IN THE DISTRICT COURT OF TULSA COUNTY, STATE OF OKLAHOMA

W. S. Halloway Plaintiff vs The city of Tulsa, Oklahoma a municipal corporation ; T.D. Evans, ex-mayor of Tulsa; J.M. Adkinson, ex-police commissioner of Tulsa, Oklahoma; + Leo R. Blaine The St. Clair Gial Company, a corporation Charles S. Younkman, Herman F. Newblock, John A. Gustafson, O.A. Steinme, Commissioners and the National Surety Co., a corporation, United States Fidelity & Guaranty Co., a corporation, and the Lion Bonding & and Surety Co., a corporation. Defendants	NO. _____ Ex- Chief of Police Tulsa Okla

PETITION.

Comes now the plaintiffand for cause of action against the defendants and each of them, respectfully states to the court that he was, and at all times hereinafter mentioned, a resident of the city of Tulsa, state of Oklahoma. Plaintiff alleges that the defendant, the city of Tulsa, is a municipal corporation, organized and doing business under a charter form of government.

Plaintiff complains of the defendants and each of them and for cause of action, states that:

1. That previous to June 1, 1921, plaintiff was living quietly and peaceably, demeaning himself as a law-abiding citizen of the city of Tulsa and state of Oklahoma. That he was, without warrant or process from any court of competent jurisdiction, forcibly arrested and taken to a detention camp, arranged by the defendant, the city of Tulsa and it's city officials, aforementioned and named against his will and consent. That said detention camp had been previously arranged for the concentration of the colored people of the defendant city. That his arrest was affected by agents, servants and employees of the defendant city and by the direction of the officials

above named and mentioned. That prior to June 1, 192, the defendant owned real estate and personal property hereinafter more particularly described and set out, that was standing and left intact when he was taken away. That plaintiff was restrained of his liberty by the defendant, the city of Tulsa and by the defendants above named and mentioned, it's servants, agents and employees, for more than twenty four hours and that when he was released and allowed to return to his home, his property hereinafter described with all personal effects, his homestead and other houses, had been turned to the ground as were other houses in that immediate vicinity.

2. Plaintiff alleges that the defendant, the city of Tulsa Oklahoma, derives it's city governmental authority from a charter. By the terms of said charter the city should have passed and enacted adequate ordinances and laws for the protection of all of it's citizens which it failed and omitted to do. That the defendant, the city of Tulsa, by reason of the negligence of it's servants, agents and employees, failed and neglected to enact ordinances for the protection of citizens of Tulsa. That said city failed, neglected and refused at all times to pass ordinances and laws, prohibiting conspiracy between the city's officials, servants, agents and employees and with other persons in said city. That by reason of the failure to enact such ordinances and laws, for the protection of it's citizens, the city's officials and other persons, working in conjunction with the city's officials and with the city's servants, agents and employees, did, prior to June 1, 1921, form a conspiracy for the purpose and to the end of destroying the life of the citizens of Tulsa and to destroy property of said citizens, and did, in furtherance of the conspiracy and the intention thereof, said city's officials, it's servants, agents and employees, did burn and destroy the plaintiff's property, houses, personal effects and all personal property contained therein, to the damage of $

and because of no ordinance to the contrary.

2a. That the National Surety Company is a corporation duly organized and existing under and by virtue of the laws of the State of New York and authorized to become sole surety on bonds in the State of New York and authorized to become sole surety on bonds in the State of Oklahoma as surety.

That the Lion Bonding and Surety Company is a corporation duly incorporated under the laws of the State of Nebraska and authorized to become sole surety on the bonds in the State of Oklahoma as surety.

That the United States Fidelity & Guananty Company is a corporation duly incorporated under the laws of the State of Maryland, and are authorized to become sole surety on bonds in the State of Oklahoma as surety

That the defendant, the Lion Bonding & Surety Company executed a certain bond in the sum of $3,000,00 as bondsman of the said Chief of Police and co-defendant herein, Johb A. Gustafson, a copy of which bond is hereto attached and marked Exhibit "A", and by reason of said bond the said Lion Bonding & Surety Company are liable for the wrongful acts of the said John A. Gustafson and his malefeasance in office as Chief of Police, executed and delivered hereto attached and marked Exhibit "B". and that by reason of the said bond the National Surety Company is liable for the wrongful acts of the said W. M. McCullough, then sheriff of the County of Tulsa.

That the United States Fidelity & Guaranty Company made, executed and delivered a certain bond on behalf of Charles S. Younkman in the sum of $10,000.00 a copy of said bond could not be obtained, for this reason it is not attached, and by reason of the said bond are liable for the wrongful acts of the said Charles S. Younkman, defendant herein and theb one of the City Commissioners of the City of Tulsa.

And the defendant the United States Fidelity & Guaranty Company made, executed and delivered a certain bond in behalf of ~~T. De-~~ T. D. Evans, one of the co-defendants herein in the sum of $10,000, a copy of which bond is hereto attached and marked Exhibit "D", and that by reason of said bond are liable for the wrongful acts of said T. D. Evans, defendant herein, and the Mayor of the City of Tulsa.

3. That said J.R. Blaine, being at that time, a servant agent, and employee of the city of Tulsa, acting in the capacity of captain of the police department, did ride in an airplane, drop and cause to be dropped, turpentine balls and bombs down and upon the houses of the plaintiff and divers other persons in the city of Tulsa. That the said T.D. Evans, the mayor of the city of Tulsa, J.M. Adkinson, the Police commissioner of the city of Tulsa and the said J.R. Blaine, al servants, agents and employees of the city of Tulsa, acting in their capacity as mayor, police commissioner, chief of polic and captain of the police department, did form said conspiracy with other agents, servants and employees of said city and divers others persons, to kill citizens and to destroy the property of certain colored citizens of Tulsa; and in pursuance thereof, did destroy the property of the plaintiff herein. That said damage to the plaintiff was occasioned because the city's law-making body, in disregard of the provisions of't charter, failed, refused and neglected to enact and pass ordinances and laws prohibiting the forming of a conspiracy as aforementioned and set out, which resulted directly in the burning and total destruction of the plaintiff's property. That on the thirt first day of May, 1921, and on the first of June, 1921, plaintiff wa the owner of the property hereinafter described and set out, that was destroyed as a result of the conspiracy heretofore alleged. Said property described and destroyed is as follows:

Lots 9 + 10 Block 11 Greenwood addition to City of ~~Tulsa~~ Okla,

Houses on real estate, valued at	$ 500.00
Loss of rent on said houses	$
Personal property and personal effects, valued at	$ 911.00
Total value of property destroyed and lost by defendant	

Plaintiff further alleges that since the burning of his houses above stated and the destruction and burning of his personal property, that for a long time, thereafter, he was practicel ly out of doors and suffered much inconvenience and humiliation because of the immediate rainfalls thereafter the burning and destruction, during the month of June. That his health has been seriously impaired and that he has been seriously inconvenienced, humiliated and damaged by the defendants and each of them, in the sum of $ 2500

4. Plaintiff alleges that the defendant, the St. Clair Oil Company, a corporation, did, at the request and instant of the city's agents, and in furtherance of the conspiracy, afore mentioned and set out, furnish airplanes on the night of May 31, 1921 and on the morning of June 1, 1921, to carry the defendant city's agents servants, and employees, and other persons, being a part of said conspiracy and other conspirators. That the said J.R. Blaine, captain of the police department, with others, was carried in said airplane, which dropped turpentine balls and bombs down and upon the houses of the plaintiff, which destroyed said houses and the personal effects therein and divers other persons in the vicinity. That by reason of the use of said airplanes, aforementioned, the plaintiff is damaged in the sum of $ 1,411.00

That by reason of the defendants and each of them, failing to discharge their whole duty under the law and by reason of the failure of the city to have adequate laws for the protection of the citizens and the city of Tulsa and in disregard of the city charter, plaintiff was damaged by the defendants and each of them in the sum of $ 1411.00

That the plaintiff filed a claim of loss of damage with the city clerk, according to law; a copy of said claim is hereto attached, marked exhibit "A" and made a part of this petition.

WHEREFORE: Plaintiff prays judgment against the defendants and each of them as follows:

Against the defendant city of Tulsa for burning and destruction of property afore mentioned and described----------$ 1411.60

For the loss of rent on said houses----------$

For humiliation, inconvenience and injury to plaintiff's health----------$ 2500

Against the remaining defendants and each of them as afore mentioned and described----$ 2911.00

6822.00

Total judgment against the defendants

That plaintiff recover the costs of this action and for such other and further relief as the court in the premises deems proper.

Elisha Scott

Geo. W. Carry

Attorneys for plaintiff

W. S. HOLLOWAY

510 E. Dunbar Street

Lost in fire ;;

House .1.....	$ 425.00
Furniture	$ 200.00
safe	$ 60.00
cash register	$ 35.00
chest of tools	$ 41000
clothing	$150.00
2 feather beds	$110.00
2 matresses	$150.00
13 quilts	$ 65.00
TOTAL...	$ 911.00

Lots 9-10 in block No 11 Green wood addition

No. 223312
23372

W. S. Holloway
Plaintiff

vs.

City of Tulsa
et. al

Petition

DISTRICT COURT
State of Oklahoma, County of Tulsa
FILED
MAY 31 1923
HAL TURNER, COURT CLERK

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.

W. S. Holloway, Plaintiff,	)	
	)	
vs.	)	No. 23,372
	)	
The City of Tulsa, Oklahoma, et al., Defendants.	)	

DISMISSAL

Comes now the plaintiff and dismisses the above styled and numbered cause, without prejudice to future action, this 31 day of May, 1937.

Elisha Scott
Attorney for Plaintiff.

No. 23,372

IN THE DISTRICT COURT OF TULSA COUNTY,
OKLAHOMA.

W. S. Holloway, Plaintiff,

vs.

City of Tulsa et al., Defendants.

DISMISSAL

DISTRICT COURT
SUPERIOR OKLAHOMA, TULSA COUNTY
JUN 1937
CAL CROSS COURT CLERK

GIBSON & HOLLEMAN
ATTORNEYS & COUNSELORS
NATIONAL BANK OF TULSA BLDG.
TULSA, OKLAHOMA

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.

W. S. Holloway,	Plaintiff,	)	
		)	
vs.		)	No. 23,372
		)	
City of Tulsa et al.,	Defendants.	)	

ORDER OF DISMISSAL

Now on this 3rd day of July, 1937, the above entitled matter came on for hearing upon the dismissal of this cause by the plaintiff, and the court being advised in the premises, this cause is hereby dismissed.

Bradford J. Williams
Judge

23572

IN THE DISTRICT COURT OF

TULSA COUNTY, OKLAHOMA

W. S. HALLOWAY

Plaintiff

vs

CITY OF TULSA et al

Defendants

DEMURRER

JUL 14 1983
KAL TUNNER, COURT CLERK

CITY OF TULSA
OKLAHOMA
LEGAL DEPARTMENT
I. J. UNDERWOOD, CITY ATTORNEY

CITY OF TULSA
LEGAL DEPARTMENT

IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

W. S. Halloway
PLAINTIFF

VS

NO. 23372

CITY OF TULSA et al

DEFENDANT

DEMURRER

Comes now the above named defendant, Geo. H. Bl
and for its demurrer to the petition of plaintiff filed h
in alleges and states that the same does not state suffici
facts to constitute a cause of action in favor of the plai
tiff and against this defendant.

J. Mulbrewood

Harry Halley
Attorneys for Defendant

CITY OF TULSA
LEGAL DEPARTMENT

[illegible] Broadway

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

No. [illegible]

IN THE DISTRICT COURT OF

TULSA COUNTY, OKLAHOMA

W. G. HALLOWAY

Plaintiff

vs

CITY OF TULSA et al

Defendants

DEMURRER

CITY OF TULSA
OKLAHOMA
LEGAL DEPARTMENT
I. J. UNDERWOOD, CITY ATTORNEY

CITY OF TULSA
LEGAL DEPARTMENT

No. 23372

IN THE DISTRICT COURT OF
TULSA COUNTY, OKLAHOMA

W. S. HOLLOWAY

Plaintiff

vs

THE CITY OF TULSA et al

Defendant

DEMURRER

CITY OF TULSA
OKLAHOMA
LEGAL DEPARTMENT
I. J. UNDERWOOD, CITY ATTORNEY

STATE OF OKLAHOMA, }
COUNTY OF TULSA, } ss.

Received this writ this 2 day of June 1923 at ____ o'clock

and served the same on City of Tulsa

defendant by delivering a copy thereof with all endorsements thereon, duly certified by me to be a true copy thereof to

H. F. Newblock

in TULSA County, on the 5 day of June 1923

he being the mayor of the defendant corporation in TULSA County, Oklahoma, "no person being by said defendant corporation designated in said County upon whom summon can be served," and the President, Chairman of the Board of Directors, or Trustees, or other chief officer, Cashier, Treasurer, Secretary, or Managing Agent of said defendant corporation not being found in said county.

R. D. Sanford Sheriff

Ramey Miller Deputy

STATE OF OKLAHOMA, }
COUNTY OF TULSA, } ss.

Received this writ this 2 day of June 1923 at ____ o'clock

and served the same on United States Fidelity & Guaranty Co.

defendant by delivering a copy thereof with all endorsements thereon, duly certified by me to be a true copy thereof to

W. F. Stahl

in TULSA County, on the 5 day of June 1923

he being the General Agent of the defendant corporation in TULSA County, Oklahoma, "no person being by said defendant corporation designated in said County upon whom summon can be served," and the President, Chairman of the Board of Directors, or Trustees, or other chief officer, Cashier, Treasurer, Secretary, or Managing Agent of said defendant corporation not being found in said county.

R. D. SANFORD, SHERIFF Sheriff

By Deputy

Ramey Miller Deputy

STATE OF OKLAHOMA, }
COUNTY OF TULSA, } ss.

Received this writ this 2 day of June 1923 at ____ o'clock

and served the same on National Surety Company, a Corporation

defendant by delivering a copy thereof with all endorsements thereon, duly certified by me to be a true copy thereof to

Brink & Kramer

in TULSA County, on the 5 day of June 1923

he being the Agents of the defendant corporation in TULSA County, Oklahoma, "no person being by said defendant corporation designated in said County upon whom summon can be served," and the President, Chairman of the Board of Directors, or Trustees, or other chief officer, Cashier, Treasurer, Secretary, or Managing Agent of said defendant corporation not being found in said county.

R. D. Sanford Sheriff

Ramey Miller Deputy

STATE OF OKLAHOMA, } SS.
TULSA COUNTY

SHERIFF'S RETURN

Received this Writ June 1 1923, at _____ o'clock ____ M., and served the same upon the following persons, defendants, within named, at the time following, to-wit:

A. F. Newblock June 5, 1923
O. A. Steiner " " , 1923
C. S. Younkman " " , 1923
Geo. H. Blaine " " , 1923
_____, 192__
_____, 192__

by delivering to each of said defendants, personally, in said County, a true and certified copy of the within summons, with all the endorsements thereon. And upon _____, 192__
_____, 192__
_____, 192__
_____, 192__
_____, 192__
_____, 192__

by leaving for each of said defendants at _____ usual place of residence of each in said County, with a member of the family over fifteen years of age, a true and certified copy of the within summons, with all the endorsements thereon.

The following persons, defendants, within named, not found in said County:

T. D. Evans. June 7-1923 State Insurance Commissioner for Bonding Co. June 7-1923
Lion Bonding & Surety Co. - June 7-1923 - St Clair Oil Co., A Corporation June 7-1923

SHERIFF'S FEES:

Service and return, first person,	$ 50
Service and return 6 person,	$ 150
11 cop Summons,	$ 275
Mileage 15 miles,	$ 150
Not 4	$ 20
Total	$ 6.45

R. D. SANFORD, SHERIFF
Sheriff.
By Ramey Miller Deputy
Under Sheriff.
By _____, Deputy

SUIT BROUGHT FOR

If the defendant fail to answer, plaintiff will take judgment for the sum of $ _____ with interest thereon at the rate of _____ per cent per annum from the _____ day of _____, 192__ and cost of suit.

HAL TURNER, Court Clerk
By [signature] Deputy

360
No. 23372 1923

IN DISTRICT COURT

SUMMONS

W. S. Holloway
vs.
City of Tulsa
Ct al

Issued 5/31, 1923
Returnable 6-8, 1923
Ans. Due 8-30, 1923
Carry & Scott
Attorney for Plaintiff

I hereby certify the within to be a true copy of the Original Summons, with all the endorsements thereon.

_____ Sheriff.
_____ Under Sheriff
_____ Deputy

JUN 8 1923
HAL TURNER, COURT CLERK

BANKNOTE PRINTING CO., OSAGE 939

SUMMONS

STATE OF OKLAHOMA, County of Tulsa, } ss.

IN THE DISTRICT COURT

W. C. Holloway

Plaintiff

vs.

The City of Tulsa, et. al.

Defendant

No.

The State of Oklahoma, To the Sheriff of Tulsa County, Greetings:

YOU ARE HEREBY COMMANDED to notify H. F. Newblock, Mayor, T. D. Evans, O. A. Steiner, C. A. Younkman, Geo. H. Blair, The State Insurance Commissione for the Bonding Cos., The National Surety Co., a Corporation, The U. S. Fidelity & Guaranty Company, The Lion Bonding & Surety Co. The St. Clair Oil Company, a corporation.

that he have been sued by Plaintiff

in the District Court of Tulsa County, Oklahoma, and that he must answer the petition of said

filed against him in said Court, in the City of Tulsa, in said County, on or before the 20th day of July 1923, or said petition will be taken as true and judgment rendered accordingly.

You will make due return on this summons on the 8th day of ~~[illegible]~~ June, A. D. 1923

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Tulsa in said County this 31st day of May A. D., 1923

HAL TURNER, Court Clerk.

By [signature], Deputy

PRAECIPE FOR SUMMONS

In the District Court of Tulsa County, State of Oklahoma

M. A. Holloway

Plaintiff

vs.

City of Tulsa
Et al

Defendant

NO.

TO THE CLERK OF SAID COURT:

ISSUE SUMMONS in the above entitled cause, and direct the same to the Sheriff of

County, State of Oklahoma, for the defendants H. E. Newblock, Mayor, City Hall
T. D. Evans
J. M. Adkinson
O. A. Steines
C. S. Younkman
George H. Blaine
John A. Gustafson,
National Surety Co.,
United States Fidelity and Guaranty Co.,
Lion Bonding and Surety Co.,
State Insurance Cossioner for the Bonding Companies

Amount claimed, $ 5,411.00 and interest from the day of , 19

at per cent per annum

Action brought for Damages

Defendants required to answer on or before the 20 day of July, 1923

Make summons returnable 8 day of June A. D., 1923

Dated this 31 day of May A. D., 1923.

Scott & Cary
Attorney for plaintiff.

No. 123372

District Court, Tulsa County, Okla.

PRAECIPE FOR SUMMONS

N. S. Halloway

vs.

City of Tulsa et al

Scott v Carry

Attorney.

DISTRICT COURT
State of Oklahoma, County of Tulsa

FILED
MAY 31 1923

HAL TURNER, COURT CLERK

Black Printing Co., Tulsa, Okla.

IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

PLAINTIFF

VS NO.

CITY OF TULSA et al

DEFENDANT

D E M U R R E R

Comes now the above named defendant, and for its demurrer to the petition of plaintiff filed herein alleges and states that the same does not state sufficient facts to constitute a cause of action in favor of the plaintiff and against this defendant.

ATTORNEYS FOR DEFENDANT

No. 23072

IN THE DISTRICT COURT OF

TULSA COUNTY, OKLAHOMA

W. S. HALLOWAY

Plaintiff

vs

CITY OF TULSA et al

Defendant

DEMURRER

DISTRICT COURT
State of Oklahoma, County of Tulsa
JUL 14 1923
HAL TURNER, COUNT CLERK

CITY OF TULSA
OKLAHOMA
LEGAL DEPARTMENT
I. J. UNDERWOOD, CITY ATTORNEY

CITY OF TULSA
LEGAL DEPARTMENT

IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

W. C. Holloway
PLAINTIFF

VS

NO. 23372

CITY OF TULSA et al
DEFENDANT

D E M U R R E R

Comes now the above named defendant, U. S. Fidelity & Guaranty and for its demurrer to the petition of plaintiff filed herein alleges and states that the same does not state sufficient facts to constitute a cause of action in favor of the plaintiff and against this defendant.

J. J. Underwood

Harry Dailey

ATTORNEYS FOR DEFENDANT

IN THE DISTRICT COURT OF

TULSA COUNTY, OKLAHOMA

W. S. HALLOWAY

Plaintiff

vs

CITY OF TULSA et al

Defendant

DEMURRER

DISTRICT COURT
State of Oklahoma, County of Tulsa
JUL 14 1925
HAL TURNER, COURT CLERK

CITY OF TULSA
OKLAHOMA
LEGAL DEPARTMENT
I. J. UNDERWOOD, CITY ATTORNEY

CITY OF TULSA
LEGAL DEPARTMENT

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.

James A. Johnson and Fanny Johnson Plaintiff	)	
vs.	)	No. 23339
CITY OF TULSA et al., D efendant	)	

SPECIAL APPEARANCE AND
MOTION TO QUASH.

Comes now the City of Tulsa, one of the above named defendants, appearing spcially and for the purpose of this motion only, moves the Court to quash, set aside, and hold for naught the purported service of summons had in this case for the reason that the same was not issued served and returned as provided by law.

J. J. Underwood & Harry L. Halley
Attorneys for the CITY OF TULSA
for the purpose of this motion only.

CITY OF TULSA
LEGAL DEPARTMENT

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.

W. S. HOLLOWAY Plaintiff	)	
vs.	)	No. 23372
CITY OF TULSA et al Defendants	)	

SPECIAL APPEARANCE AND
MOTION TO QUASH

Comes now the City of Tulsa, one of the above named defendants, appearing specially and for the purpose of this motion only, moves the Court to quash, set aside, and hold for naught the purported service of summons had in this case for the reason that the same was not issued served and returned as provided by law.

G. J. Underwood & Harry L. L. Halley

Attorneys for the CITY OF TULSA
for the purpose of this motion only.

No. 23372

IN THE DISTRICT COURT OF
TULSA COUNTY, OKLAHOMA

W. S. HOLLOWAY

Plaintiff

vs.

CITY OF TULSA

Defendants

SPECIAL APPEARANCE AND
MOTION TO QUASH

CITY OF TULSA
OKLAHOMA
LEGAL DEPARTMENT
I. J. UNDERWOOD, CITY ATTORNEY

CITY OF TULSA
LEGAL DEPARTMENT

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.

W. S. HOLLOWAY Plaintiff	)	
vs.	)	No. 23372
CITY OF TULSA et al Defendants	)	

SPECIAL APPEARANCE AND
MOTION TO QUASH

Comes now the City of Tulsa, one of the above named defendants, appearing specially and for the purpose of this motion only, moves the Court to quash, set aside, and hold for naught the purported service of summons had in this case for the reason that the same was not issued served and returned as provided by law.

J. J. Underwood & Harry L. L. Kelley

Attorneys for the CITY OF TULSA
for the purpose of this motion only.

No. 23372

IN THE DISTRICT COURT OF
TULSA COUNTY, OKLAHOMA

W. S. HOLLOWAY

Plaintiff

vs.

CITY OF TULSA

Defendants

SPECIAL APPEARANCE AND
MOTION TO QUASH

CITY OF TULSA
OKLAHOMA
LEGAL DEPARTMENT
I. J. UNDERWOOD, CITY ATTORNEY