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VICTORIA AND SIDNEY RAIL WAY.

A short time since a majority of the citizens of Victoria, who enjoy the franchise relating to such matters, and who cared to use the privilege, endorsed a by-law guaranteeing for a term of years a certain amount of bonds issued by the Victoria and Sidney Railway. Urgency was pleaded because it was claimed that the construction of the road would put a considerable amount of work in the hands of a number of Victoria people, who were at that time out of employment. After numerous delays a sort of a start was made, and we now see occasionally see paragraphs in the papers that so much of the right of way has been cleared and that it will soon be ready for laying the rails. However, the summer is upon us and even the announcement that the road is being ironed has not been made. Without this for anything absolutely tangible having been done, we observe that application has been made to the city for the first half year's interest on the bonds which it endorsed.

That interest has either been paid or will shortly be paid and for the entire term of years during which those bonds are to run, we shall, it is to be expected, continue to see the same demand promptly made and punctually attended to. What are we going to get in return? We have had no augmented supply of the farm and garden products of the Saanich people who were expected to demonstrate by their patronage the great necessity which existed for the public market that, so far, like the railway has been productive of no benefit. As for the railway we at least expected that its promoters would have put out considerable amounts of their own money before they began to call upon the city. Would it not be well for Alderman McKillop who, we presume, is chairman of the finance committee to make a statement on this subject at the next meeting of the city Council?

THE RIGHT OF WAY.

In the recent case before the Admiralty Court sitting in Victoria, Chief Justice Begbie presiding, with two lieutenants of Her Majesty's Navy acting as assessors, a judgment was given against the steamer Cutch the costs and damages involved to be assessed. The acts of the case in short are that on the 19th November last, the Union Company's steamer Cutch and the Esquimalt and Nanaimo

Company's steamer Joan were leaving Nanaimo harbor simultaneously on their schedule time. The process of going out involves on the part of the Cutch a backing out astern for a considerable distance in order to get room enough to straighten out for her course. The Joan being a twin screw steamer can, it is claimed, turn round in her own length and take her own channel which for a certain distance is practically the same as that of the Cutch. The facts involved in this particular issue are, it is claimed by the Union Steamship Company, that when the Cutch got on her way she suddenly saw the Joan approaching in the same direction and seeing that a collision was inevitable reversed her engines, but not in time to avoid it. The Joan, it is admitted on the other side proceeded at full speed, having the right of way, being on the starboard side of the channel. Her captain admitted, however, in cross-examination, that possibly a collision might have been avoided had he stopped the starboard engine.

In view of the judgment which was rendered there has been considerable discussion among nautical men—particularly on the mainland—as to the equity of the finding, when the fact is considered that the Joan is a twin-screw vessel and able to turn upon her own length. Moreover, the Imperial Board of Trade, through a special Act of Parliament, after many years of struggling on the part of the Mercantile Marine Association, has ordained that in all cases a master who is on trial on account of any accident is entitled to act as nautical assessor. In this case there were two lieutenants, not even holding the rank of commander or captain in Her Majesty's Navy, and who from their special avocation are not competent to decide an issue between men who have for their lifetime been engaged in that particular trade. The Chief Justice, it is remarked, in rendering judgment, complimented the captain of the Joan on the wise seamanship he displayed; but on the other side it is claimed that in all equity there was room in this particular case for the exercise of a wise discretion, and, though the law may have been literally interpreted, its spirit is not to license any navigator to run down anything that may happen to be in his course. If every ship's captain governed himself in the conduct of his vessel by a strict insistence upon his rights of way, how many vessels might not have been run down! The attendant loss of life under such circumstances would be appalling to contemplate.

CHINESE IMPORTATION.

The Chinese importation business seems likely to cause additional misunderstandings between the Canadian authorities and those at Washington. The Northern Pacific steamships Victoria and Mogul brought Chinamen to the Sound whom it became impossible under the law for them to land at Tacoma, and, in consequence, they have been compelled by the American customs people to take them back again. This is by no means a paying transaction, and may possibly have a deterrent effect on similar endeavors in the future. The vessels of the Empress line

have recently brought out a number of Orientals, 612 of whom were last week taken down to Portland to be landed there, their destination, when they left China, being the United States. On reaching Portland, the Danube was arrested, it being charged that she brought from Vancouver 612 adult Chinese passengers, the entire space on the vessel which could be used by these passengers being 32,588 cubic feet—a space sufficient for only 300 passengers. The captain is therefore held to be liable to a penalty of \$50 for each of the remaining 312, amounting to \$15,600. On account of there being no berths whatever for the use of these 612 Chinese, the captain is liable for a penalty of \$5 for each, or \$3,060. Because the Danube has no ventilators, a penalty of \$250 is imposed. Because there were neither tables nor chairs for the use of the passengers, a penalty of \$500 is exacted, and as there was neither a surgeon nor any hospital compartment on the vessel, a penalty of \$250 is further imposed, the total amount, ing to \$19,660.

This is a somewhat heavy bill of indictment against a vessel which, in its entirety as well as in its details, will no doubt be vigorously contested. Meantime, it is not to be expected that the Americans will release the vessel any more quickly than a strict interpretation of the law will allow; first, because of their desire and intention to put an end to the importation of Chinese, and, secondly, because they have no love for either the Canadian Pacific Railway or the Canadian Pacific Navigation Companies. There are very influential people who have a bone to pick with the C. P. N. Co., arising out of the Premier affair, and anything that can cripple the Canadian railway company will, they expect, enure to the benefit of its American rivals. War to the knife may, therefore, be expected.

We, in this province, can, as far as this Chinese question is concerned, look with comparative equanimity on the outcome, whatever it may be. The C. P. R. Company, though established as a national concern, is one of the most selfish and inconsiderate of proprietary interests. It took all the money it could rap and wring out of the Dominion. It was to do a great deal more for us than it has done. Indeed, there are many people who despite the patriotic motives which induced the Parliament and people of Canada to aid the enterprise, find it much more to their advantage to ship their goods and travel by other routes. Moreover, for a long time—and the feeling has not altogether died out—there was a strong desire manifested to substantially aid and patronize the Union Pacific, provided they extended their line to within reasonable ferrying distance. It was the Canadian Pacific Company's Chinese passenger traffic that brought upon us the scourge of smallpox of which we only got clear at the cost of numerous lives and at considerable pecuniary expense, while the Chinese whom they have brought to our shores have proved themselves to be a by no means desirable portion of the population. We shall watch with interest the Chinese problem as it is worked out in the United States, particularly as there seems to be a determination to try what can be accomplished under the operation of the Geary Act.