

CITY BULLETIN.

RIGHTS OF TRAVELERS.

GROSS OUTRAGE BY A CONDUCTOR AND DRIVER.

Colored People on Passenger Cars.

NIKE PRITS—Justice Thompson.—Addison Foster and Annie Foster, his wife, vs. The Phila. and Gray's Ferry Passenger Railway Company.—This was an action brought to recover damages for injuries sustained by Mrs. Foster, a colored woman, in being kicked from a car of the defendants on the 17th of August, 1886.

The case differs from others of the same class tried in this court, owing to the behavior of the conductor and driver towards the plaintiff and her companion. The case on the part of the plaintiff was as follows:

Mary Jane Johnson.—I live in Baltimore, Md., was in Philadelphia, August 17, 1886; was visiting Mrs. Foster on the evening of the 17th of August. I was on Pine street at 7 o'clock; Mrs. F. lives in Addison street, between Seventeenth and Eighteenth; I was going with her to her home and a car came along with her on Pine street at 7 o'clock; I stopped the car by holding up my hand and we got in; the conductor was standing on the back platform; farthest from the horses, where the conductor generally stands; we both popped into the body of the car, and sat down; we sat there about five minutes before the conductor came in and asked for our fares; conductor came in and took our fare; I gave him ten cents; my change was received; nothing was said about change; we got in between Ninth and Tenth streets; conductor, after taking our money, went on to the platform; some passengers in the car said, "There were niggers in the car;" conductor then came up and said, "You are niggers, you will have to get out on the platform;" this was about a quarter of eight; having taken our fare, I told him no, we had paid our fare, and would get out on the platform; he said he would stop the car; the car was stopped about five minutes; he said he would run the car off the track; the driver said we will take you to the depot and white wash and splash you; the conductor stood at the one door and some one at the other; he told us to get out; a lady was going to get out, and Mrs. Fisher attempted to get out at the same time, and I tried to follow Mrs. Fisher; the conductor pushed us back in the car; the driver would not let us get out; the white lady got out as the car stopped.

Question—What do you mean—that he took hold of you?
Answer—He pushed us back in the car; we were inside and went towards the door, and he told us to go back; the niggers should not get in the car; the niggers next to a lady and gentleman opposite to Mrs. Foster started to get out and beckoned her to follow; the conductor did not see this; Mrs. Foster went to the door; the driver put his arm across the door; Mrs. Foster pushed her way past him and got on the platform, and just as she got on the platform he kicked her back; she fell back, and he would not let me get up; he took me to the depot and Mrs. Foster followed me; she said she would follow me; she said she was sitting there and she said she was sitting in the car when Mrs. Foster got there; she had followed the car out; I did not know where I was as I was a stranger in the city.

Mr. W. D. Hirst, Jr., objected to testimony in regard to what occurred in the depot.
Justice Thompson, (to Mr. Goforth)—You know this is an action against the company for its regulations. Unless you can show that the company is liable for the acts of the driver and conductor to maltreat the passengers, this testimony would not be proper. If this was an action against the conductor and driver, I would make them remember it as long as they lived, but they cannot commit outrages in the name of the company.

The broad principle that the master is answerable for the acts of his agents in anything that pertains to the business of the master has been the Supreme Court so far extended as to make the company responsible for the acts of conductors and drivers when they are acting as driver and conductor in and about the business of the company. In this case, after the case was done, their hiring by the company was just as much a fact before, and anything they might do was just as much a part of the company's duties as when the car was on the street.

Justice Thompson—I can't agree with you. Mr. Goforth—I offer to prove the continuation of the act of the driver and conductor, after the car had reached the depot, and while it was still in charge of the agent.
Mr. Hirst—In this case, after the driver, urging that at the end of the journey the conductor and driver ceased to be agents of the company, and were free to do as they pleased, and were personally responsible for their acts.

Justice Thompson sustained the objection, and declined to admit the testimony.
Cross-examination by Mr. Hirst—I am plaintiff in the case proceeding against the same company; I had just come from Baltimore; arrived in the one o'clock train; I was on Pine street, Mrs. Foster; I was not with her in a rough manner, and conductor took my fare, nor when I got into the car; we got in between Ninth and Tenth streets. After some of the passengers made a disturbance, the conductor was not with us; the conductor said we were "niggers;" the conductor was on the car at the time; after that nothing was said to them until the car got near Eleventh; then the driver stopped the car; I had seen no signal from the conductor; the driver opened the door, and the women they knew they had no right there, and must get out; one of the women said she had just come from Baltimore, when the car stopped at the depot, and she refused to get out; the driver or conductor threatened to throw the car off the track if they didn't get out; then the conductor proposed to drive them to the depot and white wash them; at Broad street the car stopped again to let some one in or out, and the women attempted to get out; they said they had come as far as they wished to go; the conductor and some man at the rear prevented them from getting out, and car was driven on again; I think it was necessary, and this agitation wished to get out and the conductor asked her if she would not sit still, as he didn't wish to stop the car for her; those women would get out; the car did not stop; at Nine-

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