

Provincial Interests

The Attorney-General Enters Suit Against the E. & N. Railway Co.

Claims That Coal in Nanaimo Harbor Is Vested in Province.

The sitting of the Full Court was ended yesterday afternoon and an adjournment taken until Friday next, when judgments will be given. An application was made to the Chief Justice in the case of Percy vs. Pemberton, and an order was made for a special sitting of the Full Court on Tuesday next for the purpose of hearing that appeal.

In the case of the E. & N. Railway Company vs. the New Vancouver Coal Co., the suit involving the valuable mining rights in the Nanaimo harbor, a new and very important phase of the question has been commenced by the announcement of a new suit, the Attorney-General of the province of British Columbia and the New Vancouver Coal & Mining Company vs. the Esquimalt & Nanaimo Railway Co.

This action has been instituted for the purpose of ascertaining whether the coal in a certain portion of Nanaimo harbor is vested in the province, subject to the right of the New Vancouver Coal Co., and in consequence of the action pending between the E. & N. Railway Co. and the coal company relative to the claim of the railway company to the coal opposite Newcastle Townsite, Nanaimo harbor.

In order that the question may be understood a short history of the matter which has given rise to the action just launched by the Attorney-General of the province will be of interest.

By the Settlement Act the province agreed to transfer to the Dominion, for the purpose of constructing the E. & N. Railway Co., the land usually known as the railway belt, together with the coal, etc., thereunder. The Dominion government added to this part by including the "foreshore rights in respect of such lands as aforesaid, which are to be granted to the said company (the E. & N. Railway Co.) as aforesaid, and which border on the sea, together with the privilege of mining under the foreshore and sea opposite any such land, and of mining and keeping for their own use all coal and minerals, under the foreshore or sea opposite any such lands in so far as such coal and foreshore rights are vested in Her Majesty as represented by the Dominion government."

The Federal government granted to the railway company the said land and mining privileges and the foreshore rights, and in the beginning of 1888 the railway company commenced proceedings against the coal company that the railway company was entitled to the coal opposite Newcastle Townsite reserve (which the railway company claim is included in the letters patent), and if so the railway company want compensation for the coal abstracted.

The coal company distinctly challenge the right of the railway company to Newcastle Townsite reserve, and plead that the grant by the Federal government of the coal under the foreshore and under the sea opposite such lands is ultra vires of the Federal government, as neither by virtue of any grant of the province nor by the British North America Act was any title conveyed to the Federal government.

Proceedings were so far advanced that the date of trial was fixed for the 11th inst.

The Dominion Attorney-General applied a week ago on his own initiative to be added as a plaintiff and leave was granted, the Federal government, and Gordon Hunter for the New Vancouver Coal Co.; Mr. E. V. Bodwell, Q.C., and Mr. Duff and Mr. Luxton for the E. & N. Ry. Co., and Mr. W. H. Langley acts for the Dominion Attorney-General.

Application will be made to-morrow by Messrs. Drake, Jackson & Helmecken for leave to proceed with the Point Ellice bridge cases of Potts, Jordan, Pratt and Priestly.

Mr. Justice Martin is presiding in the County Court to-day. The cases deal with are devoid of interest to the public. This morning three applications to become naturalized citizens were dealt with, two Chinamen taking the usual oath of allegiance.

SIR WM. WALLACE SOCIETY.

Chief Kerr presided at last evening's proceedings of the above society with his accustomed ease and grace. Piper Robertson played the inspiring and popular "Mackenzie's Farewell to Sutherland." Mr. A. M. I. Smith sang, to the great meriment of all, "The Queer Folk of the Shaws." This being the eve of the anniversary of the battle of Flodden, Mr. Henderson recited with great power and much dramatic effect "Edinburgh after Flodden;" and Mr. Robertson gave a short address on "Some unknown facts about Waterloo." Mr. Giles's pianoforte solo on old Scotch airs was well received and Mr. Holland's violin solo, "Stumpie Strapsy" was so excellent and popular that, in response to a unanimous encore, he delighted the company with "Johnny Cope." Mr. Giles accompanying on the pianoforte. Mr. McCormack sang, as he only can sing, "Erie's Lovely Home;" and Mr. J. K. Campbell recited "The Coming Man." A skit on the pipes

by Mr. Robertson, "Lochiel's Battle March," was followed by Mr. Henderson reciting very eloquently "The Night Before Waterloo." Mr. Mortimer recited with much feeling and effect "The Downfall of Poland;" Mr. Holland gave a violin selection of Scottish airs excellently well. Mr. Giles accompanying on the pianoforte, and the evening concluded with "Auld Lang Syne" in which a large number of the company joined vocally in sacred circle, hands clasped, and with rare Scotch vim.

HOBBS VS. E. & N. RAILWAY CO.

An Important Decision—Privy Council Decision to be Enforced Unless Defendants Comply with Order.

Mr. Justice Drake has made an order on the application of the Railway Company to stay all the proceedings on the judgment of the Supreme Court of Canada, which, it will be recollect, found in favor of Mr. Hobbs, giving him the land as well as the available coal deposits, provided the costs, which are some \$3,000, be paid with an undertaking to return same if so ordered by the Privy Council, and the deposit of a deed in favor of Mr. Hobbs, without reservations of any kind and inclusive of the coal, in the office of the registrar of the court at Victoria, all which will be done within 14 days, otherwise the judgment of the Supreme Court of Canada will be immediately enforceable. Mr. A. E. McPhillips appeared for Mr. Hobbs and Mr. A. P. Luxton for the Railway Company.

Was Food For Ravens

Terrible Ending of a New York Jeweler on Valdes Glacier.

Other Unfortunates Die After Much Suffering in Copper River District.

Gruesome to the last degree are the stories which have reached Juneau from the Copper River country. The steamer Excelsior reached there from Valdes on August 28th. Passengers say that sixty-five men died of starvation, scurvy and by accident last year in that country. The latest, and up to the present, unpublished incident, is in connection with the death of a jeweler named Smith, who hailed from New York. Last November he was crossing the glacier, and was the last man in the line. He fell, and was never seen alive again. On the 8th of August, about two weeks before the Excelsior sailed, a party of prospectors were making their way over the glacier, coming out. Everybody up to that time had taken the summer trail. They came upon the dead body of a man. These men were Otto Threves, of Primrose, Iowa; Alexander Haas, and two others. They reported their discovery at Valdes. A prospector named Austed recognized the description as that of his partner, Smith. Threves, Austed and another prospector named Hopkins were elected to return over the trail and bury the body and save the effects.

When they arrived they found that the body had been literally eaten up by the ravens. The flesh on the face, eyes, tongue and every exposed place had been eaten away. It was only by the clothing and the effects that the body could be identified. Four watches, a leather pocket, four by eight inches, filled with clothing and \$275 in money and some letters were all that was found. These Austed took. A money belt which Austed said had contained a considerable sum of money, was gone.

Threves and Haas have arrived from Juneau. They tell of the terrible suffering and death of seven men out of a party of nine Germans from New York, known as the Scientific Prospecting Company. The dead are: Barhart, Miller, Allerman, Schmitz, Peter Hofer, and Baumgartner. George Hofer, another of the party, got out, but is crippled for life with scurvy. Baumgartner went out hunting one day and was never seen again. The case of Buttner was the most affecting. He was driven crazy by the terrible suffering and could not be restrained by his weak companions. They had to strap him down, but even then he would get out.

One morning Threves, whose camp was not far away, found him sitting out in the snow with his clothes and hat off, yet the thermometer marked forty-five degrees below zero. The man was gotten inside, but within a few hours died. The camp of the party was on what is known as Twenty-Five Mile camp, just beyond the glacier. The majority of the men fell ill with the scurvy, and it soon carried off three of them off. Haas and Threves say there are probably 150 more men on Valdes to come out this fall. Many are working for \$1 a day to get passage money. There is no other work.

BLAME THE KIDNEYS

for that distressing backache and help them to get well by using

Dr. Chase's Kidney-Liver Pills

Backache is usually the most pronounced symptom of kidney disease. Other indications are irregularities in urinating and deposits in the urine.

Success in curing kidney disease and preventing Bright's Disease, Diabetes, Dropsy, etc., depends largely on the stage of the disease at which it is taken into treatment. It is begun before the tissues are too far wasted away. Dr. Chase's Kidney-Liver Pills will positively cure you and promptly

Mr. John Lewis, Surrey Centre, B. C., states: "I have been troubled with kidney disease and terrible pains in the back for over a year. Dr. Chase's Kidney-Liver Pills have taken the pains away and are curing me. They are good pills for the kidneys."

Dr. Chase's Kidney-Liver Pills act directly on the kidneys, strengthen and invigorate them and permanently cure kidney disease and backache. One pill a dose, 25 cents a box. At all dealers, or Edmondson, Bates & Co., Toronto.

Again the Derelict

Warrimoo Sights a Vessel Supposed to Be the West Coast Wanderer.

Was 150 Degrees South-West of Cape Flattery, Bound North East.

The supposed derelict which is wandering up and down the West Coast has, according to a story told by some of those on the Warrimoo, again been sighted. A barkentine seen at 5 p.m. yesterday, 150 miles southwest by west of Cape Flattery, is thought by them, when the description was furnished, to be the same wanderer seen on the coast last at Hespoult on August 20th. She was, according to those who saw her, a wooden bark and was running in a north-easterly direction. Her fore and main top gallant masts, the purser says in his report, were not seen. According to the story told by other officers, who were somewhat inclined to doubt that the vessel seen by the steamer was the derelict, the fore and top gallant masts were probably lowered because of the light prevailing winds. If it was the wanderer, ship seen at Clayoquot and Hespoult, she has travelled a south-westerly direction, and for a considerable distance in the eighteen days since she was last seen.

On Sunday, Aug. 13th, the mysterious ship which threatens to give the West Coast a prominence as the new stamping ground of Captain Vanderdecken, was first seen at Clayoquot. She came in out of a blanket of fog, and drifted in past the reef and well in shore. Glasses brought to bear on her by prospectors and hunters who went out there to land, failed to disclose any sign of life on her, and in the opinion of all Clayoquot there was not a soul on board. They thought she was deserted, for the davits were plainly seen, and no boats were hanging to them. She, as seen in these columns, drifted out to sea again, appeared again on the day following, and was then swallowed up in fog.

She was seen again at Hespoult on August 20th, a week later, by John Goltz, a prospector, who was on a secret voyage to have a half mastel flag—he was unable to recognize the nationality, but according to those on the Warrimoo it was a British Jack. They could not see her until she was close to the shore. Goltz reported her disabled in the same manner as did those who saw her at Clayoquot. Her fore and top gallant masts were gone. Her boats were gone, and her sails plainly showing that no one was on board. The vessel was then seen by the Warrimoo, and was reported to them. She was drifting on and off, as though without any hand at the wheel, or any means of steering.

Captain Hughes, of the Willapa, which lay last night in the West Coast, says that when the vessel came in to Clayoquot she was in 20 fathoms of water, and had been saloon on board they would undoubtedly have dropped anchor.

When seen at Hespoult, she was drifting in a south westerly direction, and in the eighteen days that have elapsed since she was seen at Clayoquot has wandered southward and below the entrance to the straits. She is now—in the vessel which is the derelict—more in the path of steamship traffic, and it is altogether probable that some of the many steamers running between this port, the Sound and the south will find her and her "hostly ship" otherwise Cape Horn will have assumed the same history as the acknowledged home of the English Dutehman. She has emigrated to the West Coast.

At the same time she saw the supposed Wanderer the Warrimoo spoke the German bark Carl, in business between German. The wind was east, southeast and light.

THE MAN WITH THE HOE.

(The Other Side.)
Lo, here I stand, the Independent man,
The first of men, who won, when Time was young,
By strength of arm, from Nature's grip,
All useful things for those who looked to me,
And down the lagging ages subtle brains
Have multiplied inventions numberless,
Evil and good, but none to supersede
My trusty hoe. While thrones have risen
and fallen,
To darkness, it shines brighter than of yore
When forged by Tubal-cain.

Why point at my slant brow and rugged hands,
Why wonder at my shoulders bent and wry
When on me rests the burden of the world
With your own feeble selves. Great Atlas I,
Kings, nobles, millionaires, all hang on me,
I, self-sufficient, have no need of them,
They, should I leave them, soon would starve and die.

Ye pinched and pent in fetters, look at me,
I bow the dewy freshness of the earth
In open fields resounding with the song
And jubilation of bird and beast—while ye
Jostle each other in the smoke and grime
For leave to labor, at the beck of gold.
Ye herding flocks, come out where there is room,
Come out, and fill the earth's waste places
up;
Make howling deserts laugh with running
brooks,
Turn the withered woods' to green rejoicing
fields.
Dot the vast loneliness plains with cheerful
homes,
Work for yourselves—live healthily,
content,
On your own lands productions. Doing
thus,
The last curse Anarchist will pass from
earth.

ERIC DUNOAN.

Comox, B. C.

GOVERNOR OF BERMUDA.

A Distinguished Visitor From the Far Away Isle of the Atlantic.

Among the guests at Mount Baker hotel is Lieut.-General Digley Baker, Governor of Bermuda, who came to Victoria to join his family, who have been staying here for some time. General Baker will remain here for about a month.

Hon. Henry May and Mrs. May, the latter a daughter of the general, came from Hongkong, accompanied by several children, for the purpose of this reunion; meeting at the half-way house as it were.

Lieut.-General Baker, before becoming Governor of Bermuda, was in command of troops of Her Majesty at Hongkong, and this is not his first visit to Victoria, as he passed through on his way from China to London some years ago.

Governor Baker says he is having a nice quiet time of ruling over the people of the Bermudas. The population is peace-loving and industrious, and if they have not an international quarrel as evidence of their up-to-dateness they at least are not uncivilized. There are only 10,000 people in the island, of which number 5,000 are white. The entire industry is agriculture, and the 100,000 acres or so of land which the island contains manage to export no less than \$1,000,000 worth of produce, which is a fairly good evidence of its fertility.

The chief products of Bermuda are arrowroot, bulbs, lilies, etc., and of these large quantities are exported to New York. Bermuda lilies are famous for their beauty.

Governor Baker says that the growth of arrowroot has fallen off somewhat of recent years, for some reason or other, but the establishment by the English government of a botanical institute on the island last year will no doubt result in the rehabilitation of the arrowroot culture.

Oriental Intelligence

Some Features of the Visit of the Chinese Commissioners to Japan.

General European Satisfaction With Judgment in Miller Murder Trial.

The following letter was received by the former Genleone from the Associated Press correspondent at Yokohama:

Yokohama, August 22.—Gossip is still busy over the recent visit of the special Chinese commissioners, and much is made of the fact that on their departure, the Chinese minister himself waited upon them to the station, a proceeding entirely unprecedented in the history of the legation. Li and Chang were evidently something more than ordinary envoys, and that something is likely to result from their mission has become the confirmed public opinion.

Whether the report of their having been seen to arrange a secret treaty with Japan was the occasion of a threatening note from Russia to the Chinese government, is a question still being discussed, though there is good authority for saying that Russia has done nothing of the sort.

The one fact developed from all the rumors and surmises ament the matter is that the leading classes here, almost without exception, are strongly in favor of some sort of close friendly understanding with China. Especially fascinating to the military element, by far the most influential here, is the idea of having an opportunity to drill the Chinese troops under the control of their own officers. Some deal of this sort may be in contemplation. It certainly furnishes a field for suggestive and fruitful surmises.

Much attention is being devoted to the fact that Japan, there being no other power in the Empire without its kerosene lamp. These fields are far more extensive than is generally supposed. The chief reason why they have not been exploited more thoroughly is the same as that which has effectually checked all mining enterprise here, a land holding that everything beneath the surface of the ground, wherever situated, belongs to the government. Any attempt to start mining schemes is met at the outset with discouraging legal complications.

The passage of the returning American volunteers through Yokohama continues to excite comment of the most favorable kind. The coming of each regiment is hailed with joy, as putting the American community here into a majority for the time being. To-day the Sheridan has arrived with twenty-two hundred men, mainly of the South Dakota and Minnesota regiments. They are due to leave on the morning of the 24th. The Sheridan, the largest ship that ever entered this port, is attracting great attention, and much favorable comment is made upon the facility with which America has organized and perfected her Pacific transport service.

Conversation with the soldiers shows extraordinary unanimity among them on certain subjects. But one sentiment is expressed in regard to Generals Lawton and MacArthur, who are universal favorites. But one sentiment is also expressed in regard to General Oils.

Of their views in regard to the possible close of the war, there is great variety, the majority being inclined to the opinion that the autumn campaign might end of the fighting.

Judgment in the Miller murder case was rendered on the 19th, and the prisoner sentenced to death. For the first time in the history of the Orient has a foreigner been sentenced to death by the courts of the foreign powers, pronounced the death sentence on a foreigner. The finding of the judges is regarded by the foreign community as a model of close reasoning and legal acumen, and there seems as yet to be no exception to public opinion as to its fairness. Its effect in reassuring all who feared the practical results of passing under Japanese jurisdiction has been very marked.

The sentences in the finding, which made the profoundest impression, were the following: "It is the benevolent desire of His Im-

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CASTORIA
Vegetable Preparation for Assimilating the Food and Regulating the Stomachs and Bowels of
INFANTS CHILDREN
Promotes Digestion, Cheerfulness, and Rest. Contains neither Opium, Morphine nor Mineral. NOT NARCOTIC.

Is on the WRAPPER OF EVERY BOTTLE OF CASTORIA

Perfect Remedy for Constipation, Sour Stomach, Diarrhoea, Worms, Convulsions, Feverishness and LOSS OF SLEEP.

Fac-Simile Signature of
Chas. H. Fletcher
NEW YORK.
At 6 months old
35 Doses - 35 CENTS
EXACT COPY OF WRAPPER.

WORK IN THE KLONDIKE

Something About What the Salvation Army Have Done.

Many Victorians will remember when the Salvation Army first opened up a campaign in the Yukon district, the departure of the pioneers causing considerable comment about a year and a half ago when the facilities for transportation to the Klondike metropolis were very different to those which exist now. Some people were then inclined to ridicule the idea of the Salvation Army "ladies" trying to get through to Dawson, and grave doubt existed regarding the advisability of a campaign of reform being opened in the new mining country.

Last evening in the Army barracks a very interesting address was given by Adjutant McGill, one of the Klondike pioneers, upon the work accomplished by the flying squadron under his command. The address was of absorbing interest and the large audience listened with eager pleasure to the speaker's graphic description of the work done.

The journey occupied six weeks and was beset with hardships and difficulties, but very soon after the arrival of the party at Dawson, work was organized on a satisfactory basis and the establishment of a food and shelter home, at that time of great urgency, was immediately commenced. The home was well filled all the time, the high transportation rates preventing many destitute men from getting out of the country until long after they had found they were unable to secure work.

Something was said by the adjutant about the reverse side of the Klondike picture, something about the hardships and destitution suffered by those who did not "strike it lucky" and were not numbered in the ranks of the successful Klondikers. The stories of the well educated and delicately reared men who were driven to work in the Army wood yard, one being a man holding the B.A. degree of Oxford, illustrated the good work accomplished by the devoted band of Salvationists, and Adjutant McGill recalled his experiences with evident satisfaction, remarking casually that it cost \$1,000 to feed the horse kept all winter for the purpose of visiting the outlying portions of his vast territory. A compliment was paid to the various religious denominations in Dawson for the unanimity existing, the speaker expressing regret that the same admirable spirit did not characterize the work at Skagway.

The meeting, which was the initial one of a four days' campaign, was a great success, and the local corps are encouraged in their campaign of revivification by the results already achieved.

KNIFE NOT NECESSARY.
It is an acknowledged fact that many cases of Cancer can be cured without knife or plaster by our pleasant home treatment. We would like to tell you about it. Send us your address. **EFOT & JWB, Box 9, Bowmanville, Ont.**

CHRONIC DIARRHOEA CURED.
This is to certify that I have had chronic diarrhoea ever since the war. I got so weak I could hardly walk or do anything. One bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy cured me sound and well. **J. R. GIBBS, Fincastle, Va.** I had chronic diarrhoea for twelve years. Three bottles of Chamberlain's Colic, Cholera and Diarrhoea Remedy cured me.

S. L. SHAWER, Fincastle, Va. Both Mr. Gibbs and Mr. Shawer are prominent farmers and reside near Fincastle, Va. They procured the remedy from Mr. W. E. Casper, a druggist of that place, who is well acquainted with them and will vouch for the truth of their statements. For sale by Henderson Bros., Wholesale Agents, Victoria and Vancouver.

COTTAGE CITY ARRIVES.
More Klondike Gold and a Large Number of Passengers.

Steamer Cottage City, which arrived at the outer wharf just as the Times was going to press, is rich in treasure, bringing \$300,000 in dust or its equivalent, and 250 passengers.

Among those who bring large sums are Dick Lowe, a well-known Klondiker, who is credited with \$60,000, and J. Cooper, who brings a large sack, the proceeds of the sale of cattle he took into the Klondike district.

Other passengers are Sir Thomas Tanco, of England, and Captain Draper, of the United States army.

The Cottage City called at Nanaimo and coaled there this morning. She passed the Tees in Granville channel, bound down, the day before yesterday, experiencing rough weather at that time and yesterday. She brought down 15 bales of furs for Victoria.

DR. A. W. CHASE'S 25c CATARRH CURE
Is sent direct to the diseased parts by the Improved Blower. Heals the urethra, clears the passages, stops droppings in the throat, and permanently cures Catarrh and Hay Fever. Follow the directions. All dealers or Dr. A. W. Chase, Medicine Co., Toronto and Buffalo.

CASTORIA
For Infants and Children.

Castoria is put up in one-size bottles only. It is not sold in bulk. Don't allow anyone to sell you anything else on the plea that it is "just as good" and "will answer every purpose." See that you get C.A.S.T.O.R.I.A. The fac-simile signature of **Chas. H. Fletcher** is on every wrapper.

SEE THAT THE FAC-SIMILE SIGNATURE OF
Chas. H. Fletcher
IS ON THE WRAPPER OF EVERY BOTTLE OF CASTORIA

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Joubert the Tr

Says the Rep Favorably W of To

Boers Quite W All Disputa bitrat

George Van Selenkian has received a telegram from Gen. P. J. Joubert, chief in the South, which the General says:

"Your highly esteemed and that, too, in the greatest Republic in the right; for, as the newspapers, he concludes that the called Transvaal troops of the Uitlander form the opinion that in this world can be felt in the Transvaal the government must as bad and guilty a mighty God as they the great Chamberlain, the famous Boer not only an independent also a land inhabitant."

"Now, I will not in vaal government is felt, but a conviction of our day, we have been ashamed. It is said beginning was nothing of robbers and a m'counters. Now, I had conquered in the manner desired authors, Elias Regn Maarten, there are untarly to stand the end we would have in submitting to England to arbitrate a court of justice.

"But this England dare to do. The plan to come to an settlement in the impossible to dispel the Boers the idea that has been deeply imbedded in the mind and ravaged the Republic in 1886, in his throat, a mass unable to swallow, as a false pretense against us for the so-called Uitlander's revolt, in order that our small people and if God will permit his Haggard says that a and Champlain reflecting that he knows very can gain there."

"It is my ardent wish to see an opportunity in any European country these acting as arbiters, for the sake of the God of heaven would make herself."

Oliver Schreiner, of "African Farm" fame, has written a "South African View of the Charles H. Sergeant's statement that the following states the African view of the Our Dutch fellow strange folk. Virile surface, with a passion easily by the weight of a large and generous other European folk. Under the roughest country Boer lies a stive and conscious a people who never and does not easily give. The Boer's popularity is beyond doubt. He is brave and loyal states and nations. erica were in danger every American citizen in his bosom, and the weight he has African soil defend man would go home every Englishman, would, as all brave history have done with "The birthland in Spainiards here trod as soon as the news One thing only of the destruction of enlightened and humane nineteenth century civilization that by no preserve our life a stronger power, of state or individual. Nothing can even p tense a conviction of mere to hire otto dery for us but to r life for a life.

The English and foreword of a possibly feel. They to die to obtain name of Johannes truly wealthy or to assist South Africa, or that we will France or Italy for ourselves bound to war breaks out between the Republicans, King. If by a process we have arrived at