

assert this in the light of history and the experience of the past. No shipping subsidy heretofore granted has accomplished its avowed purpose.

The Collier Line received from the Government over \$2,500,000 more than its entire fleet cost and finally went out of business, and the service for which the Government paid this large sum was continued by vessels which could be profitably run and were run without any subsidy whatever. The Brazilian Line did not increase our exports, was a lamentable failure, and was finally discontinued. The Pacific mail subsidy was a total failure in everything except the scandal it created.

Mr. HOPKINS. May I interrupt the gentleman a moment?

Mr. THAYER. Certainly.

Mr. HOPKINS. During the existence of the Collier Line were not passenger and freight rates reduced more than 33 per cent?

Mr. THAYER. Yes, during a limited time.

Mr. HOPKINS. During the entire period that the line was in existence?

Mr. THAYER. It was like the man's horse that was fed on sawdust—

Mr. HOPKINS. Is it not a fact that the freight and passenger rates were reduced more than 33 per cent?

Mr. THAYER. Yes; with the result that the concern went into bankruptcy, after having used up the \$2,500,000 subsidy and its own capital in an attempt to carry freight for less than it really costs to carry it.

Mr. HOPKINS. And is it not a fact that the moment the Collier Line went out of business the English line put their rates right back?

Mr. THAYER. I think substantially so.

Mr. CARMACK. The reduction of the freight and passenger rates destroyed the Collier Line?

Mr. THAYER. Yes.

Mr. GAINES. Will the gentleman yield to me for a suggestion?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Tennessee?

Mr. THAYER. Yes.

Mr. GAINES. The gentleman spoke a moment ago about what certain parties said about ships being built cheaper in England and other countries than in the United States. I want to state that Mr. Hill, the great railroad magnate of the West, states that that is not true; that ships can be built as cheaply in the United States, and he is having them built here.

Mr. THAYER. The whole record of American subsidies shows that they have had the same effect on business enterprise as is produced in the individual when he comes to be supported by charity and gets out of sympathy with the idea of earning his own living.

Mr. Chairman, the American people can compete with the world in business ability, energy, and enterprise, and these personal qualities applied to our natural resources produce real and permanent business success, and not that fictitious prosperity which shows large profits to the few by taxation of the many. And yet, with success already at hand in the foreign trade, this act proposes to upset and disarrange the healthy and permanent forces which are building up our foreign trade by offering enormous profits to a small combination of shipbuilders and shipowners in this country and permitting the foreign competitor to avail himself of the special privileges of this bill, thus establishing the principle that success is to be gained through Government donations; and if the pernicious precedent is here established, who shall know to what ends it may not go? The impression sought to be created that foreign merchant fleets have been built and are maintained by subsidy to any great extent is not borne out by facts. In Italy and France, which together spend more than \$9,000,000 annually in aid of their merchant marine, the subsidy system is well known to be a complete failure.

It is generally conceded that the most remarkable increase in merchant shipping is that of Norway, which pays no subsidy whatever. In Germany the increase in tonnage, which existed before the adoption of the subsidy system, did not continue after bounties were paid. In England, which controls about one-half the tonnage of the world, a careful investigation of the facts will show that something less than 3 per cent of that tonnage receives Government aid. The most successful German line, the Hamburg-American, never had any subsidy. The English Government's aids to shipping are a political rather than a commercial expedient, and are made for the purpose of maintaining communication with the scattered colonies of the British Empire, whose trade would not justify nor support the steamship lines which are essential for the purposes of government.

But are we blindly to follow wherever England leads? We are frequently reminded in these later days, and under the new American idea, when we attempt to legislate for the people of the United States, that we are justified in pursuing a line of policy because England has pursued such a policy. And the expression, "It is English, you know," first used to express contempt, is in these later days getting quite popular and dignified. But, still

there remains in the mind and heart of the true, conservative American at least the abiding conviction that the safest course to be pursued in all governmental offices is to follow and imitate England least. England's territorial possessions extend round the world, while ours are about our very doors, and after we hear from a few more Republican ex-Presidents and Senators we may be content to let them remain there.

France and Italy have each attempted to stimulate their merchant marine by bestowing building and sailing bounties for the last fifteen or twenty years, and vessels from both countries are seen frequently in our foreign trade, yet for the last ten years the percentage of tonnage of each has steadily decreased, and they find themselves unable to compete with countries either having no bounties or having less than themselves.

If the American merchant marine is to be revived and rehabilitated so as to take a prominent and commanding position among the nations of the world, it will be done in some other way than by the temporary intoxicant provided by the provisions of this bill, and we have no moral right, even if we were constrained by no other consideration, to tax 70,000,000 people that we may bestow a bounty upon seven companies or corporations. [Applause.]

Mr. WADSWORTH. I yield one hour to the gentleman from North Carolina [Mr. WHITE].

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] has only twenty minutes remaining.

Mr. WADSWORTH. Then I ask that the gentleman from North Carolina be recognized in his own right.

The CHAIRMAN. The gentleman from North Carolina is recognized in his own right.

Mr. WHITE. Mr. Chairman, in the consideration of the bill now under debate the Committee on Agriculture has had a wide and very varied experience. We have had the farmers and their interests fully represented, and demand that the present seed list, giving to each Member and Delegate 9,000 packages, shall not be diminished, but rather increased. The beauties of their avocation have been elaborately portrayed. The increase of the agricultural industry has been shown beyond any possible doubt, and a little Department, but a few years ago controlled by a commissioner of agriculture, has now grown to wonderful proportion, and is now presided over by a Cabinet officer, Secretary of Agriculture, if you please, and a very good one he is. And with the present ratio of increase this Department is destined in a few years to be one of the largest, if not surpassing all other departments in the President's Cabinet. But this side of the question, with its heterogeneous interests and growth, is not without opposition.

We have been besought by the seed men from all parts of the country demanding that the appropriation for the free distribution of seed be once and forever hereafter dispensed with; that there can be no good reason assigned why the Government should continue to make appropriations for the free distribution of agricultural seeds, which are purchased, not from the first-class seed growers and sellers, but rather from a kind of junk or second or third-rate establishments, whose headquarters can hardly be found by a search warrant, and stored away in some little 2 by 4 room up in the garret in our large cities—East, West, North, and South. This Government has no more right, so they say, to furnish these seeds for free distribution throughout the country, which purchasers could obtain at every crossroads store in each State, than it has the right to supply all persons desiring them ham and eggs, beefsteak and onions, hot rolls with biscuit and coffee, or any of the other necessities of life, either as food consumption or matters of home ornament or wearing apparel. But here we are, a custom once established soon becomes by common use a law, and it is exceedingly difficult to break away therefrom; hence the usual appropriation for the free distribution of seed will be found in this bill.

But the committee has been enlightened and greatly edified along other lines than that of distributing free agricultural seed. We have had scientists from every bureau and subordinate division in the Agricultural Department before us, each portraying the indispensability of his work and the absolute necessity for his department to be extended and the salaries of the heads of these bureaus and divisions respectively increased; that each in his peculiar sphere has spent a lifetime in becoming a specialist, and that he could get far more for his indispensable knowledge in the great colleges and universities of the land than "Uncle Sam" is paying him; but out of sheer charity for this Government and the fullness of patriotic hearts they continue to serve us, and beg that their salaries will be increased commensurate with their wisdom. There is no end to the demands for an increase in the laboring force, so far as numbers go, but not a word have we heard about the increase of the salary of men and women whose pay ranges between \$25 and \$75 per month, who, of necessity, must live upon the cheapest things of life, with the most humble surroundings, and doubtless after dinner each day the good wife and children of these humble homes must suck their thumbs as a kind of supplement to the poor meal their scanty earnings will afford.

But, Mr. Chairman, there are others on this committee and in this House who are far better prepared to enlighten the world with their eloquence as to what the agriculturists of this country need than your humble servant. I therefore resign to more competent minds the discussion of this bill. I shall consume the remainder of my time in reverting to measures and facts that have in them more weighty interests to me and mine than that of agriculture—matters of life and existence.

I want to enter a plea for the colored man, the colored woman, the colored boy, and the colored girl of this country. I would not thus digress from the question at issue and detain the House in a discussion of the interests of this particular people at this time but for the constant and the persistent efforts of certain gentlemen upon this floor to mold and rivet public sentiment against us as a people and to lose no opportunity to hold up the unfortunate few who commit crimes and depredations and lead lives of infamy and shame, as other races do, as fair specimens of representatives of the entire colored race. And at no time, perhaps, during the Fifty-sixth Congress were these charges and countercharges, containing, as they do, slanderous statements, more persistently magnified and pressed upon the attention of the nation than during the consideration of the recent reapportionment bill, which is now a law. As stated some days ago on this floor by me, I then sought diligently to obtain an opportunity to answer some of the statements made by gentlemen from different States, but the privilege was denied me; and I therefore must embrace this opportunity to say, out of season, perhaps, that which I was not permitted to say in season.

In the catalogue of members of Congress in this House perhaps none have been more persistent in their determination to bring the black man into disrepute and, with a labored effort, to show that he was unworthy of the right of citizenship than my colleague from North Carolina, Mr. KITCHIN. During the first session of this Congress, while the Constitutional amendment was pending in North Carolina, he labored long and hard to show that the white race was at all times and under all circumstances superior to the negro by inheritance if not otherwise, and the excuse for his party supporting that amendment, which has since been adopted, was that an illiterate negro was unfit to participate in making the laws of a sovereign State and the administration and execution of them; but an illiterate white man living by his side, with no more or perhaps not as much property, with no more exalted character, no higher thoughts of civilization, no more knowledge of the handicraft of government, had by birth, because he was white, inherited some peculiar qualification, clear, I presume, only in the mind of the gentleman who endeavored to impress it upon others, that entitled him to vote, though he knew nothing whatever of letters. It is true, in my opinion, that men brood over things at times which they would have exist until they fool themselves and actually, sometimes honestly, believe that such things do exist.

I would like to call the gentleman's attention to the fact that the Constitution of the United States forbids the granting of any title of nobility to any citizen thereof, and while it does not in letters forbid the inheritance of this superior caste, I believe in the fertile imagination of the gentleman promulgating it, his position is at least in conflict with the spirit of that organic law of the land. He insists and, I believe, has introduced a resolution in this House for the repeal of the fifteenth amendment to the Constitution. As an excuse for his peculiar notions about the exercise of the right of franchise by citizens of the United States of different nationality, perhaps it would not be amiss to call the attention of this House to a few facts and figures surrounding his birth and rearing. To begin with, he was born in one of the counties in my district, Halifax, a rather significant name.

I might state as a further general fact that the Democrats of North Carolina got possession of the State and local government since my last election in 1898, and that I bid adieu to these historic walls on the 4th day of next March, and that the brother of Mr. KITCHIN will succeed me. Comment is unnecessary. In the town where this young gentleman was born, at the general election last August for the adoption of the constitutional amendment, and the general election for State and county officers, Scotland Neck had a registered white vote of 395, most of whom of course were Democrats, and a registered colored vote of 534, virtually if not all of whom were Republicans, and so voted. When the count was announced, however, there were 831 Democrats to 75 Republicans; but in the town of Halifax, same county, the result was much more pronounced.

In that town the registered Republican vote was 345, and the total registered vote of the township was 539, but when the count was announced it stood 990 Democrats to 41 Republicans, or 492 more Democratic votes counted than were registered votes in the township. Comment here is unnecessary, nor do I think it necessary for anyone to wonder at the peculiar notion my colleague has with reference to the manner of voting and the method of counting those votes, nor is it to be a wonder that he is a mem-

ber of this Congress, having been brought up and educated in such wonderful notions of dealing out fair-handed justice to his fellow-man.

It would be unfair, however, for me to leave the inference upon the minds of those who hear me that all of the white people of the State of North Carolina hold views with Mr. KITCHIN and think as he does. Thank God there are many noble exceptions to the example he sets, that, too, in the Democratic party; men who have never been afraid that one uneducated, poor, depressed negro could put to flight and chase into degradation two educated, wealthy, thrifty white men. There never has been, nor ever will be, any negro domination in that State, and no one knows it any better than the Democratic party. It is a convenient howl, however, often resorted to in order to consummate a diabolical purpose by scaring the weak and gullible whites into support of measures and men suitable to the demagogue and the ambitious office seeker, whose crave for office overshadows and puts to flight all other considerations, fair or unfair.

As I stated on a former occasion, this young statesman has ample time to learn better and more useful knowledge than he has exhibited in many of his speeches upon this floor, and I again plead for him the statute of youth for the wild and spasmodic notions which he has endeavored to rivet upon his colleagues and this country. But I regret that Mr. KITCHIN is not alone upon this floor in these peculiar notions advanced. I quote from another young member of Congress, hailing from the State of Alabama [Mr. UNDERWOOD]:

Mr. Speaker, in five minutes the issues involved in this case can not be discussed. I was in hopes that this question would not come up at this session of Congress. When the fourteenth amendment was originally adopted it was the intention of the legislative body that enacted it and of the people who ratified it to force the Southern people to give the elective franchise to the negro. That was the real purpose of the fourteenth amendment. It failed in that purpose. The fifteenth amendment was adopted for the same purpose. That was successful for the time being. It has proved a lamentable mistake, not only to the people of the South, but to the people of the North; not only to the Democratic party, but to the Republican party.

The time has now come when the bitterness of civil strife has passed. The people of the South, with fairness and justice to themselves and fairness to that race that has been forced among them—the negro race—are attempting to work away from those conditions; not to oppress or to put their foot on the neck of the negro race, but to protect their homes and their property against misgovernment and at the same time give this inferior race a chance to grow up and acquire their civilization. When you bring this resolution before this House and thrust it as a firebrand into the legislation here, you do more injury to the negro race of the South than any man has done since the fifteenth amendment was originally enacted. I tell you, sirs, there is but one way to solve this problem. You gentlemen of the North, who do not live among them and do not know the conditions, can not solve it.

We of the South are trying, as God is our judge, to solve it fairly to both races. It can not be done in a day or a week; and I appeal to you, if you are in favor of the upbuilding of the negro race, if you are in favor of honest governments in the Southern States, if you are willing to let us protect our homes and our property—yes, and the investments that you have brought there among us—then I say to you, let us send this resolution to a committee where it may die and never be heard of again. When we have done that, when we have worked out the problem and put it upon a fair basis, then if we are getting more representation than we are entitled to, five or six or ten years from now come to us with the proposition fairly to repeal both the fourteenth and fifteenth amendments and substitute in their place a constitutional amendment that will put representation on a basis that we can all agree is fair and equitable. Do not let us drive it along party lines.

It is an undisputed fact that the negro vote in the State of Alabama, as well as most of the other Southern States, have been effectively suppressed, either one way or the other—in some instances by constitutional amendment and State legislation, in others by cold-blooded fraud and intimidation, but whatever the method pursued, it is not denied, but frankly admitted in the speeches in this House, that the black vote has been eliminated to a large extent. Then, when some of us insist that the plain letter of the Constitution of the United States, which all of us have sworn to support, should be carried out, as expressed in the second section of the fourteenth amendment thereof, to wit:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of a legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

That section makes the duty of every member of Congress plain, and yet the gentleman from Alabama [Mr. UNDERWOOD] says that the attempt to enforce this section of the organic law is the throwing down of firebrands, and notifies the world that this attempt to execute the highest law of the land will be retaliated by the South, and the inference is that the negro will be even more severely punished than the horrors through which he has already come.

Let me make it plain: The divine law, as well as most of the State laws, says, in substance: "He that sheddeth man's blood, by man shall his blood be shed." A highwayman commits murder, and when the officers of the law undertake to arrest, try, and

punish him commensurate with the enormity of his crime, he straightens himself up to his full height and defiantly says to them: "Let me alone; I will not be arrested, I will not be tried, I'll have none of the execution of your laws, and in the event you attempt to execute your laws upon me, I will see to it that many more men, women, or children are murdered."

Here's the plain letter of the Constitution, the plain, simple, sworn duty of every member of Congress; yet these gentlemen from the South say "Yes, we have violated your Constitution of the nation; we regarded it as a local necessity; and now, if you undertake to punish us as the Constitution prescribes, we will see to it that our former deeds of disloyalty to that instrument, our former acts of disfranchisement and opposition to the highest law of the land will be repeated many fold."

Not content with all that has been done to the black man, not because of any deeds that he has done, Mr. UNDERWOOD advances the startling information that these people have been thrust upon the whites of the South, forgetting, perhaps, the horrors of the slave trade, the unspeakable horrors of the transit from the shores of Africa by means of the middle passage to the American clime; the enforced bondage of the blacks and their descendants for two and a half centuries in the United States, now, for the first time perhaps in the history of our lives, the information comes that these poor, helpless, and in the main inoffensive people were thrust upon our Southern brethren.

Individually, and so far as my race is concerned, I care but little about the reduction of Southern representation, except in so far as it becomes my duty to aid in the proper execution of all the laws of the land in whatever sphere in which I may be placed. Such reduction in representation, it is true, would make more secure the installment of the great Republican party in power for many years to come in all of its branches, and at the same time enable that great party to be able to dispense with the further support of the loyal negro vote; and I might here parenthetically state that there are some members of the Republican party to-day—"lily whites," if you please—who, after receiving the unalloyed support of the negro vote for over thirty years, now feel that they have grown a little too good for association with him politically, and are disposed to dump him overboard. I am glad to observe, however, that this class constitutes a very small percentage of those to whom we have always looked for friendship and protection.

I wish to quote from another Southern gentleman, not so young as my other friends, and who always commands attention in this House by his wit and humor, even though his speeches may not be edifying and instructive. I refer to Mr. OTEY, of Virginia, and quote from him in a recent speech on this floor, as follows:

Justice is merely relative. It can exist between equals. It can exist among homogeneous people. Among equals—among heterogeneous people—it never has and, in the very nature of things, it never will obtain. It can exist among lions, but between lions and lambs, never. If justice were absolute, lions must of necessity perish. Open his ponderous jaws and find the strong teeth which God has made expressly to chew lamb's flesh! When the Society for the Prevention of Cruelty to Animals shall overcome this difficulty, men may hope to settle the race question along sentimental lines, not sooner.

These thoughts on the negro are from the pen, in the main, of one who has studied the negro question, and it was after I heard the gentleman from North Carolina, and after the introduction of the Crumpacker bill, that they occurred to me peculiarly appropriate.

I am wholly at sea as to just what Mr. OTEY had in view in advancing the thoughts contained in the above quotation, unless he wishes to extend the simile and apply the lion as a white man and the negro as a lamb. In that case we will gladly accept the comparison, for of all animals known in God's creation the lamb is the most inoffensive, and has been in all ages held up as a badge of innocence. But what will my good friend of Virginia do with the Bible, for God says that He created all men of one flesh and blood? Again, we insist on having one race—the lion clothed with great strength, vicious, and with destructive propensities, while the other is weak, good natured, inoffensive, and useful—what will he do with all the heterogeneous intermediate animals, ranging all the way from the pure lion to the pure lamb, found on the plantations of every Southern State in the Union?

I regard his borrowed thoughts, as he admits they are, as very inaptly applied. However, it has perhaps served the purpose for which he intended it—the attempt to show the inferiority of the one and the superiority of the other. I fear I am giving too much time in the consideration of these personal comments of members of Congress, but I trust I will be pardoned for making a passing reference to one more gentleman—Mr. WILSON of South Carolina—who, in the early part of this month, made a speech some parts of which did great credit to him, showing, as it did, capacity for collating, arranging, and advancing thoughts of others and of making a pretty strong argument out of a very poor case.

If he had stopped there, while not agreeing with him, many of us would have been forced to admit that he had done well. But his purpose was incomplete until he dragged in the reconstruction days and held up to scorn and ridicule the few ignorant, gullible, and perhaps purchasable negroes who served in the State legislature of South Carolina over thirty years ago. Not a word did he

say about the unscrupulous white men, in the main bummers who followed in the wake of the Federal Army and settled themselves in the Southern States, and preyed upon the ignorant and unskilled minds of the colored people, looted the States of their wealth, brought into lowest disrepute the ignorant colored people, then hied away to their Northern homes for ease and comfort the balance of their lives, or joined the Democratic party to obtain social recognition, and have greatly aided in depressing and further degrading those whom they had used as easy tools to accomplish a diabolical purpose.

These few ignorant men who chanced at that time to hold office are given as a reason why the black man should not be permitted to participate in the affairs of the Government which he is forced to pay taxes to support. He insists that they, the Southern whites, are the black man's best friend, and that they are taking him by the hand and trying to lift him up; that they are educating him. For all that he and all Southern people have done in this regard, I wish in behalf of the colored people of the South to extend our thanks. We are not ungrateful to friends, but feel that our toil has made our friends able to contribute the stinty pittance which we have received at their hands.

I read in a Democratic paper a few days ago, the Washington Times, an extract taken from a South Carolina paper, which was intended to exhibit the eagerness with which the negro is grasping every opportunity for educating himself. The clipping showed that the money for each white child in the State ranged from three to five times as much per capita as was given to each colored child. This is helping us some, but not to the extent that one would infer from the gentleman's speech.

If the gentleman to whom I have referred will pardon me, I would like to advance the statement that the musty records of 1868, filed away in the archives of Southern capitols, as to what the negro was thirty-two years ago, is not a proper standard by which the negro living on the threshold of the twentieth century should be measured. Since that time we have reduced the illiteracy of the race at least 45 per cent. We have written and published near 500 books. We have nearly 300 newspapers, 3 of which are dailies. We have now in practice over 2,000 lawyers and a corresponding number of doctors. We have accumulated over \$12,000,000 worth of school property and about \$40,000,000 worth of church property. We have about 140,000 farms and homes, valued at in the neighborhood of \$750,000,000, and personal property valued at about \$170,000,000. We have raised about \$11,000,000 for educational purposes, and the property per capita for every colored man, woman, and child in the United States is estimated at \$75.

We are operating successfully several banks, commercial enterprises among our people in the Southland, including 1 silk mill and 1 cotton factory. We have 32,000 teachers in the schools of the country; we have built, with the aid of our friends, about 20,000 churches, and support 7 colleges, 17 academies, 50 high schools, 5 law schools, 5 medical schools, and 25 theological seminaries. We have over 600,000 acres of land in the South alone. The cotton produced, mainly by black labor, has increased from 4,669,770 bales in 1860 to 11,235,000 in 1899. All this we have done under the most adverse circumstances. We have done it in the face of lynching, burning at the stake, with the humiliation of "Jim Crow" cars, the disfranchisement of our male citizens, slander and degradation of our women, with the factories closed against us, no negro permitted to be conductor on the railway cars, whether run through the streets of our cities or across the prairies of our great country, no negro permitted to run an engine on a locomotive, most of the mines closed against us. Labor unions—carpenters, painters, brick masons, machinists, hackmen, and those supplying nearly every conceivable avocation for livelihood have banded themselves together to better their condition, but, with few exceptions, the black face has been left out. The negroes are seldom employed in our mercantile stores. At this we do not wonder. Some day we hope to have them employed in our own stores. With all these odds against us, we are forging our way ahead, slowly, perhaps, but surely. You may tie us and then taunt us for a lack of bravery, but one day we will break the bonds. You may use our labor for two and a half centuries and then taunt us for our poverty, but let me remind you we will not always remain poor. You may withhold even the knowledge of how to read God's word and learn the way from earth to glory and then taunt us for our ignorance, but we would remind you that there is plenty of room at the top, and we are climbing.

After enforced debauchery, with the many kindred horrors incident to slavery, it comes with ill grace from the perpetrators of these deeds to hold up the shortcomings of some of our race to ridicule and scorn.

"The new man, the slave who has grown out of the ashes of thirty-five years ago, is inducted into the political and social system, cast into the arena of manhood, where he constitutes a new element and becomes a competitor for all its emoluments. He is put upon trial to test his ability to be counted worthy of freedom,

worthy of the elective franchise; and after thirty-five years of struggling against almost insurmountable odds, under conditions but little removed from slavery itself, he asks a fair and just judgment, not of those whose prejudice has endeavored to forestall, to frustrate his every forward movement, rather those who have lent a helping hand, that he might demonstrate the truth of "the fatherhood of God and the brotherhood of man."

Mr. Chairman, permit me to digress for a few moments for the purpose of calling the attention of the House to two bills which I regard as important, introduced by me in the early part of the first session of this Congress. The first was to give the United States control and entire jurisdiction over all cases of lynching and death by mob violence. During the last session of this Congress I took occasion to address myself in detail to this particular measure, but with all my efforts the bill still sweetly sleeps in the room of the committee to which it was referred. The necessity of legislation along this line is daily being demonstrated. The arena of the lyncher no longer is confined to Southern climes, but is stretching its hydra head over all parts of the Union. *Shylock*

Sow the seed of a tarnished name—
You sow the seed of eternal shame.

It is needless to ask what the harvest will be. You may dodge this question now; you may defer it to a more seasonable day; you may, as the gentleman from Maine, Mr. LITTLEFIELD, puts it—

Waddle in and waddle out,
Until the mind was left in doubt,
Whether the snake that made the track
Was going south or coming back.

This evil peculiar to America, yes, to the United States, must be met somehow, some day.

The other bill to which I wish to call attention is one introduced by me to appropriate \$1,000,000 to reimburse depositors of the late Freedman's Savings and Trust Company.

A bill making appropriation for a similar purpose passed the Senate in the first session of the Fiftieth Congress. It was recommended by President Cleveland, and was urged by the Comptroller of the Currency, Mr. Trenholm, in 1886. I can not press home to your minds this matter more strongly than by reproducing the report of the Committee on Banking and Currency, made by Mr. Wilkins on the Senate bill above referred to, as follows:

In March, 1865, the Freedman's Savings and Trust Company was incorporated by the Congress of the United States to meet the economic and commercial necessities of 7,000,000 of colored people recently emancipated.

Its incorporators, 50 in number, were named in the act authorizing its erection, and embraced the names of leading philanthropic citizens of the United States, whose names, as was intended, commended the institution to those inexperienced, simple-minded people, who are to-day its principal creditors.

The Freedman's Bank, as it is popularly called, was designed originally to perform for this trustful people the functions, as its name implies, of a savings bank, and none other than those hitherto held in slavery or their descendants were to become its depositors.

Its purpose was (to quote the paragraph in the original law)—

To receive on deposit such sums of money as may from time to time be offered therefor, by or in behalf of persons hitherto held in slavery in the United States, or their descendants, and investing the same in the stocks, bonds, and Treasury notes, or other securities of the United States.

The distinction provided in the bill in favor of the payment of "such persons in whole or in part of African descent" rests upon the foregoing paragraph of the original law, and no persons other than those named have the right to make use of this institution in any manner; neither have they the right to acquire by any means any interest in its assets.

For four years after the organization of the Freedman's Savings and Trust Company the laws seemed to have been honestly observed by its officers and the provisions in its charter faithfully recognized. Congress itself, however, seems to have been derelict in its duty. One section of the original grant provided that the books of the institution were to be open at all times to inspection and examination of officers appointed by Congress to conduct the same, yet it does not appear that Congress ever appointed an officer for this purpose, nor has an examination of the character contemplated by Congress ever been made. The officers of the bank were to give bonds. There is nothing in the records to show that any bond was ever executed. Any proper examination would have developed this fact, and probably great loss would have been prevented thereby. In 1870 Congress changed or amended the charter without the knowledge or consent of those who had intrusted their savings to its custody.

This amendment embodied a radical change in the investment of these deposits by providing that instead of the safe, conservative, and prudent provision in the original charter "that two-thirds of all the deposits should be invested exclusively in Government securities," the dangerous privilege of allowing the irresponsible officers to loan one-half of its assets in bonds and mortgages and other securities, invest in and improve real estate without inspection, without examination, or responsibility on the part of its officers. The institution could only go on to a certain bankruptcy. In May, 1870, Congress amended the charter, and from that date began the speculative, dishonest transactions upon

the part of those controlling the institution until resulting in ultimate suspension and failure, with consequent disastrous loss to this innocent and trustful people.

It is contended by your committee that there was a moral responsibility, at least, if not an equitable responsibility, assumed by the Government when Congress changed the original charter of the company as to the nature of its loans and investments, when it failed to have the consent of the depositors, because of which change most of its losses were incurred. This ought to be regarded a very strong argument in favor of this bill.

Then, again, Congress undertook the supervision of the trust and failed, so far as your committee can ascertain, to carry out their undertaking.

The attention of the House is directed to the following extract from the President's message to Congress in December, 1886:

I desire to call the attention of the Congress to a plain duty which the Government owes to the depositors in the Freedman's Savings and Trust Company.

This company was chartered by the Congress for the benefit of the most illiterate and humble of our people, and with the intention of encouraging in them industry and thrift. Most of its branches were presided over by officers holding the commissions and clothed in the uniform of the United States. These and other circumstances reasonably, I think, led these simple people to suppose that the invitation to deposit their hard-earned savings in this institution implied an undertaking on the part of their Government that their money should be safely kept for them.

When this company failed it was liable in the sum of \$2,939,925.22 to 61,131 depositors. Dividends amounting in the aggregate to 62 per cent have been declared, and the sum called for and paid of such dividends seems to be \$1,648,181.72. This sum deducted from the entire amount of deposits leaves \$1,291,744.50 still unpaid. Past experience has shown that quite a large part of this sum will not be called for. There are assets still on hand amounting to the estimated sum of \$15,000.

I think the remaining 38 per cent of such of these deposits as have claimants should be paid by the Government, upon principles of equity and fairness.

The report of the commissioner, soon to be laid before Congress, will give more satisfactory details on the subject.

And also to extracts from the report to Congress of the commissioner having charge of the assets of the institution at the present time (the Comptroller of the Currency, Mr. Trenholm). See report for 1886 and emphasized in 1887:

My predecessors have at various times urged upon Congress the justice of providing for the extinguishment of all outstanding claims of depositors, and, having had the opportunity to look into the matter, I most earnestly add my voice in invoking the attention of Congress to the importance of sustaining the honor of the Government by an immediate settlement of the claims of all depositors who can be identified.

It seems plain that the honor of the Government became engaged in this undertaking when, in 1865, Congress, in the act of incorporation, held out to the lately emancipated slaves inducements to intrust their earnings to this institution by selecting as trustees the distinguished gentlemen whose names were incorporated in the charter, by requiring the deposits to be invested in securities of the United States, and by subjecting the books to Congressional examination.

This last provision was especially significant, and bound Congress to provide for adequate examinations from time to time, since none of the 50 trustees lived in Washington and only 9 constituted a quorum.

Under the sanction of the Government and in the name of the philanthropists, statesmen, and financiers thus united in a laudable purpose to secure the safe and profitable investment of the pay and bounty money of the colored troops, and of the savings of other classes among the newly emancipated negroes, Army officers on duty in the South and the officials and agents of the Freedman's Bureau were induced to urge the freedmen to bring their savings to be taken care of by their friends and protectors.

Anson M. Sperry, in his examination before the Senate investigating committee, testified that he was employed in September, 1865, as general field agent to operate in the Twenty-fifth Army Corps; that he was commended by the Secretary of War to the commanders of the colored troops, and received from General Brice authority to be present at the pay tables in order there to persuade the men as they were paid off to confide their money to the safe-keeping of this institution. Similar efforts were no doubt made everywhere.

The company had previously been promised the deposits already accumulated in the savings banks established at Norfolk by General Butler, and at Beaufort, S. C. by General Saxton, so that these officers must be presumed to have accepted it as a safe depository.

The pass books issued to depositors in the Freedman's Savings and Trust Company bore on the covers likenesses of President Lincoln and of Generals Grant and Howard, and others whom the freedmen had learned to reverence as special benefactors of their race; the flag of the Union was depicted as sheltering and binding together the persons thus portrayed, while the remaining space was occupied with other pictorial devices adapted to the comprehension of those whose savings were sought after, and manifestly designed to assure them that the Government sanctioned the enterprise and would protect their interests.

The following citations are taken from a little pamphlet which appears to have been given to depositors and otherwise widely circulated at the South: "I consider the Freedman's Savings and Trust Company to be greatly needed by the colored people, and have welcomed it as an auxiliary to the Freedman's Bureau." (Maj. Gen. O. O. Howard.)

"The whole institution is under the charter of Congress, and received the commendation and countenance of the President, Abraham Lincoln. One of the last official acts of his valued life was the signing of the bill which gave legal existence of this bank."

"Principal office, Washington, D. C., opposite the Treasury of the United States."

"This savings bank is established by act of Congress, approved March 3, 1865, by Abraham Lincoln.

"It is under the direction of a board of 50 trustees, who serve without pay. The branch offices are also under the supervision of local committees, chosen from the best men in the vicinity of each branch.

"The bank can not loan its deposits nor use them in any way, except to invest them, according to the act of Congress, in the bonds of the United States and in real-estate securities worth double the amount so invested.

"The profits of the bank are all returned to the depositors as interest, necessary expenses alone excepted. The income from deposits not called for

goes to the 'educational fund' for the sole use of the freedmen and their descendants.

"The bank is obliged to keep its books open at all times to the inspection of such committees as Congress may from time to time appoint."

Everything done had the inevitable effect of impressing upon those whose savings were solicited the assurance that the Government of the United States had undertaken to secure their safe-keeping, and unless the good faith of the original promoters of the bank is doubted this was probably distinctly stated over and over again.

While there may have been some unprincipled persons engaged in the enterprise, it would be unjust to question the good faith of the many disinterested benefactors of the freedmen, such, for example, as Frederick Douglass, Charles Sumner, and others who were among its promoters, and therefore they must be presumed to have depended upon the terms of the charter and the character of the trustees to justify the earnestness and the energy which they threw into their efforts to gather in deposits.

Your committee report the bill back to the House with an amendment, and recommend the passage of the same.

May I hope that the Committee on Banking and Currency who has charge of this measure will yet see its way clear to do tardy justice, long deferred, to this much wronged and unsuspecting people. If individuals sections of the country, individual political parties can afford to commit deeds of wrong against us, certainly a great nation like ours will see to it that a people so loyal to its flag as the black man has shown himself in every war from the birth of the Union to this day, will not permit this obligation to go longer uncanceled.

Now, Mr. Chairman, before concluding my remarks I want to submit a brief recipe for the solution of the so-called American negro problem. He asks no special favors, but simply demands that he be given the same chance for existence, for earning a livelihood, for raising himself in the scales of manhood and womanhood that are accorded to kindred nationalities. Treat him as a man; go into his home and learn of his social conditions; learn of his cares, his troubles, and his hopes for the future; gain his confidence; open the doors of industry to him; let the word "negro," "colored," and "black" be stricken from all the organizations enumerated in the federation of labor.

Help him to overcome his weaknesses, punish the crime-committing class by the courts of the land, measure the standard of the race by its best material, cease to mold prejudicial and unjust public sentiment against him, and my word for it, he will learn to support, hold up the hands of, and join in with that political party, that institution, whether secular or religious, in every community where he lives, which is destined to do the greatest good for the greatest number. Obliterate race hatred, party prejudice, and help us to achieve nobler ends, greater results, and become more satisfactory citizens to our brother in white.

This, Mr. Chairman, is perhaps the negroes' temporary farewell to the American Congress; but let me say, Phoenix-like he will rise up some day and come again. These parting words are in behalf of an outraged, heart-broken, bruised, and bleeding, but God-fearing people, faithful, industrious, loyal people—rising people, full of potential force.

Mr. Chairman, in the trial of Lord Bacon, when the court disturbed the counsel for the defendant, Sir Walter Raleigh raised himself up to his full height and, addressing the court, said:

Sir, I am pleading for the life of a human being.

The only apology that I have to make for the earnestness with which I have spoken is that I am pleading for the life, the liberty, the future happiness, and manhood suffrage for one-eighth of the entire population of the United States. [Loud applause.]

Mr. WILLIAMS of Mississippi. I yield fifteen minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Chairman, no member of this House desires more than I to see such legislation as will help directly and indirectly the agricultural element of our country. I know all the anxieties of agricultural life; and this, Mr. Chairman, is one of the reasons why I have studiously, as a member of this House, supported all measures, within constitutional limitations, to remove the farmer's burdens and alleviate his anxieties.

A few days ago we had before us a bill known as the oleo bill. I voted against the measure that finally passed the House, and objected to the one which, as a makeshift, I supported. Neither met my approbation. I am absolutely opposed, Mr. Chairman, to all kinds of frauds, and particularly frauds on the agricultural element. To permit oleo oil to be sold as "butter," thereby counterfeiting what we all desire as butter, is a fraud per se on all people who consume this article and the farmer who makes pure butter, and should be stopped.

The States have the power, and should vigorously enforce it, to prohibit within the limits of the State the sale of oleo as "butter," or from coloring it so as to look like the genuine cow butter, and many of the States, mine being one, have passed laws along this line. On the other hand, the United States have the power, as demonstrated in the Addyston Pipe Trust case, to "prohibit" the transmission of this oleo fraud from one State to another. If Congress can "prohibit" interstate trust combines because an evil to society, why can it not and why should not Congress prevent the transmission from one State to another of oleo labeled as butter or oleo colored like butter and labeled "butter."

I see no reason why this can not be and should not be done in the light of the recent adjudications of our courts of last resort. The cooperation of Congress with the State legislatures could save the honest butter maker from being driven out of his business and the public from being imposed upon as it is now in the sale of colored oleo butter. Such a bill I would approve and give my hearty support. The Grout bill was objectionable as destroying State rights and perverting and misusing the taxing power of the Federal Government. The opponents of that measure contended that if we could tax out of existence the making of oleo, or its sale as oleo or as butter, we could tax out of existence the making of honest butter by the honest farmer. But to invoke the commerce clause of Congress, as I suggest, no such hardship or oppression need or would necessarily follow.

I was first, Mr. Chairman, in this House to make an effort toward suppressing and abolishing what is known as mixed flour. It was through my vigorous efforts in this House that the amendment, which was stricken out in a colloquy, was reinserted in the Senate. That amendment was a provision prohibiting the sale of mixed flour in the District of Columbia. Mixed flour was a fraud, because it was a combination of flour and meal, meal being, as a rule, much cheaper than flour. All over my section of country and all over the United States the honest flour maker was traveling down the road to absolute bankruptcy, as many in that line of business wrote to me, being unable to make and sell honest flour with mixed flour—corn meal, flour, and dirt. This law was successful. Why not extend it as to flour and oleo?

I congratulate the United States that we have at present the efficient, the intelligent, the untiring Secretary of Agriculture that we have.

AGRICULTURAL BUREAU.

As Secretary of Agriculture of the United States he operates in the States and in the Territories, and he is bound by the Constitution and the laws of the land. His jurisdiction is coextensive with our Republic; and, Mr. Chairman, I avail myself at this time of an opportunity to state this fact and advert to a kindred subject which I discussed a few weeks ago—the question, What is particularly the significance of the word land by him used, "the law of the land?"

What the "law" is, is an old subject, but how far it extends as law is a very live one now. It may be that we shall be called upon, before the Supreme Court of the United States acts on this question, to legislate for the Philippines; particularly the press tells us that we shall be and that the Administration is very anxious about this question.

The question to which I shall call attention specially is, what does the word "land" mean when used in the declaration that the Constitution shall be "the supreme law of the land?"

In my speech of December last, published in the RECORD of January 3, I demonstrated beyond all question that the word "land" was substituted for the word "state" and "their citizens and inhabitants," and that it was intended by this substitution to make the Constitution and the laws of Congress and our treaties the law of our entire domain, States and Territories, and cited the Graham case (10 Howard) and others supporting this contention; and more, that the Constitution repealed the Territorial statute of 1787.

I asked then, as now, how on earth could the Constitution repeal a Territorial statute, that statute being confined in its operation to a Territory, unless the Constitution was the law of that "land," that Territory? In framing the Constitution our forefathers not only said that the Constitution, etc., is the supreme law, but they gave that declaration geographical extension and limitation and declared it was also the supreme law of the "land." We often speak of "Our native land," "Our native country," "Our native heath," and thus fondly allude to the place of our birth.

The term "law of the land," as used in the Magna Charta, meant "the law of England." Coke says the term "per legem terræ" was used instead of other more restrictive words "that the law might extend to all" "per legem terræ; that is, by the law of England." (Coke, vol. 1, p. 50.) Here Coke states the fact, and our courts so state and find, that the word "land" here referred to England or meant England. It has geographical significance.

In the great opinion, *State vs. Knight* (43d Maine, p. 123; 1857), the court, in a unanimous opinion, through Chief Justice Tenny, takes this view in discussing the same clause in the constitution of Maine, formerly a part of Massachusetts. The court said:

The law of the land in this constitution did not refer to any foreign country or government which was foreign to the Commonwealth, but the land and to the people therein which adopted this as their frame of government, the law of the land.

What land? The land composing the State of Maine. What law? The law of Maine. Then if this clause in the constitution of Maine referred to that "Commonwealth" and the land therein and the people, then the same expression in the Federal Constitution must refer to and cover the domain of the United States and