

IN THE SENATE OF THE UNITED STATES.

JUNE 17, 1868.—Ordered to be printed.

Mr. WILLEY, from the Committee on the District of Columbia, submitted the following

R E P O R T.

The Committee on the District of Columbia, to whom was referred Senate resolution of the 12th of February last, instructing said committee to inquire into the facts connected with the forcible ejection from the cars of the Alexandria and Washington railroad of one of the employés of the Senate, on account of race, on Saturday, the 8th of February, 1868, and also instructing said committee to inquire what legislation, if any, is necessary to protect the rights of passengers on said road, have had the same under consideration, and beg leave to make the following report:

First. The facts in the case.

To ascertain these, the committee called before them and examined the following witnesses, to wit: Jedediah H. Lathrop, Seth Beedy, George Downing, B. H. Hines, Thomas Norfleet, Oscar A. Stevens, Kate Brown, and Alexander T. Augusta. Their evidence is hereunto appended.

This evidence will show the facts referred to, to be substantially as follows: The name of the employé was Mrs. Kate Brown, the colored woman in charge of the ladies' retiring-room of the Senate. It appears that on the 8th of February last she purchased at the office of said road, in Washington city, a ticket to go to, and return from, Alexandria. When she was about to take her seat in the cars at Washington, on the day last aforesaid, a man on the platform, whose name was unknown to her, told her to "take the rear car;" but without replying she went into what was called the ladies' car, and without interruption or molestation proceeded to Alexandria. There do not seem to be any regulations in force at the depot in Washington, making any discriminations against persons on account of race or color, in taking or occupying seats in the cars.

When Mrs. Brown came to the platform at the depot in Alexandria, for the purpose of getting on the cars to return to Washington, about 3½ o'clock p. m. of the same day, and was about entering a car, a policeman in the employment of said railroad company, by the name of Meade, commanded her to go into the forward car. She replied, "This will do," and thereupon proceeded so far as to get just inside of the door of the rear car, when, after some parleying with said policeman, in which he used gross and abusive language to Mrs. Brown, he seized her and attempted by force to eject her from the car. She resisted his efforts to do so, and the policeman called another person to his assistance who also laid hold on her; a protracted scuffle ensued, and she was finally thrust violently from the car. A stranger, Mr. Hines, then took her under his protection and procured for her a seat in the forward car, in which she came back to Washington. In this scuffle she received several severe contusions on her body and limbs, and became so seriously indisposed as to take her bed immedi-

ately after her return. Hemorrhages ensued, and it became necessary to call in medical assistance, and she remained for a long time under medical treatment. The character and extent of her injuries are described in detail in the depositions of herself and her physician herewith filed.

The regulations of said road, in reference to the seating of passengers at Alexandria, are stated by Oscar A. Stevens, who claims to be one of the lessees of said road, in his deposition, as follows:

I have directed this man Meade, (the policeman aforesaid,) while in our employ, to direct colored people to take one car, and the white people to take another car. Our cars are all manufactured alike; there is no difference in them. For the purpose of preserving order and having everything agreeable and satisfactory, I believed it advantageous not only to the road, but to the people generally, to have that system. The rear car, coming from Alexandria to Washington, is intended for white people, gentlemen and ladies; the forward car for colored people; and *vice versa*, going down.

It is proper to state that the aforesaid policeman, who ejected Mrs. Brown from the car, has since been dismissed from the service of the company.

Second. What legislation, if any, is necessary to protect passengers on said road?

In reply the committee beg leave to refer to section 1 of an act entitled "An act to extend the charter of the Alexandria and Washington Railroad Company and for other purposes," approved March 3, 1863. This section is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alexandria and Washington Railroad Company be, and the same is hereby, authorized to extend their said railroad from the south side of the Potomac across said river, to and along Maryland avenue to the Capitol grounds, and across Pennsylvania avenue along First street to Indiana avenue, and thence to the Baltimore and Ohio depot; and that all the ordinary rights, privileges and liabilities, incident to similar corporations are conferred upon said company for that purpose: *Provided, however,* That the same shall be subject to alterations, amendments, or repeal: *And provided, further,* That the cars shall not be drawn on the streets aforesaid, or on the structure across the Potomac river mentioned in the second section of this act, by steam power without the consent of Congress and of the corporate authorities of the city of Washington thereto: *And provided, further,* That said company shall be authorized to charge and receive rates of freights and fares, not exceeding five cents for each person transported and for each ton conveyed on said road so extended: *And provided, also,* That no person shall be excluded from the cars on account of color.

It thus appears that Congress has already provided that said company shall not make any discrimination against passengers on account of race or color. Congress has undoubted power to repeal the charter so far as the road is within the District of Columbia. Whether the acceptance by the company of the provisions of the act aforesaid gives Congress any power over that part of the road in the State of Virginia, between the south bank of the Potomac river and Alexandria, the committee have not undertaken to determine. Practically, the repeal of the charter of said road situate in the District of Columbia would be the destruction of the entire road; for, if the company are not allowed to enter the District of Columbia, the part of the road in Virginia would be of little or no utility.

Ought Congress to exercise the authority reserved in the act aforesaid to repeal the charter of the road in the District of Columbia? The committee having presented the facts in the case, leave this question to the determination of the Senate. It may be proper, however, to suggest that said road, with its extension into the District of Columbia, under the act aforesaid, contributes very largely to the public convenience, and consequently the repeal of the charter would not only inflict punishment on the company, but would also injuriously affect the convenience and interests of large numbers of people who neither sympathize with the discriminating regulations of the company at Alexandria, nor had any agency in committing the outrage on Mrs. Brown.

The committee further beg leave to state that they have been informed that Mrs. Brown has instituted suit against the company for the recovery of damages

for the injuries she received, as aforesaid, which suit is still pending and undetermined. Through this proceeding she may receive satisfactory redress of her grievances.

The committee, therefore, respectfully report back the resolution so referred to them, as aforesaid, together with the evidence so taken by them, as aforesaid, and recommend that the same for the present be laid on the table. If the result of the legal proceedings which Mrs. Brown has instituted should not be satisfactory, or if the conduct of the said company in the future shall not be satisfactory, the resolution can be taken from the table, and the charter of the company be repealed, or such measures be adopted as shall at the time be considered necessary to protect the rights of passengers upon said road.

IN THE SENATE OF THE UNITED STATES,

February 12, 1868.

On motion by Mr. Morrill, of Maine,

Resolved, That the Committee on the District of Columbia be instructed to inquire into the facts connected with the forcible ejection from the cars of the Alexandria, Washington and Georgetown railroad of one of the employes of the Senate, on account of race, on Saturday, the 8th instant, with power to send for persons and papers, and that said committee be further instructed to inquire what legislation, if any, is necessary to protect the rights of passengers on said road.

Attest :

J. W. FORNEY, *Secretary*.

Testimony taken before the Committee on the District of Columbia, in relation to the forcible ejection from the cars of the Alexandria, Washington and Georgetown railroad of one of the employes of the Senate, on account of race, on the 8th of February, 1868.

WASHINGTON, February 26, 1868.

JEDEDIAH H. LATHROP sworn and examined.

The resolution of the Senate, adopted on the 12th instant, was read to the witness, as follows :

Resolved, That the Committee on the District of Columbia be instructed to inquire into the facts connected with the forcible ejection from the cars of the Alexandria, Washington and Georgetown railroad of one of the employes of the Senate, on account of race, on Saturday, the 8th instant, with power to send for persons and papers, and that said committee be further instructed to inquire what legislation, if any, is necessary to protect the rights of passengers on said road.

By Mr. WILLEY :

Question What relation do you sustain to this road ?

Answer. I am receiver on that part that lies within the District of Columbia. The road is in two jurisdictions.

Q. Explain the condition of the two ends of the road. Under what authority do they operate ?

A. Under the authority of the local courts, in Alexandria, Virginia, and in the District of Columbia. The company proper leased their road to two gentlemen. Afterwards, on their undertaking to break that lease, the court decided to appoint receivers on both ends of the road. That was the result of the effort to break the lease. The road was put into the hands of a receiver at the other end, but the lessees appealed and the court put them in possession, so that the receiver at the other end has never gone into possession, the lessees on that end of the road still having the control.

Q. Under what authority does this end of the road operate? Whence does it derive its authority?

A. From the superior court of the District of Columbia.

Q. That is the receiver; but I ask how was this end incorporated?

A. From here across the river, as I understand, by a charter from Congress; on the other end, by a charter from Virginia.

Q. What control, if any, have the authorities that have charge of this end of the road over the working of the road from the river to Alexandria?

A. None whatever in fact. After I was appointed I found that we would have to make some compromise, some arrangement, in regard to running the road, or stop it altogether. I made the proposition that we should run it on joint account, dividing the proceeds equally between that end and this, and dividing the expenses. I found if we had to have two sets of men, one running to the end of the bridge and another on the other side, it would be perfectly useless to attempt to run the road; that the road must either be stopped entirely, or some compromise made by which we could run it on joint account. The road would not pay two sets of men, so it is being run on joint account. We divide the gross receipts, and pay the expenses equally.

Q. In putting passengers aboard on this end of the road, I suppose you have the exclusive control?

A. Yes, sir.

Q. When a passenger would get on board at Alexandria to come to Washington, who would have the control of that arrangement?

A. The lessees. Perhaps I can explain.

Q. I wish you would.

A. In running this road, one of the lessees had been termed superintendent of the road, and the other, his partner, was road master. As I have said, a proposition was made to run on this joint account, and in the mean time it was proposed, in order to prevent other difficulties, that one of these men should be made superintendent of the road for the time being, either party having the privilege of abrogating the arrangement by giving 30 days' notice; I mean the running account. The superintendent could be disposed of at any moment, as I understand from the court, that I say the word; but in doing that, it would probably stop the whole machinery, unless his bondsmen should come forward, as I understand they would in such an event, and prevent the road being stopped. We have paid these expenses so far, and I presume I have paid that man in the general running account. I have directed who should be employed on general account to a certain extent, but when I found men in the business, faithful, good men, we have continued them along as they were before I was appointed receiver. The superintendent and lessees draw a certain amount of compensation in working over the whole line, which is paid out on joint account. I have only one man under me, as cashier, to count the money every day, &c., in case of my absence or sickness, and he is paid out of the joint account. My commissions so far have been paid out of this end of the road. That is the working arrangement made.

Q. Who is the superintendent of whom you speak?

A. His name is Stevens.

Q. Where does he reside?

A. He resides, I suppose it is in the District of Columbia. He claims to have a residence on the other side in a legal sense, but I should say it is in the District of Columbia. His family reside out here three or four miles. I am not quite sure whether it is in the District or not, but I think it is.

Q. What are the names of the lessees?

A. Oscar A. Stevens and a Mr. Phelps.

Q. Where does Mr. Phelps reside?

A. His family are in Baltimore. He generally goes home one night in the week. Phelps spends most of his time over in Virginia.

Q. Where does Stevens reside?

A. He is the one whom I have said resides, I think, in the District. It is near the line. I am not quite certain whether his house is in this District or not. I think it is.

Q. Do you know the circumstances in relation to the ejection from the cars of the road of Mrs. Kate Brown.

A. Only from hearsay. I knew nothing of it until after it transpired. We have no such distinctions at this end, unless they choose to have it. Nobody is forced to go into any car, or if anybody has been I have never known it. My orders were to make no distinction. We have three or four cars all alike, and I understand that the conductor, or the man who makes up the train, had said to colored people, "There is a car you can have to yourselves, if you choose to go into it." and generally they have gone by themselves, and had a pleasant time. But if they have gone into the other cars there has been no attempt to prevent them. I understand she went down in the other cars.

Q. Then I understand there is no compulsory distinction on account of race or color in taking seats at this end of the road?

A. Not to my knowledge. If it is done, it is contrary to my directions. It is only on the other-end.

Q. Do you know who the person was who is said to have ejected her?

A. His name is Meade.

Q. What relation does he sustain to the road?

A. He was employed at a small compensation, I believe, by Stevens down there, for this reason, as Stevens tells me: The depot at Alexandria was a place where all classes of people congregated, and very frequently language was used that rendered it very unpleasant for ladies. They could not control these people, and so finally they got this man, Meade, appointed constable, in order to have civil authority there over these men who used to collect there and use obscene language so that ladies disliked to go there, and then the instructions were to make this distinction at that end. There is no doubt of that. They claim that all the railroads that go out of Alexandria, and throughout the south do it. This man, Meade, I understand, has since been dismissed.

Q. I wish to know whether the authorities controlling this end of the road had any authority to control the putting aboard of passengers and the assignment of seats on the other side of the river.

A. No, sir. We might give advice; nothing beyond that. We could not control it.

By the CHAIRMAN:

Q. Do you sell tickets for the round trip?

A. Yes, sir.

By Mr. WILLEY:

Q. Do you know whether Mrs. Kate Brown got a ticket for the round trip?

A. I only know from hearsay. I hear she did, and I presume she did. That would be the presumption, because you can go for a less price by buying a round ticket than paying each way.

Q. When you give a ticket for the round trip, and allow the passenger to take whatever seat he or she pleases at this end to go to Alexandria, what authority would this end of the road by giving such a ticket have in controlling the assignment of a seat at Alexandria on such a ticket?

A. They would have none, except to say, "we will not run the road with you if you insist on doing so and so." We could not control it. We would have no legal authority. If we could control it at all, we could only do it by saying, "if you do not do this, we will break up the arrangement to run the

*no segregation
on DC end of line*

*2 different
jurisdictions -
DC & VA*

*DC has not
control over
VA action*

road." That is the only mode when you come to forcing it, either legally or otherwise.

Q. To what point does the road at this end extend towards Alexandria?

A. To the shore on the other side of the river across the bridge.

Q. There your authority as a corporation ceases?

A. Yes, sir; our jurisdiction ceases. I am not certain about that. They claim that Mr. French, who is the original proprietor of the road, got permission to cross the bridge, but I am not certain about it. I have not examined the papers or records. That may or may not be so.

Q. From Alexandria this way?

A. Yes, sir.

Q. But your authority extends towards Alexandria no further than the other shore.

A. The other shore. Even if it was all one, I could go no further than that.

Q. I understand you then to say that if Mrs. Kate Brown was ejected at the other end of the road, it was without your authority, assent or direction?

A. Yes, sir, entirely, or knowledge.

Q. And without the authority, assent, or direction of any of the officers controlling this end of the road?

A. Yes, sir.

Q. Who are the original corporators who own the road at this end?

A. That is more than I can say. I have not examined the charter, having been pretty busy myself; but I get different statements in regard to it. The whole thing is in difficulty, and suits are pending. I understand that the original charter was in favor of French and Lennox, but I am not certain in regard to it. It may be that others are interested with them.

By Mr. SUMNER:

Q. How do the two roads act together? It is a little curious that there should be one set of officers at one end and another at the other; one rule at one end and another at the other end. If the two roads come together and coalesce, in any way unite, it ought to be on some common principle, so that the rule at one end shall prevail at the other. There should not be one rule for one end, and another at the other end.

A. Well, sir, the road is in rather a peculiar condition, as I was explaining to Mr. Willey. I did not mean to say there were two charters. There is a question in regard to that. I have always supposed, until quite recently, that the whole was included in one charter, but two jurisdictions. I was explaining to the committee the cause of my being appointed receiver. I think this will show you how the two jurisdictions are made. The stockholders, who claimed the entire road from one end to the other, and do still, effected a lease of the road. After doing so, they became dissatisfied with it and undertook to break the lease. They sued for that purpose both before one of the judges of the District of Columbia and a court in Virginia. It brought up such a state of things in regard to ownership, management, &c., that both courts appointed receivers within their own jurisdictions. It is the court that makes this distinction as to jurisdiction, and not the charter. On the other side, the lessees made an appeal which kept them in possession, and consequently the receiver there has never had control of the road at all.

Mr. SUMNER. I take it that the property at the Alexandria end of the road would not be of much value if it was obliged to stop at the other side of the river.

Mr. WILLEY. I hold in my hand the charter, so that we can have no difficulty about that.

Mr. SUMNER. The point I was going to put was this: Assuming that the property at the Alexandria end would be of very little value, (which I think is

very obvious,) unless the road could come into the city of Washington, why have we not, in the jurisdiction we have over the Washington part, full power, practically, to correct any misconduct at the Alexandria end of the road by saying to them, "you shall not come into the city of Washington unless you behave yourself?"

The WITNESS. I presume there is no doubt about that. I am not a lawyer, but I take it for granted Congress has that power. Neither end would be worth much without the other, and the whole is claimed to be owned by one set of corporators.

Mr. WILKEY read to the committee the first section of "An act to extend the charter of the Alexandria and Washington Railroad Company, and for other purposes," approved March 3, 1863, as follows :

Be it enacted, &c., That the Alexandria and Washington Railroad Company be, and the same is hereby, authorized to extend their said railroad from the south side of the Potomac, across said river, to and along Maryland avenue to the Capitol grounds, and across Pennsylvania avenue along First street to Indiana avenue, and thence to the Baltimore and Ohio depot; and that all the ordinary rights, privileges and liabilities incident to similar corporations are conferred upon said company for that purpose: *Provided, however,* That the same shall be subject to alterations, amendment, or repeal: *And provided further,* That the cars shall not be drawn on the streets aforesaid, or on the structure across the Potomac river mentioned in the second section of this act, by steam power, without the consent of Congress and of the corporate authorities of the city of Washington thereto: *And provided further,* That said company shall be authorized to charge and receive rates of freights and fares not exceeding five cents for each person transported and for each ton conveyed on said road so extended: *And provided also,* That no person shall be excluded from the cars on account of color.

The WITNESS. Congress grants them a charter on this side; allows them to extend their line.

JEDEDIAH H. LATHROP.

The CHAIRMAN stated that he had received the following note last night from Mrs. Kate Brown, the party injured :

WASHINGTON, February 25, 1863.

SIR: I have the honor to inform you that the doctor does not think it advisable for me to go out to-morrow; but if it is convenient for you to call to-morrow morning I will give you full details.

Your humble servant,

KATE,

364 G Street, between 14th and 15th Streets.

Hon. JAMES HARLAN.

The CHAIRMAN was appointed a sub-committee to proceed to the residence of Mrs. Kate Brown to-morrow morning at 10 o'clock and take her testimony in the case.

B. H. HINDS sworn and examined.

By the CHAIRMAN :

Question. State what you know in relation to the alleged outrage committed on this colored woman, Kate Brown.

Answer. On the 8th of the present month, I think it was, I was at Alexandria. I had gone down on the 11 o'clock train, and was coming back at 3 o'clock. As I arrived at the depot I saw quite a commotion on the cars, but paid no particular attention to it just then, but went in and sat down. One gentleman behind me remarked that it was the greatest outrage he had ever seen, or words to that effect. I inquired what the trouble was. He said they had just put out a colored woman from the car, and used a great deal of violence in doing so. I then went out of the car into the depot, and saw this colored lady crying. I recognized her, and went up and spoke to her and asked what the trouble was, and she said they had put her out of the car and injured her severely. I then went and found the conductor, and asked what it meant. He said there was a car in front for colored people, and she must go in there if she

*Hinds, man
who assisted
Kate Brown*

wanted to ride to Washington. I tried to coax him to let her go back into that car. She gave as a reason for not going into the other that there were some persons there who were disorderly, and she did not like to get into the car with them; but he would not consent to it. I then went to her and told her that if she would get into the car I would go with her and see that she would not be molested. She went with me, and I staid in the car with her most of the way up. That is all I know about it of my own knowledge.

Q. Who was the conductor?

A. I do not know his name. I know him by sight. I think he is slightly lame. I think they call him Charley. I heard some one call him that.

Q. Was he in command of the car at the time, apparently?

A. He was walking along the platform by the car, within a few feet of it. I think he told me those were the orders of the road, and he had to obey them.

By Mr. CORBETT:

Q. Did he come in charge of the cars to Washington?

A. Yes, sir.

By Mr. SUMNER:

Q. Did he come through to Washington?

A. Yes, sir. I have been down on the road once since, and he was in command of the train.

Q. How much was she injured?

A. I do not know: but she was injured so badly that I had to assist her in getting into the car and getting out. I took hold of her to assist her. She said she was very lame and could hardly walk, and she said her shoulder was hurt badly.

By the CHAIRMAN:

Q. Was the attention of the conductor called to the condition of Kate immediately by you?

A. Yes, sir; and his attention had evidently been called to it before, for when I spoke to him and asked him, "What does it mean putting 'his woman out?'" his reply was, as near as I can recollect his language, "There is a car in front for colored people; let her get into that if she wants to go to Washington."

By Mr. CORBETT:

Q. This man was exercising the office of conductor, taking tickets, &c., on the car?

A. Yes, sir. In reply to the question how much she was injured, I will say that, judging from her manner, she was injured considerably, either in feelings or person. She cried most of the way up.

By the CHAIRMAN:

Q. Was there any lameness or disability?

A. Yes, sir; she was quite lame when she got off the cars at this end of the road.

Q. Who is this Kate Brown?

A. I think her name was Kate Dodson. She is the wife of a former employé of the Senate.

By Mr. SUMNER:

Q. Is she not herself an employé?

A. Yes, sir; she has charge of the ladies' reception room in the gallery of the Senate.

By the CHAIRMAN:

Q. Did you see her ticket?

A. Yes, sir; she had a ticket in her hand when I took her in the car.

Q. Do you know whether the ticket purported to be a ticket for the round trip from Washington to Alexandria and back?

A. It was. It was precisely like the ticket I had, which was a round-trip ticket. The tickets were a little piece of paper about an inch and a half square, half blue and half white, and they tore off one color, I think the blue going down, and the white was used coming back.

By Mr. SUMNER :

Q. Do you know if she had gone down from Washington to Alexandria in the cars without interruption?

A. She told me she had, and said it was the same car she went down in; but the front car in going down would be the rear car in coming back. There were two or three friends of mine there, who are in the city, who saw the putting out of this person from the car.

Q. Who are they?

A. Mr. Beedy, a gentleman who had gone down to Alexandria with me, and who got to the train 10 minutes before I did. I was at the office of the superintendent of the Freedmen's Bureau, and did not get there so soon. The other gentleman is, I believe, a dealer in trunks on Seventh street. He was the one who made the remark about its being a great outrage. His place of business is right opposite Odd Fellows' Hall.

Q. Where does Mr. Beedy reside?

A. He resides in Maine, but is here on a visit. He is stopping on E street, near the corner of Tenth.

B. H. HINDS.

GEORGE T. DOWNING sworn and examined.

By Mr. WILLEY :

Question. Have you seen, and if so, how often, this woman, Mrs. Kate Brown, since the alleged outrage upon her?

Answer. I have; probably half-dozen times.

Q. How soon after it was said to have occurred did you see her?

A. She sent for me, I think, the following day; she sent for me on Sunday, and I believe the occurrence took place on Saturday.

Q. State, as far as you can, what her condition was.

A. When I called there, I found her in bed. Her face was very much swollen. She said to me that she had severe pains in her side, and in her limbs where she had been kicked.

Q. What further did she tell you?

A. Do you wish the statement as regards the whole of her passage? She gave me that.

Q. That would hardly be proper, as we will have her own statement.

A. All I can say is, that she mentioned to me that she had been kicked by one party at least, and severely handled by more than one party, in endeavoring to eject her from the car. They got her by the door. She resisted, stating that they had no right to force her out. One party endeavored to eject her. Failing in the attempt, he went and called a second party, and they, conjointly, succeeded, after considerable effort, in getting her from the car, in doing which, one of them kicked her, and one struck her, I believe she said, in the face. That is about the substance of the matter. They overpowered her, and ejected her from the car.

Q. You say her face appeared to be swollen?

A. Yes, sir; quite so.

Q. How soon again did you see her?

A. I think the following day.

Q. What was her condition then?

A. She seemed to be rather worse, and grew worse for some time. She had a severe bleeding of the lungs—a hemorrhage. I do not know whether it is to be traced to this cause. Perhaps the surgeon can say.

Q. Do you know whether a physician attended her?

A. Yes, sir; constantly; twice a day.

Q. Who was her physician?

A. Dr. Augusta.

Q. State whether you saw her after that, and if so, how many times?

A. I saw her at least half a dozen times, perhaps more. I have not seen her within the last three or four days, during which I have been very much engaged; but I am told she is getting better.

By Mr. SUMNER:

Q. Has she not been out since?

A. I do not think she has hardly left her bed.

Q. And it is now how many days since this outrage?

A. It occurred on the 8th of February. She has not been out of the house yet; but probably she may have improved so as to be able to sit up. My daughter was there a few days ago, and she was then in bed, as my daughter informed me.

By Mr. CORBETT:

Q. Do you know where the physician resides?

A. Yes, sir. He resides on Fourteenth street beyond I street; I do not know whether it is J or K; it is on the right-hand side going out towards the State Department.

By Mr. SUMNER:

Q. Do you know if she has commenced any legal proceedings against the road?

A. Yes, sir.

Q. Do you know if the road have made any proposals to her, or offers of compensation?

A. The secretary of the road has been to see me two or three times, or rather he has been to see me once, and I chanced to meet him twice. He expressed considerable regret, and repudiated the whole action as being contrary to the rules of the company and his own wishes, and the wishes of the majority of the stockholders. That is his statement. It was in substance the statement which was given in the Chronicle by the same gentleman.

By Mr. PATTERSON:

Q. Did he lay the whole responsibility on the conductor?

A. No, sir. He threw the responsibility upon the parties acting under the receivers. I do not know whether the conductor gets his appointment from them or not.

By Mr. SUMNER:

Q. Do you know if the Alexandria part of the road has changed its practice in this regard?

A. No, sir; it has been continued. There have been at least two similar occurrences, but not so outrageous as this, since this one occurred, that I have come under my notice; or at least I have heard of them. I have forgotten the parties. I could give the names.

By Mr. WILLEY:

Q. You had better do so.

A. They do not occur to me at the present moment. Seaton is the name of one of the parties.

Q. Where does he reside.

A. At Alexandria.

Q. Is he a colored man?

A. Yes, sir. There is still another party, whose name does not occur to me at the present moment.

Correct:

GEO. T. DOWNING.

Mr. WILLEY suggested that as Mr. Lathrop had some connection with this road it was but fair if Mr. Lathrop or any of the authorities of the road wished to put any questions to the witnesses that they should be allowed to do so.

The CHAIRMAN said the committee would recall the previous witnesses if Mr. Lathrop desired to put any questions.

Mr. Lathrop replied that it was not necessary, and he did not wish to do so unless his statement was disputed.

JEDEDIAH H. LATHROP recalled.

I desire to state that the conductors have nothing to do with what is called making up the train. When the train is ready to start the conductor steps aboard and conducts it up, but this whole affair of changing and getting out, &c., is done by the local officers there. The conductor is a lame man, who has lost his foot in the service of the government. He has no volition of this kind.

By Mr. CORBETT:

Q. Do you mean to say he did not have anything to do with the putting out of this woman?

A. I presume not. I explained this a little while ago. I asked the lessees who have the control of the road at Alexandria how this affair happened, and was calling the conductor to account. They assured me that the conductor had nothing to do with the making up of the train. They said they found a great deal of difficulty in quieting the rabble, the idlers who used to collect around the depot, and use obscene language, &c., thus rendering it very unpleasant for ladies, and finally they determined to get a constable, or rather to get one of the employes engaged in making up the train appointed as constable, so that he might have civil authority to prevent anything of that kind. He is that man, I understand, who has been the instrument in ejecting whoever has been ejected, and in making up the train. There is no difference in the cars. The cars are all alike. In going into the cars you could not tell one from another.

Q. Does not the conductor have the control of the train in seeing that the passengers' rights are maintained?

A. Not in Alexandria. He has nothing to do with making up the train, as I am told. I have never interfered personally with the management down there.

By Mr. PATTERSON:

Q. By "making up the train" do you mean filling up the train?

A. Yes, sir. It is so on the Baltimore and Ohio road. You never see a conductor there making up a train of passengers. The passengers are told where to go by another man, and the conductor takes his position when the cars are ready to start.

By Mr. CORBETT:

Q. Did not the conductor sanction this operation of putting this woman out of the car?

A. I am told he was not present.

JEDEDIAH H. LATHROP.

WASHINGTON, February 27, 1868.

The chairman, in pursuance of the order of the committee, proceeded to the residence of Mrs. Kate Brown, 264 G street, for the purpose of taking her tes-

timony. Mrs. Brown, being still confined to her bed and unable to rise, gave her testimony as follows :

By the CHAIRMAN :

Q. State your name, age, and residence.

A. Mrs. Kate Brown ; age, I think, about 28 ; I reside in Washington.

Q. State your present employment.

A. I am employed at the ladies' retiring-room of the United States Senate.

Q. State all the facts connected with your alleged expulsion from the cars of the Washington city and Alexandria railroad ; when it occurred and all the circumstances of the case.

A. On Saturday, the 5th of February, I went to the Washington depot at 1 o'clock, waited until two, and purchased a ticket to go and return ; I left the office and started to go to the car ; on the platform there was a man who said, "Take the rear car." I made no reply, but went in and took my seat in what they call the white people's car ; the cars left here at 2 o'clock, and I was about to return in the 3 o'clock train from Alexandria ; on entering the car there the policeman hailed me, and hollered to me to go in the forward car ; going down it was the rear car ; coming up it was the forward car ; I replied, "This car will do." With that I entered the car and got inside of the door, when the policeman ran up and told me I could not ride in that car. I told him I came down in that car, and in that car I intended to return ; that I had my ticket, a return ticket, which I had bought in Washington, and I was going back in the same car ; he said I could not go ; I asked him why, as I had paid my fare and had come down in the same car ; he said that car was for ladies ; I told him then that was the very car I wanted to go in, and I had come down in it. He said "no damned nigger was allowed to ride in that car anyhow ; never was and never would be." With that he seized me and tried to eject me ; I had got inside of the door and was holding on to the door with my left arm, with my right hand holding on to the bars, and then I had my left foot in the seat. He said, "Ain't you coming out of this car ?" Said I, "Never ; I bought my ticket to go to Washington in this car, and I am going in it ; before I leave this car I will suffer death." He had on his badge "Special policeman of the Washington, Georgetown and Alexandria railroad," and he said he had been instructed by the company to eject any "nigger" that entered that car.

Q. Instructed by whom ?

A. The company. He had been instructed "not to let any nigger go in that car ; that car was for ladies ;" and then he again took hold of me. I told him to let me go ; I had come respectably from Washington and was on my return, as I had business to do at the Capitol. I expected to return at 3 o'clock and have time enough to arrange my room in the building, as it was not known that I was absent. He then went behind me and wrung my hands on the iron. He doubled up his fist and struck me all across the knuckles. I had such a clinch that he could not get my hands off. He battered my knuckles, and got my left arm twisted all the way around in trying to get it off the door. I was determined not to leave the car, because I had paid my fare, and the other car was all filthy and dirty, containing nobody but men. He twisted my arm until he hurt my shoulder so that I had to let go with the left hand. After letting go that I caught with my other hand the iron railings. He went around and unclined my fingers, and then struck me in the back. I took hold of the door again with both hands. Then he said if I did not go out he would beat me so that I would not be able to stand. I told him he might do it ; I would not go out ; I had made up my mind not to leave the car, unless they brought me off dead. Then, after releasing my hands, he got in front of me and took me by the collar of my coat, which I had buttoned, and dragged me and tried to jerk me out. I tried to make him let go me by holding around the railings, and he then beat the part of my hand that had

hold of the railings. I had such a terrible wrestle with him for about six minutes that he stepped out on the platform and said, "Sheriff," (there was a tall man there with light clothes on,) "I demand of you, as an officer of this railroad company, to arrest this woman." Then this other man came up. I was so exhausted I could scarcely talk; I commenced to cry, the officer had hurt me so bad, and my arms and limbs were paining me so. Said I, "Are you the sheriff?" Said he, "Yes." Said I, "What are you going to arrest me for? What have I done? Have I committed robbery? Have I murdered anybody?" He said that niggers were not allowed to ride in those cars; it was the rules of the company, and he was bound to enforce them. This was the would-be sheriff. I have heard since that he was no sheriff. With that he took hold of me right here (around the neck,) and tried to drag me out, and they both then succeeded in getting me out on the platform. When I got on the platform I held on to the iron railings with my hands, and I had my foot against the bar of the platform. At length this policeman, who stood behind me, kicked me on the foot, and the man who was in front of me was pulling me while the other was pushing me off, but I still held on to the iron railings. Then one of these men went around the iron railing and took hold of my arms, and my dress and coat and pulled me, and the both of them succeeded in dragging me down the platform one step, and then two steps, and then on to the bricks. They dragged me a little distance and injured my hip. There were two or three of his associates, I suppose, standing around who looked at each other and grimaced and had a time. I then looked up and saw a gentleman; I do not know his name, but I know he is clerk to Mr. Fessenden's Committee on Public Buildings and Grounds. He stepped up and asked me what was the matter. He had seen a part of this occurrence. I told him I was afraid to go to Washington in that car because there were disorderly persons in them, and that man had threatened my life, and I was afraid to move. He said he would go with me in a car and see that nobody injured me, and I then went in a car with him. The man who put me off said particularly that it was the orders of the company, and he was going to enforce them if it cost him his life. Those two men abused me in that way for, I suppose, eleven minutes altogether. I have been told there were three of them, but I only remember two. I was very much prostrated after it.

Q. Were you seriously injured by these men in getting off?

A. I had a hemorrhage that I shall never get over, and have had two hemorrhages since, and my whole body from my head down to my toes has been very sore, especially my breast and my hip, that I could not cough without great pain. I cannot put my foot to the ground to walk; it almost takes my breath. Then my wrist was very much injured; I thought it was broken, by being twisted off the iron railings, so as to turn my whole arm around.

injuries

Q. Where were the hemorrhages, of which you speak, located?

A. I do not know.

Q. The lungs?

A. I think so. I have spit blood several times since, and it has left me very prostrate. My breast has been very sore ever since. My nose and my eyes were dreadful. This man struck me in the left eye, and my eye gathered, and I had to have eyewater applied every day. My eyes are now well. The left eye was black all the way around and swollen to the top. I had to have a poultice on my eye for four nights in succession.

Q. You speak of your hip having been injured. How did that occur?

A. From the dragging—two men dragging me from the car. They twisted my feet; they did everything to me that they could do. I declare they could not have treated a dog worse than they tried to treat me. It was nothing but "damned nigger," and cursing and swearing all the time.

Q. You speak of their having kicked you. What part of your person did they kick?

A. One of these fellows was dragging me by the collar, while the other one stood on the platform kicking me off. He took his knee so as to try to get my hand away from the iron railing—kicked me on my foot.

Q. State whether you have been confined to your room and bed, or either, during the period which has intervened; and if so, during what period of time.

A. I have been in this bed on my back since the 8th day of February. I came home on that day, and my sister undressed me and put me to bed; the doctor dressed my arm; and I have been here ever since; a part of the time not able to hold up my head. My sister has been up with me night after night. These men pushed me against the door and against the platform, and I feel very sore, especially in my back and hip.

Q. State what part of the time you have been under the doctor's charge.

A. Every day and twice a day until a day or two. He is watching the hemorrhage.

Q. State whether he has been administering medicine internally.

A. I have taken any quantity of medicine. I have taken two bottles of different mixtures and two or three different kinds of things, powders, pills, and liniments. I have had two bottles of different kinds of liniments, one for my arm and one for my body.

Q. State whether you have been able to be up any part of the time.

A. Not more than about five minutes or so, to have my bed made up. Some days I have not had it made up. This last week I had my bed made up about every other day.

Q. State the doctor's name and where he resides.

A. Dr. Augusta. He resides on Fourteenth street between L and M, on the east side; the number I do not know.

Q. Has the company, or any person professing to be an officer of the company, offered you any reparation?

A. Yes, sir; but not directly. My brother-in-law is very well acquainted with Mr. Stewart, who I believe is secretary of the company.

Q. Has any other person professing to be connected with the road offered you any reparation?

A. No, sir.

Q. Do you know whether this man who ejected you from the car remained on the train on its way up or not?

A. I do not.

Q. Did you see the conductor of the train during this time?

A. Yes, sir. He was on the spot—a witness to the transaction.

Q. Did he do or say anything?

A. Not to me; but he has to others. I can bring three or four that he has ejected or tried to eject from the cars.

Q. Do you know the conductor's name?

A. I have got it down; I think it is Mitchell.

Q. Do you know the name of this policeman who ejected you from the car?

A. Yes, sir; but I cannot think of it at present. I noticed his badge particularly and read the inscription upon it.

Q. Has the company, or any person purporting to be an officer of the company, paid you anything?

A. Not at all. I am under heavy expense, keeping two rooms, and not making anything. I shall have to get up and go to my work as soon as possible, if I have to go on crutches.

KATE BROWN.

WASHINGTON, *February 28, 1868.*

THOMAS NORFLEET sworn and examined.

By the CHAIRMAN :

Question. State your business and place of residence.

Answer. Saddle and harness making, 499 Seventh street.

Q. State to the committee anything you know about the alleged expulsion of a woman of the name of Kate Brown from the cars of the Washington and Alexandria Railroad Company some three weeks since.

A. I happened to be in Alexandria that day, and had arrived at the depot, and was about getting in a car, when I was accosted by an officer at the depot and told that I could not get in that car, that that was for the ladies. I then asked him if he would direct me to the smoking car, and he referred me to the rear part of the car in front of this car where the ladies were. I was sitting there smoking, and I saw this same man rush to a woman as she was about to get up, or was up on the steps of the car, and he caught hold of her and observed, "I told you you could not get in this car." She then said she would; that she had paid her fare, and she would go. He told her he had no objection to her going, but there was a car in the rear part of the train for her. She said no; she had paid full fare, and she would go in that car. At that time my impression was that it was an intoxicated woman that was attempting to get into the car. I merely saw her back; I did not see her face. She resisted very much. He at this time had hold of her, trying to prevent her from going into the car; but she insisted on going in, and struggled with her very severely. He found that he could not manage her, and he then called to a man who was standing on the sidewalk, and said, "I summon you in the name of the commonwealth to assist me in putting this woman off the car." By this time she had nearly got in the door of the car. The young man whom he summoned came forward, and he caught hold of her. I had not gone out of the car in which I was smoking, but it seemed as if he was standing to reason with her a little. I then opened the door of the car to see what was going on, and he observed to her, "You cannot get into this car; there is a car prepared for you in the rear part of the train." She still insisted on going in. By this time she began to struggle very severely. They then both caught hold of her. She had hold of the panels of the door. One caught hold of her hands, broke her hands loose from the door, while the other one had her around the body, and moving her off the car. They had broken her hold from the door, and then she clung to the railing. The police officer still had her around the body, and the other man whom he had summoned was trying to break her hands from the railing. After breaking her hands from the railing, she and the officer both went down on to the street, and then he moved her off on to the curb. That was about the state of the case as near as I can remember at this time. I would say, however, in reference to some statements that I saw in the paper the day afterwards, about rough treatment, that I did not see the slightest inclination on the part of the officer or the party whom he called to his assistance to treat her any way rough, only so far as to break her hold from the door of the car. As I said, at the time this man was called on to assist the officer, my impression was, and I was still more confirmed in the opinion, that she was an intoxicated woman that they were trying to expel from the car; but when they broke her hold from the door and her face was turned towards me, I found that she was a yellow woman, and I supposed that was the cause of her expulsion; but I asked no questions. I did not interchange one word with any individual except some passengers that were on the train with me coming up.

Q. Did you hear any remarks made by any of those men while they were expelling her from the car?

A. The only remark I heard made was in connection with a remark that she made, saying that she had paid full fare and she would go in that car. The officer who had her in charge observed, "We know you paid full fare, but there is a car provided for you;" and the other man whom he had summoned to his assistance observed to her, "It is no use for you to contend in this way; you cannot go in this car." That was the only remark that I remember of hearing from either of the two, except the remark of the officer calling on the young man who was standing on the sidewalk, saying, "I summon you in the name of the commonwealth to assist me in putting this woman off the cars." She observed she would make them pay for it, or something of that kind. I only remember those two remarks made by the two men.

Q. Did either of them state in your hearing by whose authority they enforced such a rule?

A. I do not remember in relation to that. As I say, the only authority I heard named was the authority of the commonwealth, and that was on the part of the officer I speak of.

Q. Do you know the name of either of these men?

A. I do. The officer was a boy whom I had known a great many years ago, but he had grown up out of my knowledge. He accosted me as I was getting on the car and called me by name, and then observed to me that I could not get into that car. He then said, "You have forgotten me." I told him yes, I did not know him. He then told me who he was, and I found he was a boy whom I had had, a great many years ago, as an apprentice. His name is Robert Meade, or Meades, I am not sure which. The other young man I did not know. I do not remember ever seeing him before.

Q. Is the first one whom you mentioned, who was formerly an apprentice of yours, the man who first attempted to eject this woman?

A. Yes, sir; he was the officer, or was acting as an officer. He had a badge on his coat. I asked him, when he made himself known to me, "What are you doing here?" He said he was employed as a special policeman at that depot.

Q. Do you know the name of the woman expelled from the car?

A. I do not. I had never seen her before.

Q. When did this occur?

A. I would have to refresh my memory as to what exact date it was, but it was about three weeks ago. I could not tell now without referring to some little transactions I had on my books.

By Mr. WILLEY:

Q. Do you remember the day of the week?

A. I could not say now. My memory as to dates is very treacherous. I have very little recollection as to dates except when I keep a minute of them, and never having any idea that I should ever be called on about this affair I made no minute or notice of it. Probably it was Monday, but I cannot for my life tell now.

Q. I understand from you that this car in which this woman was attempting to get was the ladies' car?

A. Yes, sir. After the officer had shown me to the car in which I was to sit and smoke I got tired, and I went out on the platform, or the street. Pretty soon there came along a lady acquaintance of mine living in this city, and I then assisted her in this car, after I had been refused admission into it. Supposing, then, that it was the ladies' car, and seeing the lady was by herself, I assisted her into the car and then went into the car that was assigned to me for the purpose of smoking. The rear part of the car in which I was sitting, smoking, was just in front of the ladies' car.

Q. Did you see any bruises about this woman's face, the side of her head, or around her face anywhere?

A. I did not. I did not see her face touched, nor her person touched, with the exception that the officer, when she was going into the car, ran up and caught her around the waist.

Q. You have already stated that.

A. As I say, that was the only thing I saw where she was touched, with the exception that they caught hold of her hands. I saw no bruises, no sign of bruises.

Q. Was it likely or probable that in pulling her down from the car her head was thrown against the car so as to bruise it in any way? Did you notice anything of that kind?

A. I did not. I did not notice that her head was struck against the car or that she was struck at all in any way.

Q. Then she did not succeed in getting into the car at all?

A. She had succeeded, before this young man came to the officer's assistance, in getting just inside the door, so that she could assist herself by hanging on to the inside of the door.

Q. Then they took her out of the car? She was in the car when they first seized her?

A. When they first seized her she was on the steps of the car, going up. Some one said to me, but this I did not hear, that he had told her on the curb she could not go in that car. The first I saw of it was as she was going up on the steps of the car. I saw this officer catch hold of her.

Q. Was she at any time within the car?

A. She seemed to be too strong for the officer, and in struggling and contending with him she had got up and had just got inside the car, and then he went for the assistance of this second party who was standing on the curb.

By Mr. LATHROP:

Q. Did you learn from any party there by whose authority this was done? This officer, I understand you, was a policeman.

A. I did not. I merely asked him what he was doing there, and he said he was a police officer. I did not ask him by whom he was appointed, or anything of that kind.

THOMAS NORFLEET.

OSCAR A. STEVENS sworn and examined.

By the CHAIRMAN:

Q. State your name, place of residence, and business.

A. O. A. Stevens. I reside outside of the city about four miles. I am general superintendent of the Washington, Alexandria & Georgetown railroad, as well as lessee for that portion of it which is in Virginia.

Q. State what you know, if anything, in relation to the alleged outrage that is said to have been committed on a woman by the name of Kate Brown.

A. I know nothing about it so far as personal observation is concerned. I was not in Virginia at the time.

Q. State, if you know, what the rules of the company are in relation to the transportation of passengers to and from Alexandria to Washington city.

A. I do not know that we have any particular printed rules in connection with it. The general orders to the employes of the road have generally emanated from my office. I can state to you, in connection with this man Meade, his appointment, how he was detailed, &c. At Alexandria there is more or less difficulty of boys jumping on and off the cars, and crowds gathering about the depot and about the offices. We found it necessary, in order to break that up, to have an officer detailed for that purpose. I made application to the mayor to have him detail a special policeman to preserve order and to direct passengers in regard to the cars.

Q. Who compensates him for his services?

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A. The railroad company. I cannot say whether he draws pay from Virginia or not. We have paid him a dollar and a half per day.

Q. State whether there is any distinction made between passengers on account of their color or race or previous condition.

A. I have directed this man Meade, while in our employ, to direct colored people to take one car and the white people another car. Our cars are all manufactured alike. There is no difference in them. For the purpose of preserving order, and having everything agreeable and satisfactory, I believed it advantageous, not only to the road but to the people generally, to have that system. The rear car coming from Alexandria to Washington is intended for white people—gentlemen and ladies; the forward car for colored people, and *vice versa* going down.

Q. The cars are all the same style of workmanship?

A. Yes, sir; all made by one house, all alike. There are no second-class cars on the road. They are all first-class A No. 1 cars, and all new. We have just had them repainted and put in fine order.

Q. State to the committee what instructions have been given by you as superintendent, or by the officers of the company, to this special policeman in regard to the enforcement of the rule that you have just stated.

A. As I said before, I directed the policeman, in connection with his duties at Alexandria, to direct that class of people the appropriate car for them to take. It is, I think, the custom of the Orange and Alexandria road. They do the same as we do. I supposed that I was following the precedent established for the benefit of the travelling public. I think it is beneficial to colored people. They are relieved of the annoyance and difficulty with which they would naturally be surrounded if they were put in the other car. I think the men of my road will tell the committee that their instructions have been to treat that class of people as kindly and show them the same respect that is shown to the travelling community generally.

By Mr. WILLEY:

Q. You say you are the lessee of the road also?

A. I had a lease from the Washington, Alexandria and Georgetown railroad of the whole line. Suit was brought to annul my lease in the District of Columbia as well as in Virginia, two different suits. It eventuated on this side in the appointment of a receiver. On the other side there was a suspended decree for sixty days made, which permitted us in the mean time to give our bonds and appeal from the decree. A receiver was appointed by the court under that suspended decree; but he never acted in that capacity, never took possession of the road, never has had anything to do with it. We gave our bonds and remained in possession.

Q. No receiver acted, so far as the part of the road beyond the river is concerned?

A. No, sir.

Q. But there is a receiver on this end of the road, this side of the river?

A. Yes, sir. Mr. Lathrop was appointed by the court on this side.

Q. Does your authority, as superintendent and lessee of the road, extend to that part of it within the District of Columbia as well as to that part in Virginia?

A. As an officer of the road appointed, I originally occupied the position of superintendent. While running the road under my lease such an officer was necessary. Mr. Phelps was the general manager. I have reason to believe that my authority extends to the whole road as superintendent. We could not very well get along without it.

Q. Your authority, then, as superintendent, is as complete and full in regard to this end of the road as it is to the other?

A. Yes, sir, in case I say so. There never has been any disposition on the part of Mr. Lathrop to interfere with the management of the road, so far as the employes are concerned and giving orders.

Q. In putting passengers on board the cars at the depot in Washington, have your instructions to your employes been the same as they were to your employes at Alexandria?

A. We have never had a policeman at this end of the road. It never has been requisite. Our cars start from a platform on Maryland avenue. There is no crowd surrounding it as in Alexandria; and the conductor and brakeman have usually exercised the prerogative of seating passengers. It is their duty. Their instructions are to be on the platform, while the cars are waiting to be loaded, and direct the passengers where to go.

Q. Have the conductor and brakeman, in the exercise of that authority in Washington, been directed to place colored people in one car and white people in another?

A. Yes, sir, they have been directed to do that; but they have also been directed that where colored people were in the other car, to have no difficulty with them.

By the CHAIRMAN:

Q. Does that order apply to the Alexandria end of the road as well as to this?

A. Yes, sir. I can say to you frankly, that so far as orders have been concerned, it was never contemplated that a difficulty of this kind would occur. It was presumed that in putting an officer there to seat passengers, the passengers would do as is done throughout the country in such cases. The order was made more for a convenience to the public than from a dictatorial spirit. It was done to protect the colored people and make everything pleasant and agreeable about the train. The same rules apply to this end of the road.

Q. I understood you to say in a former part of your testimony that the cars were all alike. State whether they are used alternately for colored and white people; that is, whether the same car is used continuously for white people and another car continuously for colored people, or whether they alternate?

A. They must alternate, because we are continually changing our cars about; for instance, we leave a car off to be cleaned. Naturally, in changing about our cars, they are changed from day to day; and I am under the impression, although I will not state it positively, that the car which goes down with white people comes back from Alexandria with colored people in it. I cannot be positive, but I am under that impression. By the natural changing of our cars in being washed and cleaned, they would come in that rotation. For instance: there are four cars; we throw one out in the middle of the day to be cleaned; when that comes back another one goes out, and in that way alternating the train. The car in one position to-day would be in another to-morrow; so that they would change about from day to day.

By Mr. SUMNER:

Q. Was this policeman an official of the road?

A. He was not an appointment of our own. He was detailed by the mayor of Alexandria at our request. I requested the detail of a special policeman to preserve order at the depot.

Q. Was this man there habitually, or only for that day?

A. He had been employed for about two months. He was on duty at that point to preserve order, keep boys off the cars and trains, &c.

Q. Was he paid by the road for this service?

A. Yes, sir; we paid \$1 50 per day.

Q. Then, though not in the common sense of the term an appointee of the road, he was really a servant of the road?

A. Yes, sir; he was an employé of the road, but detailed and appointed by the mayor, or put in the position of special policeman. He had his badge on. I had manufactured a badge for the officer at that point.

I should like to make a statement, if it is proper, in regard to the management of my road. I say to the committee frankly there has been no disposition on the part of myself, as an officer of the road, to throw any obstacle in the way of the colored people. On the contrary, separating them, as you call it, from one car to another was done for the purpose of getting rid of this difficulty and annoyance in the cars about riding with colored people, and it was for their benefit that we have made this distinction, and not for the purpose of throwing any obstacles in their way; because the colored people of Virginia constitute a large portion of the travel over the road; and the employés have been instructed to treat that class kindly and pleasantly, in directing them in regard to the transportation of the road.

By Mr. LATHROP:

Q. I should like to ask you whether, if a colored person should insist on going into any other car than the one pointed out, your instructions have or have not been to use no violence, but let him have his way?

A. My instructions to the employés have been, since I first took the position of superintendent of the road, that while that rule was insisted upon, it should be yielded in preference to raising trouble.

Q. There has been no case where they have been ordered out or positively forbidden going into a car here?

A. I think not, on this side of the river.

By Mr. SUMNER:

Q. You say "on this side of the river?"

A. Yes, sir; within the District of Columbia. I say that, with regard to the case on the other side, I do not know of any other instance on the other side of the river, except this one, where there has been difficulty, or a peremptory demand to leave the car.

By the CHAIRMAN:

Q. State whether any instructions were given to officers on that side of the river on that point, or were they left to exercise their own discretion about the use of force in seating passengers?

A. The conductor, Williams, who is running the local train, has been instructed to get along with a case of that kind with the least difficulty or trouble; and it is oftentimes said to me that he passes by without seeing that class of people, for the purpose of getting rid of this difficulty.

By Mr. LATHROP:

Q. Is that officer, Meade, still down there?

A. Mr. Meade has been discharged; in other words, the office has been discontinued. We have no policeman at Alexandria.

By the CHAIRMAN:

Q. Has your attention been called to the condition of this woman, Kate Brown?

A. Yes, sir.

Q. State to the committee whether the company has offered her any remuneration or satisfaction for her alleged sufferings, &c.?

A. No, sir; I think not. I made the remark to the gentleman who called to see me about it that I would call upon the lady if it was requisite or necessary.

By Mr. LATHROP :

Q. Do you know whether the former officer, called the secretary, Mr. Stewart, or others, who would represent what are termed the stockholders, have made any propositions ?

A. I do not.

By Mr. SUMNER :

Q. Is it the purpose of the company to give any pecuniary compensation to this sufferer ?

A. I cannot say as to the company. Mr. Lathrop represents the company as receiver on this side of the river.

By Mr. LATHROP :

Q. Is there not an arrangement between you and your partner, as lessees, and myself as receiver, so far as regards expenses, that we should run this road on joint account, either party giving the other 30 days' notice of its discontinuance; that is, we made a compromise in dividing the proceeds and expenses ?

A. Yes, sir; I think there is an order of the court to that effect.

Q. What I want to get at is this: that while you are superintendent of the road, under those circumstances, of course you would naturally superintend your own end, and that I agreed you should act as such so that we would have but one class of men employed, to save expenses, &c. ?

A. Yes, sir.

Q. Then you do not claim that the company, as a company, have any control over either end of the road at this time ?

A. No, sir; not as to its working operations or the employment of men, but I say frankly, if it should become necessary to pay the expenses appertaining to the injury sustained by this woman, if injury has been sustained by her at our instance, I should feel in duty bound, under the arrangement of the receiver, to pay whatever my proportion was.

By Mr. SUMNER :

Q. Is this same exclusion continued on the road now since this outrage? Are colored persons shut out of any car now ?

A. That is the regulation of the road, but there is no peremptory order to that effect. No doubt if colored persons should insist on getting into the ladies' car, they would be permitted to do so. The conductor and brakeman act at the other end of the road in the same capacity that they act here in regard to seating passengers.

Q. Is there any reason for one rule at one end of the road, and another rule at the other ?

A. They are the same now.

Q. I understand that at the Washington end of the road colored persons get their seats in any car ?

A. I say they are permitted at this end of the road the same as they are at the other.

Q. To take their seats where they please, without being excluded ?

A. Yes, sir.

Q. In other words, the language of the statute is complete at this end and not complete at the other end ?

A. No, sir; I say they can do it at the other end now.

Q. That is, since this incident ?

A. Yes, sir; because the policeman has been dismissed, and the conductor and brakeman are assigned to that duty in Virginia.

By Mr. LATHROP :

Q. Had you ever given instructions to this policeman at Alexandria that in case colored persons got into this car, to put them out at all hazards ?

A. I cannot say that I have any recollection of giving an order of that kind. His duties were to direct passengers where to go. I may have given an order of that kind, but I have no recollection of it now.

Q. I understand from Mr. Phelps, your partner, that such an order had never been given to his knowledge ?

A. It was not necessary to give an order of that kind from the very fact that this man's duty was to direct passengers where to go, and I had no reason to believe that an occasion would arise where it would be necessary to do such a thing.

OSCAR A. STEVENS.

SETH E. BEEDY sworn and examined.

By the CHAIRMAN :

Question. State your name and residence.

Answer. Seth E. Beedy; Augusta, Maine.

Q. State to the committee what you know, if anything, in relation to the alleged outrage committed on this woman—Mrs. Kate Brown.

A. About three weeks since, I visited Alexandria, in company with Mr. Hinds. After I had stepped into the car, in the depot, and secured a seat to come to Washington again, I noticed some disturbance, and I stepped to the end of the car next to the rear one, I think; I will not be certain as to that, but it was next to the car in which the trouble occurred. While there I saw a lady—I could not tell whether she was colored or not from where I was; she had a black lace veil on; and a policeman, or a person who had a badge on his coat, had hold of the woman, and seemed to be trying to prevent her from going into the car. She was inside of the car, perhaps two feet from the door, and the policeman was about on the threshold of the door, and she beyond him, in the car. In a moment another policeman, or another person came up, and they took hold of her and forcibly brought her from that car where she was standing when I first observed her, out on to the platform, and from there on to the sidewalk. Then I saw her point at the policeman, and heard her make this remark: "I will have satisfaction for this abuse." Then Mr. Hinds took the lady and went forward with her. These were all the words I heard repeated on either side. If you will allow me to refer to my diary, I can tell you the date, I think.

Q. Give the exact date.

A. I did not know that I should be called upon to testify in this case, but I am in the habit of putting everything down in my diary, which I have in my pocket. This was on Saturday, the 8th day of February. I put down this in my memorandum.

Q. State what degree of violence was used in ejecting her from the car.

A. I do not think I could hardly define the exact degree of violence. It was by violence, and that alone. She resisted, and would not willingly come out. I noticed as she came out from the door that she came against the railing of the car, and the policeman was close in towards the window and had his arms around her, and the other man was pushing her forward and breaking her hands from the railing—the railing next to the car. As she was passing down, the policeman was on one side, and the man aiding him was pushing her from the railing on the other side—she had taken hold of that—and finally she was thrust off the platform.

Q. Did you observe any bruises or contusions of any kind, or apparent lameness of arms or limbs ?

A. I did not at that time. When I got out of the cars on Maryland avenue,

where they stop in this city, I noticed that she had her arm bandaged up with a handkerchief, I think, and was walking lame. Mr. Hinds was present at that time. I do not know whether she took a carriage from there or not. After she had been ejected from the car, I stepped forward to this man who wore the badge and asked him if she had paid her fare, and he said she had a ticket.

Q. Did you hear either of these men assign any reason for expelling her from the car?

A. I did not hear those men assign any reason. I heard men on the sidewalk saying that "that car was for white people, and niggers should go forward." I did not hear any of the officers say anything of that kind.

SETH E. BEEDY.

Dr. ALEXANDER T. AUGUSTA sworn and examined.

By the CHAIRMAN:

Question. State your name, place of residence, and business.

Answer. Alexander T. Augusta; 402 Fourteenth street; physician and surgeon.

By Mr. SUMNER:

Q. Have you been in the service of the United States?

A. Yes, sir.

Q. What was your rank?

A. Surgeon, with the rank of first major, and afterwards the brevet of lieutenant colonel.

By the CHAIRMAN:

Q. State anything you may know in relation to the alleged outrage committed on a woman named Kate Brown.

A. I have drawn up a statement, which, if it please the committee, I will read as a part of my testimony. It is as follows:

WASHINGTON, D. C., February 28, 1868.

I was called upon on the 8th instant to attend Mrs. Kate Brown, who informed me that she had been ejected from a railroad car at Alexandria, Virginia, and found, upon examination, that she had received a contusion of the whole of the left side, involving injuries to the shoulder and elbow joints, which were sprained. She complained of severe pain in the left side of the abdomen and chest. I found also that she had received quite a shock to the nervous system. On the afternoon of the 9th she had considerable fever, the pulse rising up to a hundred, and on the 10th she commenced to spit blood, which continued at intervals, in small quantities; but on the 14th she had quite a severe attack of hæmoptysis, and since which she has been very feeble. She complains at present of great weakness at the small of the back, and pains in left side of the abdomen and left hip joint.

A. T. AUGUSTA, M. B.

Since writing this statement, I may remark that I forgot to mention in it that on the next day my attention was called to a swelling and bruises about the left eye, and some days afterwards the eye commenced to inflame, which was reduced on applications to it.

Q. Are you attending on her at this time as her physician and surgeon?

A. Yes, sir. With regard to the hemorrhage mentioned here, I did not see her spit the blood; but there was a basin by the bedside with a considerable quantity of blood in it. She did not spit any in my presence.

Q. Has she been confined to her room and bed, or either, during the interval between the 8th of February and the present time?

A. She has been confined to her bed ever since.

Q. Have you been attending on her as her physician during the whole period?

A. Yes, sir. On the day that she received a summons to appear before the committee I called on her, and told her that she might sit up a little and see if she would be able to leave the room. She sat up, but said her back hurt her so badly that she did not think she was able to walk. Under those circumstances I did not think it safe for her to come out.

By Mr. SUMNER :

Q. What is her present condition ?

A. At present she seems to be suffering with a great deal of weakness about the back, and the left side of the abdomen, and the left hip joint.

Q. Are you able to explain more minutely the nature of those injuries ? They would seem from your account to be internal injuries.

A. Yes, sir, the injuries to the chest that caused the spitting of blood must be internal; but I could not state to what extent that injury was inside.

Q. It must have been a very severe injury to have caused the spitting of blood ?

A. Yes, sir, it must have been; the treatment she received must have been very severe to have caused that.

Q. Do you know if she had ever spit blood before ?

A. Never to my knowledge; I asked her, and she said she had not. I gave orders since that time that she should be kept quiet, and kept as still as possible, fearing a second hemorrhage might come on. I understand she was of a weakly constitution, and had been under a doctor's care for some years; but I do not know exactly what is the cause of her disease; I did not investigate that.

Q. You consider her, then, seriously injured at this time ?

A. I certainly consider her seriously injured. This hemorrhage I consider more serious than anything else. I could not tell when that might come on, or to what extent it might go. I applied remedies to relieve it which did relieve it, and she has had no return of it since she took the remedies.

By Mr. LATHROP :

Q. What is your opinion in regard to the present condition of the chest from that injury ? Do you apprehend any continuance of the spitting of blood ?

A. No, sir; I have not any reason to apprehend it from the condition in which she has been kept ever since.

Q. How long is it since she spat blood ?

A. That was on the 14th of this month.

Q. For how many days, do you know ? More than one day ?

A. Only one day. She had spit blood two days before that, once or twice, and she mentioned it; but it was such a small quantity that I did not feel at all alarmed until I found this large quantity.

Q. Did she complain of any chest illness ?

A. Yes, sir; of a severe pain in the right side of the chest, and the sensation such as one generally feels when there is a hemorrhage. She has complained of feeling that sensation since that time, but no hemorrhage has taken place.

By Mr. SUMNER :

Q. Can you tell, as a professional man, how long she will probably be confined to the house now ?

A. I could not say, only from her statement. She says her back is very weak, and every time she attempts to get up or walk, she feels great pain in the left hip joint, and side. She complained of a very severe pain for three or four days in the left side of the abdomen. I feared there was considerable internal injury, but nothing worse than that occurred to that part of the system that I am able to learn.

Q. Those symptoms would indicate that it was a case that would require a good deal of time for her restoration ?

A. Yes, sir; I think it will require a good deal of time for her to recover her strength, and be able to resume her duties.

By the CHAIRMAN :

Q. What injury did you observe to her hand or arm, if any ?

A. There was an injury at the elbow joint, and the shoulder joint was swollen. It appeared to be bruised from some kind of violence, either a blow or from rubbing against something. When I first examined the elbow joint I supposed there was a fracture of the radius close up to the head; but upon a close examination afterwards, I thought it was merely a rupture of one of the small ligaments. I could perceive a crepitation there at first, which indicated a fracture; but afterwards, finding that the motion of the joint was not affected, I was satisfied it was not a fracture, and she has been able to use the joint since that time. There was some heat and tenderness about it, and a swelling for a few days, which passed off on the application of remedies.

Q. Has the hand entirely recovered ?

A. Yes, sir, she has recovered the use of the hand, and that still leads me to believe there was no fracture.

A. T. AUGUSTA, *Bachelor of Medicine.*

WASHINGTON, *February 25, 1868.*

SIR: I have the honor to inform you that the doctor does not think it advisable for me to go out to-morrow; but if it is convenient for you to call to-morrow morning I will give you full details.

Your humble servant,

KATE,

264 G Street, bet. Fourteenth and Fifteenth.

HON. JAMES HARLAN.

ALEXANDRIA, VIRGINIA, *February 13, 1868.*

SIR: In the suit of Joseph Davison and others against the Washington, Alexandria and Georgetown Railroad Company and others, I was appointed receiver by Judge Thomas, of the circuit court for Alexandria county. There was an appeal from his decision granted to the present lessee of the road, and the case is now before the court of appeals of Virginia, at Richmond. In consequence of the appeal, the road is, and has been under the control of the lessees, Messrs. Oscar A. Stevens and W. Jackson Phelps, since the 5th day of May, 1866.

I have not bonded as receiver, and have never exercised any control over or direction on the road.

Yours, very respectfully,

W. H. MARBURY.

Mr. J. Lathrop, the receiver on the Washington end of the road, will, or can, substantiate my statement.

HON. JAMES HARLAN,

Chairman of the Senate Committee on the District of Columbia.

Statement of stockholders of Washington, Georgetown and Alexandria Railroad Company.

BALTIMORE, *March 9, 1868.*

The subscribers, learning that there is a likelihood that some action may be taken by the Senate prejudicial to the chartered rights of the Washington, Georgetown and Alexandria Railroad Company, on account of the outrage lately

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committed in ejecting a colored woman from a car on said road, beg leave to state that they are the holders of more than two-thirds of the capital stock of the road, and that they are kept out of the possession and management of their property by a fraudulent lease to Messrs. Stevens and Phelps, which lease they are now contesting in the courts both of the District and of Virginia. And they would respectfully suggest that any compensation to the injured party, or penalties to be enforced, be against the persons or private property of the said lessees, and not from the property of innocent parties.

H. R. RIDDLE,

(For The National Mechanics' Bank of Baltimore; The National Union Bank of Maryland; The National Exchange Bank of Baltimore; Messrs. Guin, Jones & Co., New York; Messrs. Kirkland, Chase & Co., of Baltimore, Maryland.)

MY DEAR SIR: I will be obliged if you will lay this paper before the committee.

Yours, respectfully,

H. R. RIDDLE.