37TH CONGRESS,
3D SESSION.

H. R. 782.

[Report No. 53.]

IN THE HOUSE OF REPRESENTATIVES.

MARCH 3, 1863.

Read twice, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. VAN HORN, from the select committee on the Niagara ship canal, reported the following bill:

A BILL

To construct a ship canal, for the passage of armed and naval vessels, between Lake Erie and Lake Ontario.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That three persons, citizens of the United States, to be appointed by the President of the United States, by and with the advice and consent of the Senate, one of whom shall be skilled and experienced in engineering, and to hold their places at the pleasure of the President, shall be a board of commissioners to construct a ship canal, in such manner as to furnish suitable and sufficient water communication for the passage of gunboats and other naval and war vessels of the United States between Lake Erie and Lake Ontario, in the

State of New York. The said commissioners shall each receive such salary, not exceeding three thousand dollars per annum, as the Secretary of War shall, with respect to their respective duties and services, determine; and they shall, respectively, give bond for the faithful performance of their duties, in such amount, upon such condition, and with such sureties as the Secretary of War may prescribe and approve.

SEC. 2. *And be it further enacted,* That the said commissioners shall make a careful examination and survey for such a canal and water communication as is contemplated by this act, and determine upon a suitable plan, which plan shall provide for a canal and water communication in such manner as to insure a safe and uninterrupted water navigation between Lake Erie and Lake Ontario, at all times during the season of navigation, of gunboats, steamboats, naval and war vessels of the United States, and all other vessels usually employed in the navigation of said lakes; which plan shall be submitted to the President of the United States for his approval.

SEC. 3. *And be it further enacted,* That upon the approval by the President of the United States of the plan of said canal and water communication, the said commissioners are hereby authorized to construct the same according to said plan, under the direction of the Secretary of War, and to prosecute the same to completion with such dispatch as the

7 nature of the work and funds appropriated for that purpose
8 from time to time by Congress shall permit; and that the
9 sum of one million of dollars be, and hereby is, appropriated
10 towards the expense of said work. And the said commissioners
11 are authorized to draw from time to time from the treasury
12 of the United States the amount hereby appropriated in such
13 sums as shall be required for the said surveys, plans, expenses,
14 compensation of commissioners, and the prosecution of said
15 work, such money to be drawn in such manner and under
16 such regulations as the Secretary of War shall establish.
17 And the said commissioners shall make a report in writing
18 annually to the Secretary of War on the progress of said
19 work, with estimates of the amount which will be required
20 for the prosecution of the same during the next succeeding
21 year; and the Secretary of War shall include the amount so
22 reported in the estimates for the expenditures of the War
23 Department, and the same shall be provided for in the
24 annual appropriations for said department. And said com-
25 missioners shall furnish vouchers and proofs in duplicate of
26 the work done and materials furnished at such times and
27 under such regulations as the Secretary of War may prescribe.

1 SEC. 4. *And be it further enacted,* That the said com-
2 missioners shall, under the direction of the Secretary of War,
3 have the exclusive control and management of the said canal,
4 and shall have power to establish all needful rules and regu-

5 lations concerning the use and navigation thereof, and to fix,
6 alter, and modify the rates of toll upon said canal, and, under
7 the direction of the Secretary of War, to employ such agents,
8 engineers, surveyors, draughtsmen, collectors, and other per-
9 sons as they may judge necessary for the performance of the
10 work hereby committed to them, with full power to enter
11 upon, appropriate, use, and condemn any lands, water streams,
12 and materials of any description necessary for the prosecution
13 and completion of the improvement contemplated by this bill:
14 *Provided,* That when private property shall be taken for
15 such purpose, the same shall be condemned and compensation
16 made therefor in the manner now provided by the laws of
17 the State of New York. And it shall be the duty of such
18 commissioners to cause all the work done upon said canal to
19 be let to the lowest responsible bidder, at public lettings, of
20 which sufficient public notice, by advertisement in the public
21 newspapers, shall be given.

1 SEC. 5. *And be it further enacted,* That the revenues
2 derived from the said canal, over and above the expenses of
3 management and of repairs and expenditures thereon, shall
4 be paid into the treasury of the United States; and a separate
5 account shall be kept of such receipts, and the same shall be
6 appropriated to the payment of the interest and principal
7 expended by the United States upon the said work. And
8 the said canal and water communication shall forever there-

9 after be open and free to the navigation of all the citizens
10 of the United States, subject only to such tolls as may be
11 necessary to keep the same in suitable repair and defray the
12 current expenses of its management.