

State of the State
Governor Lee Cruce
January 8, 1913

To the Members of the Fourth Legislature Convened in Regular Session:

The Constitution of Oklahoma provides as follows: "At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to joint session of the two houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient." In attempting to carry out the duty thus imposed upon me, I am addressing you this communication.

It has now been two years since the Legislature last convened in Oklahoma, during which time you have had opportunity to observe the effect of laws enacted at previous sessions of the Legislature. No body of lawmakers has ever yet assembled that was able to perfect all legislation it undertook to enact. The judgment of the most skilled legislators frequently falls short when they undertake to enact laws that shall govern the action of the people and affect the policies of the State in future years. It is, therefore, no reflection upon the wisdom or integrity of any former body of legislators to pass laws amending, repealing or supplementing laws passed heretofore.

Two years of close study from the vantage position of Chief Executive convinces me that much helpful legislation is needed to be enacted by this body. Indeed am convinced that no similar body has heretofore assembled in Oklahoma, the work of which has proved of greater advantage to the people of the State, than your work can be. The opportunity for useful service is at your hands. If you grasp it in its entirety your efforts will be appreciated by the people of this generation and revered by those of generations to come.

We are just beginning the construction of a great commonwealth. What has been done heretofore has been largely the work of the pioneer; what you should do is the work of the finished artisan, --molding and fitting into proper place the various parts of a well-ordered government. Since ours is, in theory, a government founded upon the doctrine of the rule of the majority, it should in practice reflect the character, thought and aspirations of a majority of the people. I do not contend that you can legislate honesty and virtue into the citizenship of any community; but I do contend that the honesty, virtue and intelligence of a majority of the citizenship of every State should fashion the laws that are to govern the people of that commonwealth.

There are certain laws that have to do directly with the moral conduct of our citizenship, and holding to the belief herein expressed, I do not hesitate to recommend to you the passage of such legislation as will restrain the viciously inclined and bring about a more wholesome respect for righteous government.

I have found that the laws which are the hardest to enforce are that class of laws I have just enumerated, --the purpose of which is to define the actions of our citizenship in its social life, and that undertake to put a limit upon the license in which they shall indulge. In this connection, I invite your attention to three laws that stand pre-eminently prominent to-wit, the law against prize fighting, the law against gambling and the prohibition law.

I have had more complaints come to me from various quarters of the State with reference to the non-enforcement of these laws, than all others on our statute books for the prevention of crime. The reason for this is easily ascribable; in practically every community in the State the people are divided upon the wisdom and expediency of such laws, and in some communities a majority of the people, or at least a majority of those who are outspoken in their opinion, is hostile to a rigid enforcement of these laws; and in some instances the officers whose sworn duty it is to enforce the laws, are out of sympathy with these particular laws and make no serious effort to enforce them. In fact, I am not extravagant or unfair when I say that in some instances, instead of enforcing these laws, they aid, indirectly at least, and encourage their violation. I shall deal with these subjects separately.

PRIZE FIGHTS.

Section 2506, Snyder's Compiled Laws of Oklahoma, 1909, provides as follows: "Every person who engages in, instigates, encourages, or promotes any ring or prize fight, or any other premeditated fight or contest, whether as principal, aid, second, umpire, surgeon or otherwise, although no death or personal injury ensues, is guilty of a misdemeanor."

Casually reading this statute it would appear that it was sufficient to define and prohibit prize-fighting; and if all local officials were to construe the law alike, a construction could be placed upon it that would prohibit prize-fighting in Oklahoma. The trouble, however, is that different constructions are placed upon this statute by different officials, and in communities where a large per cent of the population believe in and enjoy these prize-fights [*sic*], a construction is placed upon it which practically nullifies the intent of the law and renders of it a curtain behind which is staged every form of brutal exhibition.

The plan most generally followed in this State to evade this law is to organize an Athletic Club with the ostensible object of promoting the health of its members. It is surprising to see among the membership of this apparently harmless association lawyers, bankers, merchants, --and in fact, men from almost every walk of life, representing, in many instances the best citizenship of that community. They employ an athletic instructor and have their regular times and place of meeting. Thus far no objection could be raised by anyone; far be it from me to do or ask to be done anything that would cast an impediment of the slightest sort in the way of a better physical development of the people of the State. The trouble is, however, that these organizations do not stop with an effort to bring about a better physical condition among their membership; enthusiasts upon the subject of physical perfection in man too frequently begin to plan what are denominated "boxing contests;" these contests are not staged in privacy of club rooms between members of the organization; they send to Chicago, Denver, Kansas City and other metropolitan communities and hire men who are known to be prize fighters, and whose only occupation in life is to skill themselves so as to receive from and inflict upon their adversary the greatest amount of punishment possible. These "boxing contests" are usually staged in the most commodious auditorium in the community where they are held. They are advertised extensively and hundreds and sometimes thousands of people buy high-priced tickets in order to see the contest.

Local officials whose duty it is to enforce the prize fighting laws of this State will be found among the spectators, frequently gaining admission through complimentary

tickets. If one of them has ever arrested a man engaged in this sort of contest for violation of the law, that fact has not been brought to my attention. On a number of occasions since I have been Governor, yielding to the earnest solicitation of the element who disapprove of prize fighting.

I have called upon the military department of the State to see that no violation of the law ensued. In other cases, however, contests have been had in Oklahoma where I was not asked to interfere and where the contest was not called to my attention in time to prevent any violations of the law.

To give you an illustration of what these "boxing contests" really are, I have but to refresh your memory a little. About a year and a half ago it was advertised quite extensively over the Nation that Oklahoma's "White Hope," Carl Morris, would engage in a "boxing contest" with Jim Flynn. This harmless amusement was to take place in Tulsa County; the preparations were well under way and there seemed to be no effort made by the local officials to prevent it. On the contrary, many of the substantial people of Tulsa importuned me, when they learned that I had determined the contest should not be permitted to take place in Oklahoma, to withdraw my objection on the ground that it would bring hundreds of people and thousands of dollars to that community. I turned a deaf ear to these entreaties and instructed Adjutant General F. M. Canton to prevent the contest at all hazards, and to use such military force as was necessary to see that the law was observed. The result was that these two "boxers" betook themselves to New York City and there gave to the people of the east an exhibition of "boxing skill." Those who read of the outcome have hardly yet recovered from the nauseating spectacle; in ring slippery with human blood, bruised, battered, beaten and bleeding until he was hardly recognizable, one of the contestants was borne from the ring and spent days in recovering from the ordeal through which he had passed. This was what was purposed to be done in Oklahoma, and it was contended by those who promoted it that it was permissible under our laws, -- such is the construction some men place upon the statute.

I believe that you should pass a law that will make it impossible, under any sort of construction, for a prize fight, or any other contest that resembles a prize fight, to take place within this State. To this end, I would urge that you pass a law which will make it a criminal offense for any two persons, by whatever name it may be called, whether boxing contest, sparring match or prize fight, to engage in any kind of contest where a prize or other thing of value is offered to the participants; or where any paid admission is charged spectators to see that contest. If you will make it impossible for the scientific boxers who come here from outside States and engage in these contests to receive any reward therefore, we will have very little occasion in the future to call out the militia to prevent such unholy spectacles. This kind of a law would in nowise interfere with the physical development of our people, and those who do organize clubs for the sole purpose of developing the physique of their membership would not be hindered in the least [*sic*] by the passage of such an act.

GAMBLING.

Of all the methods pursued by men to procure money, to me there is none that should meet with more determined opposition on the part of the State than that of gambling. The highwayman who, at the point of a pistol, orders you to stand and deliver your money, or the thief who creeps in at night while you are asleep and filches your purse, is not one-half so deadly a foe to society and good government as is the

professional gambler. The highwayman and the thief are shunned by all good citizens, and the greatest harm they do is to the individual robbed. The example that is set is one that does not drag along its trail a horde of young men, ambitious to emulate these law violators. Not so with the gamblers. They preserve a degree of semi-respectability; they frequently move among good people; they dress extravagantly; they toil not; they reap where others have sown, and, with all, lead such a life as to tempt irresistibly thousands and tens of thousands of the flower of the young manhood of the Nation to follow in their wake.

Looking at the subject calmly, viewing dispassionately its effects upon government and society, it would seem that no one could be found, calling himself a good citizen who would not raise his voice against this crime, and yet in Oklahoma there are many such. And it is no mis-statement of facts to say that in some localities public officials are among the number. A system of fines, which amounts to nothing more nor less than a license to violate the law, is indulged in, and the excuse the officers give is that the revenue is needed to help run local government. There are others who defend the nefarious business by saying that they believe in an "open town," and the Puritanical ideas, especially in the city administration, will destroy the growth of a city.

I don't know how members of this Legislature feel upon this subject, but as for me, I would rather see any city in the State blotted entirely from Oklahoma's map, than to see the young men of that community drawn down in this maelstrom of vice and crime. Blasted hopes, blighted homes and ruined lives can find no recompense in brick and mortar, and if we are to build here a State worthy of preservation, we should learn early in its molding that human character is infinitely more valuable and sacred than gold and silver.

I doubt whether or not any State has dealt so carelessly with this subject as has Oklahoma. Aside from making it a misdemeanor to bet upon an election, the only other law upon the subject of gambling in Oklahoma is contained in Section 2422, Snyder's Compiled Laws which is as follows:

"That every person who deals, plays or carries, on, or opens or causes to be opened, or who conducts, either as owner or employe [*sic*], whether for hire or not, any game of faro, monte, poker, roulette, craps, dice, cards or any device for money, checks, credit, or any representation of value, is guilty of a misdemeanor and is punishable by a fine of not less than a hundred dollars nor more than a thousand dollars, and by imprisonment in the county jail for a term of not less than thirty days nor more than six months."

You can gamble on any other subject that you choose and violate no law. The most insidious form of gambling is entirely omitted from the list, --that of betting at the race track. The percentage of people who infest the gambling houses, where the games enumerated in the statute are conducted, is infinitesimal compared with the total population of the community, and is of entirely a different character from the class of citizens who bet on the race course. There is absolutely no difference in the principle, if the game is fairly played, between betting money upon the result of a throw of dice and the outcome of a horse race, and I am convinced from what I have seen that there is just as much dishonesty practices in horse racing as there is just as much dishonesty in card playing. The enthusiastic public is just as mercilessly robbed by the man who "fixes" the horse race, as it is by the man who "stacks" the cards.

I have had occasion myself to attend some of the races in Oklahoma, and there, to my humiliation and to the humiliation of Oklahoma, I have seen women coming from some of the best homes in Oklahoma,--I have seen boys and girls yet in short trousers and short dresses, betting their money upon the outcome of a horse race with the same careless abandon as the confirmed gambler; and this form of gambling is justified by some of the best people of the State. They contend that we cannot have horse racing unless we have gambling, and they go still farther and state that it is impossible to have a fair successfully conducted in Oklahoma unless you permit this crime to go unrebuked and unpunished by our laws. I don't believe in any such argument; but if it is true, it none the less alters my conviction that this species of gambling should be prohibited by law. When conditions prevail, such as are to be seen daily at the race courses in Oklahoma, it is time that the law should stretch forth its hand and stay the course of those whose end is surely despair, and whose contribution to government must tend towards the destruction of the highest governmental ideals

There should be no half-way grounds taken by the Legislature in dealing with this subject; it should deal with it manfully in a broad way. If we are going to permit any sort of gambling,--then permit all kinds of gambling in the State. Slot machines, the shaking of dice for cigars and drinks, racing, cards and every other kind of gambling where-in money or anything of value is bet or won, should be made a violation of the law in Oklahoma and should be punishable. The man who conducts a gambling house should be sent to the penitentiary. To make this sort of crime a misdemeanor is a travesty upon justice. The man who undertakes to live at the expense of the good morals of the State, and whose place of business invites within its walls each day and night men and boys whose character is sacrificed to his lust for gold, deserves and should receive no better fate than a term in the penitentiary.

PROHIBITION.

Two years as Governor of the State in an attempt to enforce the prohibition laws, while that enforcement in many instances has been weak, lax and absolutely ineffectual, has only convinced me that prohibition can be made effective. To take any other view of the subject is to say that human government, especially government of the people, is a failure. The majority of the people of the State on two separate occasions, have voiced their approval of statewide prohibition, and have said that this must be the law in Oklahoma. To permit this law to remain upon the statute books as the expressed will of a majority of the people and not enforce the law and give to the people the benefits they expect and are entitled to, is to say that the will of the minority and not the will of the majority must prevail in Oklahoma. And here again we are brought face to face with the same conditions that prevail with reference to the prize fighting and gambling evils.

In many localities public sentiment favors the open bootlegging [*sic*] joint. Recent statements made by officials admitting their impotency to deal with this subject show the need of further legislation upon this subject. I make this statement without qualification and after two years of experience, --there is not a county or city in this State where open bootlegging joints can be maintained if local county and city officials, whose duty it is to enforce the law, will do their duty. I understand that the bootlegger who sells whiskey from his pocket who is here today and four blocks away tomorrow, who has no fixed place of business, can't be entirely eliminated from Oklahoma; but to say that the bootlegger who has a fixed place of business, who makes his sales day after day, week

after week, month after month and in some cases, year after year, just as the groceryman [*sic*], druggist and the dry goods man does, can continue this in open violation of the law and not be put out of business, is to say that law is a farce and government a failure. Such is not true, and where these conditions prevail there is but one fair explanation of it, --the local officers whose duty it is to enforce the law are not enforcing it and are not trying to enforce it. It is useless for public officials to undertake to dodge responsibility, and to say that there are so many other laws to be enforced that they have not the time to enforce this law. No one expects any public official to spend all of his time enforcing any one law; but there are enough officials on the payroll in Oklahoma to enforce all of the criminal laws in the State, or at least to arrest the violators of these laws.

Another trouble that has been found in the enforcement of the prohibition laws in Oklahoma is the position that the courts have taken. I am not criticizing the courts, but am simply calling attention to facts. The courts of this State hold that circumstantial evidence is sufficient in cases of murder to justify the infliction of the death penalty. No one may see the assassin shoot down his victim; he may believe that his crime is absolutely unknown to anyone save himself, and yet by a chain of circumstances that point to his guilt, you may establish his crime in the courts of this State. Not so with the bootlegger. You may raid his place and find there whiskey, beer and every other variety of intoxicant; you may see him equipped with his bar, its fixtures its glasses and everything that is necessary for the operation of his saloon; you may see men enter his place of business with their breath pure and come out with it tainted with the odor of alcohol. You may see everything that is necessary to prove that the law is being violated, but unless you can procure some man who will swear that he actually bought the whiskey or beer from him, or saw the purchase made, you can't convict the bootlegger of selling intoxicants and have that conviction stand in the courts of Oklahoma.

I believe that the Legislature should pass a law that would leave it to the jury, when all the circumstances are properly brought before it, to decide whether or not the defendant is guilty, and not leave it for the courts through mere technicalities to overthrow the verdict of twelve honest men, who have heard all of the testimony, and who have come to an honest conclusion, and usually a righteous one.

I admire the stand taken by the Criminal Court of Appeals in Oklahoma in its harmless error doctrine, and in going as far as it has gone in preventing the escape of criminals from just punishment through technicalities of the law. The same doctrine of harmless error and technicalities applied to bootleggers, gamblers and other law violators as is applied to murderers, thieves and the supposedly larger criminals, would meet with the universal approval of all good men in Oklahoma, and would make law enforcement far easier in this State. Such a doctrine would certainly injure no good man, and would withdraw the cloak of protection from many bad men.

I believe that the enforcement of this law should be effected by local officials; but if the Legislature holds a different view of the matter and believes that the law should be enforced through the Governor's power, then it should make adequate provision for its enforcement. At present the only power I have as Governor of this State to enforce any law, is by the appointment of one State Enforcement Officer, who, for the purpose of enforcing the prohibition law and no other, has the power of a local sheriff. When the mayor of a city with dozens of policemen at his call, will publicly acknowledge that he can't enforce the prohibition law in a single city, it would certainly seem unnecessary to

state that the enforcement of that law, not only in such a city, but in every locality in the State, by a single individual, is a physical impossibility

I am not arguing the question of whether or not the prohibition law is a meritorious one; the people have settled that question and so far as this Legislature and I are concerned, it is not a question for legislative discussion. Our whole duty in the matter is to provide a method that will bring about an enforcement of the law which the people have made, and we have not done our duty until we have exhausted every possible remedy that can be invoked in its enforcement. It matters not to me whether you believe in statewide prohibition, local option or open saloons. I say unhesitatingly it is your duty, no matter which of these positions you hold to, to pass laws that will bring about the enforcement of the prohibition laws of Oklahoma until it is properly repealed by the people. This brings me to the discussion of another subject:

REMOVAL OF OFFICERS.

The Constitution of this State, which was overwhelmingly adopted by the people of Oklahoma, and which, upon this subject, has undergone no change, in Section 135, Bunn's Edition, contains the following:

"The supreme executive power shall be vested in a chief magistrate, who shall be styled 'The Governor of the State of Oklahoma.'"

And Section 141 provides:

"The Governor shall cause the laws of the State to be faithfully executed."

Evidently it was the intention of the framers of the Constitution and the people who adopted it to clothe the Governor with larger executive power than any other official in the State. Yet, in the execution of the laws of this State under the statutes that have been enacted under our Constitution, the Governor has very little more power than the humblest citizen in Oklahoma.

In every well-ordered business there is a directing head clothed with authority to act. Those who hold subordinate positions under him understand that they must render proper service in the interest of the institution with which they are connected, or their removal will take place. Not so with the Governor of this State. The local official is no more bound to heed the request of the Governor or follow his advice than he is to heed the request or follow the advice of a constable.

If we are to have the proper enforcement of the law, the proper respect for the law and the proper government by law in Oklahoma, our laws must be enforced uniformly over the State. To permit one sort of enforcement in Oklahoma County, another sort in Muskogee County, and still another sort in Carter County, amounts in the end to no enforcement. Laws statewide in their application should be statewide in their enforcement, and what is prohibited by State laws in Muskogee County should be prohibited in Oklahoma County and in every other county in the State.

The method or the degree of enforcement of State laws should not be left to the various interpretations of officials in the different localities; and the Chief Executive Head, or the Governor of the State, should be the one to prescribe the sort of enforcement we are to have, and that enforcement should be uniform over the State.

In order that the Governor's authority may be defined and that his requests may be observed by local officials, this Legislature should give to him the power to remove summarily from office any local official whose duty it is to enforce the criminal laws of Oklahoma, who fails, neglects or refuses to enforce them; and this power on the part of

the Governor should not be restricted to the prohibition law, but to all criminal laws. Clothed with this authority, the question of local sentiment would play very little part. It would result in another thing which would be immediately helpful to better local government; it would remove the bootlegger and the gambler from local politics. These men have no politics; they are thoroughly organized and take part in our elections largely as a matter of personal gain. They are sufficiently numerous in many localities to hold the balance of power and they use that power mercilessly. If in a community infected by them the Democratic party chooses as its candidate for office a man who will show special favors to this type of citizens, and the Republican party chooses as its candidate a man who will enforce the law against them as against any other violator, the Democratic candidate will receive the universal support of this element of voters without regard to politics. On the other hand, if the Republicans should choose a man who would show special favors to these law violators, and the Democrats choose a candidate who will enforce the law against them, they all vote, regardless of politics, for the Republican candidate. The result is that in many localities men are elected to office who are understood in advance to be men who will not rigidly enforce these laws. Whenever gamblers and bootleggers are given to understand that the man, whose election they have procured by their money and influence, can be removed from office the next day unless he enforces the law, you will eliminate these men from politics and will minimize their bad influence in government.

I don't believe that an occasion would often arise in Oklahoma where an officer would have to be removed by the Governor. It would be sufficient with the average public official to know that the Governor had that authority, and when the Governor instructed him to enforce the law, he would not be met with a smile of contempt, and with the plea that "public sentiment is against its enforcement."

I am not asking this power because I desire it. I am asking for it because the people of the State, in adopting the Constitution, evidently intended to give such power to the Governor, and a great many people of the State think that the Governor has this power. The hundreds of letters that I have received since I have been Governor from good people all over the State, and from many well-informed people, convince me that the people expect much more of the Governor than he can accomplish, and believe that he is clothed with greater power than the Legislature has chosen to give him.

I recommend that you pass a law giving the Governor authority to remove at once any public official whose duty it is to enforce any criminal law, when he is convinced that such public official through neglect, failure or wilful [*sic*] design, is not enforcing the laws, and to appoint in his stead a successor. Given this authority I guarantee to you and to the people of the State that we will have a better enforcement of the law in Oklahoma during the next two years than we have had during the past two. The present method of removal of officers is so tedious and cumbersome as to be practically useless. The method that I propose will work no hardship upon any honest man; and the public official whose conduct is called into question will, in my judgment, before any man whom the people of Oklahoma will ever elect to the high office of Governor of the State, receive as patient and fair a hearing as he would receive through the courts.

EDUCATION.

There is probably no one subject that interests more people in Oklahoma than the subject of Education. The enthusiasm of our people for higher educational development

has been made a means by which self-interested individuals have effected an entrance into the pockets of the taxpayers of this State. Outrages against the State and against real educational progress have been perpetrated in the name of education. The number of well informed men in this State who believe that the number of higher educational institutions we now have are necessary, is so small as to be inconsiderable. There is almost a uniform agreement on the part of the people that some of these schools should be abolished. The trouble is, however, that there are few men in public life who have undertaken to designate the schools that should be eliminated.

Oklahoma has more schools known as "higher educational institutions," which are supported largely or entirely by State revenue, than any other State of like population in the Union. It is hardly probable that Oklahoma needs this class of schools more than any other State; nor is it all true that it is able to support more schools of this character than other States of like wealth and population. The trouble with Oklahoma is this, -- these schools in many instances were established not because there was general need for them, but because some locality desired a State institution, and was able to bring enough influence to bear upon former Legislatures to effect the location of such institution in that district.

We have a University, an A. & M. College, a Girls' College, a School of Mines, two University Preparatory Schools, six District Agricultural Schools, six State Normals, and an A. & M. School for the Negroes,--nineteen in all. There was appropriated to maintain these schools for the two years ending June 30th, 1913, \$1,496,000.00, or an annual outlay of \$748,000.00; and a recent report submitted by the Superintendent of Public Instruction indicates that it will require this much or more to maintain these schools during the next two years.

Practically thirty per cent of all of the revenue collected by the State for governmental purposes is expended in these nineteen schools. The question is, how long will the people of Oklahoma stand this sort of school system, and how long will the Legislature of the State permit this annual raid upon the State Treasury?

According to the reports made by the presidents of these various institutions, the total number of students in attendance upon all of them on the 5th day of December 1911, was 4,932; the total school population, according to the census for last year, is more than 557,000. It is seen therefore that less than one per cent of the total school population of Oklahoma is receiving the benefits of these higher educational institutions.

While we have been generous to the point of extravagance in providing funds for these schools, the sum total of taxes levied and collected by the State for the education of the ninety-nine per cent of school children who cannot attend these schools, for the past year, should every dollar of taxation be paid, would aggregate only \$325,000. In other words, we are spending more than twice as much of the people's money gathered by State taxation, to help educate one per cent of the children of Oklahoma as we are spending to help educate the ninety-nine per cent. And this further fact should be considered,--that the one per cent which is receiving the benefits of this expenditure is composed, in a large measure, of boys and girls who have already received the ordinary common school education, and who, if need be, could unaided, complete their education. Until Oklahoma gets in a position where she can properly take care of and educate the thousands and tens of thousands of boys and girls who are unable to attend our State

Institutions, and give them at least a common school education, there should be hesitancy in continuing the policy we have inaugurated.

I believe in the maintenance of proper higher educational institutions; I believe also in the maintenance of proper primary educational opportunities, and if there is to be neglect at the expense of either, it should be the higher educational institution. But there is no need for the neglect either. Oklahoma is able to provide adequately for the educational needs of all its people. The trouble with our system is that we have not considered the welfare of the student body, but have listened largely to the pleadings of real estate dealers, and other interested citizens in the matter of the establishment and location of these institutions.

We have in this State two University Preparatory Schools, which are supposed to be schools for the preparation of young men and young women for entrance into the State University. Both of these schools combined do not send as many students to the Oklahoma University as a single city high school in this State; and yet we appropriated to maintain these schools for the past two years, \$130,000. There was in attendance in these two schools on the 5th day of December, 1911, 589 pupils, making an average cost per capita to the State of more than \$110.00; and none of these students was pursuing any study in grades higher than taught in the average high schools of Oklahoma. Four hundred sixty-four of these pupils live in the two counties in which these schools are located.

The unfairness of this sort of schools is plainly apparent to anyone who will consider the situation for a moment. Practically every town of any importance in Oklahoma, where one of these higher educational institutions is not located, maintains, at the expense of local taxation, a high school for the education of its children. The towns where these schools are located make no effort at maintaining a local high school, but shift the entire responsibility upon the generous taxpayers of the State.

If the proposition were made to the people of Claremore or Tonkawa to tax themselves for the maintenance of a high school at Hobart or McAlisterville, they would reject the proposition upon the ground that it was unfair, and yet when the effort is made to make the citizens of these towns perform for their own people what the citizens of other towns are compelled to do, to-wit, establish a high school commensurate with the needs of its citizens, they cry out in horror against the proposition, and denounce the man who is bold enough to stand for a square deal to all of the citizens as a "School Killer."

The time has come when the people demand arguments. It is easy enough to manufacture opprobrious epithets and by playing upon the prejudices of the people and taking advantage of their devotion to educational institutions, to stay in some measure the day of reckoning, but just so certainly as right prevails and truth is established, just that certainly will the day come in Oklahoma when the unnecessary higher educational institutions will be abolished.

We have in this State six schools which are denominated "Normal Schools." The fact is, we have not a single real Normal School in the State, and we can never have as long as we undertake to have six. The Normal Schools in Oklahoma can more properly be denominated "local high schools" than anything else. The total attendance of these schools on the 5th day of December, 1911, was 1611. Of this number 1190 lived in the counties where these institutions are located, --only 421 coming from all the other counties and neighboring States.

A normal school is supposed to be a place where the people are trained to become teachers, and certainly Oklahoma has need for such schools. You would expect to find in these schools a large percent of mature persons fitting themselves for educational work. The fact is that 1389 of them were under the age of twenty years. In no town where one of the six normals is located is there a high school maintained by local taxation; and in many instances children in the grades are entered [*sic*] in these schools as normal school students. The total number doing work in the grades above high school work was 284. It cost to maintain these schools, for the past two years, in addition to the money received from rental of school lands, \$430,000, or \$215,000 each year. It is plainly apparent that the bulk of the money is used for local purposes, and to aid favored localities, in shifting responsibilities they should assume, upon the shoulders of the taxpaying public.

If all of the children in Oklahoma who are doing normal school work were put into one body, it would not be one-half so numerous as the student body in many first class normal schools of the country.

We are also undertaking to maintain as a public institution, a School of Mines. There was made an appropriation to maintain this school \$50,000.00 for the biennium, or \$25,000 per annum. According to the report of the president of this institution there was in attendance on the 5th day of December, 1911, forty pupils; two of these were from adjoining state, --one from Missouri and one from Kansas; thirty were from the county in which this school is located, and eight from other counties of the state. To teach these thirty-eight Oklahoma pupils there were employed, including the president, eight teachers, whose annual salary amounts to \$12,400. These thirty-eight students could just as well have been taken care of at the State University without any additional cost to the State, and the \$25,000 appropriated for the maintenance of the School of Mines could have been saved to the taxpayers.

Members of the Legislature should consider this question and determine now whether or not we will go forward in the step undertaken, which must ultimately end in confusion. I vetoed a measure at the last session of the Legislature looking to additional buildings at the School of Mines. We have already spent much money there, and before it can ever be equipped as a School of Mines that will compare with those other States, a great deal more money will have to be expended. There has already been spent for buildings and equipment for the School of Mines in Missouri \$326,253; for the Michigan College of Mines \$529,000; for the Colorado School of Mines \$764,339.

I understand that it is unpopular to advocate the consolidation of the School of Mines with any other State institution; I also understand that a great many things which mean better government in Oklahoma and a saving of money are unpopular, and will meet with violent opposition from those who profit by the extravagant system.

We have in this State six district agricultural schools for the maintenance of which the last Legislature appropriated \$204,000. The total attendance in all of these schools on the 5th day of December, 1911, as shown by the report of the authorities of the schools, was 616; 75 per cent of the pupils were residents of the counties in which the schools were located.

Alabama has come nearer paralleling Oklahoma in the establishment of normal schools than any other State in the Union; it has established nine. Speaking of the condition, the Governor of Alabama, in his message to the Legislature in January, 1911, used the following language:

“The State no more needs nine normal schools than it does nine universities. This large number of normal schools have come into existence not because anybody felt the State needed that many, but because some local communities wanted an institution supported from the State treasury. The necessary result has been, that owing to this division of effort and of money, the State has not a single normal school, adequately equipped for this work.”

If these schools in Oklahoma are to be continued in the future, the people should be advised of that fact so we can settle down and quietly submit to the constant drain upon the purses of the taxpayers to maintain this studendous [*sic*] folly.

I recommend that you abolish at least three of the State normals; both of the University Preparatory schools, and at least five of the district agricultural schools. There is justification for leaving the district agricultural school at Goodwell on account of its location, condition of climate, and the soil of that section of the State, and the further fact that it is so expensive for persons in that section to attend the A. & M. College. I recommend that you consolidate the School of Mines with the State University, --making it a department of the University. I have conferred with leading educators all over the United States, and almost without exception they advise that the number of normals in a state having the population of ours be limited to two; that preparatory schools be abolished, and the School of Mines be made a department of the State University. If this is the consensus of opinion of men who have had years of experience and have distinguished themselves in their chosen line of work, Oklahoma will profit by listening to their advice.

It was thought that the last Legislature had made all of the appropriations that would ever be needed in the way of public buildings for these institutions, but the president of the Board of Education advises me that it will be necessary to appropriate money for additional buildings at the Central State Normal, Edmond, to erect a suitable auditorium and gymnasium at the State Normal at Tahlequah; to erect a dormitory for the Girls' School at Chickasha, and to put in a water system for the Colored School at Langston. I understand that the argument will be made that we have already spent thousands of dollars for buildings and equipment and that this will be wasted. If this contention were conceded, it would still be the part of wisdom to waste money already spent rather than to continue to waste money year after year, generation after generation, in trying to maintain these institutions.

The Legislature will save money to the taxpayers if it will discontinue these schools, and if no other use can be found for the buildings, donate them to the communities in which they are located. We have already donated them to all practical purposes, and in addition thereto are annually donating the money necessary to maintain them.

To pass this sort of legislation will require a courage and determination on the part of your body; every sort of pressure will be brought to bear upon you as it has upon me. You will be flattered, you will be threatened, but the taxpayers, whose money is being wrung from them to support these institutions, have the right to expect from you careful consideration of their interests. The elimination of the schools that I have suggested will make it possible to have in this State a first class University, a first class A. & M. College and creditable normal schools, and will encourage the working out of a well balanced educational system

The last Legislature very wisely adopted a law creating a single board to have control of all of the educational institutions of the State, with the exception of those that are under the Board of Agriculture. Through the efforts of this board much good has been accomplished in the way of correlation of schools, avoiding duplication and thus saving many thousands of dollars, and at the same time making the schools serve a much better purpose than they have hitherto served. Much work yet remains to be done by the board, and I am sure that is work, when finally completed, will justify in full measure the claim of merit in the bill contended for by its advocates.

I would recommend that you still further enlarge and extend the powers of this board by conferring upon it the right to prescribe entrance requirements into the various institutions under its control. This power may already be possessed by the board, but the statute is not clear; and that there may be no doubt upon the matter, a bill passed by the Legislature conferring such power is desirable.

I would also recommend that you so amend the law with regard to text book adoptions as to make it impossible for the owners or agents of book companies, who are submitting their books for adoption, to appear either in person, by agent or attorney before the board in the advocacy of the adoption of their books. The law at present leaves it to the discretion of the board whether or not these hearings shall be granted the agents of book companies. The experience of this and other States in the matter of text book adoptions has convinced me that the amendment I suggest will be a wholesome one, and would save the school board, whose duty it is to adopt the books, from much needless work and harsh criticism. The spectacle recently exhibited in this State where more than fifty representatives of book companies spent weeks in this city, importuning members of the Board of Education to adopt certain books for the school children of this State, certainly argues convincingly in favor of the passage of a law that will exclude such representatives from the deliberation of the board.

Good teachers in the primary grades of the schools are of the first importance. The history of education in most States is the same. The person desiring to teach, unable to get employment in city schools, drifts to the country districts and too frequently finds employment in our rural schools. Holders of third grade certificates are too frequently found occupying the position of teachers in public schools. Graduates of grammar grades feel that they are qualified to become instructors of children in rural districts, and with the result that many thus poorly equipped are trying to teach the youth of this State.

I suggest that you enact a law that will raise the standard of teachers in Oklahoma, and that you provide, at the end of a period to be definitely fixed, that no teacher shall be licensed to teach in this State who has not finished an educational course equivalent to a four-year high school graduation.

That the University may be fixed upon a basis of permanency and accomplish its purpose as the head of our educational system, it should be placed upon a financial basis of support that will relieve it from the necessity of annually importuning the Legislature for appropriation. The best State universities in the Union are those that have a fixed millage tax levied for the support of the university.

I recommend that such a law be passed in this State, placing the university upon this substantial basis.

CAPITAL PUNISHMENT.

As civilization advances and education progresses humanitarian ideas take deeper root among the people of civilized governments. The old order of "an eye for an eye and a tooth for a tooth," as commonly interpreted, is not in harmony with modern civilization. The world had advanced immeasurably during the four thousand years intervening since the Code of Moses was given to the Jews. Of the multitude of offenses defined under his law as punishable by the infliction of the death penalty, in Oklahoma today only one of these crimes is visited with such punishment,--the crime of murder.

The man who undertakes to justify capital punishment for the crime of murder by quoting these antiquated laws, can just as strongly sustain the argument in favor of the passage of laws making it a death penalty for the violation of any other of the Jewish laws which inflicted that penalty. The fact that we have abolished that punishment for a number of offenses that were then considered sufficient to invoke the death penalty, is very decided proof that civilization has advanced far beyond the period of development it had attained at the time these laws were originally promulgated.

The argument made in favor of capital punishment, that it prevents mob violence, -is entirely [*sic*] fallacious. Seven States in the American Union have abolished capital punishment. In none of these States was there any mob violence resulting in lynching during the year 1911; on the other hand in five of the American States that inflict the death penalty for crime, twenty-nine lynchings occurred during that year. When a State sets the example of placing so cheap an estimate upon human life, it is little wonder that the public adopts the same view of it. Neither is it a fact that the failure to inflict capital punishment for murder results in an increased number of killings in such communities.

Since I have been Governor, I have commuted the death sentence of eight defendants to life imprisonment. It would seem [*sic*] that if there is potency in the argument that such commutations lead to increased murders, we would have a regular saturnalia of crime in Oklahoma. Statistics gathered from every county attorney in the State with the exception of Bryan, Cherokee and Wagoner reveal the fact that in 1910, the year antedating my induction into office, there were 227 homicides in the State. During the year 1911, in the same territory, there were 222 homicides. Notwithstanding the growth of population the number of homicides actually decreased in number five.

There is hardly a man in Oklahoma who will undertake to justify mob violence, and yet to me there is more justification for such execution than there is for the deliberate taking of human life through the forms of the law. If a man shoots down your child in your presence, you can take his life upon the spot and the courts and laws of the State will justify it. If you wait for a month or a week or a day and then undertake to retaliate and kill the man who has killed your child, the law says that you are guilty of murder; that you have had time in which to think the matter over and to act with calmness and deliberation.

The same rule should apply to government,--an outrage is committed in a community and in the midst of excitement and passion the people take the offender and execute him. There might be some justification for this on the ground that society when attacked was striking back at the offender; that it was aroused, frenzied, and was not in a proper mental state to act with judgment and deliberation; but to take this same defendant and wait for weeks and months and sometimes years, and then deliberately, though it be

through the forms of a trial, take from that man his life, to me is as deliberate an act of homicide as can well be imagined.

The States of the Union in which capital punishment has been abolished are in the forefront in all activities of life and government that mean a better citizenship and a higher civilization. Some of the best schools of the nation are located in their midst. A very low rate of illiteracy exists, and the noblest product of advanced civilization is to be found. Oklahoma should stand for the best there is in government, and in keeping with her progressive spirit, this inhuman and barbarous method of inflicting punishment should be speedily abolished.

I have just recently had before me a case which shows how far-reaching in harmful and unjust results the infliction of the death penalty for murder may become. Men have been convicted in this State and sentenced to the gallows upon purely circumstantial evidence. The case I refer to is one that has come before me for executive clemency wherein the defendant was convicted of the crime of murder, and the jury, after long deliberation, sentenced him to the penitentiary for life. Under our law they could just as easily have inflicted the death penalty; and as stated in instances in Oklahoma, where the proof was no more convincing, the death penalty has been imposed by the jury trying the case. In this particular case I have on file in my office, a strong appeal made by the attorney who prosecuted the case and by the judge who tried the case and pronounced sentence, asking that I pardon the man and free him from the penitentiary. The ground upon which they ask for this clemency is that they have made a thorough and painstaking examination and are absolutely convinced of the man's innocence of the crime.

However, if it be conceded that juries and courts are infallible in finding guilt, it does not change the situation in the least. The ground that I take is that the infliction of the death penalty by the State is wrong in morals, and is destructive of the highest and noblest ideals of government.

That Oklahoma may take her stand shoulder to shoulder with other States that are paving the way to a higher civilization and a broader humanity, I respectfully recommend that you repeal that portion of law providing for the infliction of the death penalty for crime in Oklahoma.

BANKING.

The last Legislature very wisely amended the banking law of this State by providing for a banking board to be composed of experienced bankers. The splendid work done by that board in the past two years has vindicated every claim made in behalf of the passage of such legislation. The two years of administration by the present banking board have brought us through the most trying period in the history of the banking law.

The haste to put into operation the principle of guaranty in Oklahoma, brought about largely in an effort to offset the panic of 1907, resulted in bringing within the protection of the bank guaranty fund several banks that had been organized under the laws of Oklahoma Territory, that should not have been permitted to share in the protection of the law, and I am sure they would never have been permitted to come within this protection had there been given more time to a thorough investigation of their condition. During the past two years a number of these banks have been liquidated, and facts disclosed in the liquidation thereof showed that they were insolvent prior to the passage of the Oklahoma bank guaranty law.

Another obstacle that has been in the way of its proper development has been the fact that in the early years of its history, in an effort to build up a large line of depositors, banking of questionable methods was permitted, and men who had heretofore had little or no experience were allowed to organize and operate large state banks. Through carelessness, mismanagement and criminality on the part of banking officials, a number of state bank failures have occurred. To one or the other of these causes can be attributed every failure of state banks that we have had since the law became effective. The result of this method of banking and this enforcement of the banking act has been a loss to the guaranty fund of Oklahoma prior to the 30th day of September 1911, of \$1,589,394. This amount is staggering. More money has been lost by the guaranty fund of this State in making good the loss to depositors during the first four years of its administration than should have been lost in twenty.

Those who are hostile to the law have sought every possible method of accomplishing its overthrow; have seized upon this condition and have used it as an argument why the law should be repealed. On the contrary, however, when properly analyzed [*sic*] it is the strongest reason why the law should prevail. If under these conditions the depositors had been made absolutely safe in their holdings in State banks, it should only increase the zeal and fervor of those who have supported this law in maintaining it upon the statute books. The lesson we have learned, however, should instruct us in our future dealings with this law. We have demonstrated beyond question that the principle involved is a correct one; that the old method of banking where bankruptcy followed in the wake of liquidated banks; where general business conditions were thrown into confusion and development and progress retarded, must give way to more modern and sensible ideas.

Oklahoma is the pioneer of this financial reform, and it behooves her representatives to shoulder the responsibility that properly is theirs, and continue to perfect and make absolutely secure and final her banking law. At the last session of the Legislature I recommended only a few amendments to it. These were adopted. I have had time to study thoroughly the working of the law, and feel that I am now in a position to offer additional suggestions for the Legislature which, if embodied into laws, will still further strengthen it.

There have been a number of criminal prosecutions started in the courts since I have been in office. In three cases convictions or pleas of guilty have been obtained; but in a number of cases, through legal technicalities, or through failure of the jury to convict, the defendants have been allowed to escape any sort of punishment.

There are two main hindrances to the enforcement of the criminal law against state bankers in Oklahoma. First, the law is not sufficiently definite in defining violations thereof; second, there has not been in all cases such public sentiment in the community where the defendant was tried, in favor of the enforcement of the law, as would tend to bring about a conviction.

Under the old system of banking, if a bank failed in a community, usually dozens and sometimes hundreds of people of all degrees of wealth and poverty were the victims of the dishonest banker's methods. In cases of that kind it was an easy matter, where guilt was proven, to find a jury that would inflict the punishment the law prescribed. Under the operation of our law, if a state bank is closed by reason of the dishonesty of its officials, each depositor gets his money, and when the criminal is brought to the bar of

justice, there is no public sentiment against him. Unfortunately there is a prejudice existing among a great many people of the State against all bankers, and the reasoning indulged in through which the criminal escapes is that he loss that the has occasioned falls not upon the depositor but upon the bankers of the State, and since all bankers by many people are placed under the ban [*sic*], they readily conclude that it is a case of one dishonest man over-reaching others of his class and profession, and the result is an acquittal.

There is no doubt in my mind but that there are some men in Oklahoma enjoying perfect freedom whose manipulation of State banks is of such a character as would justify a sentence in the penitentiary. In all cases of dishonest banking that have come under the observation of the present banking commissioner and the present banking board, the most thorough investigation has been made and every possible effort put forth to bring the offender to justice, and they, more than anyone else, have felt the tremendous handicap under which they have labored.

I feel that I owe it to the Legislature in this connection to explain what this administration has done with reference to the failure of the Columbia Bank & Trust Company, which has been the source of so much speculation and criticism on the part of many Oklahoma people. On the 10th day of January, 1911, the day immediately following my induction into office, I made a request of the State Examiner and Inspector that he thoroughly investigate the condition of the Columbia Bank & Trust Company and furnish me with all the facts and information in connection therewith. This examination was begun on that date. I called for the report on numerous occasions, but it was not until September, 1912, that the report was finally placed in my hands. I immediately transmitted the report to the Attorney General with the request that he examine it and ascertain whether or not it disclosed any state of facts that would justify criminal prosecution. The Attorney General's opinion was that the report, as delivered to him, did not disclose such facts as would warrant criminal proceedings. Prior to this, however, when I was unable to get the report, in the summer of 1911, I called upon the county attorney of Oklahoma County, while the grand jury was in session in that county, and requested him to go into an investigation of the affairs of the bank as far as he could and see if indictments were possible. This was done and the county attorney did all that he possibly could do to develop evidence that would tend to establish guilt on the part of those in control of that bank, but the grand jury refused to return any indictments.

I simply make this statement to you that you may know that this administration has not attempted to shield any man; but on the contrary has ever and at all times done everything that could be done to bring to justice those guilty, if there were any such, of criminal actions in connection with the failure of the Columbia Bank & Trust Company.

The immense amount of money that has been paid to depositors is proving a serious drain upon the earnings of State banks, and has put them at a serious disadvantage in the contest for business with national banks. But for the amount that State bankers have had to pay into the guaranty fund, they would have been enabled to earn much larger dividends, and investments in State banks would have been correspondingly more desirable than they have been. Several of the State banks in Oklahoma, feeling that the burden was an unfair one and an unreasonable one as well, have taken out national bank charters and are doing business as national banks.

Under this condition, the Legislature may well consider whether or not the present law in placing the burden is absolutely fair. This law was never enacted in the interest of bankers; as a rule the bankers were opposed to its passage. The purpose of the enactment of the law was, first, to make secure to the individual the payment of his deposits; second, and in a much broader sense, it was to enforce stability in financial affairs in this State. While the man who places his money in the bank is primarily protected by having his money returned to him, --every man in the State is indirectly benefited by having a condition prevail in financial circles that will prevent a tightening of credits and permit business to flow in uninterrupted channels. The benefit that the banker gets is in this larger way, for bankers like all other business men, are vitally interested in the stability of commercial conditions. The banker also profits in the fact that greater confidence has been inspired among the depositors in his institution, thereby increasing the amount of his deposits; but since the benefits of this law are so universally distributed and so far-reaching, it is fair that all the burdens, from which flow these benefits, should rest upon a single class of individuals. I think not. I believe that this burden should, in a measure, be borne by the general public; since the general public is a large beneficiary of the law. I believe that a tax upon the average daily deposits of banks should be levied each year and that that amount should be fixed and certain, so that the banker may know what his liabilities in the way of taxation will be. This fund should be used for the purpose of liquidating deposits in State banks; and if this fixed tax should fail in the future to be sufficient to meet the payment of deposits in failed State banks, the residue should be borne by the State.

The passage of a law of this kind would, in my judgment, make the Oklahoma guaranty law as strong as it is possible for any law to be made; would place it upon an absolutely safe foundation, and would make the enforcement of criminal provisions of the law much easier. When the public is made to understand that a portion of the loss occasioned by criminal banking is to fall upon it, it will be an easier matter to convict delinquent bankers whose actions warrant a conviction. It will also put a stop to the criticism and fault-finding of competitive banks in this State, for they as taxpayers may be called upon to help bear the loss occasioned by the liquidation of a State bank.

The amendment I suggest is certainly fair and from every standpoint is desirable. It also suggests that you define more specifically what are violations of the banking law, and fix a penalty sufficiently severe to meet conditions that may arise and punish crimes that may be committed in the future.

ELECTION LAW.

The ballot is the most sacred thing in American political life and the Legislature cannot hedge it about with too many safeguards. A government founded upon the principles that underlie this State and Republic can feel secure only so long as the ballot is uncontaminated. Many of the worst ills that have afflicted this country are directly traceable to corruption at the ballot box. A pure and untrammelled electorate will insure to the people wise laws and good government.

In the main the election laws of Oklahoma are good laws, and if they were executed in their true spirit, there would be little cause for complaint. There is one place, however, of extreme weakness in both our general election law in our primary law. The punishment prescribed in most cases for the violation of the election law is entirely inadequate. The political thief is the worst criminal in the State. The man who steals

your purse injures only you; but the man who steals your vote corrupts the fountain of government and places a serious blow against the institution of government. It matters not how the will of the people is thwarted, whether it be by purchasing the electorate, by falsifying the returns, or by stuffing the ballot box, the result is the same—corruption in government, and a penalty should be made that will deter men from a commission of any sort of crime against the ballot.

It is not an unusual thing to hear men who have taken an active part in politics, tell in a spirit of pride and boastfulness of how, through some political scheme or trickery, they had succeeded in nominating or electing a particular man, when if a fair expression of the people's choice had been made, some other man would have been the successful candidate.

The man who resorts to such political schemes and tricks is a criminal and the only reason that he boasts of his shrewdness in political affairs is that the public conscience has not yet been thoroughly aroused to the importance of an uncorrupted ballot box [*sic*].

I believe that our law should be so amended as to make it a penitentiary offense for any man, who is not qualified under our laws, to participate either in the primary or the general election, and that the same penalty should be visited upon the man who knowingly aids or abets such disqualified voter in casting his ballot.

I believe that it should be made a penitentiary offense knowingly and purposely to miscount the ballots; or knowingly and purposely to make false returns of the result of an election. Political parties under our present system of government are a necessity. There should be some distinct organization that should be held strictly responsible for the conduct of election officials. The primary election law was never intended and should not be so operated as to destroy political organizations; but its purpose is to compel all such organizations to select their candidate for office in a uniform way and to permit the people to make the selection. If the primary election law is to accomplish its real purpose, and at the same time not to destroy or cause disintegration among political parties, it should be so amended as to allow only the members of a political organization to participate in the nomination of the candidate for that party. There is just as much fairness in permitting the members of a Presbyterian congregation to help choose a pastor for a Baptist congregation, as there is for the members of one political party to choose the standard bearers of another political party. I do not believe that the law should be so fixed as to make it impossible for a man to change his political alignment; but I do believe that the law should be so framed that any man, when his right to vote in the primary election is challenged cannot be permitted to vote unless he announces that he has cast his political fortunes with the party whose candidate he undertakes to vote for.

The primary election law and the general election law should both be amended so as to make it incumbent upon election officers that returns be more quickly canvassed and announced to the public. I don't recall that we have ever had an election in this State, either primary or general, since Statehood, where the results were positively known within a week after the election was held. With the large number of officials that are provided for by the election laws there is no reason why in Oklahoma, as in most other States of the Union, the result of the election should not be pretty correctly known within twenty-four hours after the polls have closed.

I recommend also an amendment to our primary election law that will make it possible to ascertain the will of the majority of the people in making the nominations. Under the system that prevails in Oklahoma now, the candidate who gets a plurality of the votes is made the nominee of the party; and it is frequently the case, where a number of candidates run for office, that a decided minority of voters choose the candidate.

In the recent election the Democratic nominees for Congressman-at-large, while receiving a plurality of the votes, in no instance received as much as one-third of the total vote cast. In the race I made for Governor, my nomination was procured by only about forty-five per cent of the total vote of the Democrats participating in the primary. I am sure that I would have preferred to know for a certainty, and I believe that any other man running for office would prefer to know that he is the choice of the majority of the members of his party.

This result can be obtained by amending our primary election law, so as to permit the voter to express a second or third choice, or by providing for two primaries, as is done in some of the States that have adopted the primary system. The only objection to a second election is that it entails additional expense; but if it is desirable to incur the expense of voting that the will of the plurality of the voters may be ascertained, it certainly is desirable to incur additional expense to ascertain the will of a majority of the voters.

The primary election law should also be amended as to the arrangement of names upon the ballot so as to give no candidate an advantage over his competitors. The present alphabetical arrangement has proven to be unfair and should speedily be amended. A provision in the law that would rotate the names upon the ballot occurs to me to be a decided improvement upon the present method; but any other method that may suggest itself to the members of the Legislature that will bring about fair results to all candidates, will meet with my approval.

Another method that will result in financial saving to the State will be to provide that the time for filing as candidates, before the primary election, shall expire at an earlier date than at present. Under the present law, the primary is held so quickly after the filing is completed, that it does not afford sufficient time to prepare the specifications for the ballots and procure reasonable bids. The result is the State is compelled to pay exorbitant [*sic*] prices for printing these ballots. The fixing of an earlier final date for making filings will in no wise prejudice the rights of prospective candidates, and will entail a considerable [*sic*] saving to the taxpayers of the State.

I also recommend that you limit the time in which a candidate, who desires to have a recount of the ballots, may be permitted to ask for the same.

The recent investigation made into the registration in Oklahoma City convinces me that severe criminal penalty should be provided for false registration, and this penalty should apply to all parties who knowingly assist anyone in bringing about such false registration.

SAND AND GRAVEL.

In 1890 the Territorial Legislature passed what is known as Section 7254 of Snyder's Compiled Laws of the State of Oklahoma, which is as follows:

“Except the grant under which the land is held indicates a different intent, the owner of the upland, when it borders upon a navigable lake or stream, at low-water mark, and all navigable rivers, shall remain and be deemed public

highways. In all cases where the opposite banks or any streams not navigable belong to different persons the stream and the bed thereof shall become common to both.”

This section of the Statute I recommend that you repeal; clearly the Legislature of Oklahoma Territory had no authority to bind the citizenship of this State in a matter of this kind. The general rule of law is that the State owns the beds of all navigable streams below high water mark, and that law should be enforced in this State, and also so amended as to reserve to the State this property.

In that portion of the State which formerly constituted the Indian Territory and Osage Nation, the beds of the Arkansas and Grand Rivers are of immense value. Valuable oil and gas wells are already being operated in the beds of the Arkansas River, and sand and gravel pits are in operation in the beds of both of these streams. The owners of lands adjacent to these streams have no interest whatever in the beds of the streams unless the State, through this Legislature, shall donate it as a gratuity.

When the Indians took their allotments along this watercourse, they got the full [*sic*] amount of land to which they were entitled without including therein any portion of the river bed in controversy. The river beds of these streams belong to the State of Oklahoma as completely as do the school lands of the western sections of the State, and for the Legislature to permit it to pass from the ownership of the people of Oklahoma and permit it to go into the hands of a few favored citizens is indefensible.

By a recent decision of the Supreme court of the United States there has been taken from the tax rolls of the eastern portions of Oklahoma lands in the aggregate worth fully sixty millions of dollars; many of the land owners along these streams are the beneficiaries of this decision. To confer upon them this added privilege is unfair to the great body of the taxpayers of the State. The revenue that can be derived from the oil, gas, sand and gravel in the beds of these streams will in a large measure compensate for the loss of lands that have been exempted from taxation by reason of treaties with the Indians as enforced by the Supreme Court of the United States.

If there was any question about the State’s right to the property, or if any sort of injustice was being worked upon riparian owners, you might hesitate to act in accordance with this recommendation; but no such condition exists. The School Land Board has undertaken the work of establishing the State’s rights to this property. An investigation made by that Board convinces its members that the State is justified in the claim it makes; that the property in question is of immense value, and that the only serious opposition comes largely from the operators of oil, gas, sand and gravel, who have no interest in the fee to lands lying along these river beds.

There has also been some opposition to the effort of the School Land Department to collect royalties from the sand and gravel operators from cities and towns lying adjacent to these streams—notably Tulsa and Muskogee. The objection that these people urge is that it is a tax upon industry, and would tend to increase the cost of buildings in these cities. They make no contention that it belongs to riparian owners, but stand forth boldly upon the proposition that it should be free to be used by any citizen who cares to go and possess it; and as expressed by one enthusiastic advocate of this free idea, “the sand and gravel that lies in the beds of the Arkansas and the Grand rivers should be as free as the water that flows through these streams.” This, however, is not an argument,

and is only a further manifestation of the selfishness that often crops out in communities as well as individuals.

This land belongs to the State of Oklahoma and is as much the property of Cimarron County as it is of Muskogee County, and belongs as much to the resident of Hobart as it does to the resident of Tulsa; and it is unfair to the rest of the people of this State for the Legislature voluntarily to donate it to a few of our cities.

The only question involved in the entire controversy is this,--will the Legislature preserve to the State property that will yield thousands of dollars to the State and reduce the burden upon taxpayers to that extent; or will it permit this property to pass into the hands of a favored few of Oklahoma's citizens, and thereby increase the burdens of taxation.

TAXATION.

Of all the perplexing questions with which legislators have to deal, there is none more important or harder to solve than the question of taxation. Every sort of government entails expense in its administration [*sic*]. It is the duty of the law making body of every government so to fashion its laws as that this burden may rest where it properly belongs. Every man and corporation should contribute to government in proportion as benefits are derived from that government. Thus to adjust equitably the burdens of taxation has been in the past an impossible task; that it will continue to be so in the future is entirely probable; the best, therefore, that we can hope for is to enact laws that will, as far as possible, adjust this burden fairly among the taxpayers of Oklahoma.

Previous Legislatures have dealt with this subject and have enacted a number of laws having to do therewith. The most general law of gathering taxes in the State and the subdivisions thereof for the support of government, is the resort to an ad valorem tax. An ad valorem tax upon all property situated within a tax area is certainly one of the sanest, fairest and most defensible methods of taxation that has yet been devised. The only place of weakness in this law is and has been that no plan has yet been devised that has successfully placed all taxable property upon the tax roll; nor has it been possible fairly to value the property that is placed upon the tax roll.

Under the law in this State all property must be placed upon the tax rolls at its actual cash value. The observation of every member of this body has disclosed the fact that all property is not thus valued. If a law can be passed in this State that will bring from hiding the immense volume of personal property that is escaping taxation; place it upon the roll at its actual cash value and place thereon all real property in the State at its actual value, a service of inestimable value to the people of this States will have been rendered.

In addition to our ad valorem tax, previous Legislators have passed measures providing for other forms of taxation; as example we have the inheritance tax, the income tax, and the gross production tax. All of these forms of taxation are justified by experience and logic. The trouble, however, with these laws, especially with the income tax and the inheritance tax, in their operation in Oklahoma, is that they have produced practically no revenue to the State, and thus far, in their application, have done the State more injury than the revenue derived therefrom had benefited us.

The language of the inheritance tax law was so indefinite in its expression as to require a resort to the Supreme Court of Oklahoma for a definition of its real meaning. Pending this litigation it was extensively advertised al over the Nation that this law in its

application meant the confiscation of large inheritances. Men both within and without the State, seeing these exaggerated interpretations of the effect of the law, became timid in making investments here, casting their fortunes in other States. Some of our most substantial citizens in the financial world have moved from the State, assigning as a reason the hardship of this law. It is very probable that other men of wealth and influence, who could have been a source of great usefulness in the development of Oklahoma, have been deterred from coming here, believing these false interpretations of our law. The recent decision of the Supreme Court of this State, however, has settled the question that the law is by no means confiscatory, but in its application is extremely liberal in dealing with inheritances and taxes the same more lightly than does the inheritance tax law of many other States of the Union. It will, nevertheless, require time for the worn impression that has already gained entrance into the public mind to be entirely corrected.

The income tax law has yielded practically no revenue to the State for the reason that those who are subject to this provisions have been able to evade successfully its operation. The great weakness in all these special laws in Oklahoma is that under existing Statutes there is no adequate authority given for ascertaining who are subject to this tax and for enforcing the collection thereof.

To what extent this body should undertake to remodel the tax laws, I shall not undertake to say,--that is a question for the members of the Legislature to determine after they have gone into the subject. I will say in a general way that this problem is a most intricate one and the hardest to understand correctly of any that will come before you for solution. The study I have given the subjects had brought me to the conclusion that the best way that the subject can be legislated upon would be for this Legislature to provide for a commission to study the various laws in other States; get all the expert information possible, and then draft laws embodying the ideas gotten from such investigation. To do this it would be impossible to have a report in time for the Legislature to act at its present session.

The solution that appeals to me as being the next best thing to do is to provide, as has been done in Wisconsin and some other States that are getting much better results than Oklahoma,--for a tax commission, clothing it with authority to enforce present tax laws, and making appropriations that will be adequate for that purpose. Under our present law, the work of collecting all of this special tax devolves upon the State Auditor. For the purpose of collecting gross revenue, income and inheritance tax, he is given one clerk at a salary of fifteen hundred dollars a year. In Wisconsin was expended nearly eighty thousand dollars last year for the collection of income taxes alone. In Oklahoma last year there was collected from income, inheritance and gross revenue tax, less than four hundred thousand dollars, while in Wisconsin there was collected from the income tax alone, a sum aggregating more than two million, five hundred thousand dollars. The claim in Oklahoma that our income, inheritance and gross production taxes would amount to a sum sufficient to run the State government has not been realized, and largely because the administration of these laws has been ineffectual.

If all of the special taxes of every sort collectable under our laws were turned into the public treasury instead of being allowed to remain in the hands of those who should pay it it would probably yield a sum sufficient to pay all the expenses of State government.

If our laws are to remain in their present form and no better method is to be employed for the collection of this special tax, then it would be better for Oklahoma for the Legislature to repeal the inheritance tax and the income tax laws. I do not believe, however, that this policy should be pursued; but on the contrary that the law should be strengthened so that those who are subject to the taxes can be compelled to pay them.

I recommend to you therefore that you provide for an expert tax commission, whose duty it shall be to study thoroughly the taxation problems that confront Oklahoma, and recommend for passage the laws that such investigation discloses would best serve the interests of this State.

I recommend that you either clothe this commission with authority to enforce the present laws upon the subject of taxation in Oklahoma, or that you enlarge the powers of the State Auditor, so that he may be able to enforce the collection from all who are subject to these special taxes under our law.

I recommend that you so amend our laws as to require all taxpayers, when requested by anyone whose duty it is to ascertain property for the purpose of taxation, or to gain information that will lead to proper assessment, to furnish such information under oath; and to punish, as is now provided for perjury, any one guilty of making false affidavit; and that you make it a criminal offense to fail or refuse to give such information under oath when legally demanded by the proper authority.

REDUCTION OF OFFICES.

A large portion of all revenue gathered in Oklahoma from all sources for the administration of government finds its way into the pockets of public officials for services rendered, or supposed to be rendered, for the people. It is certainly the duty of this Legislature to see that this number of officials be reduced to the minimum; however, it is neither your duty, nor is it the part of wisdom to undertake to reduce the number of paid officials to such an extent that those remaining will be unable to administer government efficiently.

The people are willing to be taxed to the extent that is necessary to have good government, economically administered. The man who advocates the reduction of the number of officials to the extent that efficient government cannot be administered, is as much the enemy of the people of Oklahoma, as is the man who advocates the creation of useless offices and extravagant expenditure, where no adequate return in real service is made.

I will state here what I have frequently said before—that the total number of paid officials can be reduced fifty per cent and government yet be just as efficiently administered as it is now. The problem that confronts you here is the same that confronts you in the reduction of the number of higher educational institutions. Each man holding an office feels that he has a property right in that office that no Legislature should disturb and that no taxpayer should question. Once elected to office, many of them straightway forget that they are the servants of the people, subject to the commands of the people; but proceed to conduct themselves in a way that would indicate that they were the masters and should be consulted in all matters of legislation dealing with their offices.

The knife must be applied somewhere; it is your duty as the elected representatives of the people, to make that application and make it effectually.

I recommend to you that you abolish a number of offices and consolidate others; and to be specific in my recommendations, I would say that I favor the entire abolition of

all township offices in Oklahoma. Of all the extravagances practiced in Oklahoma, the money spent in township government stands as the most prominent. Hundreds of thousands of dollars, yes, millions, of dollars, are being paid by the people to maintain township government, and the benefits derived therefrom are infinitely small, compared with the expenditure.

An act of this kind will of course legislate several hundred men out of office, but it will save millions of dollars that are now being practically wasted.

I favor the consolidation into one office of all clerkships and the Recorder of Deeds in every County in the State. These offices all call for practically the same character of knowledge, and one man placed at the head of this department can give just as efficient service as to have the work divided among a number of heads of departments.

I would also recommend the consolidation of the office of County Treasurer with that of the Sheriff or Tax Assessor.

I would provide in the law that all deputies and assistants of every character needed by County officials should be employed by the County Commissioners, and that the salary thereof should be fixed by them. It is certainly bad policy for the Legislature to undertake to fix a uniform system of salaries for assistants and deputies in the various Counties; it is also bad policy for the Legislature to undertake to say what number of deputies and assistants shall be employed. This should be left with the County Commissioners; they are on the ground, directly responsible to the taxpayers and can better determine needed help and fix correct compensation therefore than can the Legislature.

With these changes made in County government, and with a Board of County Commissioners who will insist upon men elected to office performing their duties by that office so far as in their power lies, and employing only such help as is actually needed to supplement the work of the various elected County officials, the saving in the aggregate in Counties of this State will be enormous and will go far towards reducing the expenses of government.

It can be readily be seen that an adoption of these suggestions will mean greater work for the County Commissioners, and will enlarge to a much greater degree the responsibilities of that office; and if the taxpayers, under these changed conditions, reap the most beneficial results, it will be through the efforts of competent County Commissioners. To get that type of men to act you should provide that they be adequately compensated. They should either be placed upon a fixed salary, or their per diem should be sufficiently remunerative to induce honest, competent and responsible men to accept the office.

I would not stop in dealing with this subject at this point, but I would go still further in the matter of the elimination of officials. I would abolish every Superior Court Judgeship in the State. These courts are absolutely unnecessary; performing as they do, largely the work of District Courts, the expense entailed in supporting them is out of all proportion to the good returns realized therefrom.

I would recommend also that you redistrict this State for District Judicial purposes, and that you limit the number of District Judges to twenty. By properly redistricting the State and fixing districts of such size that each Judge will be required to spend at least ten months in every year in actual work, disposing of litigation, twenty

competent Judges can do all the work that is now being done by the Superior Court Judges and District Judges.

I make this statement not entirely upon my own responsibility, but I have come to this conclusion after talking with some of the best District Judges in the State and they, in a large measure, are responsible for the view I entertain on the subject. In some districts, as at present constituted, an active Judge in four months, can transact all the business that comes before him, and yet he is drawing compensation for twelve months work.

I also recommend that you place upon a fixed salary, not to exceed three thousand dollars per year, the Supreme Court Clerk of Oklahoma. At present his compensation is fixed by fees. The fee system has been practically abolished in Oklahoma, and should be speedily done away with in regard to this office. There is probably no other State official receiving for his services as much remuneration as is the Clerk of the Supreme Court. What he actually receives is known to no one except himself; but certainly three thousand dollars, in view of the compensation paid other officials, is entirely adequate for services rendered; and whether his fees be large or small, they should be paid into the State Treasury, and a salary paid to him in line with other salaries.

I would also abolish the office of State Printer. This office, under the present laws, is a useless luxury. It was urged in the establishment of it that by placing the State printing in the hands of an expert printer enough money could be saved to justify the expense of the office. Practical application of this principle has proven a disappointment, and has disproved the contention of those who advocated the measure in the beginning.

Under the present law the State Printer lets contracts for State Printing, and the claims, when presented by the successful bidder, before they are paid by the State Auditor, must be approved by the State Board of Public Affairs. The State Board of Affairs, in the exercise of its powers, has saved to the taxpayers of Oklahoma many dollars by failing to approve contracts made by the State Printer. During the three months from July 1st to October 1st, 1912, contracts were made and claims approved by the State Printer in the sum of \$11,764.00; these claims were reduced by the State Board of Public Affairs to \$10,722.03, saving to the State the sum of \$1,041.97, or practically ten per cent of the amount of the contract. The State Printer prepared a schedule of prices for the printing of briefs for the State; when the schedule was submitted to the Board of Affairs, that Board insisted that it should be reduced and the reduction was made. The result of this was that during the three months above mentioned there were ten briefs printed, which, according to the schedule prepared by the State Printer would have cost \$181.00; under the schedule prepared by the Board of Affairs the cost of printing these briefs was \$145.75, a saving of \$35.25.

It is very evident from these figures that the Board of Affairs is just as competent to make contracts that will be in the interest of economy and efficiency as is the State Printer. It costs the State of Oklahoma for salaries and maintenance of the department of State Printer \$5,800.00 per annum, and this amount can be saved and public service suffer no loss thereby.

I shall not discuss in this message the abolition of other State offices. The Legislature has no power to deal with most of them, for the reason that they are established by the Constitution and can only be abolished or consolidated by an amendment to the Constitution.

I recommend that you pass a law requiring all State officials, both elective and appointive, to render an annual statement to the Legislature, giving in detail expenditures of money appropriated for their departments; especially should this rule apply to those departments and institutions where the appropriations are made in a lump sum, or where there is a contingency fund. These reports should cover each fiscal year.

Previous Legislatures have been very generous in making appropriations for the various departments of the State, and that body is certainly entitled to an accounting for the money thus appropriated. Heretofore no such reports have been rendered the Legislature, and you have had a very imperfect idea of the disposition made of the appropriations you have given.

At the close of the fiscal year, 1912, I called for a report from the various heads of departments, and practically all of them responded. I shall transmit to you these reports for your information.

LEGISLATURE.

Of the three departments of our government, I regard the legislative department as decidedly the most important. Here originate all methods of government, and here is crystallized into law the policies and ideas of government which result either in a blessing or a curse to the people. Law is the foundations upon which rests the entire superstructure of government; if this foundation be faulty, the government is insecure; if it be built [*sic*] of adamant, all the fury and passion of political rancor, and public clamor may beat against it in vain. This being true, it is of first importance to our people and our government that the legislative branch be composed of men of the highest type of patriotism and of unquestionable integrity, and that they be afforded every possible faculty for rendering useful service to the State. Laws properly enacted will go far towards relieving [*sic*] the courts of the great volume of work, and will make the administration of these laws decidedly easier and less expensive than if they are loosely drawn, and capable of different interpretations.

In Oklahoma past Legislatures have looked more to the needs of the Executive and Judicial Departments of government than to the Legislative branch. In fact, very little attention has been given to the Legislative department. If one of the Executive departments of government has needed help, you have been quick to respond to that need by making a generous appropriation and supplying needed assistance. When the courts of the State have become overwhelmed with work and have been unable to clear their dockets, you have not hesitated to supply whatever assistance was requested by the Judicial Department; but you will search in vain the Statutes for a single law that has for its sole purpose assistance to the Legislative branch.

We elect a Legislature every two years, and the most of you who make the laws, unless you are re-elected have only sixty days in which to serve in a legislative capacity. Proper law making is a science, and you can no more expect to have proper laws emanate from a body of men who have had no experience in drafting them, than you could expect a master painting to emanate from the brush of a man who has had no training as an artist.

I, therefore, recommend to you that you establish a legislative bureau composed of three men to be appointed by the Legislature or the Governor, whose entire time shall be given to studying the laws of this and other States, and to gathering for the use of the Legislature when it is in session, all information that will be needed by that body. That it

be made the duty of this commission, when requested by a member of the Legislature, to draft any law suggested, and to furnish members of the Legislature with all the information available dealing with such proposed measures. That it be made the duty of this commission to draft all bills that are to be initiated under the initiative provision of the Constitution, and to give advice to those interested in such measures that will enable them to proceed to initiate measures proposed by the people. That in addition it be made the duty of this commission to keep the laws of Oklahoma properly assembled, and as often as the Constitution requires properly to classify and codify them. The total expense of this commission, kept in constant service of the people, would not cost as much as it is now costing to have our laws codified under an act of one of the past Legislatures.

This commission could also take upon itself the work of helping to bring about legislation in Oklahoma that would be uniform in character with legislation in other States upon similar subjects. This reform is of the highest importance, not only to Oklahoma, but to other States in the Union. Under our modern commercial development [*sic*], the interests of the States are so interlaced that there must be more uniformity of laws governing operations in the financial world. If the States do not give the necessary relief along this line, the time will inevitably come when the people will demand that the Federal government take unto itself the power of enacting such laws as the public good demands. If the rights and powers of the State are to be preserved, the laws must be brought into greater harmony than has heretofore existed. The commission could do much valuable service in that direction.

I also believe that the greatest reform and one that will prove the most helpful that could be brought to pass in Oklahoma would be to change the laws as they at present apply to the legislative department of government. The number of our State Senators should be limited to twenty-five, and the members of the lower branch not to exceed fifty. They should be placed on a fixed salary, so that when they convene they could stay in session until they have passed all needed legislation, and could feel that they could give to that legislation such careful consideration as it deserves. There would then be no occasion for such confusing rush as was experienced in the closing hours of the last Legislature. During the last two days of that session, there were finally enacted into laws more than a hundred measures. No set of men who ever lived could give proper consideration to that many measures in the time that was consumed. This slipshod method can only have a tendency to bring the legislative branch of the government into contempt among the people; and instead of being what it should be and was designed to be—the most important set of officials in the State—it is fast becoming to be looked upon as the least important department.

This reform, however, can only be accomplished by an amendment to the Constitution, as the Constitution at present fixes the number of members of the Legislature and the time it can remain in session.

STATE CAPITAL.

The last Legislature in special session assembled in December, 1910, passed an act locating permanently the Capital at Oklahoma City, and describing the location of the Capital as follows:

“Fifteen acres of land surrounding a point on the half section line north and south between the north-east fourth of Section 27, Tp. 12 North Rg. 3 West.”

At that time a contract was entered into with the State of Oklahoma and a corporation known as the "State Capitol Building Company," whereby the said company agreed to secure title to six hundred and fifty acres of land adjacent to or in the immediate vicinity of the proposed State Capitol site; to plat the same into lots and blocks and proceed to sell it; and "after the paying of all expenses incident to the platting, grading, and selling of said lots and blocks" to pay over to the State the residue derived therefrom in installments of \$25,000 per month, the first payment to be made July 1st, 1911, and to continue these monthly payments until the full amount of one million dollars was paid to the State, and provided that the lands should be sold and the entire amount paid out not later than July 1st, 1914.

At the same time, the Capitol Building Company entered into a bond in the sum of a hundred thousand dollars; this bond was signed by a number of individuals of Oklahoma City; the condition of the bond being that if the State Capitol Building Company should fail to realize out of said lands and pay over to the State the full sum of a million dollars, the bond was to become enforceable against the signers thereof.

Under the terms of this contract it is seen that the maximum amount the State could realize, no matter how much the lands might be sold for would be a million dollars. The residue after the million dollars was paid, under the terms of the contract, was to go to the Capitol Building Company. It is also seen that should the lands not sell for a million dollars, then the total amount that could be realized by the State would be the sum realized on the land, plus the hundred thousand [*sic*] dollars secured by the bond. The Copitol [*sic*] Building Company failed to make its initial payment of \$25,000.00 on the 1st of July, 1911; the cause assigned by that company for the failure to comply with its contract was, first, that the legality of the location had been called into question by suit filed in the Supreme Court to determine the authority of the Legislature to pass an act locating the Capital; and further, the general depressed real estate condition in Oklahoma City brought about by the crop failure at that time experienced all over the State.

Matters drifted in this condition for several months. Finally the proposition was made by the Capitol Building Company that they would turn over to me in my individual capacity deeds to the six hundred and fifty acres of land, the title to which should be passed upon by the Attorney General and approved by him; and in addition thereto, would pay into my hands the sum of one hundred thousand dollars in cash. The money and deeds were to be held by me in trust for the company, subject to such action as this Legislature may determine to take in the premises.

By the terms of the agreement, if the Legislature accepts that cash now held by me and the deeds to the six hundred and fifty acres of land, it is to release the Capitol Building Company from any further obligation in the matter of selling the lands, and the State is to take title to the lands proposed to be donated and dispose of them as the Legislature may direct. The hundred thousand dollars is to become the property of the State. The cash payment, immediately after its receipt by me, was deposited in three banks in Oklahoma City and has been drawing interest at the rate of three per cent. since about the first of June, 1912.

I recommend to the Legislature that it accept this proposition and make an appropriation to go forward with the building of a Capitol. The site that is proposed for capitol purposes is one well suited to the location of our State buildings. By a proper handling of the lands donated more money can be realized to the State than would have

been possible to have realized had the same been sold according to the terms of the original contract; and by the Legislature accepting this proposition and taking hold of the matter and handling it in a business way, we will come nearer procuring for the people of Oklahoma a free Capitol than could have been done under the proposition agreed to by the former Legislature.

I recommend also that the Legislature make an appropriation sufficiently large to build a State Capitol such as will meet the requirements of the State, and that it arrange for the issuance and sale of bonds, bearing not more than four per cent interest, the proceeds of which are to be used in the erection of the building. It is a matter of good business to proceed with the erection of this building without further delay. At present the State departments are scattered all over Oklahoma City, and the best service cannot be rendered to the people under these conditions. The question of rentals is an important item for consideration, and until we have erected and furnished a State Capitol, this burden will be an added load to the people.

REAPPORTIONMENT.

It becomes the duty of this Legislature to redistrict the State of Oklahoma for Congressional purposes. In performing this duty you will be met with requests and entreaties that are grounded in selfishness. It is your duty as representatives of the people to pay no heed to such pleadings, but to redistrict the State, keeping in mind at all times only the interests of the people. I cannot better express to you my idea of the spirit in which you should go about this work than to quote from my message delivered to the last Legislature upon this subject:

“Your duty, as representatives of the people, is to the entire citizenship of this State, and not to any portion of that citizenship. No matter how zealous we may serve any political organization, if thereby we fail to render just service to all the people, we have failed to perform our real duty. Neither has any political party the right to demand or expect that you do less than your duty to all of the people. The usefulness of any political party or organization reaches its end when that party ceases to be fair or just.”

The suggestions that come from some quarters,-- that this State should be redistricted so as to give an unfair advantage to the Democratic party, comes largely from ambitious men who would like to serve as members of Congress from Oklahoma, or from Democrats [*sic*] who hold to the idea that the greatest service that can be rendered the State is party service.

The people expect and have a right to expect that the action you shall take will be in the interest of fair dealing, and will be of such character as to draw to you the support of the good people of the State. I am sure that you will not disappoint them.

CONVICTS AND PENAL INSTITUTIONS.

This State has spent several hundred thousand dollars in building and equipping the Penitentiary at McAlistar [*sic*], and we have there a penitentiary modern in all its details, and one worth much more than it has cost in appropriations. The reason for this is that the large part of the construction work was done by convict labor.

In addition to this we have at Granite what is denominated “The Granite Reformatory.” No very large amount of money has as yet been spent there in the buildings. The reason therefor [*sic*] is two fold. First, there has been no money with which to go forward with the buildings provided for by the last Legislature, and second,

the lack of agreement between the officials there and myself as to the character of buildings that are to be erected. My opinion is that the Legislature in establishing this institution intended to make of it a real reformatory and not a second penitentiary. Out of the \$125,000 it was proposed to be used at this place in the erection of buildings, more than \$80,000 was planned to be spent for steel cells. I do not believe that steel cells are essential in reformatories, and I am thoroughly convinced that those who require such confinement should be sent to McAlester and not to Granite. I also believe that those who are sent to the reformatory should be selected with the view as to the degree of criminality that has developed in them, rather than to allow the age of the convict to determine the issue. Men frequently in sudden heat and passion commit murder after they have passed middle life, and they are just as repentant and are as much entitled to consideration as a younger man who commits a like crime. On the other hand, men who have not yet reached the age of twenty-five are among the most vicious and uncontrollable that the State has to deal with.

The Legislature should define plainly the part the reformatory is to play in Oklahoma; if we are to have there a real reformatory, then the buildings should be erected to meet that condition. If on the other hand you determine this shall be in the nature of a second penitentiary, I would recommend that you abandon, for the present, any further efforts at buildings at that institution and transport all of the prisoners to McAlester. There are ample provisions for taking care of all of the prisoners of both institutions at McAlester, and it would certainly be far more economical to have a single institution than to have two.

A report from each of these institutions reveals the fact that the per capita expense of maintaining prisoners decreases in proportion as the number of prisoners increases. The per capita cost of caring for the prisoners at McAlester during the year ending June 30th, 1912, while the average number of prisoners exceeded one thousand, was 40.9 cents per day; the average cost of maintaining prisoners at Granite, where the average daily population was 302, was 59 _ cents per capita per day. The principal part of this difference is made up in the item of salary. The cost at Granite in salary per capita daily is 27 _ cents, the cost at McAlester of the same item was only 11.2 cents. The 300 prisoners now at Granite could be taken care of at McAlester and add practically nothing to the salary account at that place.

I believe, however, that we should have a reformatory where prisoners, without regard to age, and who can be trusted to observe the rules without having to be kept behind steel bars, could be committed, but before such an institution can be built it will require further legislation on your part.

I also recommend to you that you amend our criminal laws, putting into practice in Oklahoma the principle of the indeterminate sentence, thus fixing a condition so the convict can, by a proper observance of the prison rules and manifest reformation, earn his release. In the absence of any law on this subject, I have inaugurated a policy since I have been Governor of giving credits for good behavior and faithful work done the State, thus enabling the convict who obeys the prison rules and does good work, to reduce the term of his sentence by more than one-fourth of the total. The warden of the Penitentiary has also given additional hope and encouragement to these prisoners by adopting the plan of making "trusties" of those who prove themselves worthy of this badge of trust. The

result has been very satisfactory, and today there is a large percentage of “trusties” in the Oklahoma prison at McAlistar [*sic*], than in any other penal institution in America.

A law, however, passed by the Legislature that would fix it so that the prisoner could reduce his sentence by giving evidences of reform, would relieve the Governor of many applications for pardons and paroles which should never be brought to his attention.

In the matter of pardons and paroles, I will say that the parole system has many advantages over a pardon. Since I have been Governor, I have granted few absolute pardons. The extent to which the parole system may be indulged is left entirely to the discretion of the Governor. He is called upon to pass judgment in hundreds of cases, and the only information upon which he has to base his judgment is the written recommendations or protests filed by interested parties. He has no opportunity to go into the real merits of the case, and if opportunity were offered he has not the time. The system of paroles in Oklahoma could be made to work to much better purpose if the Legislature would pass a law authorizing Trial Judges to suspend sentence during good behavior [*sic*] in all cases where they felt that the age of the prisoner, or the facts connected with the case, justified such action. The Trial Judge, having all the facts before him, is better able to pass upon these matters intelligently and justly than is the Governor, and giving him the power to suspend sentence would amount to the exercise of the power of the parole.

It is impossible for a Legislature to fix arbitrarily the punishment of a given crime that will meet all cases that will arise under the statute. It is frequently the case that a mere boy, yielding to temptation and borne on by the impetus of youth is guilty of an infringement of the law, the minimum punishment for which is out of all proportion to the offense committed, when the youth of the individual and attending circumstances are considered. In all such cases, and in others where the stern decree of laws means punishment undeserved, the Trial Judge, by suspending the sentence, could give a proper administration of justice.

I also recommend that you amend the laws so as to permit either the Trial Judge or the custodian of prisoners in misdemeanor cases to give proper credits to prisoners for faithful service rendered and for good behavior [*sic*]. As already stated in this message, I have inaugurated a policy of this kind at the Penitentiary, and practical application has demonstrated the wisdom of the same. In many communities prisoners serving misdemeanor sentences are placed at work upon the public roads. The prisoner goes forth feeling that he has his full time to serve, and that no matter how hard he may work there is to be no reward. The result is that his time is largely taken up in an effort to evade work. Experience in Oklahoma convinces me that in the majority of cases the cost of guard hire and other expenses incident to the working of prisoners on the road is more expensive to the County than it would be to employ free labor to do the same work. The reason for this is that the prisoner,--having no incentive to do the best work possible, accomplishes much less in a given time than the paid laborer does. If, however, the prisoner could shorten his sentence by doing efficient work, and it was left to the foreman in charge of him to say each day whether or not he was entitled to such credit, I believe that much more effective work would be done, and that our prisoners, serving in the jails of the State, could be made a source of profit to the County, rather than a continued expense.

Another thing that I recommend is that you pass a law permitting the employment of convicts on certain enterprises in Oklahoma, where they will not necessarily be brought in competition with free labor, but where they can learn some useful occupation, and in a measure become self-sustaining. We now have at Granite and at McAlester more than fifteen hundred convicts, fully one thousand of these are able bodied men. To permit these men to remain in idleness and have them supported by the taxpayers is a crime against humanity and an outrage upon the people. There are many industries that these men could be put to work in that would in no wise conflict with the labor of any man in the State outside the penitentiary, but would aid in cheapening many products that are sold in Oklahoma but not manufactured here, and would enable these prisoners to sustain themselves. Take the item of twine,--we have not a single twine factory in Oklahoma. The farmers of this State are compelled every year to pay tribute to the twine trust in the form of exorbitant prices for twine used in harvesting their crops. If we were to establish a twine factory in the penitentiary the product could be sold to our farmers at a price much less than they are now paying and the revenue derived therefrom would be more than sufficient to pay all expenses of prisoners engaged in the work.

The majority of these prisoners are in the penitentiary for a limited period; they will soon have served their sentences and be released to become a part of our citizenship. Two, three or five years of confinement in idleness is enough to sap the strength and ambition from almost any man. Instead of pursuing policies that will tend to improve and reform these men and send them forth to become useful citizens, we are adopting a policy that will inevitably lead to confusion and hurt in this commonwealth. Instead of these hundreds of able bodied men becoming objects of charity to be tied upon the backs of the people, they should be made to stand alone and made to earn their own bread and clothing by the sweat of their brow.

This policy, while it may meet with serious opposition of a few, is certainly in the interest of the great mass of Oklahoma's citizenship, and being such, deserves to receive your earnest consideration.

TRANSPORTATION OF PRISONERS.

In some sections of the State there is a difference of opinion as to which should bear the expense of transporting prisoners sentenced to the penitentiary,--the County or the State. Some of the Counties have taken the position that in as much as the prisoners are State prisoners, the State should bear the cost of their transportation to McAlester; other Counties have made no such contention, but have sent their prisoners to the penitentiary as fast as they were sentenced.

In Oklahoma County, some of the prisoners have been kept in jail for months after sentences had been pronounced. The reason given for not transporting them and permitting them to begin at once the serving of their sentence, was that the State should pay the cost of such transportation, and that the County Commissioners refused to make provision therefore.

There is no reason why this burden should be borne by the State. If the State takes care of the prisoners of a County, it has certainly done its part, and that county should not ask that the additional burden be placed upon the State by its having to go after the prisoner. The County that is desirous of ridding itself of its criminals, should bear whatever expense is incident to their removal to the penitentiary, and if our law is

not sufficiently explicit upon this question to remove all doubt, I recommend that you make it so.

FINANCES.

In the administration of government it is a matter of great importance to the taxpayers that the credit of the State be preserved. This can only be done by meeting properly the obligations of the State. The indebtedness of Oklahoma is not of such magnitude as to cause alarm. We inherited from Oklahoma Territory a debt that was bonded at the beginning of Statehood: and these bonds are outstanding, amounting to \$1,460,000. In addition to this, there are unpaid outstanding State warrants issued in the payment of the obligations of the State for the fiscal years antedating July 1st, 1911, amounting to more than \$3,000,000. There are a number of reasons for the existence of this debt which can all be summed up in this,--the expenditures from the time of Statehood up to that time exceeded the revenues collected by the State from all sources. Since that time, however, it has been the policy of the State Equalization Board to levy sufficient tax each year to pay the current expenses for that year. On account of the outstanding State warrants, it was found hard at first to keep them at par, but the policy pursued has resulted in making the warrants now being issued desirable investments, and no trouble is at present being experienced in finding investors who are willing to take these obligations at their face value.

Whether or not the burdens of State government are to be lightened in the future will depend upon this and future Legislatures. There can be no legitimate expense incurred for State government unless it is authorized by the Legislature; nor can any debt incurred be paid except the Legislature make appropriation therefore. Whatever expense there is incident to government in Oklahoma is appropriated by the Legislature, these expenses can only be controlled, increased or decreased by your acts. If you make extravagant appropriations, the people through the medium of tax collection, must pay the penalty. If your appropriations are small, but at the same time ample for economic government, the load will be correspondingly reduced.

Since the determination of the extent to which State government shall be burdensome to the taxpayers rests so completely within your hands, you cannot guard too zealously the interests of the people in making appropriations. You will be asked by various departments and various institutions for appropriations that will aggregate millions of dollars.

In the matter of making appropriations for the erection of further buildings at the various institutions of this State, the greatest degree of caution should be exercised, and only such as are absolutely necessary for the proper conduct of the institution should be provided for. Appropriations that are to be paid out of the public building account, in my judgment would just as well not be made, for there is very little likelihood that maney [*sic*] can be obtained to make the appropriations available.

The last Legislature provided for the issuance of public building bonds against the public buolding [*sic*] fund of the State. In order to meet the demands made upon this fund by the last and previous Legislature, it was necessary to sell \$1,750,000 of these bonds. After extensive advertising, both within and without the State, only one man was found who would offer to bid upon the bonds and they were sold to him. Only about a million dollars of this money has as yet been paid into the State Treasury, and \$750,000 of the bonds are yet held by the State Treasury, the purchaser not having been able to

dispose of them. A further issuance of bonds against this fund would be a mistake, it occurs to me. If you find it is necessary to erect more buildings and you make appropriations therefore, if you expect these buildings to be erected, your appropriation for the same should come out of the general fund, and let the burden fall directly upon the taxpayer.

I have given great thought to the proposition of reduction of expenses in government in Oklahoma; in the foregoing portions of this message I have outlined what I think is the only possible way of reducing these expenses. To pay the expenses of State government for the fiscal year ending June 30th, 1913, the Legislature made appropriations as follows:

| | |
|------------------------------------|-----------|
| Penal institutions | \$275,550 |
| Eleemosynary institutions | 581,174 |
| State Schools | 756,500 |
| All other expenses, salaries, etc. | 960,142 |

In the matter of the penal and eleemosynary institutions and State schools, the appropriation is for maintenance alone, and no portion of it is included in the building account of these departments.

I have pointed out how you can save money by reducing the number of State Higher Educational Institutions; I have also pointed out how you can almost entirely reduce the item of expense of penal institutions by putting these prisoners to work in a way that will make them self-supporting. There is no way to reduce the item of expense of eleemosynary institutions, and in my judgment, their cost will gradually increase as out [*sic*] population increases. The item of salaries, can be largely reduced by the elimination of all useless offices in the State as I have suggested in this message under another subject.

I stand ready to aid you in any way I can and to give my approval to measures that will lighten the burdens of taxation without diminishing the efficiency of government, but unaided by you I am absolutely powerless to give any relief.

Under the present system of rendering accounts to the State Treasurer indulged in by the County Treasurers, the best results cannot be obtained. County Treasurers make remittances to the State Treasurer quarterly. The State Treasurer must wait for these remittances before he can issue calls for warrants. Local banks where County Treasurers keep their money on deposit use all the influence they can to keep these remittances from the State Treasury as long as possible. The result is that the State pays six per cent interest on warrants, while its funds lie idle in the banks so far as the State is concerned.

You can greatly aid in reducing the interest account of warrants and help strengthen the credit of this State by amending the law so as to require all County Treasurers to remit to the State Treasurer on the first Monday of each month all State funds on hand, and to require all other officials whose duty it is to convert funds into the State Treasury, to make remittances whenever they have a hundred dollars or over that amount on hand.

I also recommend that you amend the law so as to permit the State Treasurer to make a call for warrants as frequently as every thirty days, and to require him to make this call when he has as much as fifty thousand dollars in his hands available for the purpose of paying these warrants. It is a very short-sighted business policy that will leave

money in banks drawing three per cent interest, when the State has outstanding warrants drawing six per cent interest.

There is in the hands of the State Treasurer a considerable sum of money in inactive accounts. This represents the accumulation of the years since the establishment of State government. I recommend that all such funds be converted into the general fund, and become immediately available for the payment of State debts.

By far, the greatest portion of all taxes to maintain government in Oklahoma is the result of local government. In a great many communities in the State local authorities levy all the taxes that the law will permit them to levy. Notwithstanding the tremendous increase in taxable values in Oklahoma, brought about by action of the State Board of Equalization in the year of 1911, there has been no material decrease in the rate of levies made. The Legislature can remedy this evil and should do so. Since local officials have shown that the amount of taxable property has very little to do with the tax rate they levy, and since the amount of taxable values has increased in this State about forty per cent in the last two years, I recommend that you make a corresponding reduction in the amount of tax levy that can be made for all purposes. To reduce the maximum amount to fifteen mills would be in harmony with the increased values; and if government could be run under the old valuation with the limit fixed as it is at this time by our statute, it could be just as easily and efficiently be administered if the limit with the increased values was reduced to fifteen mills.

Therefore, I strongly recommend that you so amend the law as to make it impossible for a total tax levy exceeding fifteen mills to be levied in any community in the State, without submitting the matter to a vote of the taxpayers; and that you distribute this fifteen mills for the various purposes of government in an equitable manner.

TAX PENALTIES.

A most inexcusable outrage being perpetrated upon the taxpayers of Oklahoma under the guise of law is the exorbitant and usurious penalty imposed for the non payment of taxes. Oklahoma has loaned millions of dollars of money at five per cent. interest. When it settles one of its obligations in the form of a warrant, the warrant only draws six per cent. interest. We have gone further, and in our law provide that no individual or corporation loaning money or extending credit, can without incurring severe penalty, collect a greater rate of interest than ten per cent., and yet this State violates the very essence and spirit of this law and indulges in the most heartless species of usury when it compels the taxpayers who are so unfortunate as not to have the ready cash to pay their taxes with when the time for their payment is due, to pay a penalty of eighteen per cent.

There is no debt more easily collected than a tax debt. There is no debt in the State that the people will sacrifice more and labor harder to pay than a debt due the State for taxes; and it is an inexcusable outrage to compel unfortunate citizens to pay an eighteen per cent. penalty. It is nothing more nor less than eighteen per cent. interest for the credit the State extends to them while they are delinquent in their payment.

I recommend that you reduce the penalty not to exceed ten per cent. If the State is determined to have this money when due, then so modify the law as to permit no extension whatever and proceed with the collection of the tax the moment it becomes delinquent. To indulge the taxpayer for five or six months at eighteen per cent. interest and then proceed to sell his property with this added burden attached, is conferring no

sort of favor upon him, but is only making the robbery the more complete; and then to follow this up with a provision in the law that the man who buys the property of the unfortunate can continue to charge eighteen per cent. until the property is redeemed, is to permit an open and flagrant violation of the usury law. Not only does the State violate the law in charging usury, but it permits the purchaser of the property to do the same.

I also recommend in cases where sales of property take place for the payment of taxes, that you reduce the cost that shall be taxed up against the owner of the sold property to the minimum. No charge should be made except the actual cost of advertising, and this is a nominal amount. The work that the Sheriff does is amply paid for in his salary, and he should not be permitted to make the burden greater by exacting additional fees.

BLIND SCHOOL.

Two years ago I advocated the permanent location of the School for the Blind in the following language:

“In selecting a site for this school but one consideration should enter the problem,--what is best for the unfortunate children that must attend that institution? In answering that question three things should control. First, healthfulness of location: second, advantages offered children, and third, its accessibility to the children.”

The usual spirit of community selfishness appeared and the result was that no bill was passed locating this institution, but a small appropriation was made to continue for two years the school at Fort Gibson, where the school has been temporarily located since Statehood.

This Legislature should do one of two things,--either permanently locate this school and provide for the erection of suitable buildings, or else temporarily close the school and make no provision for its maintenance for the next two years. Why the Legislature should consider the claims of any community, when it comes to dealing with this important matter, I cannot understand. No community in the State has any claim upon this institution, and the interest of no community should be considered when you pass a bill locating it. You are dealing with the most unfortunate people in the State when you are dealing with the blind; they are helpless and unless you protect them there is no one who can. My investigation from men in position to speak with authority convinces me that this institution should be located as near as possible to a large city, where the blind can enjoy the advantages that are impossible in smaller communities. Circumscribed in their powers by the loss of the most important of the senses, they enter life's conflict with a terrible handicap. There is nothing that can ever be done for them that will overcome this, but it can be minimized. Advantages in the way of high class lectures, good music, helpful preaching, etc., are to be had in the larger cities, while such is impossible in small communities. When they leave the school there are more opportunities for employment to be found in larger places than in smaller. In fact, every argument in favor of the children points unerringly to the location of the school near a large city.

Viewed from this standpoint and also from the standpoint of the accessibility of the school to the children of the State, the city offering the best advantages to the blind is Oklahoma City, and viewed from the same condition, the second best city is Muskogee, and the third, Tulsa.

I hope that the members of this Legislature indulge no feeling of prejudice against any town in the State. But if you do, I hope that you will not permit that prejudice to have any weight with you when you decide the question of where you will locate this school.

COURTS.

The last Legislature passed a law creating a Supreme Court Commission. The purpose of the bill was to provide such assistance as would enable the Supreme Court to dispose of the crowded dockets, and to get litigation in such condition as to make it possible more speedily to dispose of cases coming before that court.

The Supreme Court and the Commission have worked hard for more than a year, but the docket yet remains badly crowded, and cases are being appealed almost as rapidly as they are being disposed of.

I recommended to the last Legislature if it could be done under our laws, that the right of appeal in civil cases be limited to cases involving five hundred dollars or more. Power to make this limitation, it seems, is of doubtful Constitutionality. This Legislature should do something that will still further *[sic]* aid the Supreme Court in clearing its dockets. The only thing that can be done to clear it and keep it clear is to pass laws that will limit the number of appeals. There is one way that this can perhaps be accomplished, although not to the extent that I would like to see; and that is by the passage of laws that will discourage rather than encourage appeals.

There is no doubt that under the present system many cases are appealed for the sole purpose of delay. The appellant knows that he has no merit in his appeal, and that as soon as the Supreme Court reaches the case it will be affirmed. Yet in order that he may delay the enforcement of the judgment of the lower court for the period of one, two and possibly three years, he proceeds with his appeal, puts the Judges of the Supreme Court to the trouble and worry of going into his case, and adds to the volume of an already overcrowded docket.

I recommend that you pass a law making it the duty of the Supreme Court, in all cases affirmed by that court, to tax up a penalty of ten per cent of the amount involved against the unsuccessful appellant, but to provide that in no event shall this penalty be less than twenty-five dollars. This will certainly put a stop to the appealing of cases of a hundred dollars or less where the appellant is appealing solely for the purpose of delay, and will have a likely tendency in cases involving larger amounts.

HIGHWAYS.

Two years ago there was established in this State a department of Highways. This was intended as a nucleus around which should be built laws that would eventually result in the establishment of a modern system of highways in Oklahoma. With all of our progress, Oklahoma has not kept pace with the other States of the Union in the matter of road improvement. Blessed as few States are with all the material and natural advantages for perfect road-building, we have many exceedingly bad roads. We have spent in this State millions of dollars in supposed road improvement, but the fact is most of this money has been wasted. We have had very little intelligent road-building. If the money that has been paid in the form of taxes for road-building since Statehood had been spent under the direction of expert road builders, it would have produced many miles of first class roads.

The recommendation that I have already made to abolish twonship [*sic*] officers, if carried into effect, will stop much of this waste of money. The States of the Union that have made the greatest progress in road-building, are the States that have the longest had a well organized highway department.

I believe that you should enlarge the powers of the highway department and put it upon a sane substantial basis. At present that department is supported entirely by a tax of one dollar upon every automobile in the State and it is made the duty of the department to collect this tax. With such a poorly supported department, little good can be accomplished, and you had better abolish it altogether than thus to hamper it in its efforts to give anything like satisfactory results in the road-building.

I recommend that you enlarge the powers of the State Commissioner of Highways, and that the tax upon automobiles be a graduated tax, the amount of which shall be determined by the horse power of the machine, and that this tax be collected by local tax officials, just as all other taxes are.

NATURAL GAS.

Experience teaches us that if gas wells are drawn upon to their capacity, they soon become entirely exhausted, and to get the best results, it is necessary that the amount of gas taken therefrom should be limited to less than one-half of the production a well is capable of. In this State the gas supply is being rapidly depleted, and there has been no substantial effort made towards conservation of same.

I recommend that you pass laws upon this subject, limiting the amount of gas that can be taken from any well, making the limitation proportionate to the amount the well is capable of producing.

I also recommend that you amend our laws affecting gas, making it a severe penalty to permit gas to escape and thus be lost to commercial use.

In order that the cities of this State, located in the vicinity of the gas fields, may be enabled to procure a permanent and substantial supply of gas, I recommend that you pass a law permitting municipal corporations to condemn gas property and gas wells for the use of such cities.

CONCEALED WEAPONS.

The records of homicides in this State show that a large per cent. of them are committed by persons carrying concealed weapons. If a law could be passed and enforced that would put an end to the practice of carrying concealed weapons, the number of homicides would be reduced more than fifty per cent. It would not only be a great saving in human life, but it would result in a great saving to the people in the form of taxes in the lessening of the number of murder trials in the State. These trials are the most expensive item of conducting criminal courts, and any law that will tend to curtail this expense to the people would meet with approval.

By the statutes of this State it is made a felony to carry, whether concealed or not, upon your person a slung shot. Certainly it should be no less offense to carry a concealed deadly weapon. Under our present law, however, anyone convicted of carrying a concealed weapon about his person,--firearms of any description, is guilty only of a misdemeanor. There is no excuse for anyone, other than an officer, carrying upon his person a concealed weapon. The present practice indulged in by many State of carrying a pistol, only increases the peril of law abiding citizens, and places them at a disadvantage when coming in contact with the law violating element.

I recommend that you amend the law and make it a felony for anyone, other than an officer of the law, while in the discharge of his official duty, to carry concealed about this person a deadly weapon.

WORKINGMAN'S COMPENSATION ACT.

The history of damage suits shows that only about one-half of the money paid by corporations for personal injury inflicted upon employees finds its way into the hands of the injured party, or in the event of his death, into the hands of those to whom the compensation should go. An injury is inflicted or death occurs, and after months and sometimes years of litigation payment is made, and after deducting attorney's fees and court costs practically one-half of the amount is consumed. During these months of waiting, those who are entitled to the damage are compelled to undergo unnecessary hardships, and frequently tiring of the waiting, make disastrous compromises of meritorious cases.

Certainly modern civilization can devise a better [*sic*] plan for settling these differences between employer and employee. Several of the States of the Union have adopted a Workman's Compensation Act, which undertakes definitely to assess the amount of damages to be received in cases of personal injury and death; the amount to be governed by the extent of the injury. This act is working satisfactorily both to employer and employee in the States that have adopted it. The only one who has suffered loss by reason of the adoption of this act is the attorney who formerly represented the plaintiff in damage suits. It can hardly be contended that he is entitled to consideration at the hands of the Legislature in a matter of this kind.

I recommend that you give to the people a law upon the subject, framed with the view of dealing out absolute justice to the employer and employee alike, based upon the experience gained from other States in the Union that have adopted such a measure.

REWARDS.

I call special attention to the fact that under our present laws the Governor is permitted to offer reward only in cases of murder and arson. That this law should [*sic*] be amended and the powers of the Governor in this regard extended to other crimes, must be manifest to every member of the Legislature.

The recent investigation made by the Examiner and Inspector's office discloses the fact that a number of fraudulent State warrants had been issued by a former employee in the State Auditor's office and had by him been disposed of to various individuals and corporations. Certainly this is a crime calling for some sort of action on the part of the State, but under our law no reward of any kind can be offered by the Governor to apprehend the guilty party. The Legislature has, by special enactment, provided a reward for the arrest and conviction of a horse thief. Certainly it is more important, to a proper administration of justice, to run down public officials who violate their oath of office and abuse the confidence imposed in them by the people and systematically, under the guise of public servants, conduct their speculations to the extent of thousands of dollars.

I recommend that you amend the laws of this State so that it would be possible for the Governor to offer a reward for the arrest and conviction of any public official who embezzles public funds where, in the judgment of the Chief Executive, such reward is necessary to the apprehension of the criminal. I also recommend that you make an adequate appropriation to be used during the next biennium out of which rewards offered by the Governor can be earned can be paid.

DISTRICT COURT REPORTERS.

At the last regular session of the Legislature of Oklahoma an appropriation was made to pay District Court Reporters their salary during the years ending June 30, 1912, and June 30, 1913. Under a misapprehension of existing laws, I vetoed this bill, believing at the time that under our law it was the duty of the various counties in which service was rendered by District Court Reporters to meet this obligation. I have since learned my mistake and find that this is a proper charge against State funds. Those occupying these positions have, during the past two years, been compelled to exist without any payments from the State for their services.

I recommend, therefore, that at as early a date as possible you make sufficient appropriation to meet the salaries of these District Court Reporters.

DISTRICT JUDGES.

I also call attention to the fact that the last Legislature increased the number of District Judges in this State from 26 to 31. In making its appropriation to pay District Judges for the two years, it only made provision for the payment of 26 Judges, making no appropriation whatever to pay the five additional Judges provided for by the Legislature.

There is, therefore, a deficiency in the appropriation for District Judges equal to the amount earned by the five District Judges since their appointment to office. This amount should be provided for by the Legislature in the form of a deficiency appropriation.

I call your attention to the following subjects for such action as you deem proper to take.

PANAMA PACIFIC INTERNATIONAL EXPOSITION.

The Panama Pacific International Exposition will soon be held in San Francisco, California. No provision has as yet been made whereby Oklahoma can take part in that exposition. If it is your desire that we be represented there with an exhibit, then it is important that you give the matter prompt and careful consideration. If you favor attempting to have an exhibit, I certainly favor making that exhibit a creditable one to our State. We had better not participate in that exposition than to have an exhibit there that would fail to represent the resources of Oklahoma creditably.

TABLET IN WASHINGTON MONUMENT.

At a meeting of the Washington National Society, held in Washington, January 2nd, 1911, the following resolution was passed:

“Resolved that the society recommend to the Honorable, the Secretary of War, in whose care and custody the Monument is by law placed, that the States of Colorado, Washington Idaho, Oklahoma, and Texas, and the States of New Mexico and Arizona, upon their admision [*sic*] into the Union, respectively, be invited through the Governor of each State to furnish a suitable tablet for insertion in the inner walls of the Washington National Monument, to the End that the States of the Union as a memorial therein to Washington may be finally completed.”

On March 21st, 1911, copy of this resolution was transmitted to me by Mr. F. L. Harvey, Secretary of the Washington National Monument Society.

It will be seen from this resolution that practically all of the States of the Union have contributed a tablet to this monument. Oklahoma can procure a place for this tablet only by act of the Legislature. In his letter the Secretary states:

“ No tablet can be received as the gift of any patriotic body on behalf of the State, or as a gift of private persons, or one bearing any individual names. The conception is that the Sovereignty [*sic*] of the State shall be represented by act of the State alone, and as a member of the Union.”

To quote further, he says that the tablet should be stone native to Oklahoma of the most durable character, and of the following dimensions: Four feet long, two feet wide and six inches in thickness. The tablet may be engraved with the State name, its coat of arms, and such emblem, motto, or patriotic inscription, as may be selected to give it character.

THE FIFTIETH ANNIVERSARY OF BATTLE OF GETTYSBURG.

The fiftieth anniversary of the Battle of Gettysburg will be observed on that historic battle ground July 1st to the 4th inclusive, 1913. This will be a national observance of that day, and will be participated in with equal enthusiasm by the soldiers of the North and of the South. It is especially desired that all soldiers who participated in that battle be present on that occasion.

I have been endeavoring to procure a list of the veterans who participated in that battle and now are residents of Oklahoma, and who among them are unable to bear the expense of a trip to Gettysburg. This information I will place at your disposal so that you may determine what aid, if any, the State will render to these veterans.

BATTLESHIP OKLAHOMA.

The secretary of War informs me that unless unforeseen conditions arise, the Battleship Oklahoma will be ready for christening during the summer of 1913. This State has been honored by having her name upon one of the most powerful Battleships in the world.

It is a custom universally observed among the States to make a suitable present to the battleship thus named for it,--preferably a silver service. This matter should receive your attention and appropriate steps be taken to see that Oklahoma observes this custom.

In the latter part of June, 1912, I addressed a letter to the heads of the various departments, asking that they transmit to me not later than the first day of October, recommendations, in concise form that they desired to make touching the repeal, amendment or passage of laws. A number of departments have responded with recommendations; from others I have received no reply.

I am transmitting to you the communications I have received. You will observe that in a number of instances I have covered in this message subjects discussed by them.

In this message I have gone very much into detail, believing it to be the duty of the Governor to furnish whatever support he can in the way of statement and argument in reference to the recommendations made. I have not undertaken to touch all of the subjects that you will probably legislate upon. I have dealt only with those that I consider the most important. The recommendations I have made in many instances have been recommendations I would not have made two years ago. At that time my experience with government was that of the average citizen who gathers his experience rather as a spectator than as an actual participant in governmental affairs. Two years of close application and study of the problems of government have wrought many changes in my ideas. What I have advocated in this message to you is what I candidly and honestly believe should be enacted into laws, and I believe that if so enacted the result will be helpful to the people. I have made my recommendations without regard to the effect they

will have upon any particular locality, but have in every instance looked solely to the broader general welfare. Much that I have advocated is a radical departure from existing laws and conditions. Those who profit by the present system will be quick to offer every possible hindrance to the passage of laws embodying the ideas conveyed in this message.

If bills are introduced undertaking to carry out the suggestions contained herein, lobbyists will flock around the Legislature in greater number than have ever been observed before. The institutional towns, where an institution is to be considered for discontinuance, will have their representatives on the ground to fight for the selfish interests of these localities. The occupants of offices that are sought to be abolished or consolidated will appear before you by the hundred. There is hardly an office in the state that will be dealt with by this Legislature that has not its state organization, and these state organizations will be used in the interest of the retention of these offices.

It will require courage and undoubted strength to withstand these assaults. The people of Oklahoma, whose servants you are, must look to you to fight successfully their battles. The farmer who plows, the laborer who toils in the shops, and the miner under the earth will go about their work, seeking an honest living for their families. The officer whose office is to be interfered with will use the farmer's and laborer's money, wrung from them in the form of taxation and paid to him in the guise of salary, to come before you and fight for a continuation of that office.

If you withstand this pressure, and if from this body shall emanate those laws of wisdom and of fairness that will give to the people of Oklahoma the very best type of government, and will lift unnecessary taxation from their worn backs, there will come to you from the hearthstone of the rich and the hovel of the poor, the most comforting and most priceless tribute ever paid to public servant,--"Well done, thou good and faithful servant."

Lee Cruce,
Governor.

About Digitizing the Governors' State of the State Addresses

Section 9, Article 6 of the Constitution of Oklahoma provides as follows:

“At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to joint session of the two houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient.”

From statehood in 1907 to present, the state of the state addresses of Oklahoma's Governors have been recorded in pamphlets, booklets, and Senate Journals. One could not foresee the toll that time would take on the earliest of these documents. When these items first arrived at the Oklahoma State Archives, the leather bindings had dried considerably, cracking the spines significantly. Due to the acidity in the paper, many pages have darkened with age. Some of the more brittle pamphlets crumble at the slightest touch.

Thus when we decided to digitize these materials, we faced two challenges: the safety of the original documents and ease of viewing/reading for patrons. Our primary objective was that the unique and historic qualities of the documents should be reflected in the website. However, older fonts would not digitize clearly when scanned and even using a flatbed scanner could cause the bindings to worsen. An image of each page would increase download time considerably and any hand-written remarks or crooked pages could be lost. We decided to retype each document with every period, comma, and misspelled word to maintain the integrity of the document while placing some unique images of the documents online. Patrons can download the addresses quicker and view them clearer as well as save, print, and zoom with the Adobe Acrobat Reader. We have learned much from our efforts and we hope that our patrons are better served in their research on the state of the state addresses of Oklahoma's Governors.