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Times, July 18, 1894.

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TELEGRAPHY,

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TO QUASH THE BY-LAW

Consolidated Railway Company Appeal to the Courts Against the City's Tramway Regulations.

Order Nisi Granted by the Chief Justice to Be Argued on Saturday.

The Consolidated Railway Co. do not take kindly to the Tramway Regulation by-law passed by the city council and have taken steps to have it set aside, if possible, by the courts. Yesterday Messrs. G. H. Barnard and L. P. Duff on behalf of the company made an ex parte motion before the Chief Justice for a rule nisi to quash the by-law. The general ground urged was that the by-law is ultra vires in that it seeks to impose conditions and restrictions at variance with the agreement of 1894 between the city and the Victoria Electric Railway & Lighting Co., to whose charter the Consolidated Railway Company has succeeded. The company claim that by the agreement of 1894 they have a right of way across the streets, whereas in the by-law the city seeks to impose a condition that the tramcars must be stopped at each crossing to allow pedestrians to cross over. Another thing the company object to is the provision in the by-law that each car must have the name of its route painted on it; whereas frequently cars have to be changed from one route to another quickly, so as to accommodate the public traffic. The by-law too provides that cars must have the name of the route on the signal light at night; while the company urge that they have by experiment proved that the method employed in other cities of having the routes indicated at night by a colored light is the best. Still another condition in the by-law is that the company must pay one-third of the cost in winter of clearing the snow away from streets in which the tracks run, while the company claim they should not be responsible for more than one-fifth of the street.

The by-law further makes it compulsory for the company to run their cars to the present city boundary; and the company object that they are only compelled to run to the boundaries as they existed when the old charter was granted and not to the limits as since extended. The compulsory use on cars of fenders that will push off the track or carry along safely people who may happen to be struck by them on the track is objected to by the company on the ground that no fender can be made sufficiently strong to push a person off the track and yet not do injury to the person with whom it comes in contact.

All these, among other grounds, were urged on behalf of the company yesterday with the result that the Chief Justice ordered a rule nisi to issue, the argument to be heard on Saturday. The order reads as follows:

VICTORIA, Sept. 21, 1896.

In the matter of the Municipal Clauses Act, 1896, and in the matter of an application by the Consolidated Railway Company for a rule to quash by-law number 265 of the Corporation of the City of Victoria.

Upon the application of the above named Consolidated Railway Company for a rule calling upon the above named Corporation of the City of Victoria to show cause why the by-law No. 265 of the municipal council of the said corporation, passed on the 21st day of August, 1896, entitled the "Street railway regulations by-law" should not be quashed; and upon reading the affidavits of John Black McKillop, Willard Colfax Cheney, George Henry Barnard and Alfred Charles Anderson, sworn herein and filed this 21st day of September, 1896, and a copy of the said by-law No. 265, certified under the hand of W. J. Dowler, clerk of the said municipal council, and under the corporate seal of the said corporation, and verified as an exhibit to the said affidavit of Alfred Charles Anderson:

It is ordered that the said Corporation of the City of Victoria do show cause on the 26th day of September, 1896, at the hour of 11 o'clock in the forenoon or so soon thereafter as counsel can be heard, at the law courts, Bastion square, Victoria, why the said by-law No. 265 of the municipal council of the said Corporation of the City of Victoria, and directing the said corporation to pay to the said Consolidated Railway Company their costs of and incidental to their application for the quashing of the said by-law on the grounds following, namely:

1. The said by-law is ultra vires of the said municipal council, and is illegal and invalid because

(1.) It assumes to impose upon the Consolidated Railway Company obligations and restrictions as to the conduct of its business in contravention of the provisions of 57 Victoria chap. 68, Statutes of British Columbia, and the agreement set forth in the schedule thereto, and assumes to vary the provisions of the said act and agreement and to interfere with and derogate from the rights and privileges which are vested in the Consolidated Railway Company under and by virtue thereof.

(2.) The provisions of the said by-law are not in any wise necessary or requisite to the protection of the citizens of Victoria or of the persons or property of the public; and if any of the provisions of the said by-law might be promulgated by the said municipal council as regulations under article 51 of the above mentioned agreement the said municipal council has no power to enact such regulations in the form of a by-law or to impose penalties for the breach or non-observance thereof.

(3.) The said by-law assumes to interfere with and regulate the internal arrangements of the said Consolidated Railway Company and other street railway companies in the city of Victoria.

(4.) The statutes governing the constitution and powers of the said municipal council do not confer upon the said municipal council any power to pass the said by-law.

2. The said by-law as a whole and in particular clauses 3, 7, 8, 9, 11, 14, 16, 17, 18 and 19 thereof, are unreasonable, vexatious and oppressive, for, inter alia, the several reasons set forth in subsec-

tions 1, 2 and 3 of ground No. 1 hereof, and in that the provisions of the said by-law are impracticable and that they unnecessarily and unreasonably interfere with and obstruct the conduct of the company's business.

3. The said by-law is unequal in its operation and unfairly discriminates against the said Consolidated Railway Company in that clauses 16, 17, 18, 19, 20, 21, 22 and 23 thereof are in express terms applicable to the Consolidated Railway Company only, and in that the said by-law assumes to impose a penalty upon the Consolidated Railway Company only for any infraction of the provisions of the said by-law.

4. The provisions of the said by-law are vague and inconsistent in their terms and uncertain in their operation.

5. Such further or other grounds as counsel may be advised.

THE SOLDIERS' HOLIDAY.

Each and every one of the hundreds who spent Saturday with the Fifth Regiment at Peddar Bay will join in expressing the good wish that the picnic will be made an annual event. It deserves to be, for more solid enjoyment was crowded into the afternoon than it would seem possible to compress into so short a space of time. In the first place the weather was ideal for both the trip and the sports at the picnic ground. Again the hospitality of the officers of the sergeants' mess was unbounded; and with good music and well contested sports it seemed that nothing was left to be desired. There was only one mishap during the merry day, and that a minor one—when a young man named Brown had the misfortune to fracture a rib while contesting the sack race. The sports as a whole were most successful and the following well deserved their victory:

100 yard race—Gr. T. Patton 1, Gr. B. Schwengers 2, Gr. E. Brown 3.
Tug-of-war, No. 1 Company—Won by Co. S. M. Wilson's team, composed of Br. Brinkman, Gr. Galtbraith, Gr. McNeill, Sgt. Bailey, and Gr. C. and B. Schwengers.
Sack race—Gr. Gilmaster 1, Gr. Schwengers 2, Gr. Gaudin 3.

Balacava meleé—Gr. Tuck and Carter, Gr. J. H. Morse and Gilmaster, Lt. Hibben and Gr. Patton, and Gr. L. B. Trimen and Schwengers.

Tug-of-war, open—Won by Sgt.-Major Mulcahy's team, composed of Co. S. M. Wilson, Gr. Schwengers, Gr. Clarke, Sgt. McDougall, Gr. T. Fletcher, Gr. Holyer, Gr. Stevenson, Gr. W. M. McNeill and Gr. Neaves.

Giddy race—Gr. Berkley 1, Gr. Austin 2, Gr. Schwengers 3.

Greasy Pig—Gr. Gilmaster.
Bandman's race—Cooper 1, Smith 2, W. Harris 3, and Freimuth 4.

The prizes were distributed on the return trip by His Honor the Lieutenant-Governor, who for his attendance and kindly words to the soldiers was cordially thanked by Colonel Peters on behalf of the regiment. Thanks are also due to His Worship the Mayor and to those citizens who lent valuable aid to the promoters of the picnic in providing prizes for the sports. The picnic was most pleasantly concluded with dancing in the moonlight to the excellent music of the regimental band.

A WANT SUPPLIED.

One of the most instructive articles on the development, progress and general outlook of the Roseland mines appears as a prospectus of the British-Canadian Gold Fields Exploration Development and Investment Company. It contains a general resume of the developments in the district and gives many sound reasons for the conviction that the industry is only in its infancy. If what is stated there is true, and most of the facts were supplied by Mr. Herbert Outbrett from his own knowledge and experience, the lower grade properties some day will be immensely valuable and there is scarcely any means of determining what will eventually be the value of those that have already obtained high-grade ores. Presuming, then, that the future of gold mining is such a bright one, it is evident that people should lose no time in investing. It must also be evident that all the good properties are not taken up, and that there must be many not developed that will make just as good mines as the Le Roi, Crown Point, and others. The British Columbia Gold Fields Exploration and Development Company intend to conduct a legitimate brokerage business right here in Toronto under the management of a board of directors of Toronto business men, and spread over the whole Dominion and in London, Eng. They will supply reliable information about any mine, whether interested or not, and will as far as possible protect the public from wildcat or over-capitalized companies. Together the proposition is one of the soundest yet placed before the people of Ontario, and gives evidence from its well-conceived and thought-out plan of operation, and the forcible and convincing arguments advanced on behalf of mining generally to be in very capable hands and should command a very large share of public support.—Toronto World.

FASHION JOURNALS CALL ATTENTION TO BROWN SHADES.

You Get the Best Colors From Diamond Dyes.

The fashion journals are agreed that the best shades of Browns will be in favor all colors this year. Thousands of women are not in a position financially to purchase new dresses from season to season, and so have to content themselves with very cheap materials that rarely come in the new shades, or wear their old costumes.

For the benefit of women generally, it may be stated that last season's dresses can, with little work or trouble, be transformed into stylish costumes. The first great essential is to get the right color. This part of the work can be done with the never-fading and reliable Diamond Dyes, which produce the richest and newest Browns, such as Seal Brown, Milan Brown, Red Brown, Olive Brown, and Amber Brown.

No trouble to have a dress equal to new, if you use the Diamond Dyes. Do not experiment with the common imitation dyes that some dealers sell. The Diamond Dyes give the best colors, and they cost no more than the poor and deceptive dyes sold for the same large profits. Ask for the "Diamond"; refuse all others.

No Other Remedy.

Another remedy cures Summer Complaint, Diarrhoea, Dysentery, etc., so promptly, and so quickly, as Dr. Fowler's Extract of Wild Strawberry. It is a pocket doctor for tourists, travellers, etc.

Unlocks all the dogmas of the Bowels, Kidneys and Liver, carrying off gradually, without weakening the system, all the impurities of the blood, and the secretions; at the same time Correcting Acidity of the Stomach, curing Biliousness, Dyspepsia, Headaches, Dizziness, Heartburn, Constipation, Dryness of the Skin, Dropsy, Diabetes, etc. of Viscera, Jaundice, Salt Rheum, Erysipelas, Scrofula, Fluctuating of the Heart, Nervousness and General Debility; all these and many other similar complaints yield to the happy influence of BURDOCK BLOOD BITTERS.

Prepared by J. C. MILBURN & CO., TORONTO.

MACHINERY IN PLACE

Steam Will Be Turned On at the Alberni Stamp Mill Next Saturday.

Two Hotels to Be Erected to Supply the Needs of Mineral Creek.

Mr. Henry Saunders, who has just returned from Alberni reports that the machinery of the stamp mill for the Consolidated Alberni mine is now all in place near De Beaux, on Mineral Creek, and housed, and by next Saturday the stamps will be ready to operate. Work has begun on the construction of the road surveyed from the mill to the mine. It is 3½ miles long and with an easy grade so that supplies can easily be hauled to the mine. At the Alberni itself the diamond drill is in operation boring into the hillside from the end of the tunnel at the rate of eight or ten feet a day. So brisk is the travel up Mineral creek that DeBeaux has decided to build a new two-story hotel, and the saw mill has now been moved there and is cutting the lumber. Mr. R. McKinley is also going to erect a hotel on Mineral creek. A post office is badly needed on the creek, and the number of men employed in mining and prospecting is sufficient to warrant the establishment of such an institution.

On Mineral hill besides the Alberni there are more than a dozen mines on which work is at present in progress, and considerable activity is shown at Douglas mountain on Williams creek just south of Mineral creek, where the Regina group is being developed. The ledges there are wide and show up strongly, while assays of the ore have run over \$300. People are anxious to have a road to Mineral creek from the townsite, as it would shorten the distance by three miles, striking the new road to DeBeaux, 5½ miles from Alberni. Several claims are being surveyed on Mineral hill for a patent, including the IXL, Crown Point and Vancouver. A ledge of fine iron was struck a few days ago by George Brown on the Vancouver.

Mr. F. B. Pemberton last week let a contract to Joe Drinkwater to build the road from the new to the old townsite at Alberni, the length to be completed in 21 days. Business looks well at Alberni and considerable building is going on.

At the Duke of York hydraulic claim one monitor is working on the creek bed and there is to be a wash up in October. A ledge of fine iron was struck at Stirling were at Nanaimo as Mr. Saunders passed through, on his way home, and were to proceed to Alberni yesterday.

LOSS OF THE "TONQUIN."

TO THE EDITOR:—Referring to recent correspondence re the loss of the Tonquin I have been hoping that you would allude to the detailed account of this disaster given by Mr. Ross Cox, a Dublin barrister, in his interesting book published about 1820. I read this work when residing at Barkerville in 1893 and about 400 miles frequently disagreed with the contents with Mr. James A. Grahame and Mr. John M. Wark, who were "in Cariboo" like myself in those days, and I believe either of those gentlemen (now in Victoria) could give me a copy of this interesting publication. I can find no copy of this book in British Columbia, and I think it belonged to Chief Factor Ogden, of Stuart's lake, or the head of the Hudson Bay Co. at Alexandria. I trust it will not be lost sight of, as Mr. Cox gave a most interesting description of his journey down the Fraser river eighty years ago, and a graphic account of a large battle that took place between the Indians about the period—where the town of Quenneville now stands—at least this was my conclusion at the time I read the book, as the fight was described as taking place where a swift river joined the larger one about 400 miles from the mouth of the Fraser. Although it is 27 years since I read Mr. Ross Cox's work, I recollect he devotes several pages to describing the disaster to the Tonquin; he states that the decks were crowded with natives who were sent to massacre the crew, who were all killed on the upper deck, with the exception of one or two who got down to the lower hold, where they remained for some hours. Seeing escape impossible, however, they laid a fuse to the powder magazine, and managed to get out of a window or porthole at the stern of the vessel before the explosion occurred.

One of the men, in the confusion that followed the blowing up of the vessel, managed to get on shore, but was soon after killed by the Indians. Such was Mr. Cox's version, or rather the main facts, which are quite likely to be correct, as he was in the vicinity a few days after the event and doubtless interviewed eye-witnesses of the blowing up of Tonquin. Yours faithfully,

CHAS. T. JONES.

Brighton, Sept. 4, 1896.

Unlocks all the dogmas of the Bowels, Kidneys and Liver, carrying off gradually, without weakening the system, all the impurities of the blood, and the secretions; at the same time Correcting Acidity of the Stomach, curing Biliousness, Dyspepsia, Headaches, Dizziness, Heartburn, Constipation, Dryness of the Skin, Dropsy, Diabetes, etc. of Viscera, Jaundice, Salt Rheum, Erysipelas, Scrofula, Fluctuating of the Heart, Nervousness and General Debility; all these and many other similar complaints yield to the happy influence of BURDOCK BLOOD BITTERS.

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CAPTURE OF DONGOLA

The Dervish Stronghold Falls Into the Hands of the British Troops.

Taken by the Naval Detachment—The Place Undeveloped—Great Treasure Secured.

KERMA ON THE NILE, Sept. 22.—Dongola has fallen, and the nominal objective point of the British-Egyptian expedition has been reached. The river forces of the British-Egyptian expedition, pushing up the Nile from El Hafir, landed a force at Dongola, and occupied that place before the dervish forces, retreating from El Hafir, reached that point. El Hafir and Dongola are therefore both in the hands of the expedition, while the dervish forces are somewhere between them, seeking a refuge.

On Saturday afternoon—to resume the connected narrative of the expedition—the long-range firing continued between the dervishes on the west bank of the Nile and the expeditionary forces on this side. The Maxim guns, with their sweeping hail of fire, did great execution in the dervish camps, while the field and horse batteries never allowed the enemy to approach within their batteries.

Darkness put an end to the artillery duel across the Nile water, and stillness fell upon both camps. The night was one of waiting, though the silence of the desert was once broken by a discharge from the Maxim guns on this side of the river.

In the morning everyone was up at daybreak, anxious to know what change in the situation had developed during the night, and what would be the next move, and eagerly scanning the enemy's camp across the river. There was no sign of life in the dervish works, but soon a commotion was perceived among the boats along the bank, and a native in one of them was discerned in the act of waving something, as though to signal to this side of the river.

The steamer Dal, of the expedition, thereupon proceeded to the west bank, where it was found that El Hafir had covered of the night, and that not a dervish fighting-man was left in sight. The detachment on the Dal sent back to the camp on this side of the river 27 boats, which had been manned by native residents of El Hafir and loaded with a great quantity of grain.

The natives announced that the enemy had departed, and that Wad Bishara, the young emir of Dongola, who commanded the dervishes, was wounded in the previous day's fight. A shell from an Egyptian battery burst in his tent, inflicting wounds in the breast and head, the former being a severe hurt.

After the gunboats of the expedition had forced their way through past the forts at El Hafir, and had proceeded toward Dongola, the dervishes apparently perceived that El Hafir was no longer the place for them, and they prepared to depart. They buried as many of their dead as they had time for; the rest were prepared with a stone round their necks and thrown into the Nile.

Yesterday afternoon the news arrived here that the steamers of the expedition had reached Dongola and had landed a force, which immediately occupied the treasury and the Granstore, the principal strongholds of the town.

This news was received with delight, as it is supposed that the enemy is now marching between here and Dongola in a much hampered condition, by reason of the number of their wounded. Their retreat along the river bank is threatened by the steamers which can destroy at any moment the food supply stored at Dongola, if they cannot hold the place against the retreating forces of dervishes until the land forces of the expedition have advanced to co-operate with them.

The engagement at El Hafir seems to have altogether dismayed the dervishes, who placed great reliance upon the fort at that place. The artillery fire from this side of the river seems to have entirely disconcerted them, their batteries being destroyed as soon as the smoke from them indicated a target for the British and Egyptian gunners.

As soon as the news of the evacuation of El Hafir was received, a correspondent of the Associated Press proceeded to cross the river and make a survey of the enemy's position. It was found that their mud defences had been built with great care, but the rifle trenches only permitted the men very short and straight front fire protection. Mats were still strewn along and within the trenches and in the straw shelters were the remains of the carcasses of sheep which had been killed for food. The dead had been buried or thrown into the river.

Further south, on the river bank, was found the biggest battery. This contained five embrasures for guns—three in the front and two at the side. This battery had been terribly knocked about by the artillery fire from the east bank and from the steamers.

Still further south was a big entrenchment facing toward the north and the Nile. There was noticed the same system of piercing the wall in such a way as to allow firing only in one direction. In this entrenchment it was apparent that the riflemen had made a plucky resistance, staying in the trenches all day and eating where they lay, as was evidenced by the quantity of dates and water-gourds lying about.

The native residents of El Hafir welcomed the appearance of the expedition, and seemed to regard the advance with assurance of a deliverance from the rule of the Khalifa and the Baggaras, the Khalifa's native tribe, who have exercised a cruel domination over the Nile tribes.

Bishara, the dervish commander, was wounded about noon and was immediately carried out of range of the fire, repeatedly exclaiming, "Allah is against me."

Wad Bishara decided to evacuate during the night. He was able to remove his guns, but he was forced to leave behind a great quantity of ammunition. The dervish steamer, which was sunk by the expedition's horse battery, was found to have been loaded with ammunition and gunpowder.

At 6:30 o'clock the troops of the expedition began crossing the river. McDonald's brigade was the first over, and the soldiers were met with the wildest signs of delight by the natives. They shouted in a frenzied manner and danced

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For Nothing!

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(ESTABLISHED 1858)

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THREE MONTHS FOR NOTHING.

about the troops, singing and shouting like mad.

The first use made of the captured dervish boats was to transport the Second brigade to El Hafir, which is a very fertile spot, offering plenty of green herbage for the animals, a pleasing contrast to the rough rocks and desert sands of much of the march.

Owing to the lack of a supply of telegraph cable to lay in the Nile, the terminus of the field telegraph still remains at Kerma, on the east bank.

The losses of the expedition were only five wounded, despite the enemy's hot fire. The field horse battery and the men who handled the Maxim guns had an especially hot corner. During the engagement, the men lunched behind any shelter that could be devised.

The Maxim guns were manned by the Connaught Rangers, and the Tenth battalion were ranged along the bank of the river. They fired three rounds at the enemy.

It is the general impression here that the dervishes will not make any further stand. It is evident that Wad Bishara had brought up all his effective force from Dongola, intending to make a stand at El Hafir, if he is able to recover Dongola from the river force of the expedition which has occupied it, it is not considered possible that he should make a stand against the advance of the combined land and river forces.

One of the most striking things noted during the fight was the long range of the enemy's Remington rifles. At a distance of 1,200 yards they were able to do a deal of damage, and some of their bullets struck at least 2,000 yards from the point of firing.

El Hafir via Kerma-on-the-Nile, Sept. 22.—The following official details of the capture of Dongola, the dervish stronghold, have been obtained: The guns engaged in the capture of Dongola were the Tamai, commanded by Rougemont after Naval Commander Colville was wounded; the Aboukeler, commanded by Beatty; and the Matemeh, commanded by Oldfield. They arrived here late in the afternoon.

The five embrasures for guns—three in the front and two at the side. This battery had been terribly knocked about by the artillery fire from the east bank and from the steamers.

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