

sideration"; and, if it finds this to be the case, to extend the time during which such service by water may continue beyond the date fixed in the Act for its first operation—to wit, the 1st July, 1914. Whenever the time is extended, then the water carrier, its rates and schedules, and practices, are brought within the control of the Inter-State Commerce Commission. How far it is within the power of Congress to delegate to the Inter-State Commerce Commission such wide discretion it is unnecessary now to discuss. There is ample time between now and the time of this provision of the Act's going into effect to have the matter examined by the Supreme Court, or to change the form of the legislation, should it be deemed necessary. Certainly the suggested invalidity of this section, if true, would not invalidate the entire Act, the remainder of which may well stand without regard to this provision.

5. The final objection is to a provision which prevents the owner of any steamship who is guilty of violating the anti-trust law from using the canal. It is quite evident that this section applies only to those vessels engaged in the trade in which there is a monopoly contrary to our Federal statute, and it is a mere injunctive process against the continuance of such monopolistic trade. It adds the penalty of denying the use of the canal to a person or corporation violating the anti-trust law. It may have some practical operation where the business monopolized its transportation by ships, but it does not become operative to prevent the use of the canal until the decree of the Court shall have established the fact of the guilt of the owner of the vessel. While the penalties of the anti-trust law seem to me to be quite sufficient already, I do not know that this new remedy against a particular kind of a trust may not sometimes prove useful.

In a message sent to Congress after this Bill had passed both Houses I ventured to suggest a possible amendment by which all persons, and especially all British subjects who felt aggrieved by the provisions of the Bill on the ground that they are in violation of the Hay-Pauncefote Treaty, might try that question out in the Supreme Court of the United States. I think this would have satisfied those who oppose the view which Congress evidently entertains of the treaty; and might avoid the necessity for either diplomatic negotiation or further decision by an arbitral tribunal. Congress, however, has not thought it wise to accept the suggestion, and therefore I must proceed in the view which I have expressed, and am convinced is the correct one, as to the proper construction of the treaty and the limitations which it imposes upon the United States. I do not find that the Bill here in question violates those limitations.

On the whole, I believe the Bill to be one of the most beneficial that has passed this or any other Congress, and I find no reason in the objections made to the Bill which would lead me to delay, until another session of Congress, provisions that are imperatively needed now in order that due preparation by the world may be made for the opening of the canal.

The White House, 24th August, 1912.

WM. H. TAFT.

New Zealand, No. 384.

SIR,—

Downing Street, 19th December, 1912.

With reference to previous correspondence, I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a Proclamation by the President of the United States dated the 13th November, 1912, prescribing the rates of toll to be paid by vessels using the Panama Canal.

I have, &c.,

The Officer administering the Government of New Zealand.

L. HARCOURT.

PANAMA CANAL TOLL RATES.

By the President of the United States of America.

A PROCLAMATION.

I, WILLIAM HOWARD TAFT, President of the United States of America, by virtue of the power and authority vested in me by the Act of Congress, approved the 24th August, 1912, to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, do hereby prescribe and proclaim the following rates of toll to be paid by vessels using the Panama Canal:—

1. On merchant vessels carrying passengers or cargo, 1 dol 20 c. per net vessel ton—each 100 cubic feet—of actual earning-capacity.
2. On vessels in ballast without passengers or cargo, 46 per cent. less than the rate of tolls for vessels with passengers or cargo.
3. Upon naval vessels, other than transports, colliers, hospital ships, and supply ships, 50 cents for displacement ton.
4. Upon army and navy transports, colliers, hospital ships, and supply ships, 1 dol. 20 c. per net ton, the vessels to be measured by the same rules as are employed in determining the net tonnage of merchant vessels.

The Secretary of War will prepare and prescribe such rules for the measurement of vessels and such regulations as may be necessary and proper to carry this Proclamation into full force and effect.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 13th day of November, 1912, and of the independence of the United States the 137th.

By the President.—P. C. KNOX, Secretary of State.

WM. H. TAFT.