

was plenty of forest left for the sons who came after him. When he exhausted the soil of his farm he felt that his son could go west and take up another. So it was with his immediate successors. When the soil-wash from the farmer's fields choked the neighboring river he thought only of using the railway rather than boats for moving his produce and supplies.

Now all this is changed. On the average the son of the farmer of today must make his living on his father's farm. There is no difficulty in doing this if the father will exercise wisdom. No wise use of a farm exhausts its fertility. So with the forests. We are over the verge of a timber famine in this country, and it is unpardonable for the nation or the states to permit any further cutting of our timber save in accordance with a system which will provide that the next generation shall see the timber increased instead of diminished. Moreover, we can add enormous tracts of the most valuable possible agricultural land to the national domain by irrigation in the arid and semi-arid regions and by drainage of great tracts of swamp land in the humid regions. We can enormously increase our transportation facilities by the canalization of our rivers so as to complete a great system of waterways on the Pacific, Atlantic, and Gulf coasts, and in the Mississippi valley, from the great plains to the Alleghenies and from the northern lakes to the mouth of the mighty Father of Waters. But all these various uses of our natural resources are so closely connected that they should be coordinated, and should be treated as part of one coherent plan and not in haphazard and piecemeal fashion.

It is largely because of this that I appointed the waterways commission last year and that I have sought to perpetuate its work. I wish to take this opportunity to express in heartiest fashion my acknowledgment to all the members of the commission. At great personal sacrifice of time and effort they have rendered a service to the public for which we can not be too grateful. Especial credit is due to the initiative, the energy, the devotion to duty and the farsightedness of Gifford Pinchot, to whom we owe so much of the progress we have already made in handling this matter of the co-ordination and conservation of natural resources. If it had not been for him this convention neither would nor could have been called.

We are coming to recognize as never before the right of the nation to guard its own future in the essential matter of natural resources. In the past we have admitted the right of the individual to injure the future of the republic for his own present profit. The time has come for a change. As a people we have the right and the duty, second to none other but the right and duty of obeying the moral law, of requiring and doing justice, to protect ourselves and our children against the wasteful development of our natural resources, whether that waste is caused by the actual destruction of such resources or by making them impossible of development hereafter.

Any right thinking father earnestly desires and strives to leave his son both an untarnished name and a reasonable equipment for the struggle of life. So this nation as a whole should earnestly desire and strive to leave to the next generation the national honor unstained and the national resources unexhausted. There are signs that both the nation and the states are waking to a realization of this great truth. On March 10, 1908, the supreme court of Maine rendered an exceedingly important judicial decision. This opinion was rendered in response to questions as to the right of the legislature to restrict the cutting of trees on private land for the prevention of droughts and floods, the preservation of the natural water supply, and the prevention of the erosion of such lands, and the consequent filling up of rivers, ponds and lakes. The forests and water power of Maine constitute the larger part of her wealth and form the basis of her industrial life, and the question submitted by the Maine senate to the supreme court and the answer of the supreme court alike bear testimony to the wisdom of the people of Maine, and clearly define a policy of conservation of natural resources, the adoption of which is of vital importance not merely to Maine but to the whole country.

Such a policy will preserve soil, forests, water power as a heritage for the children and the children's children of the men and women of this generation; for any enactment that provides for the wise utilization of the forests, whether in public or private ownership, and for the conservation of the water resources of the

country, must necessarily be legislation that will promote both private and public welfare; for flood prevention, water power development, preservation of the soil, and improvement of navigable rivers are all promoted by such a policy of forest conservation.

The opinion of the Maine supreme bench sets forth unequivocally the principle that the property rights of the individual are subordinate to the rights of the community, and especially that the waste of wild timber land derived originally from the state, involving as it would the impoverishment of the state and its people and thereby defeating one great purpose of government, may properly be prevented by state restrictions.

The court says that there are two reasons why the right of the public to control and limit the use of private property is peculiarly applicable to property in land: "First, such property is not the result of productive labor, but is derived solely from the state itself, the original owner; second, the amount of land being incapable of increase, if the owners of large tracts can waste them at will without state restriction, the state and its people may be helplessly impoverished and one great purpose of government defeated. * * * We do not think the proposed legislation would operate to 'take' private property within the inhibition of the constitution. While it might restrict the owner of wild and uncultivated lands in his use of them, might delay his taking some of the product, might delay his anticipated profits and even thereby might cause him some loss of profit, it would nevertheless leave him his lands, their product and increase, untouched, and without diminution of title, estate, or quantity. He would still have large measure of control and large opportunity to realize values. He might suffer delay but not deprivation. * * * The proposed legislation * * * would be within the legislative power and would not operate as a taking of private property for which compensation must be made."

The court of errors and appeals of New Jersey has adopted a similar view, which has recently been sustained by the Supreme Court of the United States. In delivering the opinion of the Court on April 6, 1908, Mr. Justice Holmes said: "The state as quasi-sovereign and representative of the interests of the public has a standing in court to protect the atmosphere, the water and the forests in its territory, irrespective of the assent or dissent of the private owners of the land most immediately concerned. * * *

"It appears to us that few public interests are more obvious, indisputable and independent of particular theory than the interest of the public of a State to maintain the rivers that are wholly within it substantially undiminished, except by such drafts upon them as the guardian of the public welfare may permit for the purpose of turning them to a more perfect use. This public interest is omnipresent wherever there is a State, and grows more pressing as population grows. * * *

"We are of opinion further, that the constitutional power of the State to insist that its natural advantages shall remain unimpaired by its citizens is not dependent upon any nice estimate of the extent of present use or speculation as to future needs. The legal conception of the necessary is apt to be confined to somewhat rudimentary wants, and there are benefits from a great river that might escape a lawyer's view. But the State is not required to submit even to an aesthetic analysis. Any analysis may be inadequate. It finds itself in possession of what all admit to be a great public good, and what it has it may keep and give to no one a reason for its will."

These decisions reach the root of the idea of conservation of our resources in the interests of our people.

Finally, let us remember that the conservation of our natural resources, though the gravest problem of today, is yet but part of another and greater problem to which this nation is not yet awake, but to which it will awake in time, and with which it must hereafter grapple if it is to live—the problem of national efficiency, the patriotic duty of insuring the safety and continuance of the nation. When the people of the United States consciously undertake to raise themselves as citizens, and the nation and the States in their several spheres, to the highest pitch of excellence in private, State, and national life, and to do this because it is the first of all the duties of true patriotism, then and not till then the future of this nation, in quality and in time, will be assured.

Washington Letter

Washington, D. C., May 18.—The existence of certain letters from the president to three senators bearing upon the discharge of the negro soldiers of the Twenty-fifth Infantry without honor and his action in banishing Colonel William F. Stewart to an abandoned military post in Arizona has become generally known and the letters are likely to appear in the Congressional Record at no late date. The president is said to have written to Senator Smith of Michigan and to Senator Stewart of Vermont letters in which he declared that if the Foraker bill, which provides for the reinstatement of such members of the Twenty-fifth Infantry as will make affidavit to their guiltlessness of any complicity in the Brownsville outbreak, shall be passed he will veto it, and furthermore that if it should be passed over his veto he will give no attention to the directions of congress. These letters have been seen by many members of the senate. They furnish the principal topic of conversation in the cloakrooms today. Their existence can hardly be doubted. At the same time they stand as the expression of a strong man intolerant of legislative control and indifferent to the provisions of the United States constitution. Mr. Roosevelt stands on the principle that he is commander-in-chief of the army and navy and that no action taken by congress relative to the army and navy can affect his prerogatives or determine his action. He accords to congress the power to make or refuse appropriations for the support of the army and navy, though only recently he threatened to veto all public building bills unless congress appropriated \$40,000,000 he wanted for the four battleships. Of course, if Mr. Roosevelt can discharge three companies of soldiers and refuse to reinlist them even at the demand of congress, he might discharge the whole army. If he can discharge the whole army he holds the livelihood and the professional career of every man in the army at his mercy. It sounds very much like a modern Cromwell come to the White House.

And again there is the mysterious case of Colonel Stewart. This officer was a colonel in the coast artillery service. For some reason not ever explained, he was suddenly transferred to a deserted army post in the center of Arizona, a long way from any coast or any artillery. There is no garrison there and he was allowed but one enlisted man to look out for his comfort. The post is twenty-six miles across the desert from the nearest village. He was told that if he would allow himself to be retired his application would be accepted, but as he has four more years of active service he refused to retire unless made a brigadier general as he will be if he sticks. On a protest from his friends he was transferred to St. Augustine, Florida. He had not unpacked his goods there before he was curtly ordered back to the Arizona desert. Now the point of this incident is that no public charge has been made against Colonel Stewart. Any officer can be retired for cause—and it has been shown that three companies of privates can be dismissed upon mere suspicion of cause. If the commander-in-chief of the army and navy in the White House has reason to believe that something Colonel Stewart has done lays him open to punishment, he can demand a court martial or a court of inquiry. Neither has been ordered, though it is now understood that Senator Rayner of Maryland will demand that the latter course be adopted. What Stewart's sins are no one knows. But the president insists that as commander-in-chief he has the right to inflict discipline arbitrarily, without investigation and without publicity upon anyone wearing the United States uniform.

These two incidents merit more than passing consideration. Both the Brownsville case and the Stewart case suggest that the mutual admiration of the emperor of Germany and Theodore Roosevelt for each other is based upon a similar belief in their own infallibility and their superiority to law made by the plain, ordinary, common people.

A very distinguished journalist and student of politics said in the press gallery a day or two ago:

"I can not understand what the dominant factors in the house of representatives expect to accomplish by their present methods. Practically every great newspaper in the United States and all of the smaller newspapers are urging the repeal of the tariff on wood pulp and print paper. But the republican machine