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Their Differences on the Pile Bridge Argued Before Mr. Justice Drake.

The Application for an Injunction Changed Into a Motion for Final Judgment.

dated Railway Co. were successors to the Victoria Electric Railway and Lighting Co., who by the statute of 1894 were given power to run tramcars over the highways and bridges in the city of Victoria; the statute confirming the agreement entered into in 1888, by which the tramway were (by section 33) empowered to lay and operate a single line of street railway over any bridge in the city. The effect of section 12 of the statute passed by the legislature in 1894 could only be understood, Mr. Davis argued, as giving an absolute right to the tramway of passan absolute right to the tramway of passing over the highways in the city, and among them whatever highway might BIG BOOM IN WHEAT. exist between the city and Esquimalt, including any highway bridge across the Arm. He did not contend that the tramway had the power to force the city to reconstruct a bridge if one was destroyed, but so long as the highway existed, and the city erected a bridge, the tramway had a right to use that highway and bridge, and the city were bound to see that the bridge was adapted to

tramway traffic.
Another point that Mr. Davis argued was that if the bridge were built without provision for tramway traffic, the structure would really form an obstruction to the tramway. The tramway company's position would be far better if the pres-

the tram cars to run over it.

was insufficient for tramway traffic. The objection that the city had to allow- bushel in orders from elsewhere.

regret having made. But however strong in corn, and a big trade in that article that regret might be it does not give the resulted. Trade in provisions has not city the power to change an agreement far a month been as general as it was once entered into no matter how bad it to-day. Everybody bought.

Mr. Mason, proceeding with his argument, held that the agreement made with the city in 1888 only applied to the city limits as they then existed. The tramway people themselves used this guests at the Palace hotel is Mr. Noro, a argument when they refused to run their Japanese capitalist, who comes from cars to the present city limits. If the Kobe, Japan, in furtherance of a scheme tramway company were right on this score, then the city had the right to say that the agreement did not apply to Point

Mr. Justice Drake—"But the tramway company in 1888 had the power to run over the bridges in the district of which the Point Ellis Little Point Ell

agreement in any case only referred to chinery, and such other articles as can existing bridges and not to bridges built be profitably sold in the Japanese marin the future. The new pile bridge was a different bridge from the Point Ellice it is Mr. Noro's intention to go to Porthyldes which still evisted in any control of the point end of the property of the prop land and other cities in the Northwest,

bridge, which still existed in part. The Court intimated that it was very true that part of the Point Ellice bridge did remain, and he believed that if an country. He will then go to New York indictment were laid against the corpor- and London, establishing agencies for ation they could be compelled to restore his company in both places.

the communication that was now obstructed by the broken bridge.

Mr. Mason went on to say that the population of the property will the could not force the

city to rebuild the Point Ellice bridge, might go ahead and repair it themselves.
The Court—"That bridge is municipal property; private people have no business to pull down a bridge belonging to the city and rebuild it to suit hemselves because it does not happen to suit their ideas."

Mr. Mason replied that the city did not want to rebuild the Point Ellice bridge, as they did not wish to admit any liability in the structure. He closed by asking that the court would hold the The application of the Consolidated matter over till the motion to quash the Railway Co. to restrain the City of Vic- tramway regulation by law was argued, for then it would be decided as to toria from proceeding with the constructive whether the city had a right to impose

tramears over the bridges and highways claration of the rights of the parties, who would also have the right of appeal.

Mr. Davis suggested that to avoid any convenience that might be occasioned by delay, the construction of the bridge be proceeded with on an undertaking by the city to make the structure sufficiently strong for tramway traffic, the tramway company agreeing if the decision went against them to pay the extra cost involved. Judgment will probably be delivered

Place for Some Time.

Stocks at Liverpool Terribly Short -Failure of Crops in India.

CHICAGO, Oct. I.—December wheat the tramway. The tramway company's position would be far better if the present pile bridge were stopped from further construction, for in this case public necessity would compel the city to put up a proper bridge.

The Court, smiling—"I wish you could force that on the corporation."

Mr. Davis concluded his argument by pointing out that though the city was not liable for non-feasance. There was, he thought, an implied covenant in the agreement that the city should, in allowing the tramway to use the bridges, see that the structures were strong enough to carry tramway traffic.

His Lordship inquired if the city had the right to pass a by-law to specify the weight of the tram cars to be run. He could not see, however, that there was anything in the contract to allow the structure was anything in the contract to allow the structure was not interested any transposition. The court is the could not see, however, that there was anything in the contract to allow the structure was not into the transposition and the right to pass a by-law to specify the weight of the transposition. The court is the could not see, however, that there was anything in the contract to allow the structure was not into the could not see, however, that there was anything in the contract to allow the structure of the same carry transposition which closed yesterday at 68½ to ½4 to 94 that the structure which is morning at 68½ to 69 and in a little over an hour it went as high as contract as the survey report that Mr. Martin's appointment would be at Mr. Martin's appointment would be that Mr. Martin's appointment would be that Mr. Martin's appointment would be the structure which. Hugh John as the court of the structure which Mr. Hugh John Macdonald the attainments which Mr. Martin in contrast which Mr. Martin in con CHICAGO, Oct. 1.—December wheat, could not see, however, that there was anything in the contract to allow the strength, and before 12 o'clock the price city to interfere in this respect, except had risen to 701cc. for Decemperhaps under the general municipal ber. Such continued strength surpowers to look after the safety of the prised the crowd who were looking mr. Davis replied that the city had passed a by-law restricting the weight of cars to 8½ tons, but it seemed doubtful if the city had the power to pass such a by-law.

Mr. C. Dubois Mason in defending the city's position remarked that the question was practically one as to what terms. tion was practically one as to what terms decrease since September 1—sufficient the city and the tramway could come to only for about ten days' consumpas to running cars over the bridge. The tion, as compared with about 6,000,000 tramway company would have acted bushels at corresponding date of year with more sense if instead of applying before. Two cargoes were exported, enfor this injunction they had—now that permission had been given by the Dominion government to construct the bridge—come forward with some reason—the area the bridge might. The track the bridge might is a construct the bridge might in the construct the bridge might. able offer. In that case the bridge might have been changed sufficiently to allow way towards confirming the reported the tram cars to run over it.

Mr. Davis replied that the affidavit of the city engineer showed that the bridge was insufficient for tramway traffic.

May towards commining the reported failure of the crops in India. Rice, one of the chief edibles of that country was reported to be worth more in Calcutta than wheat. Outside buy-Mr. Mason explained that the plan ing orders were largely for seaboard acwas such that the extra supports necessary for tramway traffic could be put in. ing the tram cars to run over the bridge cablegrams and resulting business for was the want of some power to control the tramway traffic. The city had indeed made a brain to the tramway traffic. dence to buyers, so that it was only on big bulges that any long wheat was sold. After it reached 70½ cents there was enough realizing to put the price down to 69¼ to 695%, which was the closing rate. The boom in wheat was largely instrumental in causing a good advance regret having made. But however strong in corn, and a big trade in that article

JAPANESE ENTERPRISE. San Francisco, Oct. 1.—Among the Ellice bridge as that bridge was outside try, as well as between Japan and Engline limits in 1888 when the agreement was made.

The street of the Naigwai Russan Trading of the Naigwai Ru trading business. When seen to-day he said that his company was preparing to deal entensively in silks, mattings, embroideries and other products of bridge the tramway company still had the same right."

trading business. When seen to-day he said that his company was preparing to deal entensively in silks, mattings, embroideries and other products of Japan. These are to be placed on the market here and elsewhere, or expended for flour control and the same right. Mr. Mason further argued that the changed for flour, canned goods, ma-

Members Chafe Over Being Kept at the Capital-Too Loquacious Grits.

Foster's Cogent Tariff Speech-Crow's Nest Pass Railway-Dobell's Meanderings.

(From Our Own Correspondent.)

Ottawa, Sept. 26.—One week more and

when a Liberal may rise is when it devolves ipon a supporter of the ministry to get up and expound some phase of government policy. It was amusing on Thursday evening, when the immigration vote was under discussion, to see the efforts of Mr. Laurier to repress his talkative supporters. He THE ONLY SEASONABLE MOMENT

which was likely to be done to business by the delay on the part of the government in indicating the principles upon which their tariff revision would be based. It seems only reasonable that when capital is invested in a country to the amount of the property of the prop

vested in a country to the amount of \$400,-000,000 should be taken of announcing the Government's policy. It is obvious that there is a marked difference between the effects of a proposal to increase and one to decrease the tariff. By the former, trade is stimulated as merchants desire to have as large stocks on hand as are practicable when the increased tariff goes into force. On the other hand a prospective reduction of the tariff causes manufacturers and importers to curtail their stocks, so that when a reduced tariff goes into effect they may get the benefit of any reductions that are made. It is in this category that the country is placed to-day, and as six months must elapse before the Liberal tariff can be made known business will be stagnated and it will be impossible to make their salaries been cut down to four thousand dollars a year. Governor-General's warrants are employed to afford an entry into the treasury without consulting parliament. The Manitoba school question has not been settled "within six weeks," no commission has been appointed under Sir Oliver Mowat, and Manitoba snot been conciliated. Mr. Laurier has announced a far-reaching scheme for handing over everything in sight to the United States in order to secure reciprocity, and has made an American reporter the first recipient of his views. Mr. Blair has established the spoils system on the Intercolonial, and Mr. Tarte THE EARLIEST OPPORTUNITY ill be stagnated and it will be impossible r merchants and manufacturers to make ing jobbery in the Public Works department or March next. All that Mr. Poster asked was a declaration from the government of the principles on which their tariff revision was to be framed. He converges to make adopted a patent system for promoting jobbery in the Public Works department, which is already bearing fruit in the corrupt trafficking in contracts. The last mentioned escapade promises the most serious results. Even the Mon-

TARIFF FOR REVENUE. The duty of replying to the ex-finance minister devolved upon Sir Richard Cartwright, who made about the poorest ministerial defence that has been heard in the House for many years. He had no reply to give to Mr. Foster's questionings; about the only thing he could do was to stigmatize the Conservatives as being obstructionists and corruptionists.

the Conservatives as being obstructionists and corruptionists.

The Toronto Globe again returns to the Crow's Nest Pass matter, urging that the government should retain control of the pass, build a railway line, and then allow the C.P.R. to operate it. Twice within three weeks the Globe has taken this ground and there is an impression abroad that the government has some objectin view in urging this proposal. Undoubtedly the C.P.R. would like to build the line if the necessary financial aid is forthcoming. It is believed that advocating this line it is preliminary to some deal between the government and the C.P.R. What this may happen to be, the next few days will probably decide. It is abundantly evident from what has transpired during the past two or three weeks that Mr. Laurier made one mistake in choosing his colleagues; that is with regard to the selection of Mr. Dobell. The

inister without portfolio is a gentleman OF BUSINESS CAPACITY, ut he is evidently not cut out for a parlia but he is evidently not cut out for a parliamentarian. Three years ago he ran against Thomas McGreevy as an Independent Conservative. At the general election he was an "Independent," and now, by the process of evolution, he has become a red-hot Liberal. The duty has been imposed upon Mr. Dobell of handling the estimates of the Department of the Interior in the Commons, and a nighty poor fist he has made of it. Indeed, Liberals have been humiliated at the spectacle

# IN NO WAY EXAGGERATED.

VANCOUVER, Oct. 2.—There arrived yes Point Ellice was heard by Mr. Justice Drake Friday morning, Mr. E. D. Davis, Q.C., who with Mr. L. P. Durit and Mr. G. H. Barnard appeared for the delay. The difficulties with each of the city.

Mr. Davis in opening his argument briefly recited the facts of the city have now on their shoulders to replace the structure free nown proposal for healing up their differences. The court-and in the meantime the company in personnel the recition of the accident in May last twas not intended for trained from the delay. The delay the projection ghas the application in traffic, being admittedly insufficient in traffic, being admitted by the proposal for healing up their differences and the traffic admitted to the city with now and the proposal of the troubles of the city have now on the exception of the troubles of the city have t is expected that the first session of the Pacific a distinguished party of railway ary speakers. So far Mr. Laurier has not been very successful in the latter respect. The Liberals have been so accustomed for eighteen years past to give expression to their feelings whenever in their judgment a seasonable opportunity arose, that now it is difficult for them to realize that

ing, when the immigration vote was under discussion, to see the efforts of Mr. Laurier to repress his talkative supporters. He would turn round in his chair and wave his hand with a motion which seemed to say "Will you please keep your seat." But this had no effect upon Messrs. Richardson, Oliver, Fraser and Britton. Gradually, however, the Liberals will grow out of this bad habit, but it will first be necessary to have a little more plain talk in caucus.

The past week has not been without interest to the looker-on at parliament's proceedings. In both houses the report that Joe Martin is to be appointed to the vacant B.C. judgeship has been ventilated. Senator Macdonald opened this discussion in a courteous way and was followed by several other senators, who did not mince their words, but despite all they had to say the little Minister of Justice was not to be trapped. Hence, no satisfaction was obtained in that House

CLEARLY TO UNDERSTAND

this had no apparent effect on the traffic. The party leave to-morrow on the traffic. The party leave to-morrow existence, as it is had no apparent effect on the traffic. The party leave to-morrow on the traffic.

STEAMER 'UMATILLA'

PORT TOWNSEND, Oct. 2.—The weather continues to remain fine, and the steam-ship Umatilla is resting easily on the beach at Point Wilson. The shifting of or the diver to get down to th

Hon Mr. Foster made one of his best peeches on Tuesday when he dealt with the tariff question and depicted the harm which was likely to be done to business by worldiness has faded away and now worldiness has faded away and now tion the white radiancy discolored features of the political

> The number of the cabinet ministers has not been reduced from fifteen to seven, nor have their salaries been cut down to four thousand dollars a year. tem on the Intercolonial, and Mr. Tarte has adopted a patent system for promot-

heir tariff revision was to be framed. He took occasion to review the trade policies of the two parties, and gave the Liberals a bad quarter of an hour as he placed on record their wanderings through the mazes of their wanderings through the mazes of commercial union unrestricted reciprocity, free trade as it is in England and the most serious results. Even the Montreal Witness cannot away with it. "There is something grandly simple," says our pious contemporary, "about this form of boodling." Such is the improvement we are experiencing in the provement we are experiencing in the methods of doing public business under

That

in choosing his colleagues; that is with regard to the selection of Mr. Dobell. The to every one, and the good it will do you

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Trainc Manager Hannaiord stated that the party had experienced no inconvenience or delay from the operators' strike, and expressed surprise that the company had at such short notice succeeded in keeping

the true nature of its aims! In opposithere is nothing left but the ugly and

is equally beyond question. Remember Hood's Sarsaparilla

poor fist he has made of it. Indeed, Liberals have been humiliated at the spectacle which Mr. Dobell has shown to them. But

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# it is to his record as a political mountebank that the finger of scorn is now being pointed. A year ago he was a strong advocate of the 20-knot Atlantic service. Recently he came down to an I8-knot service. Then there was such a howl in Quebec that he had to telegraph to that city that everything was all right, that he would do his best for the fast service. Then he was asked if he had sent such a telegram, and he said. "no." The climax to his ratiocinations came last night when he had to get up and admit that he had sent such a telegram, but had forgotten all about it. Judging from present appearance Mr. Dobell will never be a minister "with portfolio." \*\*MCCready : Bicycles\*\* Win the Honors. IST TIME PRIZE WON BY H. CASSIDY ON A McCREADY 2ND TIME PRIZE WON BY F. GRAVES ON A McCREADY

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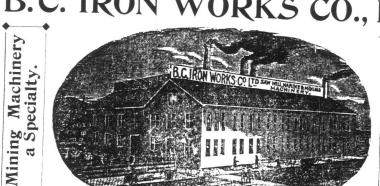
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