

(No. 95.)



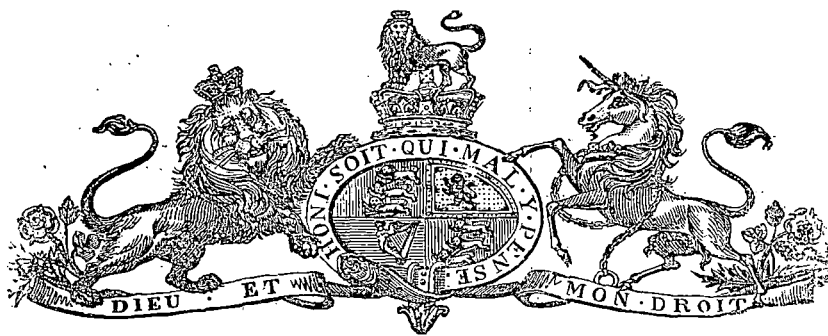
1888.

PARLIAMENT OF TASMANIA.

R E C O R D E R O F T I T L E S . :

REPORT FOR YEAR ENDING JUNE 30, 1888.

Presented to both Houses of Parliament by His Excellency's Command.



Lands' Titles Office, Hobart, 12th July, 1888.

SIR,

I HAVE the honor to submit for your consideration the Annual Report on the working of this Department for the year ending 30th June last.

In the annexed Return will be found particulars of the transactions with which the Office has dealt during the past six months, and the five preceding years.

The income of the Department for the twelve months under review amounted to £3676 8s. 6d., being £971 8s. 6d. in excess of the amount borne on the Estimates for its service. As a Collector of Stamp Duties, I have received the sum of £2538 12s. 6d. for the same period. The steady and ever increasing nature of the work to be performed has hitherto and must continue to yearly swell the receipts of the office. As evidence of this, I beg to draw your attention to the following comparative return of income, commencing from 1863, when the cost of working the "Torrens' System" of conveyancing first appeared on the Estimates:—

	£	s.	d.
1863—Receipts under R. P. Act, (not including Assurance or Advertising fees)	400	17	0
1874—Ditto.....	678	10	6
1883-4—Ditto.....	1906	19	10
1887-8—Ditto, (not including Assurance, but including £256 10s., Advertising fees	3676	8	6

At the same time, the fact must be faced, that the Staff will necessarily have to be strengthened from time to time to cope with the business of those having dealings with land under the system, and by whom alone the cost of its working is borne. The cost of advertising applications to bring land under the provisions of "The Real Property Act." appeared on the Estimates for 1887-8 for the first time, as for Departmental purposes it was deemed expedient that the money received by the Recorder from the applicants for that purpose should be paid into the Treasury with his other receipts, instead of being disbursed by him direct to the newspaper proprietors as theretofore.

The Assurance Fund now amounts to £6941 14s. 10d., and no claim has hitherto been made upon it.

The offices in the top flat of the new building fronting on Franklin Square were taken possession of in the beginning of the present year. Proper strong-room accommodation has been provided, and altogether the offices, which are commodious, are a great improvement on the inconvenient ones formerly occupied by the Department. The height of the flat from the ground floor (76 steps) is, however, a drawback, and is a source of complaint to those whose business brings them personally in contact with the office. This will be obviated when the elevator is erected in the shaft built for that purpose, and I desire to submit that the exigencies of the case, not the least of which is that all fuel has now to be carried up-stairs, warrant the necessary expenditure, and that the saving of the wear and tear of the stone staircase will in a few years amply compensate for the outlay.

A revision and shortening of certain office forms, coupled with certain routine alterations and the gradual adoption by purchasers of the practice of accepting Titles by endorsement, have, with the assistance of two volunteers, enabled work to be performed which otherwise could not have been done without further clerical strength. Discrepancies between modern and old surveys still continue to be a source of delay in the transaction of business. Difficulties also arise through surveys disclosing that roads as actually constructed often deviate from the lines reserved in the Crown Grants. I have already suggested a practice, the adoption of which, I conceive, would be a remedy for the latter difficulty; but time only, apparently, can remove the former, unless a re-survey of a considerable portion of the alienated land of the Colony is made, and this, I suppose, is out of the question for many years.

The following Table shows the principal Instruments received by the Department to be dealt with during the year ending 30th ultimo, now under review :—

<i>Nature of Instrument.</i>	<i>Number received.</i>	<i>Area of Lands, Town and Country.</i>	<i>Value of Lands affected.</i>
		ACRES.	£
Transfers	1097	37,077	204,321
Mortgages	907	74,632	333,810
Grant Deeds prepared at Crown Lands Office, and Registered here	615 (in duplicate)	40,602	55,088
Applications to bring Land under "The Real Property Act," and for Grants of Land held under Location Orders as root of Title...	106	5379	46,243
Certificates of Title on Applications or on Transfers	1082 (in duplicate)	—	—

There is not such a marked increase in the last item (Certificates of Title), as many persons now avail themselves of the provisions of "The Real Property Act, No. 5," which permits them to take a Title by endorsement of a short Memo. on the old Certificate or Grant, where they have acquired all the land therein, or wish for a Title to unsold balance of the land comprised therein. If this practice were more generally adopted, it would be a great saving of time to the Department, and would be a consequent convenience to the parties themselves. While, however, the fee remains the same for both classes of Titles, there also will remain, I fear, a difficulty in bringing about the general adoption of Title by endorsement in all the cases applicable.

In several previous reports I have had the honor to draw attention to the fact that law students are not examined in the principles and practice of the "Torrens' System" of Conveyancing. Three years back it was intimated to the Recorder by the Board of Examiners under "The Barristers and Attorneys Act, 1874," that his suggestion that this should form part of the conveyancing curriculum in future Law Examinations would "probably be embodied in the recommendation to be made by the Board to their Honors the Judges." I beg to submit the matter again for your consideration, as it is but natural to suppose that students will pay little attention to this branch of the law when they know they will not be examined in it.

I have to acknowledge the courtesy of the legal profession in all matters in which I have been brought in contact with them in the administration of the Department.

I have the honor to be,
Sir,
Your obedient Servant,

JAMES WHYTE, *Recorder of Titles.*

The H on. the Attorney-General.

No. 1.—*APPLICATIONS for Certificates of Title and Grants.*

YEAR.	NO.	VALUE.	AREA.					
			<i>Town and Suburbs.</i>			<i>Country.</i>		
		£	A.	R.	P.	A.	R.	P.
1883	91	48,623	209	1	19	2981	0	29
1884	103	53,356	301	1	38	3872	0	26
1885	74	36,967	102	2	27	1860	1	24
1886	80	44,449	77	2	29	6573	3	38
1887	96	57,523	194	1	20	9026	1	16
1888 (first 6 months)....	55	24,253	89	3	17	3163	3	8
	499	265,171	975	1	30	27,478	1	21

No. 3.—*TRANSFERS.*

No. 4.—*MORTGAGES registered.*

No. 5.—*MORTGAGES.*

DISCHARGED.							TRANSFERRED.						
YEAR.	NO.	VALUE.	AREA.				YEAR.	NO.	VALUE.	AREA.			
			Town and Suburbs.		Country.					Town and Suburbs.		Country.	
		£	A.	R. P.	A.	R. P.			£	A.	R. P.	A.	R. P.
1883....	225	92,655	237	2 14	42,644	2 22	1883....	18	3958	10	1 33	4872	1 38
1884....	259	90,215	439	2 29	20,741	3 14	1884....	9	751	2	0 13	139	0 0
1885....	257	94,871	604	0 19	42,861	2 26	1885....	29	9324	9	2 35	3252	1 5
1886....	278	111,450	355	2 38	19,812	0 17	1886....	22	5337	31	3 0	7956	0 16
1887....	286	91,758	2140	3 35	27,404	1 36	1887....	19	6158	49	1 33	4594	1 13
1888....	168	70,105	250	1 22	16,326	3 0	1888....	9	4171	2593	0 15	104	1 2
first 6 mos.							first 6 mos						
	1473	551,054	4028	1 37	169,791	1 35		106	29,699	2696	2 9	20,918	1 34

No. 6.—LEASES.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
1883.....	45	3879	5	3	7	10,363	1	25
1884.....	41	2332	57	2	28	4472	2	37
1885.....	26	2906	26	2	20	2102	2	39
1886.....	47	5776	61	3	31	7502	3	9
1887.....	31	4216	48	0	29	10,421	2	26
1888 (first 6 months)...	15	1979	1	0	5	3438	0	17
	205	21,088	201	0	33	38,301	1	33

No. 7.—APPLICATIONS on Death of Registered Proprietor.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
1883.....	35	46,976	147	1	34	13,681	2	29
1884.....	61	55,274	533	1	19	16,847	1	0
1885.....	58	48,736	108	1	21	19,219	3	17
1886.....	58	51,978	308	2	9	19,394	3	35
1887.....	61	55,816	192	0	18	28,055	3	3
1888 (first six months).....	33	20,697	553	0	10	7405	3	30
	306	279,477	1842	3	31	104,605	1	34

No. 8.—OTHER Transactions mentioned in Statistics.

	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888. first 6 mos.
Mortgages partially discharged.....	6	12	8	35	17	23	41	34
Powers of Attorney.....	8	21	17	13	14	13	28	18
Surrenders of Lease.....	2	3	2	11	4	4	6	4
Transfers of Lease.....	3	1	7	4	8	8	14	3
Transfers by Death or Bankruptcy.....	36	42	34	43	48	38	58	27
Foreclosure Orders.....	1	..	..	..	..	..	1	..
Encumbrances.....	1	1	..	..	1	1	3	..
Order of Supreme Court.....	..	..	..	5	3	4	2	2
Provisional Certificates.....	1	3	2	..	..	2	..	..
Writ of <i>Fi. Fa.</i>.....	..	1	..	1	2	4	3	4
Registration Abstract.....	..	..	..	..	..	..	..	..
Office Copy.....	..	..	..	..	..	..	..	..
Entry of Marriage of Proprietor.....	3	..	4	4	5	4	7	3
Entry of Death of Annuitant.....	..	..	..	..	..	..	..	..
Estate in Remainder.....	..	..	..	1	3	1	3	..
Re-entry by Lessor.....	..	..	..	..	..	..	..	..
Discharge of Encumbrance.....	..	1	2	2	..	..	..	1
Surrender to the Crown.....	..	..	..	9	..	1	..	..
Discharge of Annuitant.....	..	..	..	..	..	..	2	..
Extension of Mortgage.....	..	..	..	..	..	..	7	1
Balance of Endorsement.....	..	..	..	..	..	..	31	27