

claimant is entitled to a patent, and he feels himself unable to act in this case because he acted as the legal adviser of the Cunningham claimants in the interim between his being Land Commissioner and his becoming Secretary of the Interior. He therefore at first proposed to leave the question to be decided by his subordinate. But any decision of his subordinate to be legal must have his approval, and would be subject to whatever suspicion might attach to his own decision. It was next proposed to leave the adjudication to the President, and the President, replying to a request from Mr. Pinchot, has given the latter permission to file a brief in the case, and has indicated his intention to take the matter up himself. It is evident, however, that such detail of administrative work ought not to be laid upon the President. If he trusts to his subordinate to sift out the evidence and give him a summary of the facts and a brief of the law, he will be trusting to a Department which, by the very fact that its head has refused to act as principal in the case, has discredited the ability of the Department to act as adviser. If, on the other hand, the President undertakes to deal with the matter *de novo*, as a judge would do, he is required to give to a specific case an amount of undivided attention which cannot be given to it without sacrifice either of other duties or of his own strength. As an alternative the Secretary of the Interior now proposes that Congress shall, by special legislation, refer the Cunningham claims to judicial decision by the Court of Appeals of the District of Columbia. The question whether the Land Office, in passing on land claims, is not exercising a judicial function which should by general legislation be taken from that office and given to the courts, is a large one, and is perhaps deserving of serious consideration. On that question we here express no opinion. But to take by special legislation from a Cabinet officer one of his accredited functions in a specific case, on the ground that he is under suspicion of being for any reason unfitted to exercise it, and devolve that function upon a special court selected for that purpose by the Cabinet official who is deprived of his function, appears to us an extraordinary proposal; we do

not see how Congress can seriously entertain it. If the Department of the Interior cannot be depended on to safeguard the interests of the people in deciding the Cunningham claims, how can it be depended on to defend those interests before an independent tribunal? Such a tribunal must try the case on the record; what assurance have the people that the record is made up with an eye single to their interests, that all available evidence for the people has been obtained, that the witnesses for the claimants have been adequately cross-examined—what assurance, in brief, that the Department has given to the defense of the people's interest all the energy and enthusiasm in their behalf which we may be sure has been given to the interests of the claimants? The initial mistake was made when Mr. Ballinger, knowing his previous connection with the Cunningham claimants, accepted appointment as head of the Department before which these claims were being prosecuted. The only real remedy is for him to correct that initial mistake by resigning the office, on the simple ground that he finds himself incapacitated by the circumstances from discharging all the duties of the office, so that a new Secretary of the Interior may be appointed who will have no embarrassment in giving himself with singleness of purpose to the interests of his clients, the people.

CONSERVATION IN MINNESOTA

The Hon. Julius A. Schmahl, Secretary of State in the Minnesota

State Government, has recently called attention to a phase in the history of Minnesota which deserves wide chronicling and commendation. It is certainly in striking contrast with the history of the neighboring States of Michigan, Wisconsin, and Iowa. Those States received, as did Minnesota, large land grants from Congress for the maintenance of schools and for the support of a State University. But Michigan, Wisconsin, and Iowa sold their lands outright for a small sum per acre, retaining neither the timber on them nor the mineral in them. Michigan, for instance, has sold substantially all the land which it secured from Congress, and has a school fund of something over four million dollars, together with a university and agri-

cultural fund of a little over fifteen hundred thousand dollars. Similar conditions have obtained in Wisconsin and Iowa. Minnesota, on the other hand, provided a system of different economy. At a time when Government lands were on the market at \$1.25 an acre Governor Ramsey and his group of early lawmakers placed a minimum of \$5 an acre upon their school lands sold for purely farming purposes. But this was not all. The timber on the school lands was sold to the highest bidder, and not until it had been sold could the land be offered for farming purposes. In the third place, where the State was found to be the owner in fee of large areas of mineral lands, they were leased for mining purposes at a minimum rate of twenty-five cents a ton, the State reserving to itself all minerals on its lands. With the discovery of unexpectedly vast deposits, the future of the Minnesota school fund is assured, even beyond the present unprecedented figures—unprecedented, for Minnesota claims the largest school and university fund of any separate political organization in the world. Its school fund now amounts to nearly twenty-two million dollars, and the State still owns approximately three million dollars' worth of land. That this immense fund will be further increased may be gathered from the fact that to-day there are nearly a thousand forty-acre tracts of land under mineral contracts in the iron-bearing districts. From these the State should receive an average of a million tons for every forty-acre tract, or a total of a billion tons. At the royalty price of twenty-five cents a ton, those would produce the sum of \$250,000,000. The boys and girls of Minnesota may well be proud of the wonderful opportunities provided for their welfare, provisions due to the foresight of Governor Ramsey and his associates, who thus began the practical conservation of natural resources a long time ago.

THE PANAMA CANAL

President Taft's fifth journey to Panama calls renewed attention to conditions on the Isthmus. His impressions of progress there are entirely favorable. The completion of the work depends principally on the serious problem of the Culebra Cut. Extensive slides have occurred on

the side of this excavation, and more of them may be expected. Because of this apprehension retaining walls may be constructed in the Cut. Concerning this and other questions, there is interesting testimony from the one hundred and twenty-four members and guests of the American Institute of Mining Engineers who have just returned from an inspection of the Panama Canal. The consensus of their reports is that the present plan of work is not only practical but the best possible under the conditions imposed. While, by the choice of a higher level, some of the difficulties and uncertainties in the Culebra Cut could perhaps have been minimized, a higher level has its disadvantages also. As to a canal at a lower level than the present, and especially at sea-level, Mr. Taft says that it "would lengthen the time of construction to such an extent as to weary the patience of the American people, make the cost prohibitive, and leave doubtful the question whether, with the difficulty of the Chagres River, such a canal would be possible." To this the engineers add that no one can guarantee the cost or even the satisfactory completion of a sea-level canal, and point out its liability to certain disturbances from which the lock canal is claimed to be comparatively free. As to dealing with the floods of the Chagres and other streams, the engineers are of the opinion that the creation of the great Gatun Lake by means of the Gatun Dam seems the best possible way; they add that the location of the dam, spillway, and locks is singularly favorable for such construction. Mr. Taft asserts that "the Gatun Dam and locks, with the lake now eighteen feet deep and slowly rising to a depth of eighty-five feet, is the key of the whole plan." The engineers are also unanimous in their praise of the manner in which sanitation and transportation and construction have been performed with a maximum of rapidity, skill, and economy. They declare that a spirit of loyal emulation, industry, and pride seems to animate officers and employees alike. This is a difficult spirit to arouse among workers in tropical climates. According to the engineers, the spirit is due to two causes: (1) the inspiring example of Colonel Goethals and his associates; and (2) the splendid work of the Sanitation Department under