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-

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