is not thus far objectionable. It subordinates congress, in territorial legislation, to constitutional limitations; and that is all that anyone demands. Where Prof. Judson slips up is in his application of the doctrine. He concludes that the power of congress to impose customs duties upon territories is absolute and arbitrary, because the constitutional requirement that customs duties be uniform is so "qualified" as to confine the uniformity to "the United States," by which is meant the states as distinguished from territories. Likewise he holds that birth in a territory does not confer citizenship because the constitutional provision that "all persons born or naturalized in the United States" means born or naturalized in a state as distinguished from a territory. One trouble with Prof. Judson's reasoning is its excessiveness. It proves altogether too much. For if the words "United States" in the constitution refer only to the states, then congress has no right to govern the inhabitants of territories at all.

This may be easily shown. The constitution is ordained and established "for the United States of America," and for no other place whatever. If, therefore, the clauses on citizenship and customs duties apply only to the inhabitants of the states because they use the term United States, the constitution itself can apply only to the inhabitants of the states for the same reason; in which case congress, deriving all the power it has from the constitution, has no power to govern the inhabitants of territories. Though it may (under article IV., sec. 3, par. 2) "dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," it cannot govern the territorial inhabitants—who certainly are not property—if the words "United States" in the constitution refer only to the states and not to the whole nation.

Inasmuch as congress concededly has no power at all except under the constitution, it is in a position not unlike that of the common council of a city, which can exercise only the governmental functions permitted by its charter from the state. As any legislative act of a common council not permitted by the charter is ultra vires, so any act of congress which does not find its warrant in the constitution must be void. Puerto Rico, for instance, either is or is not a part of the United States. If it is, then it is part of the nation for which the constitution was established, and its inhabitants are entitled to all the privileges and immunities secured by that instrument. If it is not part of the United States, then congress has no authority to legislate for it. The truth is, of course, that all American territory, whether a state or not, is part of the United States. That truth conceded, however, Prof. Judson's imperialistic conclusions fall to pieces. But his excellent analysis of the question still remains to support his primary conclusion that congress is subordinate in all things, even in territorial legislation, to the constitution of the United States.

In one of the speeches in his Pacific coast tour, that at Los Angeles—a speech of characteristic sincerity, vigor and brilliancy—Mr. Bryan dealt with the three issues upon which, in common with us all, he expects the presidential election to turn. Beginning with the money question and passing to the trusts, he closed with an eloquent and impressive presentation of the subject of imperialism. His discussion of the money question excelled his speeches on that subject in the campaign of 1896; and what he said about imperialism must have made even the thoughtless bunting worshipers in that vast southern California audience stop and think. But there was a fly in the ointment. Mr. Bryan still clings to the unfortunate proposal for the regulation of trusts which he put forth at the trusts conference at Chicago last autumn. Not only is this proposal economically unsound, but it is politically heretical. It flies full in the face of democratic tradition and principle. Should the federal government assume that control of the trusts which Mr. Bryan proposes, it would make one of the longest strides yet in the direction of reducing the states to the condition of counties.

This is not urged against Mr. Bryan as a candidate. Conditions are such in the democratic party to-day that no other man can be nominated by the democrats except as a reactionary step. But if Mr. Bryan continues to advocate his anti-trust proposal, which he himself describes as only tentative, something must be done to keep it out of the platform. It will be bad enough to have the democratic candidate committed to a federalistic-republican policy with reference to the trusts, without allowing the democratic platform to indorse it. Were that done, the simplest form in which it could be put would be a resolution relegating the settlement of the trust question to the republicans, with whose general policy of federal centralization the democratic party would in this particular be in complete accord. But it is to be hoped that before the time for platform-making arrives Mr. Bryan, if he cannot touch solid ground on the trust question, will have done one or the other of two things. Either that he will have fully argued to the democrats of the nation that his anti-trust proposal is not undemocratic, something he has not yet done; or, failing that, that he will let it drop.

The franchise grab of the Puerto Rican government bill, so clearly and completely explained in these columns last week by Edward Osgood Brown, is not likely to be modified materially. Some of the republicans in the lower house of congress who voted for it are trying now to clear themselves with their constituents by proposing this amendatory law:

All charters of private corporations shall provide that the same shall be subject to amendment, alteration, or re-

peal; shall forbid the issue of stock or bonds, except in exchange for actual cash or property at a fair valuation, equal in amount to the par value of the stocks or bonds issued; shall forbid the declaring of stock or bond dividends, and, in the case of public service corporations, shall provide for the effective regulation of the charges thereof and for the purchase or taking by the public authorities of their property at a fair valuation.

But it is by no means likely that the corrupt rings which secured the passage of the Puerto Rican bill will consent to any such modification. To make Puerto Rico franchises subject to amendment or repeal and to prohibit stock watering, as this amendment proposes, would divest them of some of the peculiar advantages upon which the jobbers back of Hanna and Foraker rely for rich returns. The amendment will in all probability not be enacted. It nevertheless serves to show the consciousness of those republicans who proposed it, of the political blunder they made in supporting the administration bill.

It is a chilly story, that which tells of the efforts of some of Commodore Schley's Maryland friends to secure him his place above Sampson in the list of rear admirals. As the story runs, the publisher of the Baltimore American, a republican paper of national reputation, prepared a special supplement dealing with the whole subject of the Schley-Sampson controversy and President McKinley's connection with it. The supplement was said to embody two exposures with reference to Sampson and the administration. When it had been prepared, one copy, and only one, was printed. The plates were then locked up securely for future use if needed. That single copy was afterward placed upon President McKinley's desk, and in consequence the administration promptly changed front toward Schley. This story is admitted to be true by the publisher of the paper in question, except in one particular. He denies that President McKinley was personally threatened. But he admits that the supplement was prepared, and says that its contents were explained to an administration leader, with an admonition that unless the administration attacks upon Schley ceased and the promotion which he was entitled to under the naval personnel bill was accorded him 1,000,000 copies of the supplement would be printed and distributed. The republican leader thereupon spoke to the president about the matter, telling him that the circulation of the paper would surely make Maryland democratic next fall. There is no essential difference between the story as it first came out and as the publisher of the Baltimore American tells it. Whether a single copy of the supplement was laid upon McKinley's desk, or an intimation of its contents and ominous political possibilities was forwarded to McKinley through a friend, the transaction is in character the same. In either case it is what our language, if not the law, justly stigmatizes as blackmail.

It is no part of the business of a newspaper publisher to influence any person's action, even to do right, by preparing intimidating publications, though every word be true, which are to be suppressed if the official succumbs to the publisher's demands and to be published if he does not. It is quite as truly blackmail to resort to this method of enforcing the payment of a just debt as of blood money, and just as villainous to use it to compel a conscience-stricken public servant to make a righteous appointment as to make an unrighteous one. If the Baltimore American's publisher possesses information which the public has a right to know, it is his proper business as a conscientious journalist to print it, regardless of its effect upon Schley's chances of promotion or McKinley's possibilities of reelection. But if the public has no right to the information, the Baltimore American's publisher had no right to intimidate the president by threatening to publish it. The chief value of the incident lies in the light it throws upon the nefarious methods which a great American newspaper regards as legitimate, and to which an American president silently submits as efficacious.

The question of leasing public lands for grazing purposes is a burning one in the arid regions of the west, where those lands are now an open common. There is good reason to suspect that by this means the managers of the live stock trusts seek to monopolize the stock raising industry of the country. Among those who suspect this purpose are the small ranchmen, who are to meet at Salt Lake City in August to perfect a permanent organization. Upon this occasion it is probable that the small ranchmen represented will take ground on the question of leasing. The necessity of leasing seems to be generally admitted. How to regulate it is the issue. And if the action of the Colorado ranchmen's recent convention at Denver be adopted by the general organization at Salt Lake in August, the trusts will very likely be frustrated in their principal purpose. The plan proposed at Denver by Conrad Schaeffer, and defended so well by C. E. Wantland that it commanded the unanimous support of the convention, has for its central idea a local option feature. It would give to each county in every arid state the option to lease or not to lease its lands for grazing purposes. If that plan were adopted, all the advantages of leasing might be secured without any of the burdens of monopoly.

An imperial doctor of divinity of the name of Wayland Hoyt, made an imperialist speech last week before a local organization of Christian Endeavorers in Massachusetts. Had some non-militant reverend expressed anti-imperialist views on that subject before such a gathering he would have been denounced for talking politics at a religious meeting, and Rev. Dr. Wayland Hoyt would doubtless have been among the first to complain. Yet the anti-imperialist could have justified himself with quotations from the Prince of Peace. There has been an assumption, however, among