

Evening Bulletin

With which is Incorporated the "Independent."

VOL. 1. NO. 137.

HONOLULU, H. I., SATURDAY, OCTOBER 26, 1895.

PRICE 5 CENTS.

THE Evening Bulletin

With which is incorporated the INDEPENDENT.

Hawaiian Copyright by A. V. GEAR, June 22, 1895.

Published every day except Sunday at 609 King Street, Honolulu, H. I.

SUBSCRIPTION RATES.

Per Month, anywhere in the Hawaiian Islands.....\$ 75

Per Year, postpaid to America, Canada, or Mexico.....10 00

Per Year, postpaid, other Foreign Countries.....13 00

Payable invariably in Advance.

Advertisements unaccompanied by specific instructions inserted till ordered out.

Advertisements discontinued before expiration of specified period will be charged as if continued for full term.

Liberal allowance on yearly and half yearly contracts.

Address all communications to the editorial department to "Editor Bulletin," Business letters should be addressed to "Manager Evening Bulletin."

Telephone 256. P. O. Box 89.

B. L. FINNEY, Manager.

AYER'S Hair Vigor

RESTORES COLOR - AND - PROMOTES Abundant Growth OF THE HAIR.



It cures itching humors, and keeps the scalp cool, moist, healthy, and free from dandruff.

A lady writes: "I feel compelled to state, for the benefit of others, that six years ago I lost nearly all of my hair, and what was left turned gray. After using Ayer's Hair Vigor several months, my hair began to grow again, and with the natural color restored."

Ayer's Hair Vigor
PREPARED BY
DR. J. C. AYER & CO., LOWELL, MASS., U. S. A.

Beware of cheap imitations. The name Ayer is prominent on the wrapper, and is blown in the glass of each of our bottles.

Hollister Drug Co., Ltd.
Sole Agents for the Republic of Hawaii.

Something Interesting!

Imports of Champagne into the United States, FROM JAN. 1ST TO JUNE 1ST, 1895.

Case.	
G H Mumm & Co.'s extra dry.....	30,831
Pommery & Greno.....	11,798
Moet & Chandon.....	9,608
Heidsieck & Co., (dry Monopole).....	7,501
Louis Roederer.....	3,438
Ruinart.....	3,136
Perrier Jouet.....	3,286
Irroy & Co.....	1,785
Vve. Clicquot.....	2,378
Bouche Sec.....	992
Dalbeck & Co.....	728
St. Marcoux.....	334
Krug & Co.....	270
Chas. Heidsieck.....	355
Various.....	5,419
Total.....	81,859

COMPILED FROM CUSTOM HOUSE RECORDS.

Macfarlane & Co.,
Sole Agent for G. H. Mumm & Co. for the Hawaiian Islands.
124-U

THE NEW ZEALAND SYSTEM

OF REGISTERING TITLES OR MORTGAGES OF REAL ESTATE.

It is Simplified (Personified), and Saves the Expense of Abstracts and Recording Documents.

At the request of many subscribers of the BULLETIN, who are interested in the work of the commission which was appointed at the special session of the Legislature to inquire into and report a bill at the regular session having for its object the doing away with the present cumbersome and expensive system of transferring land titles in the Islands, this account of the Torrens land transfer system is given. Everyone who has anything to do with the transferring of real estate knows the infinite difficulties encountered. There is the expense of searching the title and procuring an abstract which alone often runs into the hundreds of dollars. Then a lawyer has to be paid a good fee for passing on the title as shown by the abstract and for drawing the necessary deeds and mortgages, and finally there is the expense of recording, which is exorbitant in Honolulu, to say the least. As a specimen of the charges for recording I might mention that the recording of a simple Oloo lease from the Crown Lands Commissioners costs about \$8.00.

All of this is entirely done away with under the Australian system, of which Sir Robert Torrens is the father and which first went into effect in the year 1858 in New Zealand, in Queensland in 1861, in Victoria and New South Wales in 1862, in Tasmania in 1863, in British Columbia in 1870, in West Australia in 1874, in Ontario in 1884 and in Manitoba in 1885. It has practically been in use in Prussia and some of the older German States for more than a century, and notably in the great city of Hamburg.

The Torrens system makes the government registry office responsible for all titles after they are once registered, and no change of title can be valid until the necessary entry is made on the government register by an official appointed for the purpose. After a bargain for the sale of real estate is made the intending purchaser has only to go to the government registry office and the last entry on the particular page shows the name of the man or woman in whom the title lies at that moment, and there is no need to go beyond the last name for the responsibility of the correctness of the registration book lies with the government. Ascertaining that the seller owns the title a short deed as prima facie evidence of the sale and to prevent fraud passes between the two. The purchaser then presents his deed to the registrar who examines into its legality and if satisfied makes another entry in his register showing that the title has passed to the new purchaser. The whole affair need not occupy ten minutes or cost but a nominal fee.

The only objection to the system under discussion that I can discover to have been raised here is that many people will be put to much expense and trouble before getting their titles in such shape that the government will register them and assume the responsibility. The answer to this is that proof will have to be made sometime, and it had better be done at once while the property remains in large tracts than after its subdivision into smaller lots. We have only to look at the trouble caused in California over Mexican land grants and such-like claims which

are a constant menace to the title of large tracts of land to make an effort to prevent anything of the kind here. And the Torrens system estops any future trouble from any source whatever. A title once registered can never be gone behind and all courts are powerless to touch it. Think of the vast amount of litigation that will be put an end to from this cause alone.

A more extended synopsis of the Torrens system appears below which I have condensed from an article on the subject by Charles F. Libby, president of the Maine State Bar Association, and which was printed in a recent number of the American Law Review.

At the real estate congress at the World's Columbian Exhibition at Chicago much prominence was given to the "Australian" system of registration of titles. The numerous discussions on the subject emphasized that the present method of transferring title to real estate is unsatisfactory and burdensome on account of the uncertainty, expense and delay connected with the transfer. What is true and freely admitted with regard to the transfer of title to real estate in the United States applies with equal force to these islands, where the system is even more cumbersome and expensive.

A consideration of some of the difficulties which attend the search of a title under our system of registration of deeds may naturally lead to a better appreciation of the Torrens system itself. The difficulty with our system is that it does not show with any certainty what it purports to do, and that is disclose the legal title. The information it does give is so involved with extraneous matter that the search itself is tedious and costly, and must be supplemented by careful inquiry into matters outside of the record. What this search means in the large centers of population can readily be seen by considering the situation in cities like Boston, Chicago and New York.

In the former 193 record books sufficed for the recording of all deeds and other instruments from the establishment of the registry in 1650 to 1800. Ninety years later the number had increased to 1974 large folio volumes of over 600 pages each, and this number is increasing at the rate of over 60 volumes a year. Since the destruction of the books in the Registry of Deeds by the great fire in Chicago in 1871 there have accumulated in the Recorder's office more than 4200 large books of records of deeds and mortgages. In New York City the accumulation of record books has become so great in the Registry of Deeds that searches of title can no longer be carried on by private persons, but recourse must be had to official searchers, who are aided by supplemental indexes prepared by themselves. In that State an attempt has been made to simplify and classify these records, by adopting what is known as the "Block" system of registration, by which deeds and other instruments are classified and indexed according to the location of the property. While this is a partial remedy it by no means remedies the evils due to a lengthening chain of title, where no part is stronger than the weakest link.

In any registration system, the expense and labor increases as time goes on, and in populous cities where real estate has become of great value the time and labor requisite for the careful search of a title becomes a serious burden to the owners of property who wish either to sell or to use it as security for loans. In England the cost of transfer of real property is reckoned by good authorities as equal to one year's purchase where large values are not involved, and the delay before the search is completed and the papers have passed often extends from months to even years. It is

to be borne in mind that the labor and expense involved in the search of a title is not work once done which inures to the benefit of a property in a subsequent dealing, but the same and additional work must be done at every subsequent transaction; so that a tract of land which has been divided into lots may involve, before the last lot is sold, a repetition of the same labor as many times and by as many different persons as there are lots in the original parcel.

ESSENTIAL FEATURES.

The essential feature of the Torrens system is that title to land passes only by the entry of the transfer upon the official register, and not by virtue of a deed between the parties which operates only as a personal contract. The title thus transferred and authenticated by a certificate under the hand of the registrar gives an indefeasible title, and does away with the necessity of examining into the history of the title and the documents which sustain it. The transfer of land thus becomes assimilated to the transfer of stock in a corporation, or of an interest in a ship. The owner depends not upon a deed from an individual grantor, but upon a certificate of title issued to him by the official registrar of titles, which in form is a copy of the entry upon the official books.

This system does away with voluminous indexes and records, and renders unnecessary the accumulation of evidence of title. Each estate is represented by a single instrument, which discloses on the record all that is necessary for an intending purchaser to know. Searches are needless, except for caveats, and may be made in a few minutes. Mortgages, leases or other charges are created, transferred, released or surrendered, by brief indorsements on the register and certificate. In case of loss or destruction by fire or otherwise of any instrument of title, the duplicate remains available for every purpose. While equitable titles are not registered, the interests of the beneficiaries are protected by means of caveats. Statutes of limitation are unnecessary, as no title by prescription can operate against the registered owner, and no rights or emements are acquired by lapse of time. As the form of every instrument must be examined and approved before being entered upon the register, the chances of defects, in execution and technical errors in description or other matters are very much reduced. Fraud and forgery are better guarded against by this system than by any other, as not only must the duplicate certificate, having official signatures and seal attached, be produced with each instrument affecting the land, but provision is also made in some of the acts for the signature of the registered owner being attached to the original certificate which makes a part of the register, and thus certain frauds to which the English system and our own have been shown to be liable are carefully guarded against. The facility with which land can be transferred under this system makes it readily available as security for loans at times where dispatch is requisite, and the safety connected with such transfers, in addition to relief from the unnecessary and burdensome expenses which exist under the present system, give an increased value to real estate. Wherever the system has been tried, it has found favor, and once tried has never been given up.

Substantially, this system has been in operation for more than a century in Prussia, Bavaria and other European States, and notably in the city of Hamburg, where it has been in operation for more than 600 years. Purchasers of estates in Paris may also obtain an insured title, by payment of a small sum to the city.

HOW THE SYSTEM WORKS IN ENGLAND.

But it will probably be objected that the Torrens system of registration, while working over well in Australian colonies where everything is new and conditions are flexible, would not be adapted to the conditions which prevail in England and the United States, and that the conservative instincts of lawyers and owners of real estate would be averse to so radical a change. So far as England is concerned we have the opinion of the present chief justice of England, Lord Coleridge, who in his address at the Congress of the Law Amendment Society at Cheltenham in 1872 declared that he "had never been able to perceive the obstacle to applying to land the system of transfer which answered so well when applied to shipping, but as his learned brethren one and all had declared that to be impossible, he had become impressed with the belief that there must be something wrong in his intellect as he failed to perceive the impossibility. The remarkably clear and logical paper which was read by Sir R. R. Torrens, relieved him from that painful impression, and the statistics of the successful working of his system in Australia amount to demonstration; so that the man who denies the practicability of applying it might as well deny that two and two make four."

A long step towards the adoption of the entire system has already been taken in England. First, by Lord Westbury's act passed in 1862, and second by Lord Cairns' act, passed in 1875. Neither of these acts adopted some of the essential features of the Torrens system, and have not been altogether successful, but the advocates of the Torrens system ascribe the partial failure of these acts to the attempt to combine two irreconcilable systems. Both of these acts made resort to them optional, and the former allowed property to be withdrawn from its operation after once registered, and both of them permitted any kind or form of conveyance to be used, involving a combination of two incompatible principles, a registration of deeds and a registration of title which a royal commission in 1868 pronounced to be "entirely unworkable, and to differ little from an incomplete registry of assurances." The latter act also provided for an indefeasible title to purchasers only, so that it offered no inducements to holders to register, as they would not get their titles freed from technical defects and doubts. The scale of fees and charges was also deemed excessive and deterrent. Notwithstanding these disadvantages, the permissive features of the bill allowing registration of title have been growing in favor, so that the registrar-general of England reports that the number of registered owners is steadily increasing, and that the manifest advantages of a registered title are generally overcoming the deep-rooted opposition of the English landowner to having his title a matter of public record. In 1891 a more sweeping measure, adopting the compulsory feature of the Torrens system, passed the House of Commons, and was defeated in the House of Lords by a narrow vote.

For much of the information given above I am indebted to A. G. M. Robertson, Esq., who has kindly loaned me the necessary books, etc.

GEORGE MANSON.

The Fever.

The Time has developed within the past few days a very severe case of contest fever. Physicians declare the case dangerous. The scheme of the publishers is to publish a ballot in each issue of the paper until Dec. 21. It is for the most popular school teacher and the winner will get a prize of a Standard Dictionary.

THE INTEREST INCREASES.

THE BULLETIN'S BICYCLE CONTEST CATCHES ON IN GREAT SHAPE.

Naval Officers, Merchants, Bankers, Clerks and Newspapers Are all Taking a Hand In It.

Messrs. Clarence White, J. T. Stacker and A. E. Williams, the committee who have kindly consented to take charge of the BULLETIN ballot box and the daily counting of the ballots in the bicycle voting contest, have no easy task on their hands, for no less than 250 new ballots had to be tallied between noon and 1 p. m. today.

All the morning ballots have been coming in rapidly and all sorts and conditions of people have been depositing the little tickets in the box. The BULLETIN contest is being conducted strictly in accordance with the printed directions, as is shown by the fact that four of the Number 1 ballots were thrown out of the count as being too old. Two more were of no use because the blanks had not been filled in. The same circumstance will be kept up during the continuance of the count, which will thus be rendered absolutely fair and impartial.

While today's votes were being counted a number of ballots for Monday's count were deposited in the box, and from present appearances the interest in the contest will continue to increase until the end.

BICYCLIST.	
H. E. Walker.....	138
R. Dexter.....	79
H. A. Giles.....	60
Geo. Angus.....	28
James Spenser.....	24
Allen Walker.....	22
A. V. Gear.....	11
D. G. Lycurgus.....	10
Scattering.....	56
Total.....	428

BICYCLE.	
Cleveland.....	225
Rumpler.....	102
Tribune.....	53
Monarch.....	49
Croscent.....	11
Stearns.....	10
Lindford.....	3
Columbia.....	3
Falcon.....	2
Union.....	1
Total.....	428

The result of today's count is given below:
Previously counted..... 148
New ballots today..... 280
Total..... 428

This Afternoon's Concert.
The usual Saturday afternoon concert takes place at Emma square, commencing at 4:30. The following program has been arranged:

March—"King Cotton" (new)..... Sousa
Overture—"Memories of the Ball" (new)..... Puerner
Ballad—"Don't be Cross" (new)..... Zeller
March—"Under the Double Eagle" (new)..... Wagner
Waltz—"The Tyrolean"..... Zeller
March—"Our Blossom Girls"..... A. R. Conha
Hawaii Pono.

Cholera in Japan.
Reports to the United States Supervising Surgeon-General of the Marine Hospital service indicate that during the present epidemic of cholera in Japan there have been 42,706 cases and 28,513 deaths. These reports agree in saying that the disease was unusually virulent this year, in certain districts almost all the cases proving fatal. It is believed that the epidemic has reached its climax and is now declining.

Weak and Nervous.
Describes the condition of thousands of people at this season. They have no appetite, cannot sleep, and complain of the prostrating effect of warmer weather. This condition may be remedied by Hood's Sarsaparilla, which creates an appetite and tones up all the organs. It gives good health by making the blood pure.
Hood's Pills are the best after-dinner pills against indigestion, cure headache. 115-c