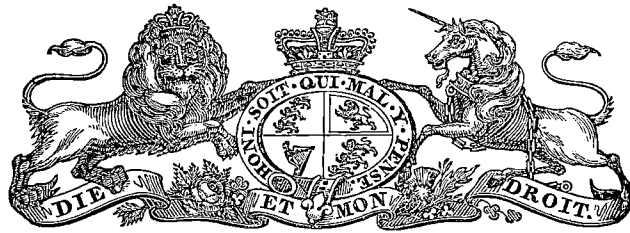


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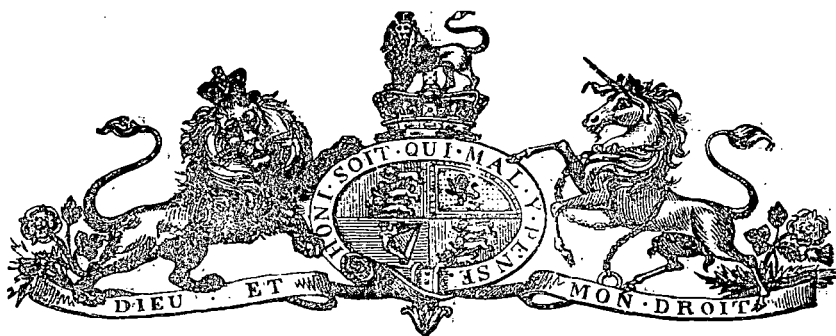
1887.

PARLIAMENT OF TASMANIA.

RECORDER OF TITLES:

REPORT FOR YEAR ENDING 30TH JUNE, 1887.

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



Lands' Titles Office, Hobart, 27th July, 1887.

SIR,

I HAVE the honor to submit to you the Annual Report on the working of this office to 30th June last, as follows :—

Following on the practice adopted in 1886, I have furnished in the annexed Return particulars of all dealings which have taken place during the past five years only, and have not carried forward any Return of the previous year's transactions, the particulars of which are readily accessible to any desiring to obtain them, while the quinquennial Return at present furnished is deemed sufficient for all immediate practical purposes of comparison.

The income of the Department for the year under reference has been £2884 11s. 7d., being several hundreds in excess of its expenditure. This does not include amounts received by me in my separate character as a Collector of Stamp Duties. The increment in the fees must continue in much the same, or perhaps in a greater proportion in the future than in the past ; but it must be remembered that this will mean a corresponding increase in the work, and the consequent necessity from time to time of additions to the staff.

The scale of fees under which "The Real Property Act" is at present administered is similar to the ones originally adopted in the other Australian Colonies, but which have subsequently been considerably modified. The time, I think, will soon arrive when it will be necessary and expedient in this Colony also to reduce the fees in fairness to owners of land held under the Torrens' System, and to give that system its proper impetus by thus additionally popularising it.

"The Real Property Act, No. 5," passed last Session of Parliament, has come into full operation. Previously to that Act becoming law it was constantly urged that in cases where a purchaser bought the whole of the land comprised in a Title, to endorse a few lines showing him to be the owner would be simpler and quicker than issuing him a new Title and cancelling the old one. This was advocating a closer imitation of the practice with regard to ships, and upon which Torrens founded his system. The power to issue such Titles by endorsement to purchasers on sale as aforesaid, and Titles by endorsement to vendors for the unsold balance of their land after sale of part only of the land comprised in their Certificates or Grants, was introduced in the said Act, and so far as it has been acted upon has, in my opinion, met with success. I regret, however, that the advantages of simplicity and dispatch obtainable by parties ordering such Titles in preference to new ones have been so far only slightly availed of, owing, I assume, to the fact of the fee remaining the same in both cases. This objection, if it may be so called, will probably cease to be regarded as such with further experience of the working of the law on this point.

The saving of circumlocution in one of the different stages through which Grant Deeds have to pass,—the reduction of expense and loss of time in registering the representatives of deceased proprietors, and the rendering a mortgagee advancing money to complete a purchase, or a vendor leaving part of the purchase money on security of the property, absolutely safe, by enabling the mortgage to be registered *concurrently* with the transfer,—are notably provisions in the new law which I think are appreciated. Of course it is impossible to expect a system which is only just a quarter of a century old to be perfect ; and the fact must be faced that, its main principles being kept in view, it will, as the years go on, require amendment and codification to enable it to meet the requirements of the times.

For the 12 months under review, 1073 Certificates of Title have been prepared in duplicate, and 679 Mortgages and 842 Transfers have been registered. The discrepancies between subdivision plans and old surveys still continue, and will for many years to come continue a source of delay and correspondence, with their consequent and unavoidable annoyance to the parties interested, unless the question is in some way dealt with by remedial legislation.

There is now the sum of £6495 9s. to the credit of the Assurance Fund, upon which no claim has hitherto been made.

It may not be out of place here, for the information of those taking an interest in the Torrens' System, to refer to the significant fact that Lord Halsbury's Transfer of Land Bill for England, and which is an assimilation of Torrens' System as in force in these Colonies, has been passed by the Judicial Committee of the House of Lords. A full reference to this measure will be found in the *Saturday Review* of 9th April last, page 562.

In previous reports I have drawn attention to the fact that law students are not examined in their conveyancing paper on the principles and practice of the Torrens' System, and I naturally assume that they do not pay that attention to the subject which they otherwise would. I submit that this question is important enough to deserve the consideration of the Law Examiners under "The Barristers and Attorneys Act, 1874."

I have to thank the members of the legal profession for their courtesy in all matters in which I have been brought in contact with them in administering the Department.

I have the honor to be,
Sir,

Your obedient Servant,

JAMES WHYTE, *Recorder of Titles.*

The Hon. the Attorney-General.

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

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1882.....	91	£ 67,860	91	0	23	13,257	0	26
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 (first 6 months)....	45	35,533	96	2	11	6998	2	8
	484	286,788	878	3	27	35,543	1	31
						878	3	27
						36,422	1	18

No. 2.—GRANTS registered.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1882.....	338	£ 39,840	591	0	4	36,969	0	16
1883.....	323	21,644	273	3	27	15,949	3	18
1884.....	544	43,249	716	2	22	35,951	2	18
1885.....	503	31,272	710	0	9	24,137	3	31
1886.....	560	40,078	595	2	1	41,611	1	12
1887 (first 6 months)....	242	32,787	238	3	19	26,014	1	28
	2510	208,870	3126	0	2	180,634	1	3
						3126	0	2
						183,760	1	5

No. 3.—*TRANSFERS.*

YEAR.	NO.	VALUE.	AREA.					
			<i>Town and Suburbs.</i>			<i>Country.</i>		
			A.	R.	P.	A.	R.	P.
1882.....	545	£ 187,022	503	3	11	55,982	1	28
1883.....	634	172,217	553	1	13	50,194	3	1
1884.....	675	184,486	503	3	7	29,805	2	37
1885.....	729	161,921	1067	3	12	34,603	2	32
1886.....	817	158,877	945	1	32	36,191	0	24
1887 (first 6 months)....	427	80,445	540	0	23	22,423	1	8
	3827	944,968	4114	1	18	229,101	0	10
						4114	1	18
						233,215	1	28

No. 4.—*MORTGAGES registered.*

UNDER REAL PROPERTY ACT.								UNDER OLD SYSTEM.		
YEAR.	NO.	VALUE.	AREA.						NO.	VALUE.
			Town and Suburbs.			Country.				
			A.	R.	P.	A.	R.	P.		
1882.....	290	£ 201,818	281	3	8	51,451	1	34	445	503,585
1883.....	343	232,053	459	3	22	31,007	1	13	533	472,159
1884.....	474	236,134	625	0	16	33,642	3	18	536	604,489
1885.....	495	248,732	829	3	29	47,128	1	18	625	397,979
1886.....	665	333,954	1542	0	4	56,702	3	12	655	546,768
1887 (first 6 months)	306	159,219	361	0	7	60,894	2	18		
	2573	1,411,910	4099	3	6	280,827	1	33		
						4099	3	6		
						284,927	0	39		

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.
1882....	194	65,511	111	0	12	28,399	0	29	1882....	11	1972	8	1	0	354	0	38
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....	119	39,171	342	0	19	13,335	0	35	1887....	6	2027	20	3	9	98	2	0
first 6 mos.									first 6 mos								
	1332	493,873	2090	1	11	167,794	2	23		95	23,369	83	0	10	16,672	2	17
						2090	1	11							83	0	10
						169,884	3	34							16,755	2	27

No. 6.—LEASES.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
1882.....	24	2631	5	3	3	4051	2	23
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 (first 6 months)...	15	1820	8	3	14	4420	0	27
	198.	19,344	166	2	23	32,913	2	0
						166	2	23
						33,080	0	23

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

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
1882.....	53	50,671	336	2	10	30,505	2	23
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 (first six months).....	28	20,202	164	0	2	7853	3	18
	293	273,837	1598	1	15	107,503	1	2
						1598	1	15
						109,101	2	17

No. 8.—OTHER Transactions mentioned in Statistics.

	1881.	1882.	1883.	1884.	1885.	1886.	1887. first 6 mos.
Mortgages partially discharged.....	6	12	8	35	17	23	21
Powers of Attorney.....	8	21	17	13	14	13	7
Surrenders of Lease.....	2	3	2	11	4	4	2
Transfers of Lease.....	3	1	7	4	8	8	1
Transfers by Death or Bankruptcy.....	36	42	34	43	48	38	19
Foreclosure Orders.....	1	..	..	..	..	..	..
Encumbrances.....	1	1	..	..	1	1	2
Order of Supreme Court.....	..	..	..	5	3	4	1
Provisional Certificates.....	1	3	2	..	..	2	1
Writ of <i>Fi. Fa.</i>.....	..	1	..	1	2	4	2
Registration Abstract.....	..	..	..	..	..	..	..
Office Copy.....	..	..	..	..	..	..	..
Entry of Marriage of Proprietor.....	3	..	4	4	5	4	7
Entry of Death of Annuitant.....	..	..	..	..	..	..	..
Estate in Remainder.....	..	..	..	1	3	1	2
Re-entry by Lessor.....	..	..	..	..	..	..	..
Discharge of Encumbrance.....	..	1	2	2	..	..	..
Surrender to the Crown.....	..	..	..	9	..	1	..
Discharge of Annuitant.....	..	..	..	..	..	..	1
Extension of Mortgage.....	..	..	..	..	..	..	2
Balance of Endorsement.....	..	..	..	..	..	..	7