

divided. *Held*, by the Supreme Court of Canada affirming the judgment of the Supreme Court of Nova Scotia, that the act causing the injury violated the rule which does not permit a person, even on his own land, to do an act which, lawful in itself, yet necessarily causes injury to another; and especially as the injury continued after notice to the company, the plaintiffs were entitled to recover damages therefor.

BUCK V. KNOWLTON.—B., wishing to insure his vessel, went to a firm of insurance brokers at St. John, N.B., to whom he gave an application for \$800 insurance at 11 per cent. on a valuation of \$2,500. The broker sent the application by a clerk to K., the agent at St. John for an underwriters' company in Portland, Maine, requesting a policy for his company. K. informed the clerk that he would not forward the application unless the valuation was put at \$3,000, or the premium raised to 12 per cent. This was never acceded to by the brokers, and two days after K. forwarded an application to his company putting the valuation at \$3,000, and on the following day the vessel was burnt. The policy was sent to K., but recalled by telegram before it was delivered to B. or the brokers, and was returned to the company. B. brought an action against K., claiming damages for negligence for not forwarding the application in proper time. *Held*, by the Supreme Court of Canada, affirming the decision of the Supreme Court of New Brunswick, that as K. never forwarded, nor undertook to forward, the application signed by the brokers on B.'s behalf, he owed no duty to B. and could not be liable for any negligence. And, further, that as the policy never ceased to be the property of the company and was nothing more than an escrow in the hands of K., no action would lie against K. for its conversion.

THE TELEGRAPH IN CANADA.

XXIV.

Railway telegraph operators have grown to be a numerous and important body since the days when, as Mr. William Cassils used to say about the Grand Trunk eastern district forty years since, "we qualified a new operator once a week or once a month, and then a new railway station could be opened." Railway telegraphers are now 30,000 strong on this continent. The post of a railway telegrapher, important as it is, becomes, on occasion, a very lonesome post. Not, of course, if with that occupation is combined, as it is now the common custom, a number of other duties, the doing of which will prevent one's time hanging heavily on his hands. What these duties are may be illustrated by a story told of, or rather by, a commercial traveller in a western paper:

"On a certain cold, rainy winter night," said the drummer, "I was left at a small station on a Western branch road, to wait for the train that was to take me somewhere. There was nobody around, and I must have looked lonesome, for the brakeman came up and tendered me his sympathy.

"Hard place, ain't it?" he said, looking around on the general dismalness.

"Rather," I responded; "when a man has to wait in it for four hours."

"Oh, well, you may have some company," he said, encouragingly.

"Who?" I asked, for I could see no one.

"Well," he said slowly, as if making a calculation, "you'll find in the station the

telegraph operator, the station agent, the baggage master, the train despatcher, the ticket-seller, the storekeeper, the accident insurance agent, the express agent, the post-master and one or two other officials."

And then he jumped for his train.

"I went into the dimly lighted station and looked about for my prospective companions. Nobody was visible except a sandy-haired man at the telegraph instrument.

"Where are the others?" I inquired, much surprised.

"Others what?" he answered.

"Why, the others the brakeman told me were here. The telegraph operator, the station agent, the baggage master, the train despatcher, the storekeeper, the —"

"The man at the instrument began to grin. 'That darn brakeman!' he said. 'He's a funny feller.' And I found that all the nine functions he had described were performed by the one sandy-haired man in the station.

This may be an exaggeration, but it represents what is true in the main at a number of railway stations in remote places in Canada, as well as the States. It is related of the late W. K. Muir, a well-known railway man in Canada and Michigan, that when he was station master in the old Great Western employ at London, he frequently performed the duties of switchman and shunter, besides doing the clerical duties of his office. He and William Ruse, who claims to have been the first brakeman of the Great Western, used to make up trains by hand in the early days before the road was ballasted. The post of railway telegrapher is of no small importance when it is remembered what often depends upon his skill and faithfulness, and it is as a rule worthily filled. Mr. Van Horne, the president of the Canadian Pacific, was, in his earlier days, we believe, a railway telegraph operator, and if stories told of him are true, was as full of pranks as he is to-day of energy and originality.

There exists an organization known as the Order of Railway Telegraphers of North America, numbering some 300, and it held its monthly meeting in Richmond Hall, Toronto, at the close of November last. This meeting was preparatory to the Convention of the Order to be held in this city on May 15th, 1893, the previous Convention having been held in Chattanooga, Tennessee. Delegates to the number of from 300 to 500 are expected from all parts of the United States, Canada and Mexico. The membership of the Order is now about 30,000. It has a protective fund of over \$40,000 and a rest fund of \$30,000.

The era of railway building on this continent, which may be dated from about 1850, gave an immense impetus to the construction of electric telegraph lines. No railway can get on without its telegraph wire or wires; and as there are some 15,000 miles of railroad track in the Dominion, it follows that over a like length of telegraph line railway business has precedence; indeed there is no small proportion of it reserved for railway business alone. So embarrassing did the pressure of public telegraphy become when, some thirty years ago or more, railway and public business were done over a single wire line, as Mr. Mackenzie's narrative in these pages informed us a few weeks ago, that Mr. O. S. Wood, of the Montreal Telegraph Company, set himself to overcome the difficulty by stringing more wires in order that the two services might be separately accommodated.

About October, 1881, a company called the Mutual Union Telegraph Company was formed in the United States, with a capita

of some millions, to oppose the Western Union. Its contractors were to build 13,000 miles of poles. A Canadian connection was deemed necessary, and so we find that in January of the following year the Canada Mutual Telegraph had built wires between Niagara Falls, Thorold, St. Catharines, Hamilton and Toronto, and also connected Montreal with American cities by a line running through the Eastern Townships of the province of Quebec. Mr. Charles R. Hosmer of Montreal was appointed its general manager, Mr. Thomas C. Elwood being later made the western superintendent. The agent for the Mutual at Toronto was Mr. Homer Pingle, the chief operator being Mr. A. W. Barber by day, and Mr. J. Annand by night. The manager at Hamilton was Mr. C. J. Jones. The Toronto office was on the corner of Church and Colborne streets.

As to the measure by which, in 1882, the Montreal Telegraph Company received power from the Dominion Parliament to lease its lines, that measure was by no means unanimously passed, the vote being 99 to 48 in the House, and 35 to 11 in the Senate. And the legislators appeared disposed to make bargains, too, for it was stipulated in the Act then passed that the company should not charge more than 25 cents for ten words between any two points on its lines, these lines extending from Detroit River to Sackville, N. B. The lines further east in Nova Scotia and New Brunswick, however, did not belong to the Montreal Company, but to the Western Union and the Dominion companies respectively. Nor was Prince Edward Island included in the arrangement, communication with that province being in the hands of the Anglo-American, an English company, which has an exclusive right for a number of years. The local rates in N. S. and N. B. are 25 cents.

SHIPBUILDING AT ST. JOHN.

For a port once so distinguished for active shipbuilding as St. John, New Brunswick, its record of craft turn out from the shipyards during 1892 seems remarkably small. The total number registered was 14, with a total tonnage of 1,662 tons, an average of but 118 tons, where a dozen years ago it was 700 or 800 tons. Even with last year the record compares poorly, as the following summary shows:

BUILT IN 1892.

No.	Rig.	Tons.
4	Steamers.....	105
5	Schooners.....	1,359
5	Woodboats.....	198

14 vessels.....Total tonnage.....1,662

BUILT IN 1891.

No.	Rig.	Tons.
1	Barque.....	471
1	Barquentine.....	376
2	Woodboats.....	74
22	Schooners.....	3,765
2	Steamers.....	84

28 vessels.....Total tonnage.....4,770

Indeed, we are informed by the *St. John Telegraph*, which comments on these figures, that of these only five were actually built in St. John county, the remainder having been constructed at various points in Kings, Queens, Sunbury and Albert counties. There were, however, some new iron vessels acquired by St. John owners during the year, to the amount of about 5,000 tons, which it is said would have been registered in that port but for the high rate of city taxation.

The partial revival of wooden shipbuilding noted last year in Nova Scotia seems not to have extended to St. John. And the prefer-