

are subsequently ascertained by survey to form part of adjoining limits, he cannot, so the Supreme Court holds, recover from the Crown for losses sustained by acting on an understanding derived from a plan furnished by the Crown prior to the sale.

LA SOCIÉTÉ CANADIENNE-FRANÇAISE V. DAVELUY.—A by-law of the building society *La Société Canadienne-Française*, required that a shareholder should have satisfied all his objections to the society before he should be at liberty to transfer his shares. One P., a director, in contravention of the by-law, induced the secretary to countersign a transfer of his shares to *La Banque Ville Marie*, as collateral security for an amount he borrowed from the bank, and it was not till P.'s abandonment or assignment for the benefit of his creditors that the other directors knew of the transfer to the bank, although at the time of his assignment P. was indebted to the society in a sum of \$3,744, for which amount under the by-law his shares were charged as between P. and the society. The society immediately paid the bank the amount due by P. and took an assignment of the shares held by the bank. The shares being worth more than the amount due to the bank, the curator to the insolvent estate of P. brought an action claiming the shares as forming part of the insolvent's estate, and with the action tendered the amount due by P. to the bank. The society claimed that the shares were pledged to them for the whole amount of P.'s indebtedness to them under the by-laws. The Supreme Court held that the payment by the society of the bank's claim annulled and cancelled the transfer made by P. in fraud of the society's rights, and that the shares in question must be held as having always been charged under the by-laws with the amount of P.'s indebtedness to the society, and that his creditors had only the same rights in respect of their shares as P. himself had when he made the abandonment of his property, that was, to get the shares upon payment of his, P.'s, indebtedness to the society.

HOGAN AND WADDINGTON V. THE ESQUIMAULT AND NANAIMO RAILWAY CO.—By the Settlement Act of British Columbia, certain lands in the Province, previously withdrawn from settlement, purchase or pre-emption, were thrown open to settlers, and it was provided that for four years from the date of the Act "it should be open to" actual settlers for agricultural purposes at the rate of \$1 per acre, except coal and timber lands, which were expressly reserved. A part of these lands, which had been reserved for a town site many years previously, had been granted to the defendant company as part consideration for the construction by them of a railway from Esquimalt to Nanaimo. H. and W. claiming that the statute entitled them to a conveyance of these lands from the company, applied under the Pre-emption Act for registration of lots of 160 acres each, which was refused, and the refusal was confirmed by the chief Commissioner. No appeal was taken to the Supreme Court, as the Act allows, but suits were brought against the company by each applicant for a declaration of his right to purchase the lands upon payment of the price, \$1 per acre, therefor. The Supreme Court of Canada, on appeal, affirms the decision of the Supreme Court of British Columbia, to the effect that the Settlement Act did not operate to open for settlement lands reserved, as these were, for a town site; and that the applicants had never entered thereupon as actual settlers for agricultural purposes, but had express

notice when they entered that they were not open for settlement as agricultural lands.

THE TELEGRAPH IN CANADA.

CONTINUED.

A considerable number of persons lay claim, with more or less truth, to having discovered methods of electric signalling. We do not mean those, such as Sir Thomas Watson, who in England as long ago as 1747 managed, as a mere electrical experiment, to send a current from a Leyden jar through earth and water, and along wires suspended in the open air on sticks; nor Chas. Morrison of Greenock, Scotland, 1753; nor Lomond in France, 1793—who had reached similar results—but more recent and more practical students and discoverers in electricity. After the discovery by Oerstedt, the Dane, in 1819, of the action of the galvanic current on a magnet, Laplace and Ampère in France suggested the application of it to telegraphic signalling. Schilling took hold of the matter, too, and his work forms the foundation of much of modern telegraphy. Half a dozen clever French scientists were working on the problem about the same time. Meanwhile Faraday discovered the induced current produced by a helix of wire around a magnet, which fact Gauss, Weber and Steinheil bearing in mind, studied and planned till the last-named announced, in 1837, the completion of a recording telegraph that struck bells and made ink dots. Cooke, in England, produced about this time a needle telegraph, which seems the forerunner of the various clever Wheatstone instruments, but both these men seem to have been forestalled by Morse, of America, who produced a rude model of his recorder in 1835. The Morse telegraph is so universally used on this continent that some account of its introduction into Canada forty-five years ago will probably be found interesting. This has been kindly furnished by Mr. N. W. Bethune, of Ottawa, specially for this series of papers:

"Mr. O. S. Wood was the first superintendent of the Montreal Telegraph Company, and may justly be considered the 'father of the telegraph' in Canada. At the time of his appointment he was, I think, chief operator in the New York, Albany and Buffalo line, and had been connected with the business from its earliest inception. I suppose he might in fact be called the first *professional* operator in America, having learned the business from its fountain head, Professor Morse, and his colleague, Alfred Vail. I remember his account of having sent the inaugural speech of President Polk, in 1845, over the experimental line of wire from Washington to Baltimore, the first feat of the kind ever attempted. A temporary wire was strung to the capitol and attached to instruments placed on a table in rear of the group around the President. The speech was handed to the operator sheet by sheet as it was uttered, and slowly and laboriously 'worked off' to Baltimore. It was a trial of speed between the railway, the steamboat and the new agent in transmission, and to the best of my recollection the railway was the victor in spite of the advantage its chief competitor, the telegraph, had in starting, for of course both railway and steamboat had to wait for the completion of the speech, while the telegraph led off with the first sheet or paragraph. The latter, however, came in a good second, and its reputation as a means of conveying intelligence with rapidity and at comparatively very small cost was firmly established.

"Mr. Wood came to Montreal from the United States, I think, about the beginning of March, 1847. One of his first duties was to form a class who should learn the art of telegraphing, in order to furnish operators for the new line. Many candidates presented themselves, and from them seven individuals were selected, of whom the writer had the honor to be one. I was the youngest of the class, and in fact though over 18 years of age, my youth was considered a serious objection to admitting me, but this was got over in some way. The names of these Canadian pioneers in the telegraph field are perhaps worth preserving. They were Coldstream Barry, John A. Torney, F. N. Gisborne, A. Morris, F. Boucher, J. G. Bethune and N. W. Bethune. The healing art was well represented among these aspirants for fame in the new and mysterious path, for no less than four of us in this class were ex-medical students. Of these seven only two, to my knowledge, are now alive, F. N. Gisborne, Supt. of Government Telegraphs, and the writer. Our "school" was a room in rear of the Merchants' Exchange in the old Odd Fellow's Hall, in Great St. James street, Montreal, and was afterwards occupied as the office of the Montreal and Troy Line. Mr. H. H. Whitney, afterwards the first president of the latter company, took great interest in their new enterprise and was a very frequent visitor. He was present when the first batch of telegraphic instruments was received—for teaching purposes—and with the rest of us, was greatly surprised at their small size. It was with difficulty we could be made to believe they were anything but 'models'—our previously formed and rather hazy ideas on the subject having led us to expect something about the size of an ordinary piano. The 'school' thrived, Mr. Wood being in fact an admirable teacher, and in the course of a couple of months we were thought passably fit for service. In the early part of July the line between Toronto and Montreal was completed, and on the 15th I left for Port Hope, which was to be my station and the first office to be opened east of Toronto.

"Travelling, even in summer, was a rather slow business in those days. It took a day and a half to reach Kingston by stage and boat. At the latter place I stayed over a day to see Torney, who was busy fitting up an office in the city hall, and reached Port Hope by steamer on the morning of the 18th. Here I was received with open arms, every one being on the alert for the inauguration of the new and wonderful agent that was to work so many changes in the business of the world. The following day Mr. Wood arrived from Toronto, accompanied by a one-armed American operator named Stevens, who was to take charge of the Cobourg office. The 20th witnessed the opening of the office at Port Hope, in which operation we were attended by pretty much the entire male population of the village, who stuck to us with unwearied assiduity throughout the day, exhibiting the liveliest interest in our every movement and assisting when necessary in handling the wires with a zeal and vigor that threatened at times to 'break things.' When the instruments were finally connected and communication actually obtained with Toronto, words can but feebly express the astonishment and enthusiasm that prevailed—especially when a number of messages had been sent to friends in the Queen City and answers obtained, in what seemed an incredibly short space of time. The excitement received a damper, however, or rather it was turned in an opposite direction towards evening, when a thunder shower came on, and two sharp reports