

CAUSEWAY WORK TO BE CONTINUED

MR. PENDRAY'S CLAIM FOR INJUNCTION DENIED

Sought to Have the Work Stopped Pending Settlement of His Claim Against the City.

This morning before Mr. Justice Drake in Chambers, an application was made on behalf of W. J. Pendray, proprietor of the B. C. Soap Works and the British-American Paint Company, asking for an injunction restraining the corporation from continuing the construction of the causeway now being built across James Bay. The application was not granted, and the work will therefore proceed without interruption. The learned judge, however, ordered that security be given to Mr. Pendray for the amount of the damage he claims to have sustained, namely, \$9,000.

There was present representing the corporation the Mayor, City Clerk and City Engineer. Mr. Pendray was represented by Mr. J. D. Co. and Mr. Kersley, and his law partner, Mr. Mann, Messrs. Burt and Watson appeared for Mr. Pendray.

Mr. J. D. Co. in making the application stated that the lots in question were situated on the north side of James Bay to the east of the causeway. These lots extended to Humboldt street, and the corporation had erected thereon buildings worth over \$200,000 for manufacturing purposes, and that one of his reasons for going so was because of the ready access afforded to tidal waters. The claim for which an injunction was sought was that his client from the waters of the harbor and sea, from which he should be shut off at the moment the causeway was completed.

He held that his client was entitled to the same access, and that the work now being conducted under municipal authority was an infringement of his rights, was trespass and as such should be stopped.

He quoted a number of precedents to show that his client had a right to access to the water. Although negotiations had taken place between Mr. Pendray and members of the council for compensation, he held that this did not deprive him of the right to an injunction.

Mr. Taylor drew the attention of the court to the Public Works Act, under which the absolute control of the mud was vested in the city of Victoria. Authority was contained in a clause which the minister may enter into an arrangement for the transfer of any land or to a government or corporation, or private parties, under whose management it is found convenient to place it.

Under that provision an order-in-council was passed by the Dominion government on April 25th, 1886, by which the piece of Crown lands east of the Bay bridge, known as the mud was abandoned and left in the control of the city of Victoria.

Under the Municipal Clauses Act the plaintiff was obliged to compensate those whose property was injuriously affected by works, and a remedy was thus afforded for the plaintiff without resort to an injunction.

When the city as a board of health was charged with the duty of suppressing nuisances within the corporation. Under that authority, and having control over the mud, they passed a by-law, 372, the object of providing money to a nuisance which was occasioned by these flats.

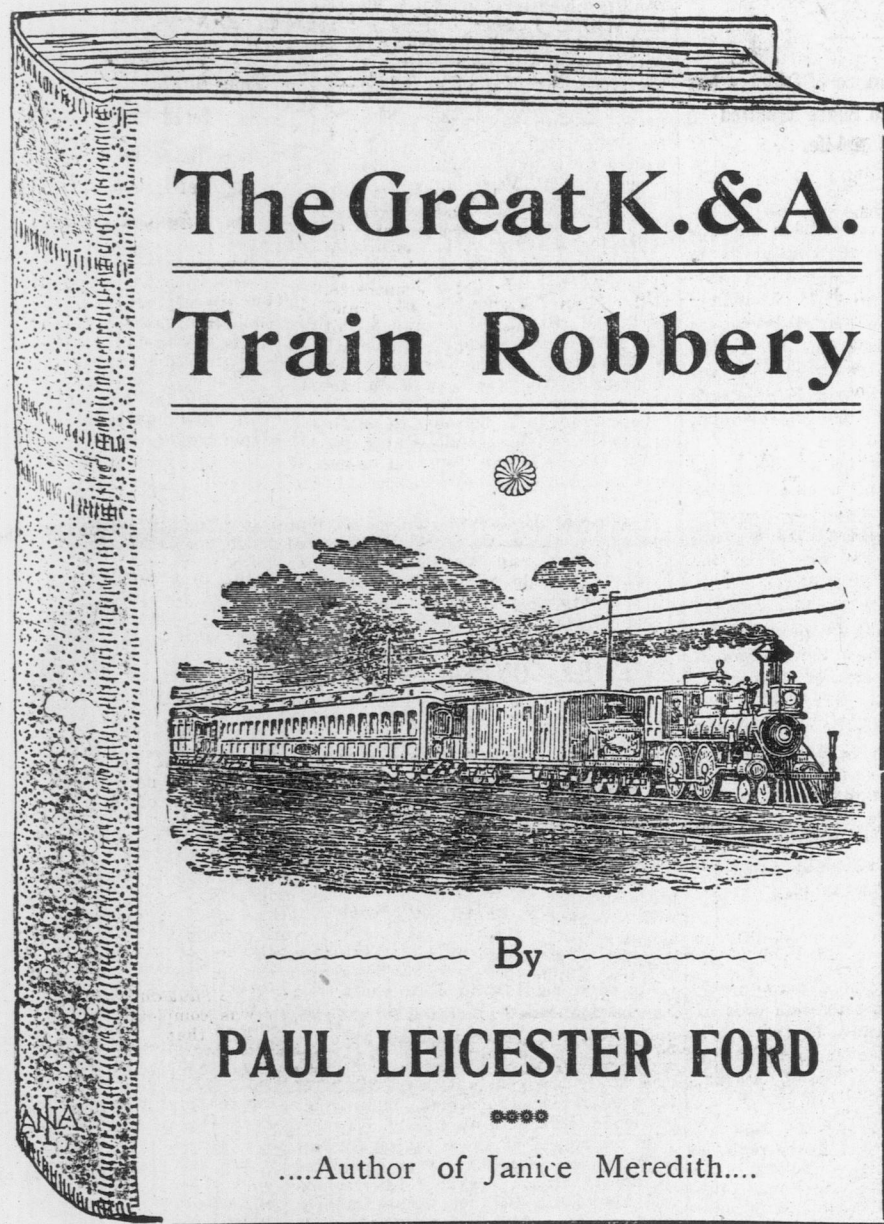
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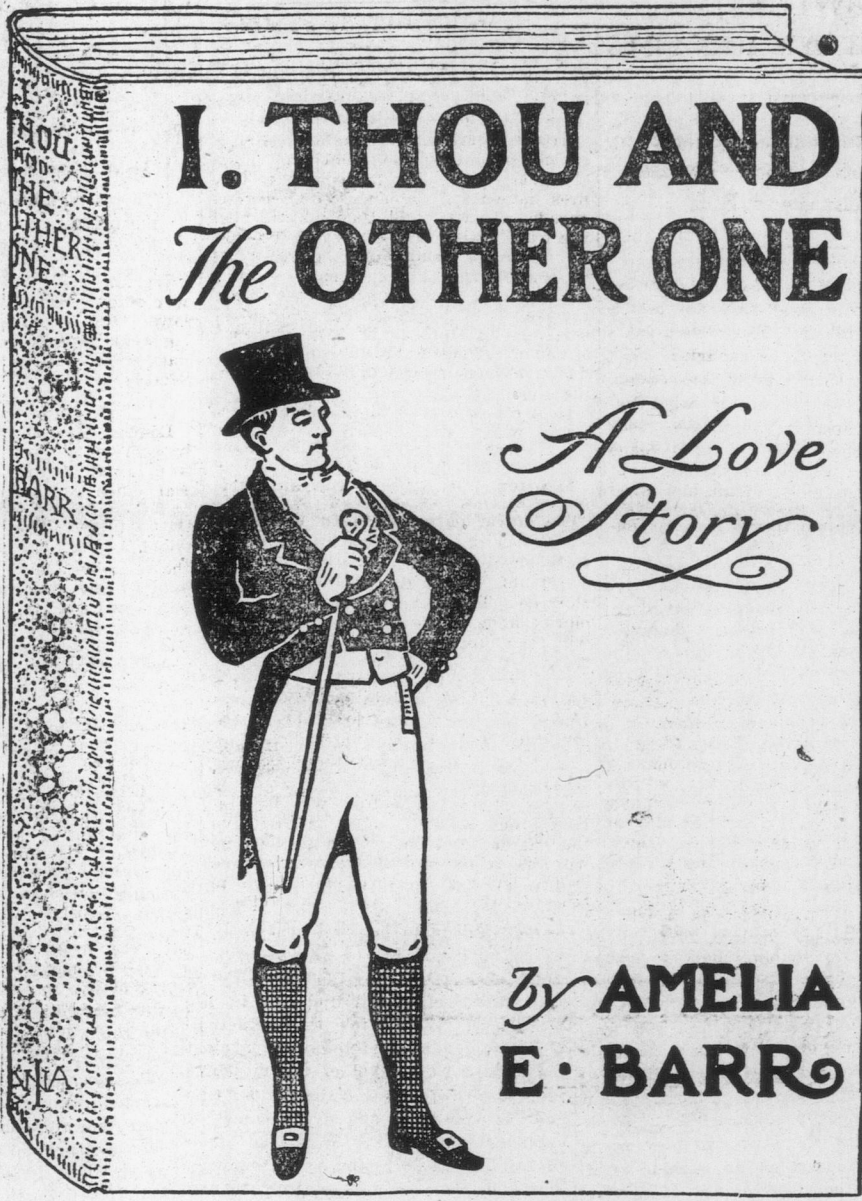
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OPPOSITION FOR PACIFIC COAST CO.

KRUSE LINE STARTED ON THE 'RISCONA'

Announcement That Kimball Will Be Placed in the Service—Casco Arrives in Port.

commodations and will likely prove an important factor in the Sound-San Francisco traffic.

It is now a year or over since the present rates were restored. They had then been cut in consequence of competition, and while they continued the traffic was enormous. As the rates have stood the Pacific Coast Company has had all the business it could attend to during the past year.

It is not stated yet whether or not the Kimball will call here, nor is it announced that the Kruse line will take the initiative in lowering present rates, but the fact that so formidable a rival is going to enter the San Francisco business is significant of far reaching results.

HARBOR MISHAPS.

The dense fog this morning rendered navigation most difficult. Steamers moved only when it was absolutely necessary for them to do so, but accidents occurred, notwithstanding all the care and discretion exercised. The Rosalie touched off Sheil's Point as she was coming in, and for upwards of half an hour was held fast. She was only creeping along when her path became obstructed, and therefore sustained no injury. A little later the Thistle came up on Tuzo. The Queen City, which was to have sailed for Cape Scott and way ports at 11 o'clock last night, hugged the wharf until after 10 o'clock this morning. When ready to go out last night something went wrong with the gong attachments. A slight delay was occasioned, and then the fog came on falling so densely that it was impossible to see from one end of the steamer to the other. While it continued nothing except the Rosalie came in, and she was the first to lead the procession out of the harbor. In Esquimaux no inconvenience to shipping was felt because of none of the fleet there being ready to shift their position, the principal tonnage in port being those ships in dock receiving repairs. Of these the Amur will probably be launched to-day from the Esquimaux Marine railway. Since she was hauled out ten new plates have been placed on her bottom and repairs have been made to her fore-foot and keel, both of which were damaged in the collision with the rock in Lynn Canal, some three or four months ago.

As soon as she vacates the cradle on the way last Thursday morning, the Zealandian, of the British-Yukon Navigation Company, was scheduled to sail from Dawson on Friday morning.

CHANGES ON JAPAN.

A number of changes in the officers on the Empress of Japan, which is now in port, are contemplated, says the Vancouver World. Second Officer Davidson is about to leave to return to England, and his place will be filled by promotion. Second Engineer Caffrey, formerly of the Tartar, was transferred from the freight liner when she was last in Vancouver, and will take the same position on the Empress, while Mr. Rice, the fourth engineer of the Japan, will go to the Tartar. Dr. Stewart, the surgeon, is about to leave for Fort William, Ontario, and a new officer has arrived from England to take his place. Chief Purser Blythe is going to England. He is retiring from the service of the company, and it is rumored will be married when he reaches home. Mr. Emery, formerly assistant purser of the Japan, has been promoted to the chief purser position of the Atheuian.

QUEEN CITY SAILS.

It will probably be known when the steamer Queen City returns from Cape Scott what the entire catch of the Behring Sea fleet has been. The steamer sailed to-day for coast points, and should meet the major number of those vessels which have not returned and pointed to be in port waiting favorable weather in which to continue their voyages to Victoria. Among the passengers who went up on the steamer were: L. H. Didecock, for Winter harbor; Capt. John Irving, for Barkley Sound; F. W. Ashwell and R. Hamilton, for Alberni; W. London, for Coal harbor; A. W. Donaldson, for Nootka; Mrs. Luckovitch, for Hesquot; E. B. Christian, for Alberni; W. Doxey, for Cape Scott; A. Soule, for Clayoquot; Mrs. Mackenzie, for Alberni; and F. V. Hobbs and wife for Port Renfrew.

YUKON NAVIGATION CLOSING.

Capt. Blair, Capt. Hill and Capt. Fairbairn, masters of three Yukon river steamers, reached the Sound yesterday on the Hindboldt, having left their boats tied up at White Horse in care of the watchman for the winter. They state that the final disposition of three or four steamers which showed up by the entrance of this week would close navigation for the season on the Yukon. The last steamer to depart from Dawson was the Ora, scheduled to leave from White Horse last Saturday. The last steamers of the British-Yukon Navigation Company have left Dawson on their return to White Horse to winter. The Nora and Flora, companion vessels to the Ora,

are about due at Dawson. According to telegraphic advices received in Skegway last Thursday morning, the Zealandian, of the British-Yukon Navigation Company, was scheduled to sail from Dawson on Friday morning.

ZILLAH MAY SPOKEN.

Only one sealer was seen in port on the Coast by those on the Willapa, which returned yesterday evening. The schooner was the Zillah May, which was wind bound on Clayoquot. She reported a catch of 434 skins. The Willapa was as far down the Coast as Ahousat. She had as passengers on her return: Capt. Thompson, F. Mortimer Lamb, H. Newson, J. Ribbillard, H. E. Newton, A. Young, W. C. Reynolds, W. Price, H. Hewitt, Miss E. Soule, Chas. Matson, T. Sorenson, H. McDougall, J. Stevens, D. Kerr, J. Smedley, Mrs. Rennie and daughter, W. H. Collier, F. Finney, W. Newahan and T. N. Baird.

THE NOME SITUATION.

In speaking of his stormy arrival at Nome, Captain Conradi, of the steamer Centennial, which has returned to the Sound, says: "At midnight, September 27th, I experienced a very heavy southwest storm. All vessels at Nome took shelter at Sledge island. The heavy seas beating high on shore drove the remains of the old bare Skookum up against the piling of a water front warehouse. The entrance to Snake river again changed its course. At Teller, the storm was felt very heavily also. The bark Oaklands

had been broken to bits on the beach. The bark Shirley was torn from her anchor chains and lifted bodily to a position on the north sand spit."

THE TOBACCO WAR.

British Manufacturers Preparing to Fight the American Invasion. New York, Oct. 22.—The London correspondent of the Herald cables the following additional details concerning the tobacco war in Great Britain: "Developments are still awaited in the struggle which seems pending between English and American tobacco manufacturers for supremacy in trade. Mr. J. B. Duke, leader of the American combination, who is at present in Liverpool, is reported to have said that he would capture the British trade within the next four years or less. This challenge has been accepted by the foremost British manufacturers, who are mustering their forces as quickly as possible. Since the list of firms who have banded themselves together to fight the American invasion has received several additional supporters, other firms are expected to join in when the struggle has commenced in real earnest. For the present both sides seem to be playing a waiting game. The American invaders made a move when they cranted a concession to retail tobacco firms encouraging them to stock up with their brands, but English manufacturers regard it merely as a feint."

COTTAGE CITY LIBLED.

The Alaska Steamship Company claims that its steamship Dirigo sailed

from Dawson on Friday morning.

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On Oct. 24.—The bank of England discount remains unchanged.