transmitted to the House.

Senator Vandeventer moved that the president of the Senate be instructed to deliver the original proposition to the governor.

Vote was taken. Motion carried.

Senator Warren was excused.

Senator Redwine was excused.

On motion of Senator Eggerman, the Senate adjourned until Friday, December the 16th, at 2 p. m.

SENATE JOURNAL

NINETEENTH DAY'S SESSION

Oklahoma City, Oklahoma, Friday, December 16, 1910.

The Senate met at 2:00 p. m., pursuant to adjournment.

Called to order by President Pro Tempore Mr. Thomas.

The roll was called and the following members were present: Allen, Anderson, Barefoot, Berkey, Briggs, Brownlee, Chapman, Coffey, Colville, Cloonan, Dutton, Echols, Eggerman, Franklin, Goulding, Graham, Hatchett, Harlin, Jones, Kendrick, Landrum, Mitchell, McMechan, McCully, Newell, Potter, Roddie, Smith, Sorrells, Stewart, Thomas, Thompson, Tilghman, Williams, Wynne, Vandeventer; total, 36.

Absent: None.

Excused: Denton, Beeler, Garrett, Horton, Langston, Memminger, Redwine, Warren; total, 8.

The president announced a quorum present.

Prayer by the chaplain.

The Journal of the Eighteenth Day's Session was approved as corrected.

Message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the President of the Senate:

Sir—I am directed by the House of Representatives to inform the honorable Senate of the passage by the House of Senate Concurrent Resolution No. 3, by Mr. Sorrells, providing that union labor be used in the construction of the Capitol building, etc., as amended by the House."

Senator Sorrells moved that the Senate do not concur in the House amendment and asked the House to recede therefrom.

Vote was taken and the motion carried.

Message from the governor:

"SIXTH MESSAGE.

State of Oklahoma, Executive Department.

To the Honorable Legislature of the State of Oklahoma:

I have the honor of calling to your attention for such action as you deem proper suitable arrangements for the inauguration

of the incoming administration and to recommend that due consideration be given by your honorable body to the importance of this event and the necessity for proper provision relating to its expense and conduct.

Respectfully submitted,

C. N. HASKELL, Governor.

December 16, 1910."

The message was received.

A message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform your honorable body that the House agrees to the Senate amendment to House Bill No. 3 by the following roll call vote: Yeas, 94; nays, 4; absent, 10."

Second message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform your honorable body that the House has agreed to the Senate amendments to House Bill No. 1 by the following roll call vote: Ayes, 94; nays, 4; absent, 10."

Senator Thompson submitted the following letter from the governor, which was read as follows:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

Governor C. N. Haskell, City:

Dear Sir—On a day's notice, we will meet you and a committee from the Legislature to assist in the matter of offices, etc.

Yours truly,

S. L. BROCK,

Treasurer Chamber of Commerce."

Senator Hatchett moved that the president appoint a committee to take up the matter of free office rent for the State officers and Legislature from this time until the Capitol building shall be completed.

Senator Franklin introduced the following Senate concurrent resolution:

"SENATE CONCURRENT RESOLUTION NO. 11.

By FRANKLIN

A RESOLUTION PROVIDING FOR A MEMBER OF THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ACT WITH THE GOVERNOR IN SECURING LOCATIONS FOR THE LEGISLATURE AND STATE OFFICERS AND FOR OTHER PURPOSES.

Be It Resolved, by the Senate, the House of Representatives Concurring Therein:

That one member of the Senate and one member of the House of Representatives be selected by the respective bodies to act with and co-operate with the governor of the State of Oklahoma in securing suitable quarters for the Legislature and the State officers until permanent quarters can be secured, and in seeing that such part, or parts, of the proposition made to the people of the State of Oklahoma, through the Legislature, for the location of the State Capitol, which has not been complied with by the donors in said proposition, are fully performed as intended by said proposition and House Bill No. 1, locating the seat of government for the State of Oklahoma.

Be It Further Resolved, That quarters for the Legislature shall be secured and be ready for the next regular session of the Legislature, and quarters for the State officers shall be secured as soon as possible, and the said members from the Senate and House of Representatives shall receive as compensation for their services in making said preparations for the meeting of the Legislature and co-operating with the governor, as herein provided, Six Dollars ($6.00) per day for each day they are engaged in performing said duties."

Senator Roddie moved to substitute Senate Concurrent Resolution No. 11, by Franklin, for Senator Hatchett's motion to appoint a committee, to take up the matter of free rents.

Vote was taken and the substitute motion lost.

The question being, shall the original motion prevail, vote was taken and the motion carried.

The president appointed Senator Thompson as such committee.

Senator Stewart moved that the House be notified that the Senate had appointed a committee to await upon the Chamber of Commerce of Oklahoma City in regard to free rent, and to ask the House to appoint a like committee.

Vote was taken, and the motion carried.

A message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the engrossed copy of House Concurrent Resolution No. 18, by Clark of Atoka, relating to the allowance of certain funds expended on behalf of the House, which has been passed by the House of Representatives by viva voce vote and signed by the Speaker in open session."

House Concurrent Resolution No. 18, by Mr. Clark of Atoka, was read and Senator Vandeventer moved the adoption of the resolution.

Senator Brownlee moved as a substitute that the resolution be returned to the House for correction and information on same.

Vote was taken and the substitute prevailed.

Senator Vandeventer moved to reconsider the vote by which the substitute was carried.

Vote was taken and the motion to reconsider the vote by which the substitute was carried, was lost.

Message from the governor:

"SEVENTH MESSAGE

State of Oklahoma, Executive Department.

To the Honorable Legislature of the State of Oklahoma:

I have to recommend to your honorable body that either the House or the Senate, or both, as you may deem proper, appoint a committee to fully investigate into the affairs and conduct of the State prison at McAlester, expressing the hope that this investigation may be made at once so as to be reported at your coming regular session. I make this request because of the published statement of a former employee of the State, and who, while he has never presented any charge to me against the warden or others, has made complaint of his personal relations with other officers, and for the good of the service I request that this investigation be made and that Dr. Love, former prison physician, be notified and given unlimited opportunity to present any

complaint that your honorable committee may deem worthy of consideration.

Respectfully submitted,

C. N. HASKELL, Governor.

December 16, 1910."

The message was received.

A message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the engrossed copy of House Concurrent Resolution No. 17, by Jones, providing for the appointment of a committee of three members from the Senate and a like committee from the House to inquire into the conduct of the penitentiary, etc., which has been passed by the House of Representatives by a viva voce vote and signed by the speaker in open session."

Senator Graham was excused.

Senator Franklin called up Senate Concurrent Resolution No. 11, and moved the adoption of the resolution. Vote was taken and the resolution was adopted.

President Pro Tempore Mr. Thomas signed the engrossed copy of Senate Concurrent Resolution No. 11, and same was ordered transmitted to the House.

Senator Roddie introduced the following Senate Concurrent Resolution, which was read as follows:

"SENATE CONCURRENT RESOLUTION NO. 12

By RODDIE.

Whereas, The Governor has made recommendations to the Legislature that a committee be appointed to investigate the charges published and circulated by Dr. Love against certain public officials in charge of the State penitentiary at McAlester; therefore, be it

Resolved, By the Senate, the House of Representatives concurring therein, that a committee of three members of the Senate and three members of the House be appointed by the presiding officers of the respective bodies to investigate the affairs of the State penitentiary located at McAlester; that they be and are hereby given the authority to administer oaths, hear testi-

mony, compel attendance of witnesses and punish for contempt; and that they are instructed to take down in shorthand and have transcribed all of the testimony taken and prepare their report which shall be made to the Legislature not later than the third legislative day of the regular session of the Third Legislature."

Senator Thompson reported on behalf of the special committee appointed to investigate the free rents for the State officers and the Legislature, that the agreement had been made and everything was satisfactory.

Senator Hatchett moved that the report be accepted.

Vote was taken and the motion carried.

Senator Williams introduced the following Senate Resolution, which was read as follows:

"SENATE RESOLUTION NO. 11
By WILLIAMS

Whereas, An expense of One Hundred Forty-three Dollars and Thirty Cents ($143.30) has been incurred in the printing of Senate Bills and Senate Journals by the Warden Printing Company. Also supplies have been purchased from the Western Bank Supply Company to the amount of Nine Dollars and Twenty-five Cents ($9.25); therefore, be it

Resolved, By the Senate, that the sum of One Hundred and Forty-three Dollars and Thirty Cents and the sum of Nine Dollars and Twenty-five Cents be allowed against the Legislative contingent fund, and the State auditor be and is hereby authorized and directed to issue his warrants against said fund. One in the sum of One Hundred Forty-three Dollars and Thirty Cents in favor of the Warden Printing Company, and one for Nine Dollars and Twenty-five Cents in favor of the Western Bank Supply Company."

Senator Williams moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

A message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform the honorable Senate that the House recedes from its amendments to Senate Resolution No. 3, by Mr. Sorrells."

The resolution was ordered transmitted to the engrossing room for enrollment.

Senator Harlin introduced the following Senate Resolution, which was read as follows:

"SENATE RESOLUTION NO. 12

By HARLIN

Whereas, The Senate Capitol Committee has labored long and faithfully and has conducted their work with credit to themselves and to this body, and to the people of the State; therefore, be it

Resolved, That they be extended a vote of thanks and confidence by this body, for their untiring and patriotic service."

Senator Harlin moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

Senator Allen introduced the folowing resolution:

"SENATE RESOLUTION NO. 13

By ALLEN

A RESOLUTION PROVIDING FOR THE PRINTING AND PUBLICATION OF THE SENATE JOURNAL.

Be It Resolved by the Senate of the State of Oklahoma:

Section 1. That the journal clerk of the Senate shall within ten days after the adjournment of the Legislature deposit with the secretary of state the original copies of the Journals of the Senate.

Section 2. The State reporter shall immediately thereafter prepare said Journal for the printer and shall superintend the printing, editing and indexing of the same and when he is satisfied that the same has been properly done, he shall deliver to the State Board of Public Affairs a certificate to that effect.

Section 3. State Reporter shall employ such assistance as may be necessary in completing such work as provided herein, but in no event shall the total expense hereunder exceed the sum of Two Hundred Dollars ($200.00).

Section 4. All warrants issued by the State auditor for the payment of such assistance and expense shall be paid out of the legislative contingent fund and shall be issued upon the order of the State Board of Public Affairs.

Senator Allen moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, having carefully examined and compared Senate Concurrent Resolution No. 8, by the Senate State Capital Location Committee, find the same correctly enrolled.

E. L. MITCHELL, Chairman.

Dec. 16, 1910."

Enrolled copy of Senate Concurrent Resolution No. 8 was read and signed by President Pro Tempore Mr. Thomas, and same was ordered transmitted to the House.

On request of Senator Eggerman the members of the committee on committees were excused.

Message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the engrossed copy of House Concurrent Resolution No. 16, by Barrett, Miller of Muskogee, and Rexroat, authorizing an expenditure of Five Thousand Dollars or so much thereof as may be necessary out of the legislative contingent fund to pay the expenses of the inauguration of the governor of the State of Oklahoma, which has been passed by the House of Representatives by a viva voce vote and signed by the speaker in open session."

House Concurrent Resolution No. 16 was read at length and laid over.

Message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body engrossed copy of House Concurrent Resolution No. 19, by Cornell, extending the thanks of the Legislature to the Levy Bros. and the Chamber of Commerce for the courtesies extended by them, which has been passed by the House by a viva voce vote and signed by the speaker in open session."

A second message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the engrossed copy of House Concurrent Resolution No. 14, by Nesbitt, providing an apartment in the State Capitol to be dedicated to the mothers of our State, etc., which has passed the House of Representatives by a viva voce vote and signed by the speaker in open session."

House Concurrent Resolution No. 14, by Nesbitt, providing an apartment in the State Capitol to be dedicated to the mothers of our State, was read at length and laid over.

House Concurrent Resolution No. 19, by Cornell, extending the thanks of the Legislature to the Levy Bros. and the Chamber of Commerce, was read at length and laid over.

On motion of Senator Roddie the further consideration of House Concurrent Resolution No. 17 was taken up, and was read at length.

Senator Roddie offered the following amendment:

"After the word 'swear,' 'compel attendance,' and in same line after word 'witness' add 'and punish for contempt.' "

Vote was taken and amendment was adopted.

Senator Roddie offered the following amendment: Add at the end of the resolution the following: "and have all testimony taken in shorthand, transcribed, and report same together with their report, to Legislature not later than the third legislative day of the regular session of the Third Legislature.

Vote was taken and the amendment was adopted.

On motion of Senator Roddie the resolution was adopted.

On motion of Senator Coffey the further consideration of House Concurrent Resolution No. 14, providing an apartment in the State Capitol to be dedicated to the mothers of our State, was read at length. Senator Coffey moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

Acting President Pro Tempore Mr. Echols signed the engrossed copy of Senate Resolution No. 12 and same was ordered transmitted to the House.

Acting President Pro Tempore Mr. Echols signed the engrossed copy of House Concurrent Resolution No. 14, and same was ordered transmitted to the House.

Senator Colville called up House Concurrent Resolution No. 19, by Cornell, extending thanks of the Legislature to Levy Bros. and the Chamber of Commerce, which was read at length.

Senator Colville moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

Acting President Pro Tempore Mr. Echols signed the engrossed copy of House Concurrent Resolution No. 19, by Mr. Cornell, and same was ordered transmitted to the House.

A message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform your honorable body that the further consideration of Senate Concurrent Resolution No. 11, by Mr. Franklin, providing for a member of the Senate and the House of Representatives to act with the governor in securing location for the Legislature and State officers and for other purposes, has been indefinitely postponed."

Second message from the House:

Oklahoma City, Okla., Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit herewith the enrolled copy of Senate Concurrent Resolution No. 8, by the Senate Capital Location Committee, which has been signed by the speaker in open session, after reading at length."

The resolution was ordered transmitted to the secretary of state's office.

Acting President Pro Tempore Mr. Echols signed the engrossed copy of House Concurrent Resolution No. 17, by Jones, and same was ordered transmitted to the House.

Senator Roddie introduced the following resolution:

"SENATE RESOLUTION NO. 14

By MR. RODDIE

Whereas, This, the first extraordinary session of the Third Legislature is about to adjourn sine die, and

Whereas, The Honorable Seymour Heyman furnished this Senate with the gavel that has been used during this history-making session; therefore be it

Resolved, That the said gavel be presented to the Honorable Seymour Hyman, with the compliments of this body."

Senator Roddie moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

The further consideration of House Concurrent Resolution No. 16, authorizing the expending of Five Thousand Dollars, or so much thereof as may be necessary out of the legislative contingent fund, to pay the expenses of the inauguration of the incoming governor, was taken up and read at length.

Senator Cloonan moved that the resolution be laid over one day under the rules.

Senator Thomas arose to a point of order that the motion was out of order as the Senate was now ready to adjourn sine die and such a motion was out of order.

Point of order sustained by the president.

On motion of Senator Eggerman the Senate took a recess for thirty minutes.

Senate was called to order by the president.

Senator Eggerman was excused for the remainder of the session.

Senator Eggerman on behalf of the committee on committees submitted the following report:

"Mr. President:

We, your committee appointed to arrange the standing committees of the Senate for the Third Legislature and to nominate the personnel of the same, beg leave to make the following report:

We recommend the following to be the standing committees and nominate the personnel of same, as set forth herein:

RULES AND PROCEDURE

Vandeventer, Chairman.
Thomas, ex-officio Chairman.
Hatchett.
Memminger,
Wynne.
Briggs.

LEGAL ADVISORY

Franklin, Chairman.
Kendrick.
Mitchell.
Roddie.
Stewart.
Thomas.
Warren.

JUDICIARY NO. 1

Hatchett, Chairman.
Echols.
Landrum.
Sorrells.
Thompson.
Vandeventer.
Potter.

JUDICIARY NO. 2.

Kendrick, Chairman.
Allen.
Horton.
Mitchell.
Redwine.
Wynne.
Jones.

CODE REVISION

Stewart, Chairman.
Allen.
Hatchett.
McMechan.
Thomas.
Thompson.
Potter.

APPROPRIATIONS

Memminger, Chairman.
Anderson.
Denton.
Echols.
Garrett.
Graham.
Landrum.
Newell.
Williams.
Chapman.
McCully.

REVENUE AND TAXATION.

Mitchell, Chairman.
Hatchett.
Horton.
Kendrick.
McMechan.
Smith.
Jones.

PRIVILEGES AND ELECTIONS.

Allen, Chairman.
Anderson.
Eggerman.
Hatchett.
Mitchell.
Thompson.
Vandeventer.
Beeler.
Briggs.

PUBLIC SERVICE CORPORATIONS.

Redwine, Chairman.
Coffey.
Graham.
McMechan.
Newell.
Tilghman.
Brownlee.

PRIVATE CORPORATIONS

Brownlee, Chairman.
Anderson.
Denton.
Garrett.
Briggs.

MUNICIPAL CORPORATIONS.

McMechan, Chairman.
Allen,
Eggerman.
Goulding.
Horton.
Smith.
Cloonan.

ROADS AND HIGHWAYS

Smith, Chairman.
Denton.
Hatchett.
Kendrick.
Sorrells.
Williams.
Wynne.
Dutton.
McCully.

FEES AND SALARIES

Landrum, Chairman.
Coffey.
Denton.
Harlin.
Sorrells.
Tilghman.
Langston.

EDUCATION

Wynne, Chairman.
Coffey.
Graham.
Harlin.
Landrum.
Roddie.
Colville.

COMMERCE AND LABOR

Sorrells, Chairman.
Allen.
Franklin.
Barefoot.
Goulding.
Newell.
Colville.

AGRICULTURE, QUARANTINE AND ANIMAL INDUSTRY

Graham, Chairman.
Barefoot.
Eggerman.
Hatchett.
Harlin.
Newell.
Wynne.
Dutton.
McCully.

BANKS AND BANKING

Roddie, Chairman.
Barefoot.
Goulding.
Graham.
Harlin.
Stewart.
Beeler.

INSURANCE

Goulding, Chairman.
Coffey.
Denton.
Landrum.
Memminger.
Tilghman.
Cloonan.

PUBLIC BUILDINGS AND CAPITOL

Eggerman, Chairman.
Barefoot.
Echols.
Franklin.
Kendrick.
Thompson.
Vandeventer.
Brownlee.
Potter.

SCHOOL LANDS

Barefoot, Chairman.
Anderson.
Denton.
Harlin.
Roddie.
Stewart.
Thomas.
Brownlee.
Langston.

OIL, GAS AND MINERAL LANDS.

Vandeventer, Chairman.
Allen.
Franklin.
Garrett.
Graham.
Memminger.
Redwine.
Berkey.
Potter.

MINES AND MANUFACTURING

Garrett, Chairman.
Coffey.
Redwine.
Sorrells.
Tilghman.
Wynne.
Colville.

SENATE AND LEGISLATIVE AFFAIRS.

Williams, Chairman.
Allen.
Goulding.
Kendrick.
Brownlee.

STATE AND COUNTY AFFAIRS

Denton, Chairman.
Garrett.
Redwine.
Roddie.
Smith.
Williams.
Warren.

FEDERAL RELATIONS

Potter, Chairman.
Franklin.
Horton.
McMechan.
Tilghman.
Williams.
Berkey.

INDIAN AFFAIRS

Harlin, Chairman.
Franklin.
Graham.
Landrum.
Cloonan.

HOSPITALS AND CHARITIES

Goulding, Chairman.
Kendrick.
Memminger.
McMechan.
Newell.
Williams.
Chapman.

PENAL INSTITUTIONS

Coffey, Chairman.
Allen.
Denton.
Redwine.
Smith.
Thompson.
Briggs.

PUBLIC PRINTING

Anderson, Chairman.
Landrum.
Memminger.
Mitchell.
Thomas.
Vandeventer.
Dutton.

PUBLIC HEALTH

Williams, Chairman.
Coffey.
Horton.
Newell.
Roddie.
Smith.
Warren.

DRUGS AND PURE FOOD

Newell, Chairman.
Anderson.
Goulding.
Sorrells.
Stewart.
Williams.
Chapman.

FISH AND GAME

Thomas, Chairman.
Barefoot.
Kendrick.
Roddie.
Smith.
Sorrells.
Jones
Stewart.

MILITARY AFFAIRS

Tilghman, Chairman.
Coffey.
Horton.
McMechan.
Berkey.

ENROLLED AND ENGROSSED BILLS

Coffey, Chairman.
Mitchell.
Langston.

PROHIBITION ENFORCEMENT

Horton, Chairman.
Eggerman.
Landrum.
Sorrells.
McCully.

LEGISLATIVE AND JUDICIAL APPORTIONMENT

Thompson, Chairman.
Barefoot.
Echols.
Garrett.
Graham.
Harlin.
Kendrick.
Newell.
Roddie.
Tilghman.
Sorrells.
Williams.
Vandeventer.
Briggs.
Potter.

CONGRESSIONAL APPORTIONMENT.

Echols, Chairman.
Anderson.
Eggerman.
Franklin.
Goulding.
Hatchett.
Harlin.
Newell.
Redwine.
Stewart.
Thomas.
Thompson.
Vandeventer.
Brownlee.
Potter.

Respectfully submitted,
M. F. EGGERMAN, Chairman.

Senator Thomas moved that each senator as named on the different committees be elected to said position, on said committee in the regular session of the Third Legislature.

Vote was taken and the motion carried.

Acting President Mr. Echols signed the engrossed copy of Senate Resolution No. 11.

Senator Allen moved to reconsider the vote by which Senate Resolution No. 13 was adopted.

Vote was taken and the vote was reconsidered by which the resolution was passed.

Senator Allen offered the following as a substitute for Senate Resolution No. 13 which was read as follows:

SUBSTITUTE FOR
SENATE RESOLUTION NO. 13
By ALLEN

A RESOLUTION PROVIDING FOR THE PRINTING AND PUBLICATION OF THE SENATE JOURNAL.

Be It Resolved by the Senate of the State of Oklahoma:

Section 1. That the journal clerk of the Senate shall within twenty days after the adjournment of the Legislature deposit with

the secretary of state the original copies of the Journals of the Senate, provided the president pro tempore of the Senate is hereby authorized to employ one assistant to said journal clerk at a salary of $4.00 per day to complete the Journal of the Senate and the salary of such assistant shall be paid out of the legislative contingent funds upon the order of the president pro tempore of the Senate.

Section 2. The State reporter shall immediately thereafter prepare said Journal for the printer and shall superintend the printing, editing and indexing of the same and when he is satisfied that the same has been properly done, he shall deliver to the State Board of Public Affairs a certificate to that effect.

Section 3. State reporter shall employ such assistance as may be necessary in completing such work as provided herein but in no event shall the total expense hereunder exceed the sum of One Hundred Dollars ($100.00).

Section 4. All warrants issued by the State auditor for the payment of such assistance and expense shall be paid out of the legislative contingent fund and shall be issued upon the order of the president pro tempore of the Senate.

Senator Allen moved the adoption of the substitute resolution.

Vote was taken and the substitute resolution was adopted.

Senator Mitchell reported on behalf of the committee on enrolled and engrossed bills as follows:

"Mr. President:

We, your committee on enrolled and engrossed bills, have carefully examined and compared Senate Concurrent Resolution No. 3, by Mr. Sorrells, find the same correctly enrolled.

E. L. MITCHELL, Chairman.

Dec. 16, 1910."

The enrolled copy of Senate Concurrent Resolution No. 3, by Mr. Sorrells, was read at length for the fourth time and signed by Acting President Mr. Echols, and same was ordered transmitted to the House.

On motion of Senator Barefoot the further consideration of House Concurrent Resolution No. 16, authorizing the expenditure of Five Thousand Dollars or so much thereof as may be necessary out of the legislative contingent fund to pay the expenses of the inauguration of the governor of the State of Oklahoma, was taken up, and the resolution was read at length.

After discussion by Senators Kendrick, Hatchett, Coffey, Langston, Dutton, Harlin, Jones, Cloonan and Colville, the question being, shall the resolution be adopted, the roll was called, the vote resulting as follows:

Yeas: Brownlee, Chapman, Colville, Dutton, Langston, McMechan, Newell, Potter, Sorrells, Thomas, Williams; total, 11.

Nays: Allen, Anderson, Barefoot, Berkey, Briggs, Coffey, Cloonan, Echols, Franklin, Hatchett, Harlin, Jones, Kendrick, Landrum, Mitchell, Roddie, Smith, Stewart, Thompson, Tilghman, Wynne, Vandeventer; total, 22.

Absent: None.

Excused: Beeler, Denton, Eggerman, Garrett, Goulding, Graham, Horton, Memminger, McCully, Warren, Redwine; total, 11.

The president declared the resolution lost.

Acting President Mr. Echols signed the engrossed copy of substitute for Senate Resolution No. 13.

Senator Wynne moved that the secretary of the Senate be instructed to mail to each member of the Senate a copy of the Journal of the last day's session.

Vote was taken and the motion carried.

Senator Cloonan requested to be recorded as voting "no" on House Bill No. 1.

Vote was taken and the request was granted.

President Pro Tempore Mr. Thomas took the chair.

Senator Franklin introduced the following Senate resolution:

SENATE RESOLUTION NO. 15

By MR. FRANKLIN

Be It Resolved by the Senate of the State of Oklahoma:

That the presiding officer of the Senate shall appoint one member to assist and act with the governor of the State of Oklahoma in securing suitable quarters for the Legislature and the State officers until permanent quarters can be secured, and in seeing that such part, or parts, of the proposition made to the people of the State of Oklahoma, through the Legislature, for the location of the Capitol, which has not been complied with by the donors in said proposition, are fully performed as intended by

said proposition and House Bill No. 1, locating the seat of government for the State of Oklahoma."

Senator Franklin moved the adoption of the resolution.

Vote was taken and the resolution was adopted.

Senator McMechan, on behalf of Oklahoma City, extended an invitation to the Senate to attend a reception in honor of the Legislature.

On motion of Senator Roddie the invitation was accepted with thanks.

Senator Landrum was excused for the remainder of the session.

President Pro Tempore Mr. Thomas signed the engrossed copy of Senate Resolution No. 15, by Franklin.

Senator Jones was excused.

Senator Harlin was excused.

Senator Roddie moved that the president pro tempore of the Senate be instructed to appoint whatever help was nacessary to take care of the furniture, and be allowed to audit and approve the claim for the same.

Vote was taken and motion carried.

The Senate took a recess for ten minutes.

The pen with which the president pro tempore, Mr. Thomas, signed Senate Concurrent Resolution No. 8 was presented to Senator Colville.

A message from the House:

"Oklahoma City, Okla., Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the enrolled copy of Senate Concurrent Resolution No. 3, by Mr. Sorrells, providing that union labor be employed throughout in the construction of all Capitol buildings, etc., which has been signed by the speaker of the House of Representatives in open session after reading at length."

The resolution was ordered transmitted to office of the secretary of state.

A second message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the enrolled copy of House

Bill No. 3, by Bolen and Jones, authorizing the governor to accept a gift or donation of not less than fifteen acres of land, etc., which has been signed by the speaker of the House of Representatives in open session after reading at length."

The enrolled copy of House Bill No. 3 was read the fourth time at length and signed by the president pro tempore, Mr. Thomas, and the same was ordered transmitted to the House.

Message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to transmit to your honorable body the enrolled copy of House Bill No. 1, by Wright, Peery and Durant, of the House, and Thompson of the Senate, providing for the permanent location of the seat of government, etc., which has been signed by the speaker of the House of Representatives in open session after reading at length."

Message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform the honorable Senate that the House of Representatives has agreed to Senate amendments to House Concurrent Resolution No. 17, by Mr. Jones, providing for the appointment of a committee from the House and the Senate to investigate the penitentiary, etc."

The president appointed in accordance with House Concurrent Resolution No. 17, providing for a committee to investigate the penitentiary, etc., Senators Roddie, Goulding and Brownlee, on the part of the Senate.

A message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform the honorable Senate that the speaker has appointed Messrs. Edwards, Chambers and Smith (of Creek) to act as a committee in accordance with House Concurrent Resolution No. 17, by Mr. Jones, to investigate the penitentiary, etc."

Senator Goulding requested to be recorded as voting "Aye" on House Bills Nos. 1 and 3, being absent on urgent business during the consideration of said bills.

Vote was taken and the request was granted.

The pen with which President Pro Tempore Mr. Thomas signed House Bill No. 3 was presented to Senator McMechan.

The enrolled copy of House Bill No. 1 was read the fourth time at length and was signed by President Mr. Bellamy and the same was ordered transmitted to the House.

Senator Thompson was appointed as a special committee of one to transmit the enrolled copy of House Bil No. 1 to the House of Representatives for the signature of the speaker and, with a like committee from the House to transmit the bill to the governor for his consideration.

Senator Roddie moved that the Journal of this day's session be approved.

Vote was taken and the motion carried.

Senator Hatchett moved that a committee be appointed to notify the honorable House that the Senate was now ready to adjourn sine die. Vote was taken and the motion carried.

The president appointed Senators Wynne, Barefoot, and Briggs as such a committee.

Special committee appointed to notify the House that the Senate was now ready to adjourn sine die, reported that the House would be ready in ten minutes.

Report was received.

Senator Brownlee moved that the flag that had hung on the wall behind the president's desk be presented to the president pro tempore, Mr. Thomas, as a token of remembrance of this historical occasion.

Vote was taken and the motion carried.

Senator Coffey moved that he be presented with the remainder of the calendar in remembrance of this historical occasion.

Senator Goulding moved that the two small flags hanging on either side of the president's chair be presented to the two senators representing this district, the Honorable Messrs. Colville and McMechan.

Vote was taken and the motion carried.

Message from the House:

"Oklahoma City, Oklahoma, Dec. 16, 1910.

To the Honorable President of the Senate:

Sir—I am directed by the House of Representatives to inform your honorable body that the speaker has appointed the Honorable Dan Peery to accompany your committee to convey House Bills Nos. 1 and 3 to the governor and has appointed

Messrs. New, Lennox and Vesbaugh to accompany your committee to notify the governor that the Legislature has completed its labors and is now ready to adjourn."

On motion of Senator Roddie the president appointed Messrs. Mitchell, Smith, and Tilghman as a like committee to notify the governor that the Senate had completed its work and await his pleasure.

Senator Mitchell reported on behalf of the special committee appointed to notify the governor that the Senate had finished its work and was ready to adjourn, that the governor was very much pleased with the action of both bodies of the Legislature, and that he had no further communication to transmit to them.

Senator Roddie moved that the secretary of the Senate be instructed to take the pay roll to Guthrie to the office of the State auditor and return as soon as possible with the warrants.

Vote was taken and the motion caried.

Senator Smith moved that the Senate do now stand adjourned sine die.

Vote was taken and the motion carried.

The president pro tempore, Mr. Thomas, then declared the Senate adjourned sine die.

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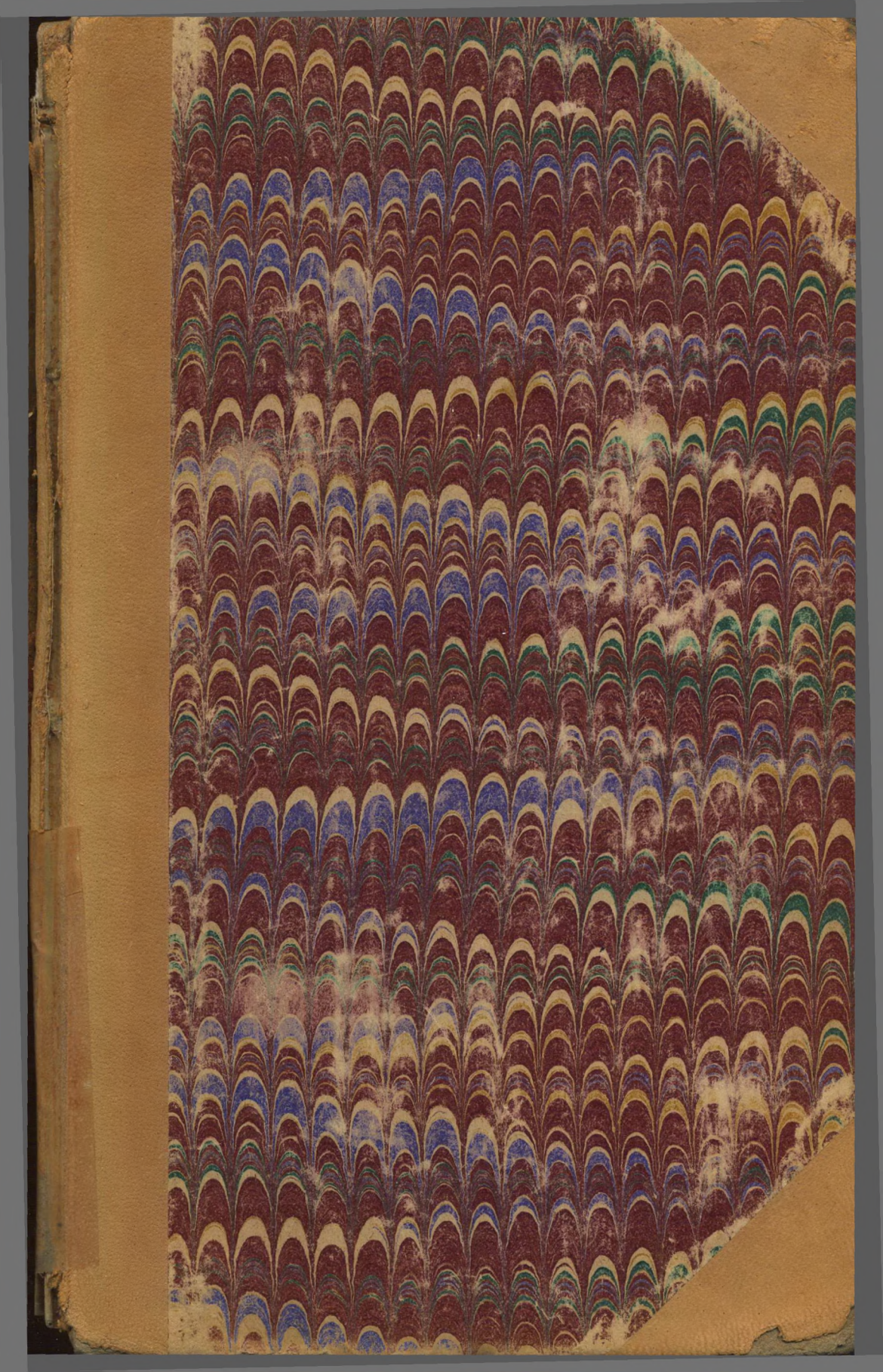
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