THE SEATTLE POST-INTELLIGENCER.

SEATTLE, WASHINGTON, MONDAY, JULY 10, 1899.-TWELVE PAGES.

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public utilities of a local character, and

are not internal improvements within the

Duty of the Court.

ing their duty, disagreeable as it is.

Continued on Page Two.

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serve hospital.

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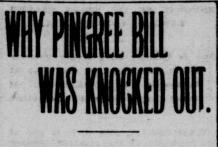
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Conflicted With Provisions of the Constitution.

MICHIGAN ORGANIC LAW.

State Forbidden to Be a Party to Any Internal Improvements.

What the State Cannot Do Itself Di rectly It Cannot Authorise Any Municipality to Do. for Otherwise It Would, by Agencies Created by Itself, Entirely Avoid the Constitutional Inhibition-Street Railways Held to Be Internal Improvements Within the Meaning, and Thus the Prohibition.

Special Correspondence LANSING, Mich., July 5 .- By a decision of the supreme court rendered today the question of municipal ownership of the street railways of Detroit receives its quietus. The court unanimously holds that the law authorizing the city to "construct, acquire, maintain and operate street rail-

ways, and to construct extensions thereof." The decision is based on a section of the constitution which provides: "Te state shall not be a party to or in-

meaning of our constitution." ment, nor engage in carrying on any such work except in the expenditure of grants The court in this connection considers to the state of lands or other property." the numerous decisions in which steam In explaining why this statute, which railways are held to be public improve on its face only places a limit on the ments, and mentions the lines of electric power of the state, is held also to make impossible municipal ownership of comprobabilities of the immediate future.

mon carriers, the supreme court cites the history of its enactment. The constitutional provision, it is pointed out, was prepared because of the plan of the state many years ago to engage in a costly experiment with the building of a railroad. If the state cannot engage in such undertakings because of danger to its citizens, it is argued that surely the citizens of one of its integral parts cannot do so, and that such was plainly the intent of the framers of the constitution.

At first glance the ruling would seem to also declare invalid public ownership of lighting plants or water systems. In order to show that such is not the case, the supreme court specifically says: "Municipal ownership of electric light-

ing and water works plants is justified as an exercise of police power, but municipal ownership of railroads cannot be authorized on any such grounds."

strued along the lines of this decision near. The effect of the decision is to put a perly thirty years ago. The people of the civic ownership plans, already well vided by the organic law any dissatisfactoward fruition. It is held that there is tion with these provisions. The courts no such office as the "Detroit street railcannot substitute their judgment of what the constitution ought to be for what the way commission," through whose means people have made it. Its provisions must municipal ownership was to be accomremain and control until the people see fit plished; that Gov. Pingree and his two to change them in the way provided by association the commission have no right the constitution itself. to their title, and that they cannot be permitted to exercise any power thus sought to be conveyed upon them. To carry out this ruling judgment of ouster is entered against them. Legal difficulties in the way of a special election on the subject of municipal ownership have heretofore prevented the carrying out of the plans of the Detroit commission. These were being straightened out, but today's decision will save the city from going to needless expense in putting into operation its election machinery to obtain a popular verdict upon a project which the law will not countenance.

tion of what constitutes an internal im-FILIPINOS ARE WEAKENING. provement, the court taking for the basis of its decision on this phase of the question the claim that, "while steam railroads are in a sense public highways, in another and legal sense they are not pub-SOME OF THE LEADERS NEGOTIAT-

ING TO SURRENDER.

COUNTRY AROUND MANILA ALL UNDER WATER.

Troops Suffer Intense Discomfort From the Prolonged and

Heavy Rains.

teenth infantry regiment, at Pasay, is in the worst position, being practically sur-

rounded by water. The bridges that were used for getting supplies have been

washed away and some of the companies are now separated by streams six feet

deep. In many cases the men are sleeping with three feet of water beneath their

bunks, which are elevated on cracker boxes. The company cooks, when preparing

all sides are one great lake. A high wind blew over several tents of the Second Re-

vessels are leaving the harbor. The U.S. transport Centennial is ready to sail for

San Francisco with discharged soldiers, but the latter have had to sit around the

waterfront all day, drenched to the skin, waiting for a launch to take them to the

Some of the roads leading to Pasay are simply impassable, and the rice fields on

Manila bay is impossible of navigation by either launches or cances, and no

ANILA, July 10, 8 a.m.-It has been raining and storming almost constantly

for two days, and the country along the American south and bay lines is

literally flooded. The soldiers are suffering great discomfort. The Thir-

Prominent General and Severa Hunder of His Men Almost Come Over. While a Member of the Cabinet Negotiates to Sell Out.

MANILA, July 6, via Hongkong, July roads now running out of Detroit and the 0.-Friendly Filipinos in Manila have been the medium of communication be-"If the legislature may authorize the tween the American authorities and milicity of Detroit to enter into the proposed arrangement," the decision states, "it may tary leaders of the insurrection in Cavite authorize any other municipality to do so, and by concert of action between the province, which for some time promised to result in bringing over a pror various municipalities they may cover the general and several hundred of his folowers, with their arms. If the negotiastate with means of rapid transit, owned and operated by municipalities. This would enable the state, by means of tions had succeeded the outcome would have had a great moral effect, for other agencies called into being by itself, to do defections doubtless would have folwhat it cannot itself do, and what the constitution forbids it doing. lowed. Were the general's name given it might lead to action similar to that which has befallen other Filipinos suspected of friendliness towards the Americans. He "It is not a pleasant duty to declare that a law passed by the legislature and approved by the governor is not valid. When such a law is enacted though, courts had foreseen the failure of the insur-rection and advised Aguinaldo to make terms, but it is understood that he has cannot hesitate for a moment in performsent word to the Americans that, having "The provisions of the constitution insworn to support the insurrection, he volved in the controversy have been in must remain loval to the end.

existence for nearly a half century. As Similar negotiations are said, on good we have already shown, they were conauthority, to have been conducted with a member of the cabinet of the so-called Filipino government, who himself took

The river Pasig and all the other streams are swollen, and city streets at all low Concerning dispatches received at the state department from President Schur-

man regarding his trip throughout the Philippine archipelago. Secretary Hay au-thorises this formal statement: "Dispatches have been received at the state department from President Schur-man, of the Philippine commission, giving a brief account of his journey to the southern islands of the archipelago. He finds the conditions in these islands extremely the conditions in these image extremely gratifying. There is a disposition almost everywhere south of Luson to accept American sovereignty and take advantage of the things which the American occupa-tion holds out. President Schurman ex-pects to arrive at San Francisco about the 15th."

As the result of a review of Pres Schurman's dispatches, Secretary Hay has authorized Brig. Gen. Bates, at Manila, to go to the Sulu groups to consult with the sultan of the Sulus regarding the future of these places. The authorities will not divuige the nature of the instructions to Gen. Bates, but ture of the instructions to Gen. Bates, but it is understood there is a disposition here not to infringe upon the sultan's author-ity, provided he acknowledges the sover-eignty of the United States. Gen. Bates will explain the friendly purposes of this government, and, if necessary, will agree that this government shall pay him a small annuity, as was done by the Span-ish government.

ish government. President Schurman reported that the sultan was quite willing to transfer his allegiance on condition that treaties ex-isting between himself and Spain were respected by the United States.

returned yesterday, gave an interes It is further stated by an official in a review of the voyage yesterday after at his Jefferson street residence. position to know that this government intends to establish home rule at places



Conclusion of a History Making Trip.

NEW IDEAS OF THE NORTH.

Joint High Commissioner Impressed, but Non-Committal.

athers Full Data on the Bound Line, But Will Not Expre Opinion as to the Justice of Canadian Contentio Graves, Seattle's Repr the Voyage, Satisfied That erican Rights Will Be Sustained-Gives Interesting Account Trip-Royally Entertained

NITED States Senator Fairbanks returned yesterday from Alaska, whither he went over three 'weeks 'ago for the purpose of studying the famous Northland Inth special reference to the international boundary and other important questions to be considered by the Angle-American commission, of Which he is a member. The revenue cutter Me-Calloch, on which the party made the trip, reached port at 8 a. m. She touched only once en route on her return, Friday, at Union bay, Vancouver island, for coal.

With diplomatic cleverness Senator Jairbanks at no time throughout the long voyage let a single word w might be considered as a committal of his position on any undetermined question escape him.

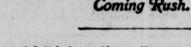
The McCelleck left Seattle at 10:30 o'clock for Tecome, "bit Senator Fairbanks and party left last night for Portland.

...

by his visit and came into posse

material facts which will be of much

HON. E. O. GRAVES, Scattle's rest sentative with Senator Fairbanks on his Alaskan tour from which he



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Decision Is, Unanimous

The decision, which is a unanimous opinion, was written by Justice Moore. In order to obtain the ruling the commission, headed by Gov. Pingree, took the initiative and instituted proceedings to test the law. Action was begun through the attorney general, who raised numerous objections to the statute. At the outstart, the court says it is doubtless true that the state legislature is

given in general great legislative power, and that its power to legislate is subject only to such limitations as are imposed thereon by the express or implied limitations contained in the construction of the state, or of the United States. Then it will be the constitutional provision upon which the decision is based.

The court prefaces its opinion with the statement that the case is one of vast importance, "not only because of the magnitude of the interests involved, but also because the law proposes an entirely new departure in this country in relation to the ownership and management of one of the most important interests of the business world."

Why Clause Was Adopted.

To understand the force and effect of the provisions of the constitution in relation to the attitude of the state toward internal improvement, Justice Moore deemed it well to consider the experience of other states and of Michigan prior to the adoption of the present constitution. He therefore exhaustively discussed the conditions and undertakings of the state subsequent to 1812, when the war demonstrated the great need for a better system of communication between the various portions of the country.

"Having all their bitter experience with internal improvements fresh in mind," he continues, "when they formed a new constitution in 1850, the people resolved to put it out of the power of the legislature again to involve them in extravagant projects. The people deemed it necessary to prohibit in 1850 what they commended in

Much space is devoted to the considera

the initiative. So e form of mo sideration figured in the discussion with his friends.

REPORT OF SCHURMAN.

Natives of the Southern Islands Are Ready to Acknowledge Sover-



"Whether I am nominated or not in 1900 is immaterial to me." - Orator Bryan in his Fourth of July speech.

here it is co ed adv ing the island of Negros, conditions in which, according to President Schurman,

sistance to him when the Alaskan bo are especially satisfactory. Immediately upon President Schurman's arrival at San Francisco he will come to ary question is taken up by the Anglo American commission cannot be ques when one has listened to a recital of Washington and discuss the Philippine he saw and heard. situation with the president.

Still, throughout the long journey not a word tending to commit him on this or Fairhaven will hereafter pay her volunteer men \$1 for each alarm they answer, and 50 an hour for all time spent. other international questions escaped the eminent statesman's lips. He saw, he listened, he meditated. But with the clever-

ness of a trained diplomat he kept his im-pressions to himself.

Much was said and done to impress not only Senator Fairbanks, but Senator Foster, to whom the people of Alaska look for aid-indeed special efforts in the matter of legislation for the district.

"Senator Fairbanks," Mr. Graves said, "occupying in a sense a judicial position, did not commit himself to any one. He studied all questions presented to him and I'm sure whatever conclusions he reaches in the matter of the boundary will be dictated by the loftlest patriotism.

"I will say, however, that it is very a parent that the most serious question that confronts Senator Fairbanks is not contained in or rather presented by the vivendi. This moves the boundary line down to Kluckwan. And the Kluckwan line unquestionably takes in a large part of the Porcupine district. Kluckwan is less than ten marine leagues from tide water. in my opinion. The recognized boundary, or, at least, what the Canadians themselves regarded as the boundary, was at Pleasant camp, where the mounted police had their headquarters on the Dalton trail. Pleasant camp is a good distance above Kluckwan and the American miners after having been driven out of the Atlin country were particular, so they told us, to get within the Pleasant camp line. Th ed to what they considered a safe distance and found the Porcupine diggings.

"We were shown a map prepared by Chief Engineer Hawkins, of the White Pass road. This revealed a line drawn from the summit of White and Chilkoot passes direct to Kluckwan and its continuation takes in a big slice of the Porcupine. Previous to the modus vivendi the action of the Canadian police clearly indicated that they didn't think they had any right to approach nearer the tide water than the Pleasant camp line. They made no arrests this side and did not pursue criminals after they had entered territory this side of Pleasant camp.

"There is no denying the fact that the people of Alaska are bitterly opposed to cepting the Kluckwan delimitation. As an instance of the hardship it will work on some of the Porcupine miners the case of P. D. Whitehead, of Chicago, may be cited. He told us he started to Alaska nearly two years ago. Going up the Stickeen river he made across to Atlin where he located mines, but only to be driven out. He then determined to go into American territory and did so, locating in the Porcupine district. In acquiring these me and those at Atlin W

eignty of United States. "It is not necessary to discuss the very CHICAGO, July 9.-A special to the Times-Herald from Washington says: