**The Guelph Daily Herald**

H GUMMER Publisher and Proprietor

TUESDAY EVENING, Dec. 8.

## TORRENS LAND SYSTEM

At the last meeting of the old county council a motion was made favoring the extension of the Torrens Land System to the whole Province without the expense now necessary to be undertaken by the county councils. As at previous sessions, the motion was voted down. It is interesting to note that the attempt to introduce the system into the United States has resulted in failure. The Torrens Land Title Law was passed by the Illinois Legislature in 1895. One of its provisions required an affirmative vote by a county before it could go into effect. It was submitted to the voters of Chicago and Cook county at the election last spring, and was approved by a large majority. It went into effect soon after, and up to the time it was declared unconstitutional 130 certificates of registration had been issued under it. Doubtless many more would have been registered had there not been cases before the courts to set aside the law. Now that it has been declared void all that has been accomplished under it will be void, and it will be necessary to return to the old and complicated system of recording land titles.

The law, in substance, provided that on application of the owner of a piece of property to the county registrar the title should be thoroughly searched. If any flaws were found the owner was notified and given time to cure them, but if the title was found clear it was registered, and after a certain time had passed no suit to impair the title could be brought. From that date no further searching of old records was necessary, and in conveying property the only step needed to prove title was a reference in the records in the registrar's office, which were always to be accessible. The method was quick and cheap. Instead of waiting weeks for a patient searching of musty title deeds, for which the payment of a round sum in lawyers' fees was demanded, the required information was always at hand, and could be obtained at short notice and for a moderate sum.

On the cases above referred to coming before the Illinois Supreme Court the Torrens Land Law was unanimously declared to be unconstitutional. The ground on which the decision was given was that the law invested the registrar with judicial powers. As he is not a court, and as the constitution of the United States provides that judicial powers shall be exercised only by the courts, the new law necessarily contravened that instrument. The declaration of the Illinois Supreme Court is a severe reverse to those who hoped to see the new system widely applied in the United States. The failure in that important State will necessarily check efforts to pass similar laws in other parts of the country. Yet the highest expert opinion is unanimous, and has been unanimous for years, in favor of the reform. The new method of conveyance has been an invariable success wherever it has been tried on a large scale. It has succeeded in Manitoba, in Australia, in New Zealand, in Prussia, and in the Cantons of Switzerland. Estates which under the old system took months to deal with, a whole bodyguard of experts on each side, and disbursements of varying and uncertain amount, often equal to two or three years' rent, are now disposed of in the land registry in two days, at a fixed and trifling cost, and often without the intervention of any legal middleman at all. The objections to the Torrens system are chiefly those of privilege and self-interest. There is not only a considerable amount of dislike to it among the professional men who get their living by unravelling the devious obscurities of title deeds, but there is a dead weight of apathy on the part of the general public, who are always inclined to put up with time-honored evils if they do not inflict a continuous and daily and emphatic inconvenience. The difficulties of land titles are looked upon as coming in the ordinary course of nature, and as affording a legitimate theatre of legal acumen. The holders of fat registrarships are, of course, not wishful to aid any reform that would decimate their incomes. But the introduction of a system enabling people to buy and sell land as easily as bank stock would not affect solicitors for a generation or so, as the placing of existing titles under the Torrens System would involve the increased employment of lawyers, whose aid would be absolutely necessary in the process. In Manitoba and other places where the system is coming into use the professional men are becoming fond of it, as it relieves them from a responsibility which they otherwise carry.

## NOTES.

It is common talk among the Liberals that Mr. Hardy contemplates an early dissolution of the Local Legislature. By some it is understood that the appeal will take place before the usual session for 1897, but if this is not the programme, it is looked upon as a certainty that the election will take place shortly after prorogation. The next will be the third session of this Legislature, and hence not necessarily the last. But Mr. Hardy is a new Premier and is anxious to secure a longer lease of power than the one inherited from Sir Oliver Mowat.

The annual report of the Inland Revenue Department regarding the adulteration of food has been published. Out of 1265 samples analyzed only 105 or barely 9 per cent. of the whole have been found to be adulterated. Jams and jellies were the worst adulterated of all the samples examined. Out of 155 samples examined, 25 were adulterated. The attention of the department was for some years directed solely to the inspection of foods and drugs. The area of its operations was subsequently extended to take in fertilizers and articles of commerce largely used by the farmers of the country. Later paris green, was an important item, inasmuch as it not pure the agriculturist in using was frequently undeceived only by the loss of a valuable crop. The results of the past year's operations demonstrated that nearly 90 per cent. complied with the requirements of the act. A similar improvement may be noted in all classes of food excepting maple syrup, which was analyzed for the first time and has been found to be, in many cases, adulterated with glucose.

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# CITY FATHERS IN SESSION

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## THE COMMITTEE'S RECOMMENDATIONS

**In the Harvey Case He'd Over Till Next Meeting—Fat Stock Club Granted $50 to Help Them Out With the Show**

The chair so long occupied by Ald. Scroggie was the only one vacant at the city council meeting Monday evening. The order paper provided the material for talk, but the discussions were less protracted than usual. It was decided to give the Fat Stock Club $50 in answer to the request of the deputation, consisting of Dr. Mills, John I. Hobson, Herbert Wright, James Millar and E. R. Bollert. The recommendations of the Special committee for further prosecutions of Edmund Harvey were laid over till the next meeting.

### THE FAT STOCK SHOW.

Ald. Coffee intimated that a deputation was present from the Guelph Fat Stock Club, and suggested that, to suit their convenience, they might be heard now. He, seconded by Ald. Kennedy, moved a resolution to that effect.

Dr. Mills briefly stated the business of the deputation to ask the council to vote $50 extra to pay for the rink annex, rendered necessary because of the large number of entries in excess of former years. He spoke of the reputation of the county and city as a fat stock centre, the benefits derived by the city from such a gathering, and, while recognizing the liberality of the council in the past, asked that they come to the rescue of the show.

Mr. Hobson seconded Mr. Mills' remarks with a brief speech. Mr. Wright and Mr. Millar also spoke.

Moved by Ald. Peterson, seconded by Ald. Hartnett, that the sum of $50 be voted to the Fat Stock Club to help them in providing the extra accommodation necessary by the large number of entries this year, and that the Finance committee provide the ways and means.

Ald. Peterson supported his motion dwelling on the importance of the exhibition as an advertisement for Guelph.

Ald. Maddock would support the motion, but said a word about the high taxes and the necessity of economizing.

Ald. Taylor was against the grant. He believed the city needed the money for feeding the poor, and he would prefer voting it to the city mission.

Ald. Sully suggested that Ald. Kennedy and Coffee might use their influence with the Rink Co. to have them give the building for the $50.

Ald. Kennedy explained that the company had acted in thorough good faith in the matter.

Ald. Coffee strongly urged the granting of the request as an encouragement to the Fat Stock Club, which had done so much in the past for the promotion of the stock industry.

The motion was then put. Ald. Taylor and Dowrie alone voted against it.

Dr. Mills warmly thanked the council for their generosity, and paid a gracious tribute to the courtesy and liberality with which the stock interests had always been treated by the city.

### COMMUNICATIONS.

The Mayor read the following:

From John Colson, secretary of the Fire Brigade, asking for the use of the city hall for the annual ball on Dec. 31st.

Ald. Sully, seconded by Ald. Mahoney, moved that the petition be granted.—Carried.

### LETTER FROM MR. HARDY.

Toronto, Nov. 27th, 1896

SIR,—Referring to the interview of to-day by yourself and a committee of council re the case of Queen v. Harvey, I beg to say the complaint of the committee appeared to be

1. That the sentence upon Mr. Harvey was inadequate.

2. That the Crown officer Mr. Johnston, Q.C., had, on behalf of the Crown, assented to this light sentence.

3. That further and other charges were not prosecuted.

Upon the first point I have only to say that the sentence rested wholly—subject to the statute—in the discretion of the learned Judge who tried the case; that he is not an officer of this Government, but of the Dominion. I have therefore transferred to the Minister of Justice so much of your complaint as appears to me to be against the learned Judge.

My attention has been called to the fact that the committee of council having charge of the negotiations with Mr. Harvey for a restitution of the moneys wrongfully taken, directed the City Solicitor, Mr. Guthrie, to inform the court and the Crown that restitution to the satisfaction of the city had been made, and that Mr. Guthrie carried out his instructions before the passing of the sentence. There can be no doubt, I think, that this information, coming from the source it did, weighed with the learned Judge in imposing sentence. Indeed, it is stated that it was made one of the conditions of restitution by the prisoner's solicitor (and to which the committee of council agreed) that the city solicitor should make this statement at the trial. The learned Judge and the Crown officer would doubtless assume, (as the fact was) that the information was given at that particular time for that purpose and with intent that it should have such effect upon the sentence as the learned Judge might think it should have, having regard to precedents and usage.

As to the second point, I have conferred with Mr. Johnston, and he states explicitely that he gave no assent on behalf of the Crown, to the sentence, nor unless asked by the learned Judge, would he be called upon to express an opinion respecting it. Further, Mr. Peterson, the Crown Attorney, was instructed by the Deputy Attorney General, prior to the trial, that eminent counsel would be expressly retained to assist him on the trial and that "no settlement involving a repayment of the monies embezzled, could either secure a withdrawal of the criminal charges or a mere nominal sentence." He was further instructed that: "What is wanted is that everything should be done openly and above board and within the strict limits of the law. The department can be no party to an abandonment of the prosecution in consideration of a return of the monies taken, whatever effect this latter act might have upon the mind of the Judge who tried the case in measuring the sentence." I have no reason to believe that Mr. Peterson did not faithfully carry out his instructions. It is further to be observed that the Crown took the unusual precaution of instructing eminent counsel especially to aid in preparing the evidence and to take charge of the trial, and sent an expert auditor some days in advance of the trial to assist in looking into the accounts.

As to the third matter of complaint the number of charges preferred, and to which Mr. Harvey pleaded guilty, was, seven, a number very much in excess of those usually laid against an offender, the rule being to lay not more than three charges. Some of the charges which had been laid, counsel for the Crown were of opinion, could not have been sustained or established by the evidence, owing to difficulties in procuring witnesses and to those arising by lapse of time, and the complicated nature of the accounts. It is not the duty, generally speaking, of this Department to lay charges against defaulters. This is usually done in cases involving the loss of money by the parties who have been injured, and this course was taken as to the charges which actually were laid against Mr. Harvey, that is to say, they were laid under the authority of the city. I may add that the Crown sees no legal obstacle in the way which will prevent the laying by the city of further informations and their prosecution, if the city council desires to take that course. Mr. Peterson, the County Crown Attorney, has therefore been instructed should Mr. Calvert, chairman of the committee, or yourself, or other responsible official of the city, lay further charges against Mr. Harvey, that he is to give them his attention and assist the city in prosecuting them, or all such of them, as, after examination, he is of opinion can be sustained.

I have the honor to be, sir,

Your obedient servant,

ARTHUR S. HARDY.

John A. Lamprey, Esq., Mayor, Guelph.

### WANT DAMAGES.

From W. J. Payne, stating that Mrs. J. Payne, his mother, fell on the pavement at junction of Cork and Dublin street, Oct. 30, 1896, where there is a drop in the pavement of several inches, and injured her left leg, and that she was under the doctor's care. If it turned out seriously, he would look to the city for damages.—Referred to Board of Works.

From McLean & McLean, referring to damage done to John Douglas' property on Perth street. It was referred to previously, but no action was taken.

Ald. Kennedy explained that the Board of Works had examined the place and found no just cause for complaint.

### THE SHAIN CASE.

From Donald Guthrie, giving the result of the judge's decision as to payment of costs in the case of Shain vs. Guelph, as already published.—Referred to Board of Works.

From Mrs. Mary De Witt, asking to be relieved of the payment of her second half-year's taxes.—Referred to Finance.

### O.A.C. WATER SUPPLY.

The Mayor read a long letter from Dr. Mills, of the O.A.C., on the disputed water account with the city. The doctor set forth that the college had not consumed at any time more water than was contemplated by the commissioners when the contract was made. The letter was referred to the Water Works committee.

### WATER WAS SHUT OFF.

By Ald. Calvert, a petition from Frank Dowler and J. C. Kelsher, on behalf of the Workmen's Opera House, asking that the city water, which has been closed off, be turned on.

Moved by Ald. Calvert, seconded by Ald. Coffee, that the petition of the Opera House Co. be granted.

Ald. Nelson explained that their back taxes for two years had not been paid. It amounted to $38, and they had never received a cent from the company. Ten dollars of it was due from the old lessee, but $28 was due from the Opera House. If the city turned the water on they forfeited the right to the debt.

Ald. Coffee took exception to Ald. Nelson's last remark. There was nothing in the petition to show that.

Ald. Dowrie wanted the petition read over again.

The Mayor re-read it accordingly.

Ald. Nelson was willing to have water turned on if Ald. Calvert, as secretary, would give his guarantee for the payment of the old debt.

Ald Coffee—Ald. Nelson is talking in the same fashion as the newspapers. Mr. Tavernier and Mr. Gage were the men to pay. The city should have collected the money before, instead of saying the new tenants should pay the debt before they got the water. He would suggest that Ald. Calvert add to his motion that the petition be granted without prejudice to the claim for the back rates.

Ald. Nelson rose to speak.—

Ald. Kennedy—Excuse me—did Mr. Tavernier ever make application for water at all, or was it from the Opera House?

The clerk replied that it was from the Opera House Co.

Ald. Nelson read from the by-laws clause 21, which states that no application for water shall be entertained until the old indebtedness was settled.

Ald. Calvert said the Opera House Co. were willing to pay if they were liable, and if the lessee was liable, he would be made to pay it. He thought the lessees were the parties to pay it. He asked for the water to be turned on at once for fire protection. He showed that John W. Gage, of Hamilton, was a joint lessee with Albert Tavernier, and was equally responsible with Mr. Tavernier for the debt.

Ald. Nelson said they had no guarantee that the city would get the $28 which was certainly due from the company.

Ald. Schultz wanted to know if the accounts were allowed to run two years.

Ald. Nelson explained that it would be unfair to cut off the water to the store keepers below, because the Opera House didn't pay up.

Ald. Sully thought Ald. Nelson was right in the stand he took, but the bills for the water supply had never been presented. It was a matter of protection to the building. They were willing to pay their just debts. If Mr. Gage wouldn't pay it, the company would. They had to have water before the building could be properly heated.

Ald. Nelson wouldn't take back a single statement. The by-laws backed him up. Clause B. provided for a fine of $1 as well.

Ald. Kennedy said they had by-laws to govern their action, and there was no use wasting time.

Ald. Penfold said the Opera House Company should pay up. They were just as well able to pay as any poor man.

Ald. Taylor thought the matter should be reconsidered.

Ald. Maddock favored referring it to the committee.

Ald. Peterson was in favor of having the matter referred to committee.

Ald. Calvert withdrew the motion and the communication.

### PETITIONS.

Ald. Parkinson, from S. B. Long, asking that the large elm tree be removed from in front of his property.—Parks.

Ald. Nelson, from W. H. Darby, asking that the aforesaid elm tree, which he claimed is in front of his residence, be not cut down.—Parks.

Ald. Peterson, from S. W. Scott, asking for the remission of the rent of the city hall for the late concerts as, owing to counter attractions, it was not a financial success.—Market Committee.

### BOARD OF WORKS.

When the Board of Works report, presented at the last meeting of the council, came up, a motion was made for the adoption, and the Mayor declared it carried.

Then some of the members discovered that they wanted to discuss it.

The Mayor consented to this, and Chairman Kennedy, Ald. Mahoney, Parkinson, Peterson, Calvert, Taylor and Coffee ventilated their views on the question of exacting the forfeit from the Bridge Co.

Ald. Coffee said the city solicitor didn't put the condition in the agreement for fun, and if they didn't collect it this time he didn't know when they could.

The Mayor suggested that $800 be paid on account without prejudice to their claim.

Ald. Calvert moved, seconded by Ald. Parkinson, that clause 2 of the Board of Works twelfth report be amended by paying the contract amount of the Heffernan street bridge, less $145, being the amount of forfeit under the contract between the city and the Canadian Bridge Co., and that the report as amended be adopted.

After considerable discussion the amendment was carried, Ald. Kennedy, Taylor, Dowrie, Crosbie and Maddock voting against it.

### FINANCE.

Ald. Taylor reported that the sum of 44 cents be paid the Great North-Western Telegraph Co.; that the sum of $200 be appropriated to the Board of Works; that Mary McKinley be relieved of $3.25 taxes.

Ald. Peterson called the attention of the Finance chairman to the petition of Mrs. O'Connor for remission of taxes presented two meetings ago.

The chairman stated the petition would be reported on at the next meeting.

The report was adopted.

### SELLING SECURITIES.

Ald. Coffee, chairman of the Special committee in charge of the Harvey securities, reported as follows: The undersigned beg to report that the Canadian Mutual Loan and Investment Co. have offered us $3,634 cash for the shares taken in their company by the city as part of the settlement with Edmund Harvey. We recommend the acceptance of this offer.

The report was adopted.

### THE SPECIAL COMMITTEE

Ald. Calvert, chairman, reported:

1. Your committee submit the correspondence between the Minister of Justice, Sir Oliver Mowat, the Attorney-General, Hon. A. S. Hardy, the County Crown Attorney, H. W. Peterson, and the city solicitor, D. Guthrie.

2. Your committee visited Toronto on Friday, 27th November, and interviewed the Attorney-General of the Province of Ontario, and as a result of such interview we recommend that the city solicitor be and is hereby instructed to prepare new charges against the ex-treasurer, Edmund Harvey, and prosecute with determination for the purpose of obtaining a conviction and that the city solicitor notify the Attorney-General's department of such intention.

3. Your committee ask for $32 to meet the expenses incurred.

Ald. Calvert and Mahoney moved the adoption of the report.

Ald. Nelson asked that the report of the Special committee re the settlement of the Harvey case be read.

Ald. Calvert read the clause stating that $10,000 was accepted by the city in full for all debts due by Harvey to the city. Continuing, Ald. Calvert said the recommendation of the committee now was not to proceed against the ex-treasurer to recover more money, but to become a public prosecutor, and take action against him criminally.

Ald. Coffee had no objection to the report, if the proposed proceedings did not involve the expenditure of more money. He would not favor further expense being entailed by the city.

Ald. Calvert said Ald. Coffee well knew the prosecution would involve certain expenses in the preliminary stages.

Ald. Coffee suggested that the question be laid over till the next meeting, in order that the committee may bring down a report, giving a statement of the expenses heretofore incurred, and the probable cost of the contemplated prosecution that the city would undertake.

Ald. Sully said he was surprised at the way the councillors were talking after the unanimous way the committee was appointed. The Attorney-General met them in a fair way and they were assured that the Province would shoulder the expenses after the charges were laid before the Police Magistrate. For his part he didn't intend to drop it, but if they were going to quit the matter they should settle it then.

Ald. Kennedy said he would go farther and advocate that the farce be called off altogether. None of the Special Committee were on this committee that went to Toronto, and Ald. Calvert said the special committee didn't mean that the ex-treasurer was to get only three months, but four or five years. It was time the thing was called off, concluded Ald. Kennedy warmly, because it is only a farce.

Ald. Calvert—Allow me to correct you. The Mayor was on both committees.

Ald. Kennedy—I stand corrected, but he was the only one.

Ald. Coffee said it was a great satisfaction that the matter was placed before the Attorney-General. He was quite agreeable to have the matter ventilated and have their position vindicated. It was not for Ald. Kennedy to call this thing a screaming farce either, exclaimed the alderman, with considerable warmth. It was a farce as long as Ald. Kennedy had anything to do with it, as he was opposed to every kind of an audit.

Ald. Kennedy—I object Mr. Mayor. When Ald. Coffee comes down here to speak, he wants to confine himself to facts—

The Mayor—Ald. Coffee has the floor, Ald. Kennedy.

Ald. Coffee continuing said everything was done in the teeth of Ald. Kennedy, unless he had no opportunity to oppose it. And if he tells the public that the proceedings so far are a farce, he is talking nonsense and knows it. Referring to the Judge, Ald. Coffee said he didn't think he ever had any intention of doing anything save what was right, but he may have had a wrong impression. His mouth was closed in this matter, and therefore he was not going to criticize his acts. His position now was simply were they going to prosecute Harvey any further. Were they satisfied or were they going to go on with further proceedings. It was a question of expense. He was not willing to go to the expense of hundreds of dollars. If it could be done at a trifling expense, he would go in for it.

Ald. Calvert said that full restitution had not been made and they had every reason to go on with the other charges. Only reasonable charges would be brought before the Police Magistrate and no doubt they would get a commitment.

Ald. Kennedy said that when the city solicitor, instructed by the Special Committee, stated that restitution had been made and the city was satisfied, the city's part in the prosecution then ended. When he referred to the proceedings as a farce, he only had reference to what had taken place since that time.

Rule 5 was suspended for two hours.

Ald. Calvert said if the council were desirous of obtaining the information asked for by Ald. Coffee, the committee would have no objection to lay the matter over, but let it be understood that the question would be brought up at the next meeting, and the committee would maintain the position it had taken.

Then Ald Kennedy objected to the expenses. He wanted the items read.

Ald. Coffee said Ald. Kennedy's objection was picayune.

The motion was amended to read that the last clause be adopted and the balance of the report be laid over till next meeting. In that shape it carried.

### APPOINTING RETURNING OFFICERS

Ald. Taylor, on motion, introduced and read a first and second time, a by-law to appoint returning officers.

### FILLING A VACANCY.

Moved by Ald. Coffee, seconded by Ald. Penfold, that Ald. Calvert be placed on the Court of Revision, in place of Ald. Scroggie, résigned.

Ald. Mahoney and Kennedy moved Ald. Maddock for the position.

The amendment was lost and the motion was carried.

The council adjourned at 10.45.

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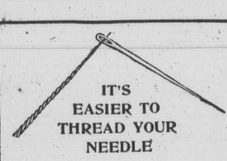

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|---|---|
| Men's and Young Men's Ulsters and Overcoats | $3.75, $4.25, $5, $6.75. |
| Boys' Ulsters, | $2.50 upwards. |
| Men's and Young Men's Suits | $3.75, $4.25, $4.75, $5, $7. |
| Boys' All Wool Tweed Suits, | $1.50 upwards. |

## Shoes.

| | |
|---|---|
| Ladies' Dong. Peb. Lace Shoes, sizes 3 to 7, regular $1.25 for | 75c. |
| Ladies' Kid Button Shoes, razor toe, pat. tip, sizes 3 to 7, regular $1.50 for | $1.00 |
| Misses' Dong. Peb. Lace and Button Shoes, regular $1.25 for | 65c. |
| Men's fine Calf Shoes, Lace or Cong. regular $2.50 for | $1.50. |
| Men's Heavy Buff Shoes, regular $1.50 for | $1.10 |
| Men's Heavy Working Shoes, regular $1.25 for | 85c. |
| Boys' heavy grain Leather School Shoes, regular $1.25 for | 75c. |
| Children's Shoes | 25c. pair. |
| Ladies' Rubbers, all sizes, Canadian Rubber Co.'s make | 25c. |
| Men's Rubbers, all sizes, Canadian Rubber Co.'s make | 40c. |
| Gent's All-Wool Mitts, per pair | 15c. |
| Gent's lined Kid Gloves, regular $1, per pair | 65c. |

Fur Coats, Fur Caps, Fur Muffs, Collars, Mitts and Boas, at exactly half price.

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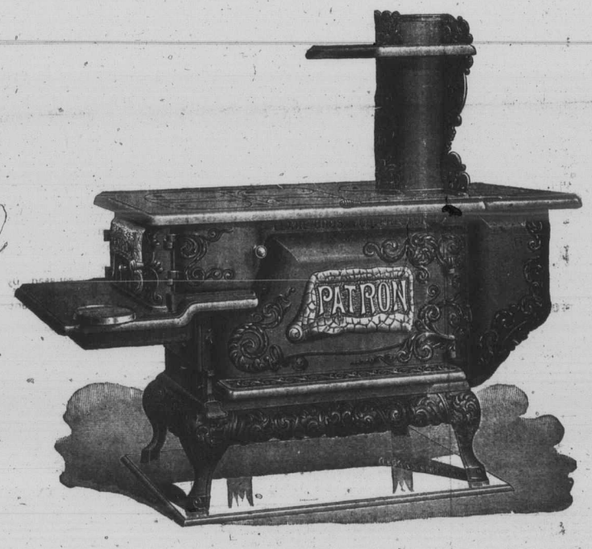


We sell at the very closest figures for cash Wood Books, Coal and Wood Range Coal and Wood Heaters of all description, Box Stoves, Stove Pipes, Stove Boards, an all kinds of Stove Varnish and Polish, Graniteware, Tinware, Woodenware and Cutlery of all kinds; and, in fact, all goods required in the kitchen.

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