

ready amply met, a question which it
 ess well for Mr. Taft to ignore—with
 y to be sure, but with adamantine
 . "Speaking of challenges," says Mr.
 's one for the President," and there-
 ft's merciless inquisitor "challenges
 public the written and verbal recom-
 upon which he appointed Justice
 position of Chief Justice over Jus-
 and the recommendations, written
 n which he appointed the Justices
 placed on the Supreme bench. Did
 they stood on the trust question, or
 accidental that all of his appointees
 side of the question?" Significant
 as this question is, Mr. Taft could
 ify public interest in it by a frank

* * *

GULF DEEP WATER- WAY. II.

Public, beginning at page 1019,
 the story of the movement for a
 om the Great Lakes to the Gulf
 ng our story down to the con-
 ois of a fight for and against a

w of the sixth convention of The
 Deep Waterway Association—
 essions at the Auditorium The-
 the 12th of October, and sits
 nd 14th—we purpose explaining
 erence to its bearings upon the

Concentrates in Illinois.

lly and politically, the fight
 us the 8-foot issue had begun
 inois at about the time of the
 ay convention, held at New
 This concentration, probably
 ctional war between Senator
 r Deneen within the Repub-
 o have had two elements, one
 e State. The Federal element
 ington to a 14-foot channel;
 he \$20,000,000 fund author-
 ople of Illinois on Constitu-
 he purpose of completing
 eanal (part of the deep wa-
 ockport to Utica. Any map
 will sufficiently assist the
 nding of the geographical
 ersy.

Immediately after the people of Illinois had
 authorized the \$20,000,000 expenditure noted
 above, the so-called "Schmitt bill" was introduced
 in the Illinois legislature for the purpose of mak-
 ing the authorization effective. This bill had been
 prepared at Governor Deneen's request by Gov-
 ernor Deneen's Internal Improvement Commission.
 It was introduced at the regular session in 1909.
 After some amendment in Senate committee, it
 passed the Senate but was defeated in the House;
 and at a special session of the same legislature it
 was again passed by the Senate and again defeated
 in the House.

"With minor changes," as Governor Deneen ex-
 plains in a legislative message of April 25, 1911,
 and, as he adds, "with the addition of Section 18
 covering the question of Federal control," the
 same measure was introduced by Senator Johnson
 at the regular session of 1911. The Johnson bill
 also having failed of passage when the regular
 session of 1911 adjourned, Governor Deneen called
 a special session for June 14, 1911, at which this
 bill was again introduced. It passed the Senate,
 with minor amendments approved by Governor
 Deneen, but was defeated in the House because,
 although it received 75 votes to 52 in opposition,
 it needed a two-thirds vote. Being again passed
 by the Senate with minor amendments by 33 to 7
 on the 28th of June, it was referred to committee
 in the House, and on the 29th a motion to take it
 out of committee was defeated by 62 yeas to 46
 nays, a two-thirds vote being necessary. Without
 further action the legislature took a recess on the
 30th of June until October 2, 1911, and on the
 3d of October until the 24th.*

Prior to calling the special session now at recess,
 Governor Deneen had come into relations with the
 Federal Government. A Board of Engineers hav-
 ing been appointed by the Secretary of War in
 September, 1910, to consider the waterway project
 from Lockport to the confluence of the Illinois and
 the Mississippi rivers, Governor Deneen submitted
 his then pending "Schmitt bill" to that body with
 a request that it recommend co-operation on the
 basis of that bill by the Federal Government with
 the State of Illinois. The Engineers' understand-
 ing of Governor Deneen's proposal is thus stated in
 their report of January 23, 1911:†

Briefly, the project presented by the State of
 Illinois contemplates the development of water
 power at four sites between Lockport and Utica, and

*See The Public, current volume, pages 564, 583, 612, 636
 and 1055.

†The report in full appears at page 32 of the pamphlet
 copy of Governor Deneen's "Message to the Forty-
 Seventh General Assembly, Special Session, June 14, 1911."
 The extract is from page 36.

the improvement of navigation by the construction of five large locks, 80 by 900 feet in horizontal dimensions, with 24 feet depth on their miter sills. The uppermost lock of the series will be at Lockport, connecting with Lake Michigan, and the lowest will be at Utica, connecting with the already improved portion of the Illinois River. The locks between Lockport and Utica are to be connected by channels 300 feet wide, 24 feet deep as far as Lock No. 2 at Brandon Bridge below Joliet, and thence to Utica of not less than 9 feet immediate, and not less than 14 feet later, depth, and a bottom width of not less than 200 feet. These channels are to be in the river bed, except at the mouth of the Des Plaines River and at Marseilles, where short sections of canal are proposed. This project is practically the same as that printed in the 1909 report of the Internal Improvement Commission of Illinois, and the estimate of cost is \$19,957,517. It differs from any heretofore submitted to Congress, in that it proposes the utilization for power purposes of the water which may flow through the Chicago Drainage Canal and contemplates an ultimate channel depth of 24 feet for navigation purposes, though the estimates provide for 24 feet only to Brandon Bridge and for 14 feet below.

But the Army Board of Engineers did not take a favorable view of the 14-foot proposition. While they reported in favor of a waterway along the route proposed, they argued that the depth should be not less than 24 feet if the waterway is to accommodate ocean and Great-Lakes vessels, and not more than 9 feet if designed for economical river navigation, and that 14 feet "is greater than necessary for river navigation and entirely insufficient for either lake or ocean vessels." Accordingly they recommended the extension northward to Utica of the 8-foot channel now maintained from Cairo to St. Louis, with the suggestion that if increasing traffic demonstrates "the necessity for additional depth, then a channel of 9 feet can be constructed from Cairo to Utica." This, they said, would "correspond to the depth provided by the existing projects for improving the Ohio and lower Mississippi rivers." It was the opinion of the Board that upon that basis, and with certain restrictions of detail, the Federal government could co-operate with Illinois in a waterway from Lockport to the mouth of the Illinois River, the State extending the drainage canal from Lockport to Utica and the United States doing the work from Utica to the Mississippi.

+

There had also arisen in Illinois a question of legal title to water power along the Illinois route. The Electric Light and Power Company (the electricity trust) brought suit upon a claim that a lease of water power for 20 years with renewal

clause which it had purchased, was in legal contemplation a *perpetual* lease. The State, while contesting that claim, set up the adverse claim that any lease would be invalid because the Des-Plaines River, the source of the water power in question, is in legal contemplation a navigable stream.

In the lower court Judge Mack decided against the Power company on the perpetual-lease issue, but in its favor on the question of the navigable character legally of the Des-Plaines River; and in the interval between the \$20,000,000 referendum and the present session of the legislature, the Illinois Supreme Court sustained his decision. As the matter now stands, therefore, all leases of Des-Plaines River water rights are valid, according to their terms, whether for years or in perpetuity. It is right here that the 8-foot and the 14-foot partisans come to blows at one angle of their controversy.

By 14-foot partisans, Governor Deneen is charged with neglecting the right of the State to carry the Des-Plaines River case to the Supreme Court of the United States; the other side retorts that Governor Deneen sought the necessary means from the legislature but was obliged to veto the only bill it passed for the purpose, because the Attorney General advised him that as it had lacked a two-thirds vote it was unconstitutional.

In the same connection the Deneen side, in their appeal for immediate construction on the Federal 8-foot policy, point to a risk from delay. They say that water power rights may be acquired by Power interests in advance of construction. To this the Lorimer side retort that the Sanitary District (a municipal body) and the State control all the water power not controlled already, directly or indirectly, by the Power company. But Governor Deneen's attitude regarding this matter appears upon the face of his discussion of it* to be fair and genuine. We note this only in passing, however, for our whole purpose is explanatory and not controversial. We should add, too, that the Federal government itself has raised the question in the Federal courts, from which it may be appealed to the Supreme Court of the United States. In referring to that fact Governor Deneen makes this true explanation: † "If the Federal case should be taken to the Supreme Court of the United States by appeal, much use will there be made by the defense of the decision of the Supreme Court of the State of Illinois as a conclusive authority. But if that decision is also taken by the State on writ

*See his Message of June 14, 1911, pages 17 to 22.
 †Message of June 14, 1911, page 21.

the Supreme Court of the United States, and is there at the same time a legal case, so that the two may be referred to, it could not with justice be considered whether one of them is a controlling authority over the other, and the Supreme Court of the United States would be likely to pass upon these questions."

+

verse report of the army Engineers, which was entered directly into negotiation with Governor Taft. One result was his recommendation to the Illinois legislature* that "the State now maintains a channel 8 feet deep at Lake Salle, and should we adopt the policy of the State's work, a navigable channel of depth from Lake Michigan to the Gulf of Mexico." Another result was the recommendation mentioned above, which still remains the policy of the lower house of the

Illinois Governor Deneen's original policy, but by the alterations from the original policy in the "Johnson bill," are so important that they appear to be important in every respect in addition to the "Johnson bill" policy of the 8-foot policy. The "Schmitt bill" proposes what—

The channel shall have a depth of not less than 9 feet at the power plant at Lockport, below Joliet, and a width of not less than 200 feet from the confluence of the Des Plaines River into the pool known as the Upper Des Plaines, below Randolph's Bridge, below Joliet, to its terminus, at or near the mouth of the river, to an ultimate depth of not less than 9 feet and a bottom width of not less than 200 feet. The channel shall be built with a view to an ultimate depth of not less than 9 feet throughout the entire length of the channel.

Clause of the "Johnson bill" proposes that the channel "shall have a depth of not less than 9 feet and a bottom width of not less than 200 feet, and shall be built with a view to an ultimate depth of not less than 9 feet throughout the entire length of the channel."

9 feet and a bottom width of not less than 200 feet with a view to an ultimate depth of not less than 9 feet.

respect in which the

General Assembly April 25, 1911, and the Special session June 14, 1911. See also the report of the General Assembly, 1911, pages 3, 9 and 28.

"Johnson bill" alters the "Schmitt bill" is in connection with the insertion of two long paragraphs in section 5 of the former which did not appear in the latter. Taken as a whole, these new paragraphs appear to do no more than prescribe in detail for limiting the preliminary expenditures of the \$20,000,000 fund to \$500,000. But buried in those details is authority to the Commission, in acquiring water power by contract, "to secure to the owner or owners thereof *in perpetuity* an equivalent water power out of the water power to be developed by the State" in connection with the construction of the waterway; and it is provided that the judgment of the Commission "as to what constitutes such equivalent water power as expressed in any such contract shall be final and conclusive upon that question."

Notwithstanding that no such contract is to be valid, by the terms of this bill, until the legislature approves it, Governor Deneen is accused, largely upon the strength of those provisions of the "Johnson bill," of laying a foundation for establishing perpetual private water power rights in the proposed waterway. It is one of the "chunks" of evidence advanced in support of accusations that he is co-operating with Federal protectors of the water power trust to turn a deep waterway project from the Lakes to the Gulf into private water power projects between Lockport and Utica.

II. Carrying the Illinois Fight Into the Deep Waterway Conventions.

When the fifth convention of the Lakes-to-the-Gulf Deep Waterway Association met at St. Louis, November 25th and 26th, 1910, with 7,200 delegates, the fight over an 8-foot or a 14-foot minimum had fairly concentrated upon Illinois territory and in Illinois politics. The first Deneen bill, battered in the Illinois legislature, had been wrecked by the war office Board of Engineers at Washington, and Governor Deneen had evidently begun to adapt his State policy to the accommodation of Federal obstructions.

Among the speakers the first to raise the deep channel issue was Isham Randolph, a distinguished engineer of Chicago, a member by Governor Deneen's appointment of the Internal Improvement Association, and technical spokesman for the later policy of the Governor. Speaking as an authorized agent of the State, charged with the duty of trying to arrive at a basis upon which the United States may properly co-operate with the State of Illinois in securing a navigable waterway from Lockport to the mouth of the Illinois River in conjunction with the development of

water power between Lockport and Utica, he delivered this as his message to the convention: "We want a 14-foot waterway," but we are not willing "to go on fighting for a 14-foot waterway and refuse any concession short of that;" on the contrary "we will fight for 14, for 12; even though we are driven to 9 as the last ditch, we will take the greatest depth we can get and then reach out for more depth."

Mr. Randolph was replied to by Edward A. Halsey of the Chicago Real Estate Exchange, who denounced any concession and argued for a minimum of 14 feet.

When Governor Deneen came to the platform he advocated a deep waterway in general terms, and with a 24-foot depth for locks, but urged that the policy of Congress and Illinois be deferred to and not defied.

Lyman E. Cooley, another distinguished engineer of Chicago, made an interesting technical demonstration with topographical maps and in non-technical terms of the whole proposed deep waterway system, supplementing it with a vigorous argument for nothing less than a 14-foot channel.

Congressman Rainey declared for his side, which was tremendously in the majority, that "we stand for 14 feet;" that "there may be a time when between these two great cities of the Middle West we can get more," but that "the time will never come when we will accept less."

The resolutions adopted by the convention were presented by Alexander Y. Scott as chairman of the committee on resolutions. They demand that the plans for a waterway connecting the Great Lakes with the Gulf as the main artery of our navigation system must provide for an initial depth of not less than 14 feet, with lock sills and other permanent structures adapted to a depth of not less than 24 feet. They also declare that the advocacy of less depth by Federal engineers arises from a desire to circumvent the efforts of the deep waterway Association, and to defeat its main object—an adequate system of commercial navigation.

Such, so far as yet indicated, is the attitude of the Lakes-to-the-Gulf Deep Waterway Association toward the issue of deep-water navigation with incidental water power *versus* water power regardless of deep water navigation.

In anticipation of its coming sixth convention in Chicago, various interests, commercial and political, are spreading their influence and lining up delegates. The Chicago newspapers of the 28th reported that the "Lorimer-Lincoln League" was

arranging to pack the convention with 1,000 Chicago delegates chosen by political precinct organizations supporting Senator Lorimer; and the fact that Thomas Hunter, a Lorimer partisan, is the sergeant-at-arms of the convention, was pointed out as significant of power to do the packing. Against those indications of Lorimer packing (nominally in the interest of a deep waterway but really in Lorimer's political interests, as 8-foot partisans assume), partisans for a 14-foot waterway view with some alarm and a good deal of curiosity the "boiler plate" literature and "patent insides" against their policy which they discover to have been circulating through the press of Illinois. "Where does the money come from," they ask, "for this expensive campaigning?" Their own answer is that it must come from sources inimical to the deep water project—whether the railroad trust, the electric power trust, spoils-hunting politicians, or a combined press bureau of all.

It must be considered, though, that not all the opposition to deep water navigation through the Valley is of the tricky kind or has a tricky origin. The 14-foot policy can have no special charms for local interests along the 8-foot routes of navigation that would be tributary to the Lakes-to-the-Gulf waterway; and landed and localized commercial interests of the Great Lakes region look dubiously upon the possibility of a diversion of vast volumes of Great Lakes water from its present northern and eastward to a southern and westward flow. With genuine concern they raise questions as to the effect of a lowering of the Lake levels through the resulting double outlet, and of alterations in water and air currents causing changes of temperature and thereby prejudicing the interests of fruit farmers and other Lakeshore producers. Assurances from deep waterway experts do not allay these natural fears, and widespread insinuations from monopoly sources do intensify them.

Large classes also are either indifferent or opposed to the deep waterway project, because present experience with internal navigation suggests the belief that great railroad interests which dominate our internal waterways now—our canals, the Great Lakes, the Ohio, the Missouri and the Mississippi rivers included—would dominate the Lakes-to-the-Gulf deep waterway if it were constructed. They do not consider themselves answered by reference to the opposition of monopoly railroad interests to the deep waterway project. To this they make the plausible explanation that railroad combines are averse of course to extend-

territory and the intensity of water competition, but that if this extension came they would control it precisely as they now control it through competition—through monopoly of railroads and of dockage facilities, and by every cut-throat competition when necessary. Objectors place no confidence in the battle of the Deep Waterway Association: "River regulation is rate regulation; river improvement is canal improvement." They say that experience with canals and at the cities of the Great Lakes proves the contrary.

III. A Suggestion.

Participation of the sixth Deep Waterway convention we have in conclusion but one suggestion.

It is really not our own, but rather an improvement of one which we find in the speech of Mr. Conway at the first convention. He said:*

"Railroad that is built in our country is capitalized for all it costs to build it, and the people are uncharitable enough to say that it is sometimes capitalized for more than it costs, that as it may, as the country grows through its increase in value. They are the product of private ownership, and the owners of the property claim the right to the increase in the value of their property brought about by the community interests in the development of our great country. Hence you find a little later they 'cut a watermelon' using the slang phrase of the present time to increase their stock to cover the increased value of the property. I maintain that every share of stock and bonds issued on all of the railroad properties of this country is just a mortgage on you and your children and grandchildren as though the obligation had been assumed by the government itself. Ultimately the mortgage will be paid, principal and interest, as it is now. Now the point I am trying to arrive at is not taking issue with the development of the property, but if we improve these streams we are spending a few million dollars in the permanent improvement of our own property, the property of the people. As the country advances in material wealth, the mortgage will be no further additional stock and bonds on the property which belongs to us.

Those words were wise words, wiser than those of the man who uttered them suspected. It is the point, however, that we call special privilege. Mr. Conway's remarks on the increase in value which the country's growth gives to the property, the mortgage character that stocks and bonds bear to the people, on the moral obligation of the people of the future to pay those stocks and bonds, and on the note that we have a deep waterway the mortgage on the property, the stock and bonds will be lifted—be all these things are not directly pertinent to the

official report of first convention, held at St. Paul, Minnesota, December 15 and 16, 1906.

suggestion we have to offer, although there is no warrant for our suggestion in both their spirit and their letter.

Our suggestion relates to the property to be benefited. Mr. Conway assumed, and all the deep waterway gentlemen assume with him, that this project will be an "improvement of our own property, the property of the people." Therefore it is that they ask Congress to make the improvement at the common expense. But don't they know full well that the financial benefits of that improvement would be harvested by only one class of interests, and those the least deserving?

Surely these able statesmen and business men must know that if an adequate ship channel from the Lakes to the Gulf proved as useful as they predict, there is only one kind of property that would be more than temporarily increased in market value by it, and that this would not be treated as "the property of the people."

Alluvial lands and swamp lands in vast areas would be thereby reclaimed, not to the enrichment of the people but to the enrichment of private owners. Mineral deposits—coal, rock, cement—would find an easier market, but to the enrichment of deposit owners. Vast rural areas along the Lakes and the rivers and by the Gulf would become building areas commanding high ground rents every year, not from private occupants for the people but from the people for private owners. Cities and towns and villages already established along the course of this great inland navigation-route would grow mightily; and as they grew the owners of their sites would reap annual millions from this "improvement of our own property, the property of the people." But as such owners, what would any of them have done to earn those greater riches? Nothing beyond begging Congress and State legislatures to pay the expense out of funds collected by indirect taxation from all the people.

The really vital question for these waterway promoters to settle, be they for a 14-foot or an 8-foot minimum, is whether they are proposing to improve "our own property, the property of the people," for the people's profit with the people's money, or to improve it with the people's money for the profit of a special class or interest?

We shall listen for some word in the forthcoming convention to indicate that their purpose is better than to "cut a water-melon" of their own.

* * *

Free trade, one of the greatest blessings which a government can confer on a people, is in almost every country unpopular.—Macaulay.