

against any further legislation for the benefit of the Peninsular Railroad Company, which was referred to the Committee on Public Lands.

He also presented a memorial of L. H. Morgan, one of the directors of the Bay de Noquet and Marquette Railroad Company, and also of the Marquette and Ontonagon Railroad Company, in behalf of the directors and stockholders of those companies, praying for an extension of the time for the completion of their roads; which was referred to the Committee on Public Lands.

Mr. SHERMAN presented the petition of Hon. Lewis D. Campbell, of Butler county, Ohio, praying for such an amendment to the naturalization laws as to provide that no person who has sought during the present rebellion or who hereafter in time of war may seek exemption from military service on the ground of allegiance shall ever be entitled to the privileges of a citizen of the United States or to vote or hold any office or appointment under the Federal Government; which was referred to the Committee on Military Affairs and the Militia.

Mr. WADE presented a petition of citizens of Grand Traverse county, Michigan, praying for the abolition of slavery throughout the United States; which was referred to the select committee on slavery and freedmen.

PAPERS WITHDRAWN.

On motion of Mr. SAULSBURY, it was ordered, That Samuel A. Ward have leave to withdraw his petition and other papers from the files of the Senate.

BILL INTRODUCED.

Mr. CLARK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 111) ratifying and confirming the proclamation of the President of the United States dated January 1, 1863, and giving it the force of statute; which was read twice by its title, and referred to the select committee on slavery and freedmen.

REPORTS FROM COMMITTEES.

Mr. FOOT, from the Committee on Public Buildings and Grounds, to whom was referred a bill (S. No. 43) relating to the office of Commissioner of Public Buildings, reported it with amendments.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the memorial of Samuel Chase Barney, praying that inquiry may be made into the causes of his dismissal from the naval service, have instructed me to report it back and to ask that the committee be discharged from its further consideration. The committee think they have no jurisdiction of it.

The report was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred a bill (S. No. 108) relating to acting assistant paymasters in the Navy, reported it with an amendment.

Mr. NESMITH, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 40) to define the pay of the officers of the Army of the United States, reported adversely thereon.

Mr. HARRIS, from the Committee on the Judiciary, to whom was referred a bill (S. No. 42) repealing certain statutes of limitation, reported it with amendments.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred a petition of citizens of Wisconsin, praying for the passage of a law prohibiting members of Congress and other persons holding office under the Government of the United States from acting as attorneys or counselors in any case in which the United States is a party, have instructed me to report it back, and ask to be discharged from its further consideration, a bill being before the Senate on that subject.

The report was agreed to.

Mr. TRUMBULL. The same committee, to whom was referred a bill (S. No. 52) to provide for the summary trial of minor offenses against the laws of the United States, have instructed me to report it back to the Senate with an amendment in the shape of a substitute for the bill.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 103) to define the rank, pay, and emoluments of chaplains in the United States Army and volunteer force, and for other purposes,

reported it with a recommendation that it do not pass.

ENLISTMENTS IN THE ARMY.

Mr. BROWN. Mr. President, there is a bill made the special order for to-morrow (S. No. 41) to promote enlistments in the Army of the United States, and for other purposes. I should like to offer an amendment to or a substitute for the third section now pending, for the sake of having it laid upon the table and printed, with the consent of the Senate, so that Senators may see it before it comes up.

The VICE PRESIDENT. The Chair will receive it, if there be no objection. The Chair hears none.

The amendment was ordered to be printed.

COURTS IN INDIANA.

Mr. POWELL. I am instructed by the Committee on the Judiciary, to whom was referred a bill (S. No. 100) authorizing the holding of a special session of the United States district court for the district of Indiana, to report it back with amendments, and recommend its passage. It is a matter of very special interest to the people of that district, the late district judge there having died during the term of the court, and a special term is very much desired. I therefore ask that the bill be now taken up and considered.

By unanimous consent the bill was considered as in Committee of the Whole. It provides for the holding of a special session of the United States district court for the district of Indiana at the usual place, on the second Tuesday in March, 1864, to continue in session so long as the business may require. All suits and proceedings of a civil or criminal nature now pending in or returnable to the court are to be proceeded with, heard, tried, and determined at the special session, in the same manner as at a regular term of the court; and the judge may order the impaneling of a petit jury for the special session, but not a grand jury; and no case is to be considered which stands continued to the May term by order of the court.

The amendments of the committee were to strike out in section one the words "and continue in session so long as the business thereof may require;" and also to strike out section three, in the following words:

SEC. 3. *And be it further enacted,* That this act be in force from and after the passage thereof.

Mr. POWELL. These two amendments are merely to strike out what is surplusage in the bill. The court will, of course, have a right to continue its session while there is business before it, and the act will necessarily be in force from its passage.

The amendments were agreed to, the bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ABOLITION OF SLAVERY.

Mr. TRUMBULL. The Committee on the Judiciary, to whom were referred various petitions from different parts of the country, praying for an amendment of the Constitution of the United States so as to incorporate a provision prohibiting slavery in all the States and Territories of the Union, and also a joint resolution (S. No. 16) proposing amendments to the Constitution of the United States, and a joint resolution (S. No. 24) to provide for submitting to the several States an amendment of the Constitution of the United States, instruct me to report back an amendment to the Senate of the joint resolution No. 16, in the way of a substitute. I will state that the amendment, as recommended by the Committee on the Judiciary, provides for submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States so that neither slavery nor involuntary servitude, except as a punishment for crime, whereof a party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction; and also that Congress shall have power to enforce this article by proper legislation. I desire to give notice to the Senate that I shall, at an early day, call for the consideration of this resolution.

COMMITTEE ON MANUFACTURES.

Mr. ANTHONY. I ask the Senate to take up the resolution which I offered several days ago to

amend the 34th rule of the Senate by appointing a standing Committee on Manufactures.

The motion was agreed to; and the Senate proceeded to consider the following resolution submitted by Mr. ANTHONY on the 4th instant:

Resolved, That there be added to the 34th rule of the Senate, providing for the appointment of the standing committees, the following, namely: "A Committee on Manufactures, to consist of five members."

The resolution was adopted; and on motion of Mr. ANTHONY, the Vice President was authorized to appoint the committee.

Mr. ANTHONY. I desire to state that I do not wish to be upon the committee.

EXCLUSION OF COLORED PERSONS FROM CARS.

Mr. SUMNER. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on the District of Columbia be directed to consider the expediency of further providing by law against the exclusion of colored persons from the equal enjoyment of all railroad privileges in the District of Columbia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. POMEROY. I wish the Senator would so amend his resolution as that it might prevent the difficulties which colored men have in getting out of this District. They cannot go on a railroad car or get out of the District.

Mr. SUMNER. The first question is on taking up the resolution.

The VICE PRESIDENT. The resolution is now before the Senate.

Mr. SUMNER. My special motive in offering this resolution is to call attention to a recent outrage which has occurred in this District. I do it with great hesitation. At one moment I was disposed to keep silence with regard to it, believing that upon the whole the good name of our country required silence; but I notice that it has already found its way into the journals, and I think therefore it ought to find its way into this Chamber.

An officer of the United States with the commission of a major, with the uniform of the United States, has been pushed off one of these cars on Pennsylvania avenue by the conductor for no other offense than that he was black. Now, sir, I am free to say that I think we had better give up railroads in the District of Columbia if we cannot have them without such an outrage upon humanity and upon the good name of our country. An incident like that, sir, is worse for our country at this moment than a defeat in battle. It makes for our cause abroad enemies and sows distrust. I hope, therefore, that the Committee on the District of Columbia—I know the disposition of my honorable friend the chairman of that committee—in the bills which we are to consider relative to the railroads in this District will take care that such safeguards are established as will prevent the repetition of any such outrage.

Mr. HENDRICKS. Let the resolution be read.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) It will be again read.

The Secretary read it.

Mr. SAULSBURY. Let us have the yeas and nays on that proposition.

The yeas and nays were ordered.

Mr. JOHNSON. I have not heard the resolution. Is it a resolution of inquiry only?

The PRESIDING OFFICER. It is a resolution directing the committee to inquire into the subject named.

Mr. WILKINSON. I saw in a New York newspaper the other day an account of a transaction similar to the one alluded to by the Senator from Massachusetts. I was in hopes then, and indeed I thought, there was some mistake about it, because I did not know that any colored persons were commissioned with the rank of major by the President of the United States; and I was in hopes, for the honor of the country and for the honor of the capital, that there was some mistake in regard to it.

Mr. SUMNER. He was a surgeon in the military service.

Mr. WILKINSON. It appears that he was a surgeon in the Army; I suppose a surgeon of a colored regiment.

Mr. SUMNER. Certainly.

Mr. WILKINSON. Sir, I hope this reference will be made; and that the Committee on the Dis-

trict of Columbia will see to it that no corporation shall hereafter commit such an outrage.

Mr. HENDRICKS. I would have given a silent vote on this resolution, indeed, I should not have cared to vote any way, except for the explanations that have been made by the Senator who introduced it and the Senator from Minnesota. It seems to be considered a great outrage that the negroes in the District of Columbia are not allowed to take their seats in the same cars with the white men and women who travel on the railroads of this city. If I were to express any opinion on the subject, I should say the outrage would be the other way. But perhaps it is due to the company to say that I have observed the fact, as I suppose other Senators have observed it, that there are cars furnished for the colored people of the District, and those cars are plainly indicated, so that there can be no mistake.

I do not understand from the Senator who has introduced this resolution that any negro has been denied the right to ride in the cars which, at the expense of the company, have been provided for their accommodation; but the difficulty, I suppose, has arisen because the negro declined to ride in the cars that are provided for persons of his color, and claimed the right to ride in the cars that are provided for the white men and women who travel on these railroads. I am perfectly willing that upon all questions the committees shall investigate and report what their investigations require them to report to the Senate, and this being a mere resolution of inquiry there can be no objection to it, perhaps, except for the meaning that is given to it by the explanations of Senators, and therefore I shall vote against the resolution.

Mr. GRIMES. Mr. President, I have no objection to this inquiry, and I am in favor of it, although I hope and am inclined to believe that there must be some mistake about the facts. I saw a telegraphic dispatch that had been sent through from this city to one of the New York papers, making this statement, and that the matter had been referred to General Martindale, who is the military governor, I believe, of this District. I had supposed, situated as I was, that if there was any occurrence of this kind it would be brought to my attention by somebody, or in some manner other than through a New York newspaper, but I have never heard any allusion to it by anybody either before I saw it in that paper or since. My friend from New Hampshire says it has been mentioned in the papers of the District, but it escaped my observation.

I think the Senator from Indiana is right in saying that there were or have been cars for colored people, but I doubt whether there are any now. At any rate no one has attracted my attention for some weeks.

Mr. CARLILE. I saw several yesterday.

Mr. SHERMAN. I rode in one a day or two ago.

Mr. HENDRICKS. I will say to the Senator from Iowa that very recently, without observing it, I found myself crowding on the colored population in one of their own cars, and as I did not choose to press upon their rights of course gave them the car. It was their right; it was provided for them, and of course I did not question that right. So I am sure that provision has been made for their accommodation.

Mr. GRIMES. I have found myself in some of the cars, and I did press myself upon their attention and rode with them, and I did not consider myself disgraced by riding in the Senate Chamber in a car with some colored people.

Mr. SUMNER. Mr. President, I am sure that the Senator from Indiana is mistaken in regard to the provision for colored persons. There may be here and there, now and then, once in a long interval of time, a car which colored persons may enter; but any person who traverses the avenue must see that those cars come very rarely, and if any person takes the trouble to acquaint himself with the actual condition of things he will know that there are great abuses and hardships, particularly among women, growing out of that outrage. I use plain language, sir, for it is an outrage; it is a disgrace to this city; it is a disgrace to this Government which sanctions it under its eyes. It is a mere offshoot of the slavery which happily we have banished from Washington.

But now go back to the facts on which I predicated my motion. The Senator from Iowa has

referred to the case of the colored officer. I have in my hand the letter of that officer addressed to his military superior making a report of the case, and as it is very brief I will read it:

WASHINGTON, D. C., February 1, 1864.

Sir: I have the honor to report that I have been obstructed in getting to the court this morning by the conductor of car No. 22, of the Fourteenth street line of the city railway.

I started from my lodgings to go to the hospital I formerly had charge of to get some notes of the case I was to give evidence in, and halted the car at the corner of Fourteenth and I streets. It was stopped for me and when I attempted to enter the conductor pulled me back, and informed me that I must ride on the front with the driver, as it was against the rules for colored persons to ride inside. I told him I would not ride on the front, and he said I should not ride at all. He then ejected me from the platform, and at the same time gave orders to the driver to go on. I have therefore been compelled to walk the distance in the mud and rain, and have also been delayed in my attendance upon the court.

I therefore most respectfully request that the offender may be arrested and brought to punishment.

I remain, sir, your obedient servant.

A. T. AUGUSTA, M. D.,

Surgeon Seventh U. S. Colored Troops.

Captain C. W. GREENEVILLE, Judge Advocate.

I believe that the writer of this letter had just as much right in that car as the Senator from Indiana, and I believe that it was just as great an outrage to eject him from the car as it would be to eject that Senator. I go further and I say—I merely take him for illustration—that the ejection of that Senator from a car would not bring upon this capital hill the shame that the ejection of this colored officer from the car necessarily brings upon the capital, or any other Senator, for I do not mean of course to make the remark personal; but as the Senator from Indiana has entered into this discussion and chooses to vindicate this inhumanity, I allude to him personally.

Mr. WILSON. Mr. President, I saw this statement in the New York papers, and I supposed, of course, it was true; for we all know that a very large quantity of the knowledge we get of what is going on, not only in the city, but in Congress, is obtained from the New York papers; but, as is suggested by the Senator from New Hampshire, I have also seen it in the Washington papers. It is a case that I think calls for the action of Congress. I know no right that this company has to make these distinctions here in the capital where all persons are free and equal before the law.

But, sir, this is not the only place that needs reform. There are other portions of the country that need reform also where, perhaps, the matter is not under our control. On our own cars that we are running on our own military roads these outrages are committed. The other day a friend of mine came up from the Army, and with him two colored men, and they were forced into a cattle car while he rode alone in a freight car over that road, forced there by the persons exercising the control under the authority of the United States.

The truth about it is, sir, that slavery has had its corrupting and malign influences upon the country. The country will yet, however, be abolitionized and civilized and humanized, but it must be abolitionized before the high civilization or the high humanity will come. It is all going well and right. I hope that some action will be taken in reference to this matter, and I hope the Federal Government will correct these outrages that are perpetrated by persons employed by them on some of our own military roads.

Mr. HENDRICKS. I desire to add a single remark to what I have felt it my duty to say. And first I wish to ask the Senator from Massachusetts who has just taken his seat if he has not heard of tens of thousands of cases where white soldiers have been compelled to ride in cattle or burden cars. I know that nothing is more common in the pressure upon the railroads of the Northwest than for that very thing to occur.

Mr. WILSON. In reply to the question of the Senator I will say that there is no doubt that it is true. That, however, I take it was a matter of necessity. I have no idea that any soldiers in any part of the country have been driven into the cattle cars while other cars used for carrying freight and being clean and neat go without passengers. In this case these persons were forced into the cattle car, and the gentleman told me he rode nearly all the way alone, when there was room for a large number of other persons in the car. He inquired about it of two officers, and the

answer was that the cattle cars were for "the niggers."

Mr. HENDRICKS. During the very cold winter weather toward the commencement of this session, under the very eye of Senators, the veterans from the Potomac and the Rapidan came into this city in cars that were not at all fit for white people, in which they suffered extremely for the want of fire; and yet neither that Senator nor any other Senator felt that the cause of humanity and right required them to call the attention of the Senate to the circumstance.

I am satisfied, sir, that the Senators have now declared the end to which we are to come, and that by the action of the Federal Government the social as well as the political equality of the negro is to be forced upon the white race. If that be the judgment of the country we shall have to accept it. The people that I represent in this Chamber have not yet adopted that sentiment. The distinction between the two races is yet maintained in Indiana. How much longer it will be maintained I am not able to say.

The Senator says that abolitionism is to do its work, and one of its works, as I understand from him, is to bring about social equality. I presume he means also political equality. I think that we will not consent to that very readily in the State of Indiana. Indiana has not been for a great number of years in fact or in law a slave State. At one time there were a few slaves in that State, but it has been substantially a free State since 1816, the time of its admission, and yet, sir, accustomed as we are to white labor there, and to none other, we are not content that equality, social and political, of the black race shall be forced upon us; and I am glad now that in plain terms the two distinguished Senators from Massachusetts and the Senator from Minnesota have told the country that this is the end we are to come to, that this war is not only for the freedom of the negro but for the equality of the negro socially as well as politically, and the country can now appreciate the issue that is before it.

Mr. POMEROY. I think, Mr. President, the Senator is mistaken in saying that Indiana is a free State. I never heard of that, because I have noticed that white men in Indiana are not free. There is a law in that State which prohibits white men from employing colored men unless they were in the State at the adoption of the constitution. Colored men who happened to live in Indiana at the time the State constitution was adopted can be employed as laborers; but if any white man in that State employs a colored man who has gone in since, he is subject to a fine and also to a forfeiture, and I believe imprisonment. If that makes Indiana a free State it is not such a free State as I would make if I were to make one.

Mr. CLARK. I think the Senator from Indiana has mistaken the resolution. I understand him to characterize this as a resolution to force the negro into the cars. I understand it to be a resolution to prevent you from forcing him out—not to force social equality, but to prevent an outrage upon him.

Mr. HENDRICKS. Mr. President, I did not intend to say another word, and I should not now say anything except for the remarks of the Senator from Kansas in respect to the policy which Indiana has seen fit to adopt. In this Chamber, sir, it is not a part of my labor to defend the policy that the people of that State see fit to adopt; but I will simply say this: We lie alongside of the State of Kentucky, and free negroes were constantly coming into our State, and our people thought we would have the negro there neither as a free man nor as a slave, and they decided in favor of that policy by the largest vote that was ever given in the State upon any question submitted to the people—by a majority, I think, of ninety-three thousand. That has been the policy of Indiana; and in this connection I will simply add that under that policy the colored population of Indiana between 1850 and 1860 increased but about one and a half per cent., while in the adjoining State of Ohio, in which they had no such protection to free white labor, the negro population increased, I believe, about forty-one per cent.

Mr. WILSON. A single word, Mr. President, in regard to what the Senator from Indiana has said of our soldiers and how they are carried. I never learned that over the military road of the Government between Alexandria and the Army any abuses were made of our soldiers. If I had

learned such a fact in any form I think I should have been likely to refer to it. I am sure of one thing, that if ever I saw any conductors on that road drive soldiers from the freight cars which had carried freight to the Army, into other cars that had carried cattle to the Army, while the freightcars were empty and were retained for some privileged or favored persons to ride in, I should have denounced it here and elsewhere.

I will say further, as we are speaking to-day in regard to the management of these roads, that I have no reason to complain of the management of the railroad in the city of Washington, or of any of its conductors toward myself. I believe the most of them are men who do their duty, and do it faithfully, but I have seen cases where I have remonstrated with them, not for driving black men out of the cars, because I have never seen that done, although I have seen black men, and women forced on to the front part of the cars to ride in cold and stormy weather; but I have seen soldiers traveling in this city in some cases slighted and abused by conductors on this road. I have remonstrated with them for such conduct; and I know other persons who have witnessed the same thing.

What I mean to say about this matter is this: I do not want to force on the Senator from Indiana or anybody else any class of men with whom he does not choose to associate, but I think the true policy is to let men stand equally before the law, to let men win their own positions, let them have the privilege of making out of themselves all that God and nature intended they should be.

The question being taken by yeas and nays, resulted—yeas 30, nays 10; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Colman, Comess, Cowan, Dixon, Fessenden, Foot, Foster, Graves, Hale, Harlow, Harris, Howard, Howes, Keane, Kansas, Morgan, Morrill, Pomroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Willson—30.

NAYS—Messrs. Bucklew, Davis, Harding, Hendricks, Nesmith, Powell, Richardson, Riddle, Staunton, and Van Winkle—10.

So the resolution was agreed to.

MEMBERS OF CONGRESS AS COUNSEL.

MR. TRUMBULL. I move to take up for consideration Senate bill No. 28, relating to members of Congress. I think we can pass it in the morning hour.

The motion was agreed to; and the Senate proceeded to consider, as in Committee of the Whole, the bill (S. No. 28) relating to members of Congress. The bill as originally introduced by **MR. WADE** provided that no member of the Senate or of the House of Representatives of the United States shall, during his continuance in office, hereafter appear or act as counsel, attorney, or agent in any cause or proceeding, civil or criminal, in any court, civil, criminal, military, or naval, or before any commission in which the United States is a party or directly or indirectly interested, or receive any compensation of any kind, directly or indirectly, for services of any description rendered by himself or another in relation to any such cause or proceeding; and that no member of the Senate or House of Representatives shall, during his continuance in office, receive or agree to receive any compensation whatsoever, directly or indirectly, for any services rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any Department, bureau, officer, or any civil, military, or naval commission whatever. A person so offending, on conviction, is to be deemed guilty of a misdemeanor, and be punished by a fine not less than \$500, and by imprisonment for a term not less than two years, and be forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

The bill was reported from the Committee on the Judiciary with amendments, the first of which was to strike out the following words:

No member of the Senate or of the House of Representatives of the United States shall, during his continuance in office, hereafter appear or act as counsel, attorney, or agent in any cause or proceeding, civil or criminal, in any court, civil, criminal, military, or naval, or before any commission, in which the United States is a party or directly or indirectly interested, or receive any compensation of any kind, directly or indirectly, for services of any description rendered by himself or another in relation to any such cause or proceeding. And.

MR. JOHNSON. I am not sure that I heard the bill read very distinctly. The most of its provisions, so far as I understand them from the reading, appear to be reenacting the laws as they are. An act passed several years ago prohibits any member of Congress from prosecuting any claim against the Government except in the courts. This bill, I think, repeats that provision. I did not rise so much for the purpose of suggesting that merely, as to suggest to the honorable chairman of the Committee on the Judiciary whether he thinks it is advisable to exclude the privilege of members of the Senate who happen to be professional men of appearing before courts-martial.

MR. TRUMBULL. The Senator from Maryland will permit me to say that the amendment now under consideration does not involve that. That will come up hereafter. We are now considering the question of striking out from the third to the twelfth line; and the words proposed to be stricken out prohibit a member of Congress from attending to any business whatever in any court, before any Department of the Government, either with or without compensation. If the bill as it was introduced were to pass no member of Congress would be permitted to act for his constituents before any of the Departments or in any of the courts of the country anywhere, either with or without compensation. The committee propose to strike that out. By the subsequent provisions of the bill it will be seen that, as the committee report it, they propose to restrain members of Congress and clerks in the Departments and heads of bureaus from receiving a compensation from any person for doing any business before any Department or any commission or anywhere else except in the judicial tribunals of the country. The bill as reported by the committee does not prohibit members of Congress from practicing in the courts of the country; but it does prohibit them from appearing before courts-martial, commissions, Departments, bureaus, or anywhere else for a fee or consideration received from any one. The question now is, however, on striking out these first twelve lines.

The amendment was agreed to.

The next amendment was in line twelve, after the word "shall" to insert the words, "after his election and," and in line fourteen after the word "office" to insert the words "nor shall any head of a Department, head of a bureau, clerk, or other officer of the Government," and in line seventeen after the word "rendered" to insert the words, "or to be rendered;" so that the clause will read:

That no member of the Senate or House of Representatives shall, after his election and during his continuance in office, as the head of a Department, head of a bureau, clerk, or other officer of the Government, receive or agree to receive any compensation whatsoever, directly or indirectly, for any services rendered, or to be rendered; &c.

The amendment was agreed to.

MR. TRUMBULL. While we are on that line, it has been suggested, to make the bill clear from any ambiguity, that after the words "or to be rendered," which have been inserted, there should be inserted the words "after the passage of this act;" so that it will apply to services rendered or to be rendered after the passage of this act. Otherwise it might cut off compensation which has been agreed on for a person attending before a court-martial or some other place where the law heretofore did not prohibit his attending. I move in the seventeenth line after the word "rendered" to insert those words, "after the passage of this act."

The amendment was agreed to.

The next amendment of the committee was in line twenty-two, after the word "Department" to insert the word "court-martial."

MR. JOHNSON. That is the particular provision.

THE VICE PRESIDENT. If the Senator from Maryland will pardon the Chair a moment, it becomes the duty of the Chair at this hour to call up the special order of the day, the morning hour having expired.

MR. TRUMBULL. It will take but a moment probably to get through with this bill. I do not apprehend that it will lead to discussion. I will therefore move to lay aside all other orders until we get through with this bill.

THE VICE PRESIDENT. If there be no objection on the part of the Senate that course will be pursued.

MR. HALE. I suggest to the Senator from

Illinois that possibly there may be some discussion on it. It is an important bill and marks out a new policy in the Government, a pretty wide departure from what has been practiced heretofore. I wish that it might be printed as it has been amended.

MR. TRUMBULL. It is printed as amended, and is before the Senator. It has been on our tables for a week or two.

MR. WILSON. I will suggest to the Senator to let this bill go over, and then we can take up a measure which I think it is very important to act upon, and that is the joint resolution to equalize the pay of soldiers of the United States Army.

THE VICE PRESIDENT. Does the Senator submit that motion?

MR. WILSON. I make that motion.

THE VICE PRESIDENT. The Senator from Massachusetts moves to postpone all prior orders for the purpose of proceeding to the consideration of the joint resolution indicated in his motion.

MR. TRUMBULL. I think we had better finish this bill. The bill has been printed, but the Senator from New Hampshire did not have it before him; that is all. It is a short bill. If he will send for a printed copy of Senate bill No. 28 he can have it before him in a moment.

MR. WILSON. I understood the Senator from New Hampshire to suggest that that bill would lead to considerable debate, and therefore I made my motion. If the Senator from Illinois thinks we had better go on with the bill I have no objection.

MR. HALE. I have no objection.

MR. FESSENDEN. I wish to suggest to gentlemen that if they postpone everything that leads to debate it will take them some time to get through with this session of Congress.

MR. HALE. I do not want any postponement of it.

THE VICE PRESIDENT. Does the Senator from Massachusetts withdraw his motion?

MR. WILSON. Yes, sir.

THE VICE PRESIDENT. The Chair then, if there be no objection, will proceed with the pending question. The bill (S. No. 28) relating to members of Congress is still before the Senate, the pending question being on inserting after the word "Department," in the twenty-second line, the word "court-martial," and on that the Senator from Maryland was on the floor.

MR. JOHNSON. I was under the impression it was postponed.

THE VICE PRESIDENT. It is now before the Senate at the point where the Senator arose.

MR. JOHNSON. As I said just now, I suggest to the honorable chairman of the committee, and the Senate, whether it is proper in itself to make this amendment, at the present time particularly. You have extended to courts-martial jurisdiction over almost every variety of crimes. There is hardly an offense known to the criminal statute which is not more remotely, indirectly, or directly of such a character that these courts-martial or military commissions are supposed to have, and certainly assume, jurisdiction. My impression has been, and still is, (with no disrespect to the Executive,) that these courts-martial are assuming jurisdiction which Congress never contemplated. In all cases of contract to furnish materials to the United States in any Department of the Government, if the Government believe, or have reason to believe, that the party has acted fraudulently in his execution of that contract, he is tried before what they call a military commission, and from what I have understood—I speak from no personal knowledge—very great injustice has been done, and very often has been done because of the absence of counsel. But besides that, cases are occurring every day where the reputation of an officer or his life is involved before a court-martial. The earnings of his life, in character as well as in everything else, may depend upon the result of the decision of that tribunal.

Now, I suppose that the only ground upon which it is proper—and to that extent I agree with the policy as a good one—to exclude members of Congress who happen to be professional men from prosecuting their profession is, that in certain cases they are imagined to have, because they are members of Congress, an improper influence upon the bureau or the Department or the tribunal before which the case is to be tried. A clerk in these Departments, whether at the head of a bu-

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Mr. SUMNER. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on the District of Columbia be directed to consider the expediency of further providing by law against the exclusion of colored persons from the equal enjoyment of all railroad privileges in the District of Columbia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. POMEROY. I wish the Senator would so amend his resolution as that it might prevent the difficulties which colored men have in getting out of this District. They cannot go on a railroad car or get out of the District.

Mr. SUMNER. The first question is on taking up the resolution.

The VICE PRESIDENT. The resolution is now before the Senate.

Mr. SUMNER. My special motive in offering this resolution is to call attention to a recent outrage which has occurred in this District. I do it with great hesitation. At one moment I was disposed to keep silence with regard to it, believing that upon the whole the good name of our country required silence; but I notice that it has already found its way into the journals, and I think therefore it ought to find its way into this Chamber.

An officer of the United States with the commission of a major, with the uniform of the United States, has been pushed off one of these cars on Pennsylvania avenue by the conductor for no other offense than that he was black. Now, sir, I am free to say that I think we had better give up railroads in the District of Columbia if we cannot have them without such an outrage upon humanity and upon the good name of our country. An incident like that, sir, is worse for our country at this moment than a defeat in battle. It makes for our cause abroad enemies and sows distrust. I hope, therefore, that the Committee on the District of Columbia—I know the disposition of my honorable friend the chairman of that committee—in the bills which we are to consider relative to the railroads in this District will take care that such safeguards are established as will prevent the repetition of any such outrage.

Mr. HENDRICKS. Let the resolution be read.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) It will be again read.

The Secretary read it.

Mr. SAULSBURY. Let us have the yeas and nays on that proposition.

The yeas and nays were ordered.

Mr. JOHNSON. I have not heard the resolution. Is it a resolution of inquiry only?

The PRESIDING OFFICER. It is a resolution directing the committee to inquire into the subject named.

Mr. WILKINSON. I saw in a New York newspaper the other day an account of a transaction similar to the one alluded to by the Senator from Massachusetts. I was in hopes then, and indeed I thought, there was some mistake about it, because I did not know that any colored persons were commissioned with the rank of major by the President of the United States; and I was in hopes, for the honor of the country and for the honor of the capital, that there was some mistake in regard to it.

Mr. SUMNER. He was a surgeon in the military service.

Mr. WILKINSON. It appears that he was a surgeon in the Army; I suppose a surgeon of a colored regiment.

Mr. SUMNER. Certainly.

Mr. WILKINSON. Sir, I hope this reference will be made; and that the Committee on the District of Columbia will see to it that no corporation shall hereafter commit such an outrage.

Mr. HENDRICKS. I would have given a silent vote on this resolution, indeed, I should not have cared to vote any way, except for the explanations that have been made by the Senator who introduced it and the Senator from Minnesota. It seems to be considered a great outrage that the negroes in the District of Columbia are not allowed to take their seats in the same cars with the white men and women who travel on the railroads of this city. If I were to express any opinion on the subject, I should say the outrage would be the other way. But perhaps it is due to the company to say that I have observed the fact, as I suppose other Senators have observed it, that there are cars furnished for the colored people of the District, and those cars and plainly indicated, so that there can be no mistake.

I do not understand from the Senator who has introduced this resolution that any negro has been denied the right to ride in the cars which, at the expense of the company, have been provided for their accommodation; but the difficulty, I suppose, has arisen because the negro declined to ride in the cars that are provided for persons of his color, and claimed the right to ride in the cars that are provided for the white men and women who travel on these railroads. I am perfectly willing that upon all questions the committees shall investigate and report what their investigations require them to report to the Senate, and this being a mere resolution of inquiry there can be no objection to it, perhaps, except for the meaning that is given to it by the explanations of Senators, and therefore I shall vote against the resolution.

Mr. GRIMES. Mr. President, I have no objection to this inquiry, and I am in favor of it, although I hope and am inclined to believe that there must be some mistake about the facts. I saw a telegraphic dispatch that had been sent through from this city to one of the New York papers, making this statement, and that the matter had been referred to General Martindale, who is the military governor, I believe, of this District. I had supposed, situated as I was, that if there was any occurrence of this kind it would be brought to my attention by somebody, or in some manner other than through a New York newspaper, but I have never heard any allusion to it by anybody either before I saw it in that paper or since. My friend from New Hampshire says it has been mentioned in the papers of the District, but it escaped my observation.

I think the Senator from Indiana is right in saying that there were or have been cars for colored people, but I doubt whether there are any now. At any rate no one has attracted my attention for some weeks.

Mr. CARLILE. I saw several yesterday.

Mr. SHERMAN. I rode in one a day or two ago.

Mr. HENDRICKS. I will say to the Senator from Iowa that very recently, without observing it, I found myself crowding on the colored population in one of their own cars, and as I did not choose to press upon their rights I of course gave them the car. It was their right; it was provided for them, and of course I did not question that right. So I am sure that provisions has been made for their accommodation.

Mr. GRIMES. I have found myself in some of the cars, and I did press myself upon their attention and rode with them, and I did not consider myself disgraced by riding to the Senate Chamber in a car with some colored people.

Mr. SUMNER. Mr. President, I am sure that the Senator from Indiana is mistaken in regard to the provision for colored persons. There may be here and there, now and then, once in a long interval of time, a car which colored persons may enter; but any person who traverses the avenue must see that those cars come very rarely, and if any person takes the trouble to acquaint himself with the actual condition of things he will know that there are great abuses and hardships, particularly among women, growing out of that outrage. I use plain language, sir, for it is an outrage; it is a disgrace to this city; it is a disgrace to this Government which sanctions it under its eyes. It is a mere offshoot of the slavery which happily we have banished from Washington.

But now go back to the facts on which I pred[i]cated my motion. The Senator from Iowa has referred to the case of the colored officer. I have in my hand the letter of that officer addressed to his military superior making a report of the case, and as it is very brief I will read it:

WASHINGTON, D. C., *February 1, 1864.*

SIR: I have the honor to report that I have been obstructed in getting to the court this morning by the conductor of car No. 32, of the Fourteenth street line of the city railway.

I started from my lodgings to go to the hospital I formerly had charge of to get some notes of the case I was to give evidence in, and hailed the car at the corner of Fourteenth and I streets. It was stopped for me and when I attempted to enter the conductor pulled me back, and informed me that I must ride on the front with the driver, as it was against the rules for colored persons to ride inside. I told him I would not ride on the front, and he said I should not ride at all. He then ejected me from the platform, and at the same time gave orders to the driver to go on. I have therefore been compelled to walk the distance in the mud and rain, and have also been delayed in my attendance upon the court.

I therefore most respectfully request that the offender may be arrested and brought to punishment. I remain, sir, your obedient servant,

A. T. AUGUSTA, M. B.,
Surgeon Seventh U.S. Colored Troops.

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Captain C. W. CLIPPINGTON, *Judge Advocate*.

I believe that the writer of this letter had just as much right in that car as the Senator from Indiana, and I believe that it was just as great an outrage to eject him from the car as it would be to eject that Senator. I go further and I say—I merely take him for illustration—that the ejection of that Senator from a car would not bring upon this capital half the shame that the ejection of this colored officer from the car necessarily brings upon the capital, or any other Senator, for I do not mean of course to make the remark personal; but as the Senator from Indiana has entered into this discussion and chooses to vindicate this inhumanity, I allude to him personally.

Mr. WILSON. Mr. President, I saw this statement in the New York papers, and I supposed, of course, it was true; for we all know that a very large quantity of the knowledge we get of what is going on, not only in the city, but in Congress, is obtained from the New York papers; but, as is suggested by the Senator from New Hampshire, I have also seen it in the Washington papers. It is a case that I think calls for the action of Congress. I know no right that this company has to make these distinctions here in the capital where all persons are free and equal before the law.

But, sir, this is not the only place that needs reform. There are other portions of the country that need reform also where, perhaps, the matter is not under our control. On our own cars that we are running on our own military roads these outrages are committed. The other day a friend of mine came up from the Army, and with him two colored men, and they were forced into a cattle car while he rode alone in a freight car over that road, forced there by the persons exercising the control under the authority of the United States.

The truth about it is, sir, that slavery has had its corrupting and malign influences upon the country. The country will yet, however, be abolitionized and civilized and humanized, but it must be abolitionized before the high civilization or the high humanity will come. It is all going well and right. I hope that some action will be taken in reference to this matter, and I hope the Federal Government will correct these outrages that are perpetrated by persons employed by them on some of our own military roads.

Mr. HENDRICKS. I desire to add a single remark to what I have felt it my duty to say. And first I wish to ask the Senator from Massachusetts who has just taken his seat if he has not heard of tens of thousands of cases where white soldiers have been compelled to ride in cattle or burden cars. I know that nothing is more common in the pressure upon the railroads of the Northwest than for that very thing to occur.

Mr. WILSON. In reply to the question of the Senator I will say that there is no doubt that it is true. That, however, I take it was a matter of necessity. I have no idea that any soldiers in any part of the country have been driven into the cattle cars while other cars used for carrying freight and being clean and neat go without passengers. In this case these persons were forced into the cattle car, and the gentleman told me he rode nearly all the way alone, when there was room for a large number of other persons in the car. He inquired about it of two officers, and the answer was that the cattle cars were for “the niggers.”

Mr. HENDRICKS. During the very cold winter weather toward the commencement of this session, under the very eye of Senators, the veterans from the Potomac and the Rapidan came into this city in cars that were not at all fit for white people, in which they suffered extremely for the want of fire; and yet neither that Senator nor any other Senator felt that the cause of humanity and right required them to call the attention of the Senate to the circumstance.

I am satisfied, sir, that the Senators have now declared the end to which we are to come, and that by the action of the Federal Government the social as well as the political equality of the negro is to be forced upon the white race. If that be the judgment of the country we shall have to accept it. The people that I represent in this Chamber have not yet adopted that sentiment. The distinction between the two races is yet maintained in Indiana. How much longer it will be maintained I am not able to say.

The Senator says that abolitionism is to do its work, and one of its works, as I understand from him, is to bring about social equality. I presume he means also political equality. I think that we will not consent to that very readily in the State of Indiana. Indiana has not been for a great number of years in fact or in law a slave State. At one time there were a few slaves in that State, but it has been substantially a free State since 1816, the time of its admission, and yet, sir, accustomed as we are to white labor there, and to none other, we are not content that equality, social and political, of the black race shall be forced upon us; and I am glad now that in plain terms the two distinguished Senators from Massachusetts and the Senator from Minnesota have told the country that this is the end we are to come to, that this war is not only for the freedom of the negro but for the equality of the negro socially as well as politically, and the country can now appreciate the issue that is before it.

Mr. POMEROY. I think, Mr. President, the Senator is mistaken in saying that Indiana is a free State. I never heard of that, because I have noticed that white men in Indiana are not free. There is a law in that State which prohibits white men from employing colored men unless they were in the State at the adoption of the constitution. Colored men who happened to live in Indiana at the time the State constitution was adopted can be employed as laborers; but if any white man in that State employs a colored man who has gone in since, he is subject to a fine and also to a forfeiture, and I believe imprisonment. If that makes Indiana a free State it is not such a free State as I would make it if I were to make one.

Mr. CLARK. I think the Senator from Indiana has mistaken the resolution. I understand him to characterize this as a resolution to force the negro into the cars. I understand it to be a resolution to prevent you from forcing him out—not to force social equality, but to prevent an outrage upon him.

Mr. HENDRICKS. Mr. President, I did not intend to say another word, and I should not now say anything except for the remarks of the Senator from Kansas in respect to the policy which Indiana has seen fit to adopt. In this Chamber, sir, it is not a part of my labor to defend the policy that the people of that State see fit to adopt; but I will simply say this: we lie alongside of the State of Kentucky, and free negroes were constantly coming into our State, and our people thought we would have the negro there neither as a free man nor as a slave, and they decided in favor of that policy by the largest vote that was ever given in the State upon any question submitted to the people— by a majority, I think, of ninety-three thousand. That has been the policy of Indiana; and in this connection I will simply add that under that policy the colored population of Indiana between 1850 and 1860 increased but about one and a half per cent., while in the adjoining State of Ohio, in which they had no such protection to free white labor, the negro population increased, I believe, about forty-one per cent.

Mr. WILSON. A single word, Mr. President, in regard to what the Senator from Indiana has said of our soldiers and how they are carried. I never learned that over the military road of the Government between Alexandria and the Army any abuses were made of our soldiers. If I had learned such a fact in any form I think

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I should have been likely to refer to it. I am sure of one thing, that if ever I saw any conductors on that road drive soldiers from the freight cars which had carried freight to the Army, into other cars that had carried cattle to the Army, while the freight cars were empty and were retained for some privileged or favored persons to ride in, I should have denounced it here and elsewhere.

I will say further as we are speaking to-day in regard to the management of these roads, that I have no reason to complain of the management of the rail road in the city of Washington, or of any of its conductors toward myself. I believe the most of them are men who do their duty, and do it faithfully, but I have seen cases where I have remonstrated with them, not for driving black men out of the cars, because I have never seen that done, although I have seen black men, and women forced on to the front part of the cars to ride in cold and stormy weather; but I have seen soldiers traveling in this city in some cases slighted and abused by conductors on this road. I have remonstrated with them for such conduct; and I know other persons who have witnessed the same thing.

What I mean to say about this matter is this: I do not want to force on the Senator from Indiana or anybody else any class of men with whom he does not choose to associate, but I think the true policy is to let men stand equally before the law, to let men win their own positions, let them have the privilege of making out of themselves all that God and nature intended they should be.

The question being taken by yeas and nays, resulted—yeas 30, nays 10; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howard, Howe, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—30.

NAYS—Messrs. Buckalew, Davis, Harding, Hendricks, Nesmith, Powell, Richardson, Riddle, Saulsbury, and Van Winkle—10.

So the resolution was agreed to.