Hanna in connection with his private business, we imagine that he would want a change and want it quick. Those figures do not imply that we are profiting by our foreign trade. They imply that we are losing. Excessive exportation, if continuous, is a drain upon the country that boasts it.

Consider. Mr. Hanna must assume that our excessive exports either have been paid for in gold and silver, or that they constitute a debt due this country from abroad against which we may draw somewhat as a merchant draws against his bank account. Otherwise, the excess of exports would be a dead loss to us. This is a matter of simple accounting. Neither a man nor a nation can continuously send goods away profitably, unless the goods so sent either are, or are to be, paid for. In fact, Mr. Hanna does assume one or the other or both of these conditions. But his assumption is wrong. We never have been paid for these goods in gold and silver; for our exports of gold and silver are vastly in excess of our imports of those metals, as the same treasury reports from which Mr. Hanna quotes distinctly show. Neither have we run up a credit abroad. We are a debtor country, not a creditor country, as every man in large business, Mr. Hanna included, well understands. Our excess of exports, therefore, about which Mr. Hanna brags, is in reality not an augmentation of our national wealth, but a drain upon it.

The chief reason for our great excess of exports, is payment of rents by American producers to alien owners of American lands. On the very day that Mr. Hanna bragged about our excess of exports, a transaction was reported in the press which explains the real character of continuously excessive exports. The report came from Mishawaka, Ind., and told of the purchase, by an English syndicate, of 40,000 acres of land in an oil-producing district of Indiana and Ohio. The syndicate had paid $157,000 for the land. Somewhere,, somehow, that amount may figure in our imports, tending to show, according to Mr. Hanna, a balance against us. For goods received, bear in mind, help to make trade balances "unfavorable"! That must be Mr. Hanna's view of it, or he couldn't call excessive exports "favorable." But pretty soon that English syndicate will draw rents or royalties from the Indiana and Ohio land. These royalties will be exports, and will tend to increase what Mr. Hanna calls our "favorable" balance of trade. In time they will more than offset the $157,000 we now import as pay for the land; and thereafter this oil land transaction will figure as all export and no import. We shall then send rents and royalites out of the country, without getting or having got or expecting to get anything back Nor shall we acquire any right to get anything back. The balance of trade with reference to this matter, according to Mr. Hanna's theory, will then be decidedly "favorable." We shall be getting rich by getting rid of our products without equivalent! But that is what continuously excessive exporting always means. Yet Mr. Hanna commends Mr. McKinley to the American people for reelection because Mr. McKinley has, in four years, enabled us to increase our continuously excessive exports by $1,100,000,000; because he has enabled us, that is, to get rid of wealth without equivalent or expectation of equivalent to an amount equal to $15 per capita for every man, woman and child in the country!

Harry Pratt Judson, professor of political science at the University of Chicago, writing for the Review of Reviews for April, makes a valuable contribution to the crown colony discussion in its constitutional aspects. Of his imperialistic conclusions, the less said the better for his position; but he renders a real service in unraveling the tangle about the power of congress to extend the constitution over territories. Of this power he says:

> **Saving only by the admission of new states, congress has no more power to "extend" the constitution over a specific area than it has to square the circle by legislation or to repeal the law of gravitation. The constitution is absolutely beyond the will of congress. Wherever it is law, it is law irrespective of congress. Wherever it is the constitution it is the organic law—and that is law which congress can neither expand nor contract. In whatever area it is not of its own force the organic law, no possible action of congress can make it such.**

Never was constitutional principle more soundly conceived or better stated. The essential question, according to Prof. Judson, is not whether constitutional limitations apply to territories by force of the constitution itself, but what are the limitations it imposes upon congress when legislating for territories. That proposition, also, is sound and clear.

Prof. Judson's next step is to classify all constitutional limitations as either "qualified" or "unqualified," and to concede that the unqualified limitations forbid federal legislation "under any circumstances and for any area, and hence must apply to territories as well as to states." The issue is thus reduced to the question of the power of congress with reference to "qualified" limitations. It is at this point that Prof. Judson lays the constitutional foundation for his imperialism. His corner stone is the judicial construction which gives to congress with respect to territories "both the powers of the federal government and the powers of the state." From this construction he infers that as to territories "congress has all powers not denied by the constitution." That is, as he explains, congress has all those residuary powers which, as to matters of state as distinguished from territorial concerns, are reserved to the states. In consequence, upon Prof. Judson's theory, the powers of congress over a territory are absolute, except as they may be restrained by "unqualified" constitutional prohibitions upon congress, and such "qualified" prohibitions as cover territories.

As stated, Prof. Judson's doctrine

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-