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WHY PINGREE BILL WAS KNOCKED OUT.

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 Directly It Cannot Authorize 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 railways, and to construct extensions thereof," is void.

The decision is based on a section of the constitution which provides: "The state shall not be a party to or interested in any work of internal improvement, nor engage in carrying on any such work except in the expenditure of grants to the state of lands or other property."

In explaining why this statute, which on its face only places a limit on the power of the state, is held also to make impossible municipal ownership of common 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 lighting and water works plants is justified as an exercise of police power, but municipal ownership of railroads cannot be authorized on any such grounds."

The effect of the decision is to put a peremptory and immediate stop to Detroit's civic ownership plans, already well toward fruition. It is held that there is no such office as the "Detroit street railway commission," through whose means municipal ownership was to be accomplished; that Gov. Pingree and his two associates the commission have no right 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.

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 outset, the court says it is doubtful 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 constitution 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 1835."

Much space is devoted to the considera-

COUNTRY AROUND MANILA ALL UNDER WATER.

Troops Suffer Intense Discomfort From the Prolonged and Heavy Rains.

MANILA, 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 Thirtieth infantry regiment, at Passay, is in the worst position, being practically surrounded 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 the meals, stand knee-deep in water.

Some of the roads leading to Passay are simply impassable, and the rice fields on all sides are one great lake. A high wind blew over several tents of the Second Reserve hospital.

Manila bay is impossible of navigation by either launches or canoes, and no 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 steamer.

The river Pasig and all the other streams are swollen, and city streets at all low points are covered with water.

FILIPINOS ARE WEAKENING.

SOME OF THE LEADERS NEGOTIATING TO SURRENDER.

A Prominent General and Several Hundred of His Men Almost Come Over, While a Member of the Cabinet Negotiates to Sell Out.

MANILA, July 6, via Hongkong, July 10.—Friendly Filipinos in Manila have been the medium of communication between the American authorities and military leaders of the insurrection in Cavite province, which for some time promised to result in bringing over a prominent general and several hundred of his followers, with their arms. If the negotiations had succeeded the outcome would have had a great moral effect, for other defections doubtless would have followed. 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 had foreseen the failure of the insurrection and advised Aguinaldo to make terms, but it is understood that he has sent word to the Americans that, having sworn to support the insurrection, he must remain loyal to the end.

Similar negotiations are said, on good authority, to have been conducted with a member of the cabinet of the so-called Filipino government, who himself took the initiative. Some form of money consideration figured in the discussion with his friends.

REPORT OF SCHURMAN.

Natives of the Southern Islands Are Ready to Acknowledge Sovereignty of United States.

CHICAGO, July 8.—A special to the Times-Herald from Washington says:

Concerning dispatches received at the state department from President Schurman regarding his trip throughout the Philippine archipelago, Secretary Hay authorizes this formal statement: "Dispatches have been received at the state department from President Schurman, 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 gratifying. There is a disposition almost everywhere south of Luzon to accept American sovereignty and take advantage of the things which the American occupation holds out. President Schurman expects to arrive at San Francisco about the 15th."

As the result of a review of President 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 divulge the nature of the instructions to Gen. Bates, but it is understood there is a disposition here not to infringe upon the sultan's authority, provided he acknowledges the sovereignty of the United States. Gen. Bates will explain the friendly purposes of this government, and, if necessary, will agree that this government shall play him a small annuity, as was done by the Spanish government.

President Schurman reported that the sultan was quite willing to transfer his allegiance on condition that treaties existing between himself and Spain were respected by the United States. It is further stated by an official in a position to know that this government intends to establish home rule at places where it is considered advisable, including the island of Negros, conditions in which, according to President Schurman, are especially satisfactory. Immediately upon President Schurman's arrival at San Francisco he will come to Washington and discuss the Philippine situation with the president.

Fairhaven will hereafter pay her volunteer \$200 for each alarm they answer, and 25 cents an hour for all time spent.

FAIRBANKS PARTY BACK FROM ALASKA.

Conclusion of a History Making Trip.

NEW IDEAS OF THE NORTH.

Joint High Commissioner Impressed, but Non-Committal.

Gathers Full Data on the Boundary Line, But Will Not Express an Opinion as to the Justice of Canadian Contentions—Hon. E. C. Graves, Seattle's Representative on the Voyage, Satisfied That American Rights Will Be Sustained—Gives Interesting Account of Trip—Royally Entertained.

UNITED States Senator Fairbanks returned yesterday from Alaska, whither he went over three weeks ago for the purpose of studying the famous Northland with special reference to the international boundary and other important questions to be considered by the Anglo-American commission, of which he is a member. The revenue cutter McCulloch, 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 Fairbanks at no time throughout the long voyage let a single word which might be considered as a commitment of his position on any undetermined question escape him.

The McCulloch left Seattle at 10:30 o'clock for Tacoma, whence Senator Fairbanks and party left last night for Portland.

HON. E. C. GRAVES, Seattle's representative with Senator Fairbanks on his Alaskan tour from which he returned yesterday, gave an interesting review of the voyage yesterday afternoon at his Jefferson street residence. That Senator Fairbanks was greatly enlightened by his visit and came into possession of material facts which will be of much assistance to him when the Alaskan boundary question is taken up by the Anglo-American commission cannot be questioned when one has listened to a recital of what he saw and heard.

Still throughout the long journey not a word tending to commit him on this or other international questions escaped the eminent statesman's lips. He saw, he listened, he meditated. But with the cleverness of a trained diplomat he kept his impressions 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 loftiest patriotism."

"I will say, however, that it is very apparent that the most serious question that confronts Senator Fairbanks is not contained in or rather presented by the modus 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 the 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. They crossed 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 accepting 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 Kluckwan 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 claims and those at Atlin Whitehead says



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