PETITION.

FIRST CAUSE OF ACTION.

Comes now, the above named plaintiff and complaining, alleges and states his cause of action against the above named defendants to be:

I.

That plaintiff is a citizen of the United States of America, a resident, free-holder and tax-payer of Tulsa, Tulsa County, Oklahoma, and was such on and at the times hereinafter mentioned;

II.

That for and during the months of May and June, 1921, and for a long period of time prior and subsequent thereto, the defendants, T. D. Evans, J. M. Adkinson, O. A. Steiner, C. S. Younken, and H. F. Newblock, were the Commissioners of the Defendant City, herein; the city of Tulsa, Oklahoma, a municipal corporation, organized, existing and operating under a special charter form of Government; and that H. F. Newblock, Mayor; A. J. Rudd, H. W. Kiskadden, J. M. Crutchfield and J. C. Whiteside are the present officers and their successors in office.

III.

Plaintiff states that some time during the night of May, 1921, the exact hour not being known to this plaintiff, the defendant City, by and thru its then duly elected, acting and qualified officers, the said then Mayor and Commissioners, met with divers, sundry and various persons, whose names are at this time unknown to this plaintiff and then and there corruptly, willfully, maliciously and premeditatively, formed a conspiracy against the property, liberty and life of this plaintiff and all persons of color within the limits of the defendant city and the additions thereto; that the defendant city, by and thru its duly elected, acting and accredited officers, the then Mayor and Commissioners, as aforesaid, in the furtherance of said conspiracy aforesaid, seized antitook possession of hardware stores, in which there were fire-arms and ammunition, distributing
the same among numerous white persons, saying in substance "Go out and kill you a d*m nigger"; that under said illegal, unlawful and unarrangeable acts and command of said city officials then and there acting as aforesaid, the streets of Tulsa became all agog with passions long pent-up, fanned into white heat of racial hate and racial prejudice, as an immediate, proximate and direct result of said illegal command, as aforesaid on the part of said officials, then and there acting as aforesaid, which illegal and unlawful command was, as aforesaid, in substance, "Go out and kill you a d*m nigger", they seized the reins of the City's Government and for a period of twenty-four hours thereafter, suspended the orderly processes of the law, routed society, put at flight civilization and arrested christianity, the said City officials, as aforesaid, then and there acting in all things as the leaders, thereof; that said illegal and unlawful action of said defendant city, thru and by its said officers, as aforesaid, immediately, proximately and directly caused a great disturbance of the public peace; that said illegal acts and illegal command, as aforesaid, by the defendant city's officials, aforesaid, therein there acting, resulted then and there in the shooting and the discharging of fire-arms and the obstruction of the public streets of the defendant City in violation of specific ordinances of said defendant City, which are as follows, to wit:

"Article II—Disturbing the Peace—Section 1123;

Disturbing the Peace—It shall be unlawful for any person to willfully and maliciously, either by day or by night, to disturb the peace and quietude of the city of Tulsa, by loud or unusual noise of any kind whatever, or by loud or profane, abusive, violent obscene or blasphemous language, whether addressed to the person or party so disturbed, or to some other person or by fighting, or threatening to fight, or by shooting of firearms, or by brandishing the same or to conduct one's self in a disorderly manner in any public place or in any other place within the limits within the City of Tulsa.

Section 1124—Discharging Fire-arms—It shall be unlawful for any person to fire off or discharge any cannon, gun, or firing place, pistol or any other firerum of any description, or to fire off or explode any quick, crackers or any other things, containing powder or other explosives or combustible material within the limits of the town without permission from the Mayor, which permission when so given shall limit the time of such firing and shall be subject to being revoked at any time by the Mayor."

and that the said defendant City, by and thru its then officers as aforesaid, then and there led in the commission of said crime and the breaking of and disregard of said ordinances, as aforesaid; that said ordinances carried with them a penalty for the violation, thereof; but, that the said officers, as aforesaid, whose duty it was to enforce same, have not to this day punished or attempted to punish any one for the violation of the same; that the then Mayor and commissioners, as aforesaid, corruptly, knowingly, unlawfully, maliciously and willfully, covertly and overtly, conspired with others whose names are at this time to plaintiff unknown in the disturbance of the peace, the obstructing of the streets and the discharging of firearms; and that the peace of the inhabitants of the defendant city who were not a part of said unlawful organization, was greatly disturbed and that said officials, aforesaid, had not, conspired, confederated and joined together, with divers and sundry persons, whose names are at this time unknown to plaintiff, with the unlawful intent and purpose, then and there to deprive this plaintiff of his liberty and of his right to protect his property and the pursuit of happiness, all on account of his race and color, and previous conditions of servitude, and the violation of the personal rights of the plaintiff under the 14th Amendment of the Constitution of the United States of America and the laws enacted in pursuance thereof; and that by said acts and illegal command of said defendant city, thru and by its then Mayor and Commissioners, as aforesaid, then and there acting, the then said Mayor and Commissioners of said defendant City, were and are guilty of a BREACH OF LEGAL DUTY
which by virtue of said illegal acts of omission and commission, as aforesaid, they were enjoined not to commit or suffer to be committed under the laws of the State and the State Constitution and federal constitution and laws, as aforesaid and their solemn oaths of office.

IV.

Plaintiff says and states that by reason of and as a direct immediate and proximate consequence of the corrupt, illegal and unlawful acts of omission and commission of the then Mayor and Commissioners of the defendant city, as aforesaid, on the morning of June 1, 1981, and while in the quiet and reasonable possession of his home this Plaintiff was arrested and deprived of his liberty, and that the same was by and under the direct command of the defendant city, by and through its then Mayor and Commissioners, as aforesaid, that the said Mayor and Commissioners, as aforesaid, had ordered all persons of color arrested, to be killed or arrested, if arrested, alive to be carried to Convention Hall, Fair Grounds, Park or some other Detection Camp, or stockade or what not, which the defendant city had, through and by its officers, as aforesaid, under cover of the night, May 31, 1981, prepared in anticipation of the said wholesale illegal and indiscriminate arrest to follow, in order to carry out the intent, purpose and design of said conspirators, as aforesaid, and that the persons, whose names are to plaintiff, now, unknown who arrested this plaintiff without his consent and against his will, were under the direct command and supervision of the then Mayor and Commissioners of the defendant city; they, though he had committed no crime, plaintiff was arrested, maltreated and discriminated against, solely on account of his race and color (he being a Negro) and previous condition of servitude and in violation of the constitution of the State of Oklahoma, and the 14th Amendment to the Constitution of the United States of America, and the laws enacted pursuant, thereof, and in violation of the ordinances of the defendant city, and the oath of office of the said defendant City's officers, as aforesaid, that said defendant city through and by its said officers, as aforesaid, that said defendant city, through and by its said officers, did not order, nor were there any persons or person of any other racial group, other than the Colored race, of which Plaintiff is a member, arrested; that said defendant City had ample and sufficient power and means for the protection of the life and property of this Plaintiff and others of his racial group, but, negligently, wilfully, maliciously and corruptly failed and refused so to do, because of the reason, as aforesaid; namely; said, did; and previous condition of servitude.

Plaintiff further states that by reason of said false and illegal arrest, he was subjected to great humiliation, scorned cilicled, bodily pain and mental anguish; and that the defendant City through and by its then officers, as aforesaid, further subjected this plaintiff to ridicule and scorn, and held him up to contempt by forcing plaintiff to wear a tag for a great number of days, which tag was for the purpose of preventing the plaintiff from other things, from exercising his said rights as a man, and as a citizen of the State of Oklahoma, and of the United States, said tag, a copy of which is hereunto attached, and marked Plaintiff's Exhibit "A" and made a part, hereof, was the mark of Cain on the brow of this Plaintiff which caused Plaintiff to bark back to and beyond the days of slavery of the period of the Dark Ages when Christianity was unknown, all of which was and is to the plaintiff's great damage in the sum of $20,000.00.

Therefore premises considered, plaintiff prays judgment against defendant in the sum of $20,000.00 and for such other and further judgment, orders and decrees as to the court may seem right and just, including costs of this action.
SECOND CAUSE OF ACTION,

For a second and further cause of action against the defendants, T. D. Evans, J. M. Adkinson, O. A. Steiner, C. S. Youngman, H. F. Newblock, U. S. Fidelity Guaranty Surety Company, a corporation of Baltimore, Md., National Surety Company, a corporation, of New York, and the United States Fidelity Company of New York, a corporation; T. D. Evans as formerly Mayor, and J. M. Adkinson, O. A. Steiner, C. S. Youngman and H. F. Newblock, as formerly Commissioners, of Tulsa, Oklahoma, defendant City; and H. F. Newblock as Mayor, H. W. Eiskraudon, A. J. Rudi, J. M. Guthrie, and J. C. Whiteside as Commissioners of Tulsa, Oklahoma, and Tulsa, Oklahoma, a municipal corporation organized and existing under a special charter form of government of the state of Oklahoma, defendants, plaintiff repleads, adopts and re-iterates all the matters and things alleged and set forth in his said first cause of action, as fully and with the same intent and like purposes as though the same were incorporated in this his second cause of action, word for word and figure for figure, and in addition, the plaintiff alleges and states:

1. That on the 31st day of May and the 1st day of June, 1931, and long prior thereto, this Plaintiff was living upon and the owner of and in the quiet, peaceable and undisturbed possession of

Lot 22 of Smith 50 - Lot 9
BLOCK 1
ADDITION


to the city of Tulsa, Oklahoma, and had the title in and to all the real and personal, as set forth in Plaintiff's Exhibit 

"P," attached hereto, and made a part of this petition; and that the value of the same as set forth in said Exhibit is fair and reasonable.

II.

Plaintiff further states that as a direct, proximate and immediate result and consequence of the conspiracy, illegal acts of omission and commission of the defendant City, to and by its officers as alleged and set forth in his first cause of action, on the morning of June 1, 1931, his said property was looted, stolen, carried away or burned; that the then Mayor instructed persons, whose names are at this time unknown to this Plaintiff, in words, the substance of which is as follows; "Burn every Negro's house as far North as Haskell Street": which said illegal command and acts of omission and commission of the defendant City, through and by its then officers, then and thereafter, as hereinbefore set forth, in Plaintiff's cause of action, herein; that had said defendant City through its then officers done its duty, Plaintiff's property would not have been destroyed; that said defendant city, at said time, possessed: an efficient Fire Department, manned and equipped with all modern apparatus; but, notwithstanding, said facts, said defendant City made absolutely no efforts to extinguish the flames that consumed the Plaintiff's property, now would it permit anyone else to do so.

Plaintiff states that as a direct result or said illegal commands, acts of omission and commission, as hereinbefore set forth and by its Mayor and Commissioners, this Plaintiff in the destruction of his property was damaged in the sum of $17,667.17.

For which said defendant City, then and there became liable, because of the reasons aforesaid; and damaged in the further sum of $5,000.00 as a reasonable rental value thereof from the 1st day of June, 1931, to the 31st day of May, 1932.
Plaintiff states that on the __ day of July, 192__, and within the time required by statute, this plaintiff served, on the defendant City, notice of loss of his property, herein referred to, together with a verified claim of the same, a true copy of which is hereto attached, marked Plaintiff's Exhibit "C" and made a part hereof; that said claim was by said defendant City, was disallowed in a regular meeting of said then Mayor and Commissioners on the __ day of __, 192__, that said claim is just, due and outstanding.

Wherefore, premises considered, plaintiff prays judgment on his second cause of action in the sum of $__ as the value of the destruction of his property, hereinbefore referred to, and damages in the further sum of $__ as a fair rental value of the same from the 1st day of June, 1921, to the first day of __ month, 193__, and for such other, judgments and decrees as he the court may seem right and just, including all costs, herein laid out and expended.

[Signature]
Attorney for Plaintiff.

THIRD CAUSE OF ACTION.

For a third and further cause of action against the U. S. Fidelity Guaranty Surety Company, a corporation of Baltimore, Maryland, National Surety Company, a corporation of New York, and the United States Fidelity Company, a corporation of New York, the plaintiff pleads, admits and states all the matters and things alleged and set forth in his first and second causes of action, just as fully and with the same intent and like purposes, as though the same were incorporated in this his third cause of action, word for word and figure for figure, and in addition thereto, alleges, informs and gives the court to know that on the 31st day of May and the 1st day of June, 1921, and long prior and subsequent, thereto;

I.

That the United States Fidelity & Guaranty Company of Baltimore, Maryland, was a surety in the sum of $10,000.00, on the bond of T. D. Evans, for the faithful performance of the duties of his said office, a copy of which bond, is hereto attached, marked Plaintiff's Exhibit "D" and made a part hereof.

II.

That the United States Fidelity & Guaranty Company, of Baltimore, Maryland, were the surety of the bond for Charles S. Younken, (C.S. Youngman) in the sum of $10,000.00, for the faithful performance of the duties of his said office, a copy of which bond, is hereto attached, marked Plaintiff's Exhibit "E", and made a part of this petition.

III.

That the National surety company, a corporation of New York was surety for Herman F. Newblock (H.F. Newblock) for the faithful performance of the duties of his said office, a copy of which bond is hereto attached, marked Plaintiff's Exhibit "F" and made a part hereof, said bond being in the sum of $10,000.00.
That the United States Fidelity and Guaranty Company, of Baltimore, Maryland, was the surety for J. M. Akkinson, for the faithful performance of the duties of his office, said bond being in the sum of $10,000.00, copy of which is hereto attached, marked Plaintiff's Exhibit "G"; and made a part of this petition.

That LION BONDING & SURETY COMPANY of Omaha, nebraska, and the National Surety Company of New York, were sureties in the sum of $12,000.00 each; of O. A. Steiner, for the faithful performance of the duties of his said office, a copy of which bonds are hereto attached, and made a part, hereof, and marked Plaintiff's Exhibit "H" and "I".

Plaintiff states that by reason of the illegal commands, acts of omission and commission, and breach of legal duty as alleged and set forth in the first and second causes of action, as committed by the defendants T. D. Evans, J. M. Akkinson, Herman F. Newblock (H.F. Newblock), Charles S. Youngman (C. S. Youngman), and O. A. Steiner, as Mayor and Commissioners of the defendant city at the time and in the manner, as set forth in said first and second causes of action; the said defendants, the United States Fidelity and Guaranty Company of Baltimore, Md., the National Surety Company of New York and the Lion Bonding & Surety Company of Omaha, nebraska, became liable for said illegal acts of omission and commission, and breach of legal duty of the above mentioned defendants.

Wherefore, premises considered, plaintiff prays judgment on these his third cause of action against the above named defendants in the sum of $17,667.00.

For the false arrest and imprisonment of this plaintiff, for the further sum of $20,000.00.

For the destruction of his said property, hereinbefore described for the sum of $2,000.00 as a fair rental value, there- of from the 1st day of June, 1931, to the first day of November, 1932, and for such other judgments, orders and decrees as to the court may seem just and equitable including all of his costs, herein laid out and expended.

U867

Franklin Liddell Gross
Atty for Plaintiff.

R. A. Thompson, after being first duly sworn on his oath, states that he is the plaintiff in the above entitled and numbered cause of action; that he has read the above and foregoing petition, that he knows the matters and things set forth in the first, second, and third causes of action, therein, and that the same are true, as he verily believes.

R. A. Thompson
Plaintiff.

Subscribed and sworn to before me this the 31st day of May, 1933

(R. A. Thompson)
Notary Public.

My commission expires 31st day of Nov 1934.
# List of Property

**lost in Tulsa and Tulsa County, Oklahoma, June 1st, 1921,**

*As a result of Mining, Farming operations, etc.*

Said property owned or in the possession of and under control of

**Name:**

**P.O. Address:** Tulsa, Okla.

---

## Buildings and Improvements

<table>
<thead>
<tr>
<th>No.</th>
<th>Tulsa</th>
<th>Lot</th>
<th>Block</th>
<th>Description of Improvements</th>
<th>Value of Imp.</th>
<th>Total Value</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Tulsa</td>
<td>7374</td>
<td>9</td>
<td>Eleven Room Home</td>
<td>8,500.00</td>
<td>8,500.00</td>
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<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>Fruit Trees</td>
<td>50.00</td>
<td>50.00</td>
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## Personal Property

<table>
<thead>
<tr>
<th>Kind</th>
<th>Number</th>
<th>Value</th>
<th>Total Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Horses</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Mules</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Cattle</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Dress Fittings</td>
<td>2</td>
<td>600.00</td>
<td>600.00</td>
</tr>
<tr>
<td>5 Tools and Implements</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Wagons and Harness</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Carriages and Vehicles</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Automobiles</td>
<td>1</td>
<td>110.00</td>
<td>110.00</td>
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<tr>
<td>9 Household Furniture</td>
<td>1</td>
<td>250.00</td>
<td>250.00</td>
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<tr>
<td>10 Pianos</td>
<td>1</td>
<td>40.00</td>
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<tr>
<td>11 Watches</td>
<td>4</td>
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<tr>
<td>12 Other Musical Instruments</td>
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<tr>
<td>13 Gold and Silver Plate</td>
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<td>40.00</td>
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<tr>
<td>14 Diamonds and other Jewelry</td>
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<td>50.00</td>
<td>50.00</td>
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<tr>
<td>15 Guns</td>
<td></td>
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<tr>
<td>16 Office Furniture</td>
<td>1</td>
<td>107.00</td>
<td>107.00</td>
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<tr>
<td>17 Furniture and Fixtures of Theatres and Amusements</td>
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<td>100.00</td>
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<tr>
<td>18 Lodge Room Fixtures</td>
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<td>19 Typewriters</td>
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<tr>
<td>20 Books</td>
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<td>21 Law Libraries</td>
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<tr>
<td>22 Money, Stocks</td>
<td>1</td>
<td>50.00</td>
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<td>23 Stocks, Bonds, and mortgages</td>
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<td>50.00</td>
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<tr>
<td>24 Eating House Fixtures</td>
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<td>135.00</td>
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<tr>
<td>25 Dogs</td>
<td>1</td>
<td>135.00</td>
<td>135.00</td>
</tr>
<tr>
<td>26 Billiard and Pool Tables</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 All Other Personal Property Not Listed above</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL VALUE AS LISTED**

17667.00

I, the undersigned affiant, do solemnly swear (or affirm) that I have listed above and within, all personal property, money, and buildings, owned, used, possessed or controlled by me, for myself or any other person or persons as guardian, husband, parent, trustee, executor, administrator, receiver, accounting officer, partner, factor, bailie or agent, and that I have made true answers to the above and foregoing questions, according to the best of my knowledge, so help me God.

**Signed:**

(Stamp)

Subscribed and sworn to in my presence this 1st day of 1921

By:

My commission expires: 1924.
Tulsa, Oklahoma, July 14, 1921.

To the Mayor and to the Board of Commissioners of Tulsa, Tulsa County, Oklahoma:

You are hereby notified that I, the undersigned, hold a claim against the City of Tulsa, Oklahoma, for the sum of $1,765.70 for the destruction and loss of my personal effects, household goods and improvements upon real property as per the attached verified claim, on June 1, 1921, for which the City is liable, and the same is correct, reasonable and just for which payment is demanded and that unless said claim is paid on or before the 20th day of Sept., 1921, suit will be brought thereon.

A verified statement of said claim is hereto attached, marked Exhibit "A," and made a part of this notice.

Given under my hand, this the 14th day of July, 1921,

P.E. Thompson
Per E. L. Sadler, Atty
Claimant

I, hereby accept service of the above and foregoing notice and verified statement of claim, this 20th day of July, 1921.

Wm. E. Leaman

Received the within notice and verified statement on the day of 1921 at o'clock M, and served same by delivering a true copy thereof to

on the day of 1921,

Sheriff, Tulsa County, Oklahoma.