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69TH CONGRESS }
1st Session }

SENATE

} REPORT
No. 641

KATHERINE SOUTHERLAND

APRIL 19 (calendar day, APRIL 21), 1926.—Ordered to be printed

Mr. MAYFIELD, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 1339]

The Committee on Claims, to whom was referred the bill (S. 1339) for the relief of Katherine Southerland, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6, strike out the figures "\$3,000" and insert "\$2,067, in full settlement of all claims."

The facts are fully set forth in Senate Report No. 993, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 993, Sixty-eighth Congress, second session]

The Committee on Claims, to whom was referred the bill (S. 449) for the relief of Katherine Southerland, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6 strike out the figures "\$2,567" and insert in lieu thereof the figures "\$2,067."

The bill provides for the payment of \$2,067 to Katherine Southerland for injuries received and losses sustained as a result of being run down and over by a motor truck of the United States Army in Washington, D. C., on November 7, 1921.

The facts are fully set forth in the following correspondence and statement of Miss Southerland, which are appended hereto and made a part of this report.

DEPARTMENT OF STATE,
Washington, May 9, 1922.

HON. KENNETH MCKELLAR,
United States Senate.

DEAR SENATOR MCKELLAR: May I not bring to your attention, through the accompanying brief account, an accident in which I was injured on November 7, 1921, through having been run down by a motor truck of the United States Army driven by Samuel L. Davis, who was wearing the uniform of a private in the Army?

In view of the facts set forth and of the great pain and profound nervous shock which I have undergone as a result of this accident, as well as the financial outlay necessitated thereby, which I am ill able to bear, I would most respectfully ask if it is not possible that some relief may be granted me in accord with the appended statement.

Should any information be desired as to my connection with this department I am privileged to state that Mr. William R. Castle, jr., Chief of the Division of Western European Affairs, whose secretary I am, will be glad to have you communicate with him and will assist in any way possible.

I should be tremendously grateful for your assistance in this matter.

Very sincerely yours,

KATHERINE SOUTHERLAND.

ACCOUNT OF THE ACCIDENT

On November 7, 1921, at about 2 o'clock in the afternoon, I was returning to my duties in the State Department following the luncheon period. Walking north on Seventeenth Street, on reaching the intersection of Seventeenth and B Streets I was halted for several minutes by the signal of the traffic officer to permit of the movement of the east and west traffic. Promptly on the signal for the north and south movement I went forward on the crossing provided, happening to be one of the last of a number of persons moving in that direction. About half the street at this point was then closed to traffic, owing to the construction of the "arch of jewels," then nearing completion. On account of this construction it was not possible to obtain a clear view until well toward the center of the street. I looked carefully in both directions. Apparently all B Street traffic had stopped to permit of our crossing. I then proceeded in accord with the officer's signal, and while so crossing I suddenly became aware that an Army truck was almost upon me, coming at a high rate of speed, notwithstanding the fact that the traffic signal was set in the opposite direction, requiring it to halt. Realizing instantly the impossibility of escape I wheeled and faced the truck, putting both hands out in front of me to protect my face, and with the hope of forcing my body if possible, when the impact came, to fall between the wheels and escape being crushed.

I remember nothing following the crash until after reaching Emergency Hospital, where I had been promptly taken by the traffic officer in a passing automobile. It was there found necessary for the attending surgeons to take a number of stitches to close a jagged scalp wound and to administer the necessary remedies for profound shock, until the full extent of injury could be ascertained.

The traffic officer A. E. Croissant, of the United States park police, appeared that night to ask as to my condition, that the police court might be informed as to the probable time I would be able to give my testimony. He informed me that he had reported to headquarters that at the time of the accident I was in the place provided for pedestrians, was clearly within my rights in accordance with his traffic signal, was not guilty of even the slightest contributory negligence, and was powerless to avert the collision. He gave it as his opinion that the accident was probably due to the fact that the truck driver was looking up intently at the arch of jewels which was flashing brilliantly in the sunlight, and was consequently unaware that the traffic signal required him to stop. It is my understanding that the truck was on the wrong side of the street.

The police court hearing took place on Friday, December 2, 1921. Testimony given by the two traffic officers, A. E. Croissant and W. H. Sconyers, both of whom witnessed the accident, exculpated me entirely from any possible charge of contributory negligence or carelessness. Private Davis was found guilty, fined, and turned over to the War Department for further punishment.

While I afterwards learned that Private Davis had promptly reported to Colonel Prentice, his commanding officer at Fort Hunt, upon his release from custody, it surely must be that no report could have been made to the proper authorities of the War Department within any reasonable time, as no inquiry whatever was made—not even as to whether I had survived.

Nearly three weeks after the occurrence, Colonel Prentice, accompanied by a Captain Greene, called on me, finding me still unable to be up. After an exhaustive interview, it finally developed that the purpose of this visit (which was the first evidence of even the slightest interest in the matter by the War Department) was to endeavor to dissuade me from appearing against the driver in the traffic court. Colonel Prentice so stated to me, saying that if I did appear the man probably would be convicted and that he himself would then have to court-martial him; that the driver was an overseas veteran, 37 years old, and that he was an absolutely "green countryman" who had never been in the city of Washington but once before; that he was supposed to be provided, on entering the city, with some one to sit with him on the truck who did know the city, but that this had been neglected; that the man was badly frightened at catching sight of me in front of his truck a second before I was struck down, and had admitted that he lost his head. Colonel Prentice also told me that he had himself mapped out the route his driver was to follow on reaching Washington and that his instructions had been followed.

At the close of the interview, Captain Greene informed me that he was the legal representative of Private Davis, presumably so assigned by the War Department. Both these officers were, of course, present at the traffic court proceedings.

In addition to the intense suffering and the profound nervous shock, the accident necessitated my being absent from my duties as private secretary to the Chief of the Division of Western European Affairs, Department of State, for more than six weeks. I am under the care of my physician indefinitely as a result of the injuries sustained.

Respectfully submitted.

KATHERINE SOUTHERLAND.

STATEMENT OF EXPENSE

WASHINGTON, *May 9, 1922.*

Medical services to date, as per attached bill.....	\$200
Cost of special attendant required for three weeks, at \$30 per week.....	90
Cost entailed through time lost from duties, in excess of sick-leave allowance.....	75
Clothes ruined:	
Dress.....	\$65
Fur wrap.....	100
Hat.....	12
	177
Miscellaneous expenditures:	
Transportation from hospital, and to and from traffic court; drugs, surgical supplies, telephone charges, etc.....	25
Total (to date).....	567
For pain and shock.....	2,000
Grand total.....	2,567

KATHERINE SOUTHERLAND.

WASHINGTON, D. C., *May 1, 1922.*

Miss KATHERINE SOUTHERLAND,
Hotel Gordon.

To Joseph Decatur Rogers, M. D., for professional services from Nov. 7, 1921, to date for injuries received when struck by motor truck, United States Army, on Nov. 7, 1921..... \$200

WAR DEPARTMENT,
Washington, May 28, 1924.

HON. ARTHUR CAPPER,
*Chairman Committee on Claims,
United States Senate.*

MY DEAR SENATOR CAPPER: On March 7, 1924, the Committee on Claims of the Senate transmitted a copy of a bill (S. 449, 68th Cong., 1st sess.) for the relief of Katherine Southerland, proposing to pay her the sum of \$2,567 for injuries, stated in the bill to have been sustained as a result of being run down and over by a motor truck of the United States Army in Washington, D. C., on November 7, 1921. It was requested that the committee be furnished copies of papers in the files of the War Department relating to the matter, together with an opinion as to the merits of the bill.

On May 13, 1924, Lieut. Col. James Prentice, Coast Artillery Corps, who made an informal investigation at the time of the accident, submitted a report to the War Department, copy of which is inclosed herewith. A memorandum, dated May 22, 1924, by Capt. T. H. Green, Cavalry, who gained some knowledge of the facts shortly after the occurrence, is also inclosed. A rough diagram of the locality of the accident accompanies Captain Green's memorandum.

The statement of Colonel Prentice and the statement of Captain Green contain all the information in the files of the War Department respecting this occurrence. It is to be noted that while the soldier driving the truck at the time was convicted on a charge of reckless driving and fined \$20, his fine was remitted. According to statements of witnesses, made to Colonel Prentice and to Captain Green at the time, the truck did not strike Miss Southerland or run over her at all, but she, startled at the approach of the truck running at a very low rate of

speed, sank to the ground, striking her head against a protruding manhole cover, and sustained the injuries complained of. The extent of those injuries or the amount of financial loss suffered by Miss Southerland are not known to the War Department.

In view of the meager information of the War Department on this matter, I do not feel disposed to make any recommendation as to the merits of the bill.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

[Twenty-sixth indorsement]

Fort STORY, VA., May 13, 1924.

Returned to Commanding Officer, Coast Defenses Chesapeake Bay, Fort Monroe, Va.

1. On or about November 7, 1921, a detachment from the First Sound Ranging Company was on duty at Fort Hunt, Va., assisting the laboratory force of the Signal Corps Laboratory, Washington, D. C., in developing sound-ranging equipment.

The detachment had some light trucks for use in the work. These were driven by selected men. One of the drivers was Pvt. Sam Davis, First Sound Ranging Company, an overseas veteran, a man of excellent character, and a very careful driver. He drove a three-quarter-ton G. M. C. truck.

2. During the period the detachment was at Fort Hunt, I proceeded to New Cumberland, Pa., to procure some special wire needed in the work, taking along all vehicles except that of Private Davis, who was left to assist in any transportation the laboratory force might ask for during my absence.

Upon returning from New Cumberland general intermediate depot I was informed that Private Davis, accompanied by a Mr. Graham, an electrical engineer employed at the Signal Corps laboratory, had been arrested on account of a minor accident at the complicated street crossing near the Pan American Building and the Navy Building.

Private Davis and Mr. Graham had been taken to the municipal court, where a preliminary hearing had been had. They had reported the matter to the Judge Advocate General's office and a Captain Green from that office had been detailed to look out for their interests and the Government's interest.

I attended the trial of Private Davis, where, contrary to my sense of justice, he was found guilty of reckless driving and fined. The fine, at my request, was returned to him and he was placed on probation. Shortly afterwards, the work at Fort Hunt being completed, the detail returned to Fort Eustis, its home station.

3. As I recall, the circumstances were as follows:

This accident occurred during the disarmament convention. A temporary arch had been erected at this street intersection. The traffic regulation was in a chaotic condition and multitudes of curious people were in the habit of visiting this vicinity to watch the progress of the construction. Private Davis was proceeding from Fort Hunt to the Signal Corps laboratory with a load of delicate apparatus and along a route that had been prescribed on account of the smoothness of the pavement and its ordinary safety. He had stopped short of the arch and at what he thought was a signal from the traffic officer, had started ahead again. While still in low gear and at low speed he had suddenly seen a woman directly in front of his car. He set the brakes and came to a sudden stop. He stated that she had thrown up her hands and had apparently fainted and fallen before the car touched her. That her head had struck on a sharp-edged manhole plate in the center of the road. That the wheels had not run over her and that the front axle of the car was over her feet. That he had felt no shock. That the traffic officer was very much excited and appeared concerned about his own welfare on account of the poor way he was handling the crowd and traffic. These statements were corroborated by Mr. Graham, a man of excellent character.

4. Accompanied by Captain Green I visited Miss Southerland, who was boarding at a hotel on Sixteenth Street, Washington. She stated that her scalp had been cut and that her back had been bruised. She was still in bed. She contended that Private Davis was at fault, but appeared to know nothing about the traffic policeman. She was going to assist the prosecution of Private Davis. I was obliged to leave the city a few days later and did not see her again. Being an

employee of the State Department I understood that she was provided for by the law. At the time I did not think she was seriously injured although she was unable to work at a time when she could have made a good showing and might have been promoted.

5. I do not believe that Private Davis was at fault. The accident was caused by the poor management of the traffic by a new man combined with the temporary structure and the heedless crowds that were visiting it at noon.

6. With a view to protecting Private Davis in case the injuries had turned out serious I took occasion to observe the methods of the police in signaling at this corner. To begin with, the semaphore was removed. The officer had a way of standing at 45° to the axis of one of the intersecting streets while giving signals. This was confusing. The use of the camera or moving picture machine will show graphically how this is.

7. With reference to a report being made, I understood that the report to the Judge Advocate General's office was sufficient. Fort Hunt was a detachment post at that time under the jurisdiction of the Washington District.

JAMES PRENTICE,
Lieutenant Colonel, Coast Artillery Corps.

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, May 22, 1924.

Memorandum for the contract section, re injury to Miss Katherine Southerland.

My connection with the accident was merely as counsel for the soldier driver of the truck, who was charged with reckless driving in the Municipal Court of the District of Columbia. At the time I made certain notes for the trial of the case, but they are not now available. To the best of my recollection, the facts as they appeared at the time are as follows:

Sometime in November, 1921, I was directed by my section chief to represent Pvt. Sam Davis, Motor Transport Corps, in the Municipal Court of the District of Columbia, on a charge of reckless driving. The statements of Private Davis and a Mr. Graham, a civilian employee who was with Davis at the time of the accident, indicated that Davis, in charge of a G. M. C. truck, was proceeding from Fort Hunt to the Signal Corps laboratory in Washington, and had as his passenger Mr. Graham, an electrical engineer employed by the Government at Fort Hunt.

The truck was proceeding in a westerly direction along B Street near the corner of Seventeenth and B Streets NW. When the truck approached the corner, Private Davis stopped it, and, upon what he considered was a signal from the traffic officer, started with his truck in low gear to cross the street and continue along B Street.

He suddenly saw a lady step out in front of his truck a short distance away, and immediately applied his brakes to bring the truck to a stop. The lady apparently did not see the truck until it was very close to her, and upon seeing it she wavered backward and forward and, as the truck slowed down, appeared to relax and grasping the bumper of the truck, which stopped very close to her, sat down, and thereafter fell backward from a sitting posture and struck the back of her head on a manhole in the street. Private Davis stated that if the lady had kept on going she would not have been endangered.

Private Davis was arrested on a charge of reckless driving and posted \$40 collateral, and after three or four continuances at the request of the prosecution was found guilty of reckless driving and fined \$20. His fine, however, was remitted by the court.

During the pendency of this case, in company with Colonel Prentice, Coast Artillery Corps, I visited Miss Southerland, the lady injured, for the purpose of determining on what date she would be able to appear in court in order to wind up the case, which had been postponed several times because of her inability to attend the hearing. Miss Southerland said at that time that she knew very little about the accident other than that she saw the truck coming down on her at great speed and that she attempted to get out of the way but was struck and knocked down and injured. Miss Southerland stated that she had received a cut on the head and that she was badly shaken up.

The traffic officer, whose name I do not now recall, stated in court that he had set his signal against Private Davis, and that he had whistled before having set his signal, and that the driver of the automobile was at fault. This statement was contradicted by both Private Davis and Mr. Graham.

I remember going to the scene of the accident with Colonel Prentice and finding that the manhole on which, according to Private Davis, Miss Southerland's head had struck, stood above the ground about 2 inches and was located just within the white lines. Colonel Prentice pointed out to me the fact that certain temporary wooden structures which were placed on the sidewalk of Seventeenth Street south of B Street greatly interfered with the visibility of the traffic signals. It was perfectly clear to me on visiting the location of the accident that pedestrians who walked within the white lines and made right-angular turns, as is required, were the exception rather than the rule.

A diagram of the location of the accident is attached hereto.

Private Davis appeared to be an honest, intelligent, and reliable man, and I believe his version of the accident.

THOMAS H. GREEN,
Captain, Cavalry.

WASHINGTON, D. C.:

Walter H. Sconyers deposes and says:

I am a United States park policeman in the city of Washington and held such position on November 8, 1921. On that date I was standing at Seventeenth and B Streets NW. About 1.35 p. m. I noticed a lady going south on Seventeenth, and about the same time saw a United States Army truck going west on B. The number of the Army truck was 214262. I next saw the right front fender and bumper strike the lady, who was a little over halfway past the center of the street. She was knocked on her back. Mr. Croissant, who was with me, and I picked her up, put her in a passing automobile, and took her to the Emergency Hospital. The driver of the truck, Pvt. Samuel L. Davis, of Fort Hunt, Va., was locked up at No. 1 police station, charged with colliding. I afterwards learned from Croissant that the lady's name was Katherine Southerland. I was taking care of the pedestrians who were crossing the street, and in my judgment Miss Southerland was not at fault, as Officer Croissant had given the signal for north and south bound traffic and Miss Southerland was going south. The driver of the truck, Pvt. Samuel L. Davis, was guilty of negligence, because he failed to comply with the signal to stop that Officer Croissant gave him, and did not stop until after he had struck Miss Southerland. There was no reason for his having struck her at all. The case was taken to the police court and continued on account of Miss Southerland being in bed from her injuries. Some days or weeks later Davis was tried and convicted. Of course, after that I do not recall what, if anything, was done.

This 27th day of May, 1924.

WALTER H. SCONYERS.

Subscribed and sworn to before me this 27th day of May, 1924.

[SEAL.]

CHARLES F. PACE,
Notary Public, Washington, D. C.

My commission expires March 15, 1926.

WASHINGTON, D. C.:

A. E. Croissant deposes and says:

I am a United States park policeman in the city of Washington and held such position on November 8, 1921. On that date I was stationed at Seventeenth and B Streets NW. About 1.35 p. m. I noticed a lady going south on Seventeenth, and about the same time saw a United States Army truck going west on B. The number of the Army truck was 214262. I next saw the right front fender and bumper strike the lady, who was a little over halfway past the center of the street. She was knocked on her back. I picked her up and took her to the Emergency Hospital, where she was treated by Doctor Bowen for cuts and bruises about body and head. I was informed at the hospital that her condition was not serious. The driver of the truck, Pvt. Samuel L. Davis, of Fort Hunt, Va., was locked up at No. 1 police station, charged with colliding. Upon taking the lady to the hospital, the lady injured gave her name as Miss Katherine Southerland, address Gordon Hotel, white, aged 40 years. In my judgment, Miss Southerland was not guilty of negligence, as my signal had been given for north or south bound traffic and Miss Southerland was going south. Private Davis failed to comply with my signal to stop. Miss Southerland was guilty of no negligence because she was crossing the street in accordance with my signal given her. The driver of the truck, Pvt. Samuel L. Davis, was guilty of negligence,

because he failed to comply with the signal to stop that I gave him and did not stop until after he had struck Miss Southerland. There was no reason for his having struck her at all. The case was taken to the police court and continued on account of Miss Southerland being in bed from her injuries. Some days or weeks later Davis was tried and convicted. Of course after that I do not recall what, if anything, was done.

This 27th day of May, 1924.

A. E. CROISSANT.

Subscribed and sworn to before me this 27th day of May, 1924.

[SEAL.]

CHARLES F. PACE,
Notary Public.

My commission expires March 15, 1926.

WASHINGTON, D. C., May 31, 1924.

Re Miss Katherine Southerland.

This is to certify that I treated Miss Katherine Southerland on November 7, 1921, when she was struck by an Army truck, and continued to treat her for many months thereafter.

Her injuries consisted of numerous contusions and lacerations over body, wrenching of muscles and ligaments of arms, back, and legs, and traumatism of the central nervous system. She suffered much pain and anguish.

JOSEPH D. ROGERS.

METROPOLITAN POLICE DEPARTMENT,
Washington, D. C., May 14, 1924.

To the MAJOR AND SUPERINTENDENT.

Copy of the incidental concerning Miss Katherine Southerland, under date of November 8, 1921.

About 1.30 this afternoon (November 8, 1921) an auto truck, United States Army No. 214262 operated by Samuel L. Davis, of Fort Hunt, Va., collided at Seventeenth and B Streets, NW. with Miss Katherine Southerland, white, 40 years, of the Gordon Hotel. She was removed to the Emergency Hospital in a passing auto and treated by Doctor Bowers for cuts and bruises about the body and head. Condition not serious.

The driver of the truck was locked up at No. 1 precinct and charged with colliding.

Witnesses: A. Rogers, Roy Dalpe, and George A. Graham, all of Fort Hunt, Va. Park officer, William H. Sconyers.

A. E. CROISSANT, *Park Police.*
C. E. E. FLATHER,
Captain Third Precinct

In the police court of the District of Columbia. November term, 1921. Hardisen, judge; Captain Green, lawyer. No. 665221. District of Columbia v. Samuel L. Davis. Information: Violation of police regulations. Continued to November 18.

Defendant arraigned November 18, 1921.

Plea: Not guilty.

Judgment: Guilty.

Forty dollars collateral deposited in lieu of bonds. Personal recognizance in the sum of \$100 entered into to appear in police court.

Sentence: To pay a fine of \$20 and, in default, to be committed to the Washington Asylum and Jail for the term of 20 days. Execution of sentence suspended. Defendant, by and with his consent, is placed on probation for the period of six months.

May 25, 1922, term of probation having expired, probationer discharged from further supervision by order of court.

Witness for United States:

A. E. CROISSANT.

MAY 15, 1924.

I hereby certify under the seal of this court that the foregoing is a true copy of the record of the proceedings had in the police court in the above-entitled case.

[SEAL.]

J. ROBERTSON,
Deputy Clerk, Police Court, District of Columbia.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS
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