TAFT NOT A NEW NATIONALIST

WAS NOT SPEAKING WITH BOASTFULNESS, HE SAYS OF HIMSELF

Tells Conservatives at St. Paul That the Only Safe Course Is to Hold Fast to the Limitations of the Constitution Regarding Powers of the States

[illegible] President Taft [illegible] Congress [illegible] Mr. Taft's address.

[illegible] President Taft [illegible] Congress [illegible] Mr. Roosevelt.

To the conservators the President laid down the Administration policy. He set it out unequivocally, praising the work of his predecessor where he thought it ought to be praised and limiting some of the conservation policies of Mr. Roosevelt's administration.

Mr. Taft dodged once. He left it to Congress to decide whether or not water power sites shall be controlled by the general Government or by the State governments.

"I do not," said the President, "express an opinion upon the controversy thus made or a reference as to the two methods of treating water power sites. I shall submit the matter to Congress and urge that one or the other of the two plans be adopted."

On this paragraph the West, as represented here by thousands of delegates to the conservation congress, and by thousands of others who came merely to see the notables, disagreed. In the opinion of most of those who would talk Mr. Taft side-stepped the most important question that will come for settlement by Congress at its next session.

At the State Fair grounds the President made no attempt to conciliate the labor unions, although he was speaking to a Labor Day crowd. He was blunt when he talked about class legislation. He was opposed to it. "But there is a kind of legislation," he said, "to which I would refer that does come under the head of vicious class legislation, and I hope I can make the distinction clear between this and what I have been describing.

"A number of statutes have been passed in the States against combinations or conspiracies to restrain trade, to suppress competition or to maintain prices, and there has been sometimes an attempt to insert in such statutes a proviso or section exempting farmers or other classes from the operation of the statutes, so as to enable the exempt classes to corner products and raise prices while no other class in the community can do so.

"The Supreme Court of the United States has held that such a law gives undue privilege to a particular class in the community, creates an unjust exemption from the operation of a useful law, denies the equal protection of the laws, violates the Constitution and is invalid.

"Again, the Federal anti-trust law has been held by the Supreme Court to denounce combinations to obstruct or restrain interstate trade and to prohibit therefore illegal boycotts to injure the interstate trade of any person. At the last session of Congress, in an appropriation bill, some $20,000 was appropriated for the enforcement of the anti-trust law. To this appropriation an amendment was proposed providing that no part of the $20,000 should be used in the prosecution of workingmen engaged in a boycott in violation of the statute. That is not the way the amendment read but that was its necessary effect.

"The majority of the House after a very heated discussion rejected the amendment on the ground that it was vicious class legislation. As a matter of fact, the money thus previously appropriated to enforce the anti-trust law had never been used for the prosecution of workingmen in such a boycott, because there was no case for such use, and in all probability the money now appropriated will never be used for such a purpose. But it was the proper view of the majority who voted against the amendment that in principle such a class exemption or privilege should not be declared and approved in a statute of the Government.

"I haven't the slightest expectation that the money will ever be used for anything but the prosecution of corporations and business firms engaged in combinations in restraint of trade, but to tie the hands of the Executive against an unlawful combination of workingmen or any other men, if such a combination existed, and thus make any group a privileged class of lawbreakers is neither justice nor wisdom nor good statesmanship."

With Mr. Taft at his two public appearances were many public men. Senator Clapp and Senator Knute Nelson of Minnesota, Gov. Brady of Idaho, Congressmen James of Kentucky and Madison of Kansas and Senator Sutherland of Utah were there.

The Presidential party left St. Paul in the private car Mayflower at 9.15 to-night for Chicago, on the way to Beverly.

MR. TAFT'S ADDRESS

Would Not Have States Weakened Up in New Nationalism

St. Paul, Minn., Sept. 1. President Taft's address to the National Conservation Congress to-day was as follows:

Gentlemen of the National Conservation Congress: Conservation is an economic and political term that stands for the preservation of our natural resources for economical use so as to secure the greatest good to the greatest number in the development of this country, in the hardships of the pioneer, in the courage of the settler, in the anxiety of the investor for quick returns there was very little time, opportunity or desire to prevent waste of these resources, applicable to native which could not be quickly transmuted into money, while the investment of capital was so great a condition on that the people as a community secured little or no care to prevent the transfer of absolute ownership of many of the inexhaustible natural resources to private individuals without retaining some kind of control of their use. The impulse of the whole new community was to encourage the coming of population, the increase of settlement and the opening up of business and no one dissented in the slightest degree to any step which promised additional development of the vile resources at hand was regarded as a traitor to his neighbors and an obstructor to public progress. But now that the community has become old, now that the tide of anthracite expansion has ebbed away, now that the world-to-pioneers have come to realize that all the richest lands in the country have been taken up, we have perceived the necessity for a change of policy in the disposition of our national resources so as to prevent the continuance of the waste which has characterized our phenomenal growth in the past. Today we desire to restrict and retain under public control the acquisition and use by the capitalist of our natural resources.

"Among scientific men and thoughtful observers, however, the danger has always been present, but it needed some one to bring home the crying need for a remedy of this evil so as to impress itself on the public mind and lead to the formation of public opinion and action by the representatives of the people. Theodore Roosevelt took up this task in the last two years of his second Administration, and well did he perform it.

"As President of the United States I have, as it were, inherited this policy and I rejoice in my heritage. I prize my high opportunity to do all that an Executive can do to help a great people realize a great national ambition for conservation is national. It affects every man of us, every woman, every child. What I can do in the cause I shall do, not as President of a party, but as President of the whole people. Conservation is not a question of politics or of factions, or of persons. It is a question that affects the vital welfare of all of us, of our children and our children's children. I urge that no good can come from meetings of this sort unless we ascribe to those who take part in them, and who are apparently serving worthily in the cause, all proper motives and unless we judicially consider every measure or method proposed with a view to its effectiveness in achieving our common purpose, and wholly without regard to who proposes it or who will claim the credit for its adoption.

"The public domain of the Government of the United States, including all the lands in the West, is larger than that made up of the thirteen States that made up the United States and including Alaska, amounts to an area of 1,800,000,000 acres. Of this there is left as purely Government property outside of Alaska something like 500,000,000 acres. Of this, in national forest reserves in the United States proper, approximately 150,000,000 acres. The rest is largely mountain and arid country, offering some opportunity for agriculture by dry farming and by reclamation, and containing metals as well as coal, phosphates, oils and natural gas. Then the Government owns many tracts of land lying along the margins of streams that have water power, the use of which is necessary in the conversion of the power into electricity and its transmission.

"The present Congress passed a bill of great importance, severing the ownership of coal by the Government in the ground from the surface and permitting homestead entries upon the surface of the land, which, when perfected, give the settler the right to farm the surface, while the coal beneath the surface is retained in ownership by the Government and may be disposed of by it under other laws.

"There is no crying need for radical reform in the methods of disposing of what are really agricultural lands. The present laws have worked well. The enlarged homestead law has encouraged the successful farming of lands in the semi-arid regions.

"Suggestions have been made that the United States ought to aid in the drainage of swamp lands belonging to the States or private owners, because if drained they would be exceedingly valuable for agriculture and contribute to the general welfare by extending the area of cultivation. I deprecate the agitation in favor of such legislation. It is inviting the general Government into contribution from its treasury toward enterprises that should be conducted either by private capital or at the instance of the State. In these days there is a disposition to look too much to the Federal Government for everything. I am liberal in the construction of the Constitution with reference to Federal power, but I am firmly convinced that the only safe course for us to pursue is to hold fast to the limitations of the Constitution and to regard as sacred the powers of the States. We have made wonderful progress and at the same time have preserved with judicial exactness the restrictions of the Constitution. There is an easy way in which the Constitution can be violated by Congress without judicial inhibition, to wit, by appropriations from the national treasury for unconstitutional purposes. It will be a sorry day for this country if the time ever comes when our fundamental compact shall be habitually disregarded in this manner.

MINERAL LANDS

"By mineral lands I mean those lands bearing metals, or what are called metalliferous minerals. The rules of ownership and disposition of these lands were first fixed by custom in the West, and then were embodied in the law, and they have worked, on the whole, so fairly and well that I do not think it is wise now to attempt to change or better them. The apex theory of tracing title to a lode has led to much litigation and dispute and ought not to have become the law, but it is so fixed and understood now that the benefit to be gained by a change is altogether outweighed by the inconvenience that would attend the introduction of a new system. So, too, the proposal for the Government to lease such mineral lands and deposits and to impose royalties might have been in the beginning a good thing, but now that most of the mineral land has been otherwise disposed of it would be hardly worth while to assume the embarrassment of a radical change.

FOREST LANDS

"Nothing can be more important in the matter of conservation than the treatment of our forest lands. It was probably the ruthless destruction of forests in the older States that first called attention to a halt in the waste of our resources. This was recognized by Congress by an act authorizing the Executive to reserve from entry and set aside public timber lands as national forests. The law now prohibits the reservation of any more forest lands in Oregon, Washington, Idaho, Montana, Colorado and Wyoming, except by act of Congress. I am informed by the Department of Agriculture that the Government owns other tracts of timber land in these States which should be included in the forest reserves. I expect to recommend to Congress that the limitation herein imposed shall be repealed. In the present forest reserves there are lands which are not properly forest land and which ought to be subject to homestead entry. This has caused some local irritation. We are carefully eliminating such lands from forest reserves or where they adjunction is not practicable, bring them for entry under the forest homestead act.

"Congress ought to pass the Executive bill to use the power of eminent domain with respect to lands acquired by money or which and be useful in the play of reforestation. Dipping in private holdings in forest areas, if and, argely has hindered, have been excluded from forest reserves, and 2,000,000 acres of land principally valuable for forest purposes have been included in forest reserves, making a reduction in the reserves of non-forested land and adding to it 20,000 acres. The forest reserves since the creation now included outstanding 150,000,000 acres, a great deal of the forest land is available for grazing. During the past year the grazing users numbered 23,000, and they pastured upon the forest reserves 1,900,000 cattle, 14,500 horses and 1,200,000 sheep, for which the Government received $[illegible] a decrease from the preceding year of $[illegible] due to the fact that no money was collected or required for grazing in the submerged area withdrawn from the forest reserve. Income arising if profit in the forestry is the example for [illegible] wood. This year they anticipated to be [illegible] an increase of $[illegible] over the receipts of last year. This increase is due to the improvement in transportation to market and the creation facility with which the lands [illegible] are handled.

"The Government owns in the country approximately one-fourth of all the timber, the rest being in private ownership. Only [illegible] of that which is in private ownership is looked after properly and cared according to modern rules of forestry. The annual destruction waste and neglect continues in the remainder of the forests owned by private persons and corporations. It is estimated that the alone [illegible] worth of [illegible] a year. The improvement of forests not on public land is beyond the jurisdiction of the Federal Government. If anything can be done by law it must be done by the State legislatures. I believe that it is within their constitutional power to require the enforcement of regulations in the general public interest as to fire and other causes of waste in the management of forests owned by private individuals and corporations. Exactly how far these regulations can go and remain consistent with the rights of private ownership it is not necessary to discuss, but I call attention to the fact that a very important part of conservation must always fall upon the State legislatures, and that they would better be up and doing if they would save the waste and denudation and destruction through private greed or accidental fires that have made barren many square miles of the older States.

"I have shown sufficiently the conditions as to Federal forestry to indicate that no further legislation is needed at the moment except an increase in the fire protection to national forests and an act vesting the Executive with full power to make forest reservations in every State where Government land is timber covered or where the land is needed for forestry purposes.

"When President Roosevelt became fully advised of the necessity for the change in our disposition of public lands, especially those containing coal, oil, gas, phosphates or water power sites, he began the exercise of the power of withdrawal by Executive order of lands subject by law to homestead and other methods of entering for agricultural lands. The precedent he set in this matter was followed by the present Administration. Doubt had been expressed in some quarters as to the power in the Executive to make such withdrawals. The confusion and injustice likely to arise if the courts were to deny the power led me to appeal to Congress to give the President the express power. Congress has complied. The law as passed does not expressly validate or confirm previous withdrawals, and therefore as soon as the new law was passed, I myself confirmed all the withdrawals which had there-fore been made by both administrations by issuing them over again. This was of an abundant and useful one, and I do not think it is likely to be altered.

COAL LANDS

"The next subject, and one of most important for our consideration, is the disposition of the coal lands in the United States and in Alaska. First, as to those in the United States. At the beginning of this administration there were classified coal lands amounting to 5,120,000 acres and there were withdrawn from entry for purposes of classification 17,867,000 acres. Since that time there have been withdrawn by my order from entry for classification 77,648,000 acres, making a total withdrawal of 95,515,000 acres. Meantime, of the acres thus withdrawn 11,371,000 have been classified and found not to contain coal, and have been restored to agricultural entry, and 4,356,000 acres have been classified as coal lands, while 79,788,000 acres remain withdrawn from entry and await classification. In addition 336,000 acres have been classified as coal lands without prior withdrawal, thus increasing the classified coal lands to 10,168,000 acres.

"I have looked with some care into a report made at the instance of President Roosevelt upon the disposition of coal lands in Australia, Tasmania and New Zealand. These are peculiarly mining countries, and their experience ought to be most valuable. In all these countries the method for the disposition and opening of coal mines originally owned by the Government is by granting leasehold, and not by granting an absolute title. The terms of the leases run all the way from twenty to fifty years, while the amount of land which may be leased to any individual there is from 320 acres to 2,000 acres. It appears that a full examination was made and the opinions of all the leading experts on the subject were solicited and given, and that with one accord they approved in all respects the leasing system. Its success is abundantly shown. It is possible that at first considerable latitude will have to be given to the Executive in drafting these forms of lease, but as soon as experiment shall show which is the most workable and practicable, its use should be provided for specifically by statute.

ALASKA COAL LANDS

"The investigations of the Geological Survey show that the coal properties in Alaska cover about 1,200 square miles, and that there are known to be available about 15,000,000,000 tons. This is, however, an underestimate of the coal in Alaska, because further developments will probably increase this amount many times, but we can say with considerable certainty that there are two fields on the Pacific slope which can be reached by railways at a reasonable cost from deep water, in one case of about fifty miles and in the other case of about 120 miles, which will afford certainly 6,000,000,000 tons of coal, more than half of which is of a very high grade of bituminous and of anthracite. It is estimated to be worth, in the ground, one-half a cent a ton, which makes its value per acre from $50 to $500. The coking coal lands of Pennsylvania are worth from $800 to $2,000 an acre, while other Appalachian fields are worth from $10 to $385 an acre, and the fields in the Central States from $10 to $2,000 an acre, and in the Rocky Mountains $10 to $500 an acre. The demand for coal on the Pacific coast is for about 4,500,000 tons a year.

"With a regular coal supply established, the expert of the Geological Survey, Mr. Brooks, who has made a report on the subject, does not think there would be an excessive profit in the Alaska coal mining, because the price at which the coal could be sold would be considerably lowered by competition from these fields and by the presence of crude fuel oil. The history of the laws affecting the disposition of Alaska coal lands shows them to need amendment badly. Speaking of them, Mr. Brooks says:

"The first act, passed on June 6, 1900, simply extended to Alaska the provisions of the coal land laws in the United States. The law was ineffective, for it provided that only subdivided lands could be taken up, and there were then no land surveys in Alaska. The matter was rectified by the act of April 28, 1904, which permitted unsurveyed lands to be entered and the surveys to be made at the expense of the entrymen. Unfortunately, the law provided that only tracts of 160 acres could be taken up, and no recognition was given to the fact that it was impracticable to develop an individual coal field requiring the expenditure of a large amount of money by such small units. Many claims were staked, however, and surveys were made for patents. It was recognized by everybody familiar with the conditions that after patent was obtained these claims would be combined in tracts large enough to secure successful mining operations. No one experienced in mining would, of course, consider it feasible to open a coal field on the basis of single 160 acre tracts. The claims for the most part were handled in groups for which one agent represented the several different owners.

"Unfortunately, a strict interpretation of the statute raised the question whether even a tacit understanding between claimants to combine after patents had been obtained was not illegal. Remedial legislation was sought and secured in the statute of May 28, 1908. That law permitted the consolidation of claims taken previous to November 12, 1906, in tracts of 2,560 acres. One clause of the law invalidates the title if any individual or corporation at any time in the future owned any interest whatsoever, directly or indirectly, in more than one tract. The purpose of this clause was to prevent the monopolization of coal fields, its immediate effect was to discourage capital. It was felt by many that this clause might lead to forfeiture of title through the accidents of inheritance, or might even be used by the unscrupulous in blackmailing. It would appear that land taken up under this law might at any time be forfeited to the Government through the action of any individual who, innocently or otherwise, obtained interest in more than one coal company. Such a title was felt to be too insecure to warrant the large investments needed for mining developments. The net result of all this is that no titles to coal lands have been passed.

"On November 12, 1906, President Roosevelt issued an Executive order withdrawing all coal lands from location and entry in Alaska. On May 16, 1907, he modified the order so as to permit valid locations made prior to the withdrawal on November 12, 1906, to proceed to entry and patent. Prior to that date some 400 claims had been filed, most of them said to be illegal because either made fraudulently by dummy entrymen in the interest of one individual or corporation, or because of agreements made prior to location between the applicants to cooperate in developing the lands. There are thirty-three claims for 160 acres each, known as the Cunningham claims, which are claimed to be valid on the ground that they were made by an attorney for thirty-three different and bona fide claimants who, as alleged, paid their money and took the proper steps to locate their entries and protect them. The representatives of the Government in the hearings before the Land Office have attacked the validity of these Cunningham claims on the ground that prior to their location there was an understanding between the claimants to pool their claims after they had been perfected and unite them in one company. The trend of decision seems to show that such an agreement would invalidate the claims, although under the subsequent law of May 28, 1908, the consolidation of such claims was permitted, after location and entry, in tracts of 2,560 acres.

"It would be, of course, improper for me to intimate what the result of the issue as to the Cunningham and other Alaska claims is likely to be, but it ought to be distinctly understood that no private claims for Alaska coal lands have as yet been allowed or perfected, and also that whatever the result as to pending claims, the existing coal land laws of Alaska are most unsatisfactory and should be radically amended. To begin with, the purchase price of the land is a flat rate of $10 per acre, although as we have seen, the estimate of the agent of the Geological Survey would carry up the maximum of value to $500 an acre. In my judgment it is essential in the proper development of Alaska that these coal lands should be opened, and that the Pacific slope should be given the benefit of the comparatively cheap coal of the quality which can be furnished at a reasonable price from these fields, but the public, through the Government, ought certainly to retain a wise control and interest in these coal deposits, and I think it may do so safely if Congress will authorize the granting of leases, as already suggested, for Government coal lands in the United States, with provisions forbidding the transfer of the leases except with the consent of the Government, thus preventing their acquisition by a combination or monopoly and upon limitations as to the area to be included in any one lease to one individual, and at a certain moderate rental, with royalties upon the coal mined proportioned to the market value of the coal either at Seattle or at San Francisco. Of course such leases should contain conditions requiring the erection of proper plants, the proper development by modern mining methods of the properties leased and the use of every known and practical means and device for saving the lives of the miners.

"The Government of the United States has much to answer for in not having given proper attention to the government of Alaska and the development of her resources for the benefit of all the people of the country. I would not force development at the expense of a present or future waste of resources, but the problem as to the disposition of the coal lands for present and future use can be wisely and safely settled in one session if Congress gives it careful attention.

OIL AND GAS LANDS

"In the last Administration there were withdrawn from agricultural entry 2,820,000 acres of supposed oil land in California, about 1,500,000 acres in Louisiana, of which 6,500 acres were known to be vacant unappropriated land; 75,000 acres in Oregon and 174,000 acres in Wyoming, making a total of nearly 4,000,000 acres. In September, 1909, I directed that all public oil lands, whether then withdrawn or not, should be withheld from disposition pending Congressional action, for the reason that the existing placer mining law, although made applicable to deposits of this character, is not suitable to such lands, and for the further reason that it seemed desirable to reserve certain fuel oil deposits for the use of the American navy. Accordingly the form of all existing withdrawals was changed, and new withdrawals aggregating 2,750,000 acres were made in Arizona, California, Colorado, New Mexico, Utah and Wyoming. Field examinations during the year showed that of the original withdrawals, 2,170,000 acres were not valuable for oil and they were restored for agricultural entry. Meantime, other withdrawals of public oil lands in these States were made, so that July 1, 1910, the outstanding withdrawals then amounted to 4,550,000 acres.

"The needed oil and gas law is essentially a leasing law. In their natural occurrence oil and gas cannot be measured in terms of acres, like coal, and it follows that exclusive title to these products can normally be secured only after they reach the surface. Oil should be disposed of as a commodity in terms of barrels of transportable product rather than in acres of real estate. This is, of course, the reason for the practically universal adoption of the leasing system wherever oil land is in private ownership.

PHOSPHATE LANDS

"Phosphorus is one of the three essentials to plant growth, the other elements being nitrogen and potash. Of these three, phosphorus is by all odds the scarcest element in nature. It is easily extracted in useful form from the phosphate rock, and the United States contains the greatest known deposits of this rock in the world. They are found in Wyoming, Utah and Florida, as well as in South Carolina, Georgia and Tennessee. The Government phosphate lands are confined to Wyoming, Utah and Florida. Prior to March 4, 1909, there were 4,000,000 acres withdrawn from agricultural entry on the ground that the land covered phosphate rock. Since that time 2,322,000 acres of the land thus withdrawn was found not to contain phosphate in profitable quantities, while 1,678,000 acres was classified properly as phosphate lands. During this Administration there has been withdrawn and classified 437,000 acres, so that to-day there is classified as phosphate rock land 2,115,000 acres. This rock is most important in the composition of fertilizers to improve the soil, and as the future is certain to create an enormous demand throughout this country for fertilization the value to the public of such deposits as these can hardly be exaggerated. Certainly with respect to these deposits a careful policy of conservation should be followed.

"A law that would provide a leasing system for the phosphate deposits, together with a provision for the separation of the surface and mineral rights as is already provided for in the case of coal, would seem to meet the need of promoting the development of these deposits and their utilization in the agricultural lands of the West. If it is thought desirable to discourage the exportation of phosphate rock and the saving of it for our own lands, this purpose could be accomplished by conditions in the lease granted by the Government to its lessees. Of course, under the Constitution the Government could not tax and could not prohibit the exportation of phosphate, but as proprietor and owner of the lands in which the phosphate is deposited it could impose conditions upon the kind of sales, whether foreign or domestic, which the lessees might make of the phosphate mined.

WATER POWER SITES

"Prior to March 4, 1909, there had been, on the recommendation of the reclamation service, withdrawn from agricultural entry, because they were regarded as useful for power sites which ought not to be disposed of as agricultural lands, tracts amounting to about 4,000,000 acres. The withdrawals were hastily made and included a great deal of land that was not useful for power sites. They were intended to include the power sites on twenty-nine rivers in nine States. Since that time 3,475,442 acres have been restored for settlement of the original 4,000,000, because they do not contain power sites, and meantime there have been newly withdrawn 1,245,892 acres on vacant public land and 211,007 acres on entered public land, or a total of 1,456,899 acres. These withdrawals made from time to time cover all the power sites included in the first withdrawals, and many more, on 135 rivers and in eleven States. The disposition of these power sites involves one of the most difficult questions presented in carrying out practical conservation. The forest service, under a power found in the statute, has leased a number of these power sites in forest reserves by revocable leases, but no such power exists with respect to power sites that are not located within forest reserves, and the revocable system of leasing is, of course, not a satisfactory one for the purpose of inviting the capital needed to put in proper plants for the transmutation of power.

"The statute of 1891 with its amendments permits the Secretary of the Interior to grant perpetual easements or rights of way for water sources over public lands for the primary purpose of irrigation and such electrical current as may be incidentally developed, but no grant can be made under this statute to concerns whose primary purpose is generating and handling electricity. The statute of 1901 authorizes the Secretary of the Interior to issue revocable permits over the public lands to electrical power companies, but this statute is wofully inadequate because it does not authorize the collection of a charge or fix a term of years. Capital is slow to invest in an enterprise founded on a permit revocable at will.

"The subject is one that calls for new legislation. It has been thought that there was danger of combination to obtain possession of all the power sites and to unite them under one control. Whatever the evidence of this, or lack of it, at present we have had enough experience to know that combination would be profitable, and the control of a great number of power sites would enable the holders or owners to raise the price of power at will within certain sections, and the temptation would promptly attract investors, and the danger of monopoly would not be a remote one.

"However this may be, it is the plain duty of the Government to see to it that in the utilization and development of all this immense amount of water power conditions shall be imposed that will prevent monopoly, and will prevent extortionate charges, which are the accompaniment of monopoly. The difficulty of adjusting the matter is accentuated by the relation of the power sites to the water, the fall and flow of which create the power. In the States where these sites are the riparian owner does not control or own the power in the water which flows past his land. That power is under the control and within the grant of the State, and generally the rule is that the first user is entitled to the enjoyment.

"Now, the possession of the bank or water power site over which the water is to be conveyed in order to make the power useful gives to its owner an advantage and a certain kind of control over the use of the water power, and it is proposed that the Government in dealing with its own lands should use this advantage and lease lands for power sites to those who would develop the power, and impose conditions on the leasehold with reference to the reasonableness of the rates at which the power, when transmuted, is to be furnished to the public, and forbidding the union of the particular power with a combination of others made for the purpose of monopoly by forbidding assignment of the lease save by consent of the Government. Serious difficulties are anticipated by some in such an attempt on the part of the general Government, because of the sovereign control of the State over the water power in its natural condition, and the mere proprietorship of the Government in the riparian lands.

"It is contended that through its mere proprietary right in the site, the central Government has no power to attempt to exercise police jurisdiction with reference to how the water power in a river owned and controlled by the State shall be used, and that it is a violation of the State's right. I question the validity of this objection. The Government may impose any conditions that it chooses in its lease of its own property, even though it may have the same purpose, and in effect accomplish just what the State would accomplish by the exercise of its sovereignty. There are those (and the Director of the Geological Survey, Mr. Smith, who has given a great deal of attention to this matter, is one of them) who insist that this matter of transmuting water power into electricity, which can be conveyed all over the country and across State lines, is a matter that ought to be retained by the general Government, and that it should avail itself of the ownership of these power sites for the very purpose of coordinating in one general plan the power generated from these Government owned sites.

"On the other hand, it is contended that it would relieve a complicated situation if the control of the water power site and the control of the water were vested in the same sovereignty and ownership, viz., the States, and then were disposed of for development to private lessees under the restrictions needed to preserve the interests of the public from the extortions and abuses of monopoly. Therefore, bills have been introduced in Congress providing that whenever the State authorities deem a water power useful they may apply to the Government of the United States for a grant to the State of the adjacent land for a water power site, and that this grant from the Federal Government to the State shall contain a condition that the State shall never part with the title to the water power site or the water power, but shall lease it only for a term of years not exceeding fifty, with provisions in the lease by which the rental and the rates for which the power is furnished to the public shall be readjusted at periods less than the term of the lease, say every ten years.

"The argument is urged against this disposition of power sites that legislators and State authorities are more subject to corporate influence and control than would be the central Government; in reply it is claimed that a readjustment of the terms of leasehold every ten years would secure to the public and the State just and equitable terms. Then it is said that the State authorities are better able to understand the local need and what is a fair adjustment in the particular locality than would be the authorities at Washington. It has been argued that after the Federal Government parts with title to a power site it cannot control the action of the State in fulfilling the conditions of the deed, to which it is answered that in the grant from the Government there may be easily inserted a condition specifying the terms upon which the State may part with the temporary control of the water power sites, and, indeed, the water power, and providing for a forfeiture of the title to the water power sites in case the condition is not performed and giving to the President, in case of such violation of conditions, the power to declare forfeiture and to direct proceedings to restore the central Government to the ownership of the power sites with all the improvements thereon, and that these conditions may be promptly enforced and the land and plants forfeited to the general Government by suit of the United States against the State, which is permissible under the Constitution.

"I do not express an opinion upon the controversy thus made or a preference as to the two methods of treating water power sites. I shall submit the matter to Congress and urge that one or the other of the two plans be adopted.

"At the risk of wearying my audience I have attempted to state as succinctly as may be the questions of conservation as they apply to the public domain of the Government, the conditions to which they apply and the proposed solution of them. In the outset I alluded to the fact that conservation had been made to include a great deal more than what I have discussed here. Of course, as I have referred only to the public domain of the Federal Government I have left untouched the wide field of conservation, with respect to which a heavy responsibility rests upon the States and individuals as well. But I think it of the utmost importance that after the public attention has been roused to the necessity of a change in our general policy to prevent waste and a selfish appropriation to private and corporate purposes of what should be controlled for the public benefit, those who urge conservation shall feel the necessity of making clear how conservation can be practically carried out, and shall propose specific methods and legal provisions and regulations to remedy actual adverse conditions. I am bound to say that the time has come for a halt in general rhapsodies over conservation, making the word mean every known good in the world; for, after the public attention has been roused, such appeals are of doubtful utility and do not direct the public to the specific course that he people should take, or have their legislators take, in order to promote the cause of conservation. The rousing of emotions on a subject like this, which has only dim outlines in the minds of the people affected after a while ceases to be useful, and the whole movement will, if promoted on these lines, die for want of practical direction and of demonstration to the people that practical reforms are intended.

"I have referred to the course of the last Administration and of the present one in making withdrawals of Government lands from entry under homestead and other laws and of Congress in removing all doubt as to the validity of these withdrawals as a great step in the direction of practical conservation. But it is only one of two necessary steps to effect what should be our purpose. It has produced a status quo and prevented waste and irrevocable disposition of the lands until the method for their proper disposition can be formulated. But it is of the utmost importance that such withdrawals should not be regarded as the final step in the course of conservation, and that the idea should not be allowed to spread that conservation is the tying up of the natural resources of the Government for indefinite withholding from use and the remission to remote generations to decide what ought to be done with these means of promoting present general human comfort and progress. For, if so, it is certain to arouse the greatest opposition to conservation as a cause, and if it were a correct expression of the purpose of conservationists it ought to arouse this opposition.

"Real conservation involves wise, non-wasteful use in the present generation, with every possible means of preservation for succeeding generations; and though the problem to secure this end may be difficult, the burden is on the present generation promptly to solve it, and not to run away from it as cowards, lest in the attempt to meet it we may make some mistake. As I have said elsewhere, the problem is how to save and how to utilize; how to conserve and still develop; for no sane person can contend that it is for the common good that nature's blessings should be stored only for unborn generations.

"I beg of you, therefore, in your deliberations and in your informal discussions, when men come forward to suggest evils that the promotion of conservation is to remedy, that you invite them to point out the specific evils and the specific remedies; that you invite them to come down to details in order that their discussions may flow into channels that shall be useful rather than into periods that shall be eloquent and entertaining, without shedding real light on the subject. The people should be shown exactly what is needed in order that they make their representatives in Congress and the State Legislature do their intelligent bidding."

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