

(No. 65.)



1875.

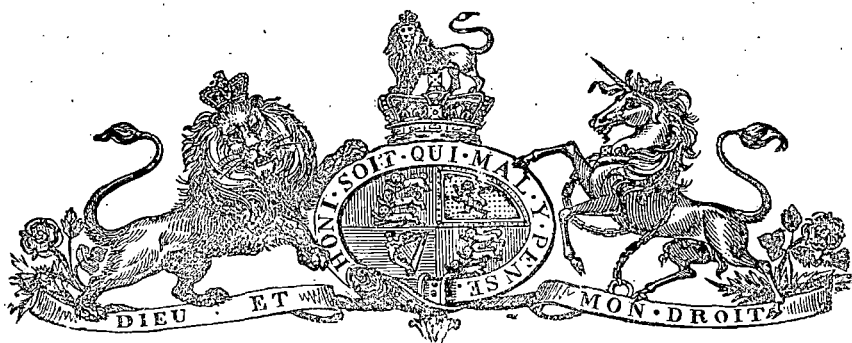
TASMANIA.

HOUSE OF ASSEMBLY.

REAL PROPERTY ACT:

**REPORT OF THE RECORDER OF TITLES ON THE WORKING OF
THE ACT FROM JULY, 1862, TO JUNE, 1875.**

Laid upon the Table by the Attorney-General, and ordered by the House to be
printed, August 20, 1875.



Lands' Titles Office, Hobart Town, 20th August, 1875.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 3rd July, calling for a Report upon the working of "The Real Property Act."

A detailed statement of the transactions of the Department in a tabular form appearing to me better calculated satisfactorily to furnish the information you desire, and also to be more valuable for reference hereafter, I have caused to be prepared, and have the honor to forward,—

1. A Return of the Applications for Certificates of Title and Grants registered, from the 1st July, 1862, when "The Real Property Act" came into operation, to the 30th June in the present year.
2. A Return of the Grants registered in each year during the same period.
3. A Return of Transfers registered during the same period.
4. A Comparative Return of Mortgages registered during the same period under the old system and under the Act.
5. A Return of Mortgages discharged and transferred under the Act during the same period.
6. A Return of Leases registered during the same period.
7. A Return of Applications on the death of Registered Proprietors registered during the same period.
8. A Return of the other transactions of the Department, mentioned in the Statistics, during the same period.
9. A Comparative Return of the Land granted and sold by the Crown and under the operation of the Act, from 1862 to 1874.
10. A Return of the Assurance Fund from 1st July, 1862, to 30th June, 1875.
11. A Return of the Office Fees during the same period.

Up to the 30th June last, the following Registrations have been effected; viz.—

- 3626 Certificates of Title and 3447 Grants, including 9224 acres Town Allotments and 564,992 acres Country Lands, of the aggregate value of £1,137,529.
- 1276 Mortgages, securing £502,231.
- 1354 Transfers, conveying 1955 acres Town and 164,536 acres Country Lands, for the sum of £318,672.
- 490 Discharges of Mortgages, involving £185,652.
- 59 Transfers of Mortgages, involving £39,604.
- 65 Leases, of 88 acres of Town and 28,173 acres Country Lands.

A comparison with the figures contained in the Report of my predecessor, Mr. Tarleton, of the 5th July, 1870, (see House of Assembly Journals, Session 1870, Paper No. 26) shows the following results:—

	<i>From 1st July, 1862, to 1st July, 1870.</i>				<i>From 1st July, 1870, to 1st July, 1875.</i>			
	NO.	VALUE.	AREA.		NO.	VALUE.	AREA.	
			Town and Suburbs.	Country.			Town and Suburbs.	Country.
Certificates of Title.....	1908	£ 750,894	4730	302,103	1354	£ 386,635	4494	262,889
Grants.....	1645				1802			
Mortgages.....	644	275,623	—	—	626	226,608	—	—
Transfers.....	503	134,648	903	41,834	791	184,024	1052	122,702
Discharges of Mortgages..	169	76,554	—	—	321	109,098	—	—
Transfers of Mortgages...	24	13,186	—	—	35	26,418	—	—
Leases.....	43	—	70	10,319	22	—	18	17,854

It will be seen that, taking into consideration the difference in the length of the periods, a large increase has taken place in the number of the transactions. This increase seems to me, however, more properly to be ascribed to the larger area of land annually coming under the Act owing to the issue of new Grants (see Return No. 9), and the subdivision of property already under the Act, than, as might be desired, to alienated land being brought under its operation (see Return No. 1.).

On this subject I may be permitted to make the following observations explanatory of the reasons which, in my view, have made the Act less popular than otherwise it would have been. I understand the three great recommendations of the system to be, simplicity, cheapness, and rapidity; and of these the latter is, in my opinion, the most important and the one best calculated to bring the system into general use.

I venture respectfully to suggest that a mistaken economy in the constitution of the Department has been practised since its establishment, and that the strength of the Department has never been, and is not, adequate to permit the most essential element of the system to be properly developed and brought prominently before the public. It is obvious that the more rapidly property was brought under the Act the sooner the Department would have become self-supporting, if not a source of revenue.

The business of the Office cannot, in my opinion, be considered to be conducted efficiently and as profitably as it might be, until the strength of the Department will permit every transaction (except where delay is involved, as advertising, &c.) to be completed, as a rule, on the day of, or that following, its receipt.

To effect this it would be absolutely necessary that the time and energy of the Solicitor, if not also of the Recorder, should be devoted exclusively to the duties of the Department, and a sufficient and competent staff would be requisite. As at present constituted, the Department involves a certain annual expenditure without at the same time being sufficiently strong to derive the full benefit which would result from a more thorough development of the advantages of the system.

These observations naturally lead to a few remarks on the cost of the Department, which appears in the proposed Estimates for 1876 at nominally £1464. This amount, however, should be reduced by the sum of £175 not strictly chargeable to the Lands' Titles Department proper, leaving £1289, which, if credit be given to the Department for interest on the Assurance Fund, will be again reduced to £1148; and this sum will be further reduced, if credit be given for Office fees at the rate which most probably will be received for the current year, to £289.

It will thus be seen that the Department at the present time is almost self-supporting, and this without any allowance in respect of the other offices held by the Solicitor being made in the charge against the Department for that Officer's salary. Again, the expenditure under the head of "Registrar of Deeds" is included in the sum of £1464. If the receipts of that Department be added to those of the Lands' Titles, it will be found that both Departments, taken together, are more than self-supporting.

In conclusion, I have to draw attention to the fact that it appears from Return No. 3 that one-third (about) in value of the Mortgages on property in the Colony is now effected through the medium of the Lands' Titles Office; and I firmly believe that if the Department were maintained at such a strength as would enable the transactions to be completed with the rapidity which I understand to be the most essential element in the system, an immediate increase in the business would follow, to the advantage of the General Revenue.

I have the honor to be,

Sir,

Your obedient Servant,

H. J. BUCKLAND, *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.
1862..... (last 6 months)	63	35,919	444	2	17	6190	0	0
1863.....	226	137,094	670	3	8	20,825	3	15
1864.....	247	111,799	402	0	39	32,408	1	1
1865.....	235	88,003	392	2	3	25,949	2	30
1866.....	201	107,154	388	2	28	21,685	3	14
1867.....	190	69,278	307	0	35	14,147	0	35
1868.....	170	65,900	230	1	35	15,060	3	30
1869.....	106	24,946	156	0	7	5162	0	18
1870.....	110	26,559	338	3	13	5136	1	10
1871.....	109	69,576	172	2	28	12,919	0	8
1872.....	110	38,043	231	2	8	7594	0	29
1873.....	118	35,921	204	1	31	7688	3	18
1874.....	88	24,788	192	2	35	5428	1	26
1875..... (first 6 months)	52	32,358	68	3	18	5343	1	1
			4201	2	25	185,539	3	35
						4201	2	25
	2025	£867,338	TOTAL			189,741	2	20

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No. 2.

GRANTS Registered.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
1862..... (last 6 months)	42	1616	78	3	7	1445	0	9
1863.....	214	10,248	449	3	30	11,114	0	9
1864.....	154	11,833	227	2	26	14,859	1	34
1865.....	254	15,848	458	3	8	26,305	2	19
1866.....	298	14,652	342	2	33	25,474	1	6
1867.....	206	7475	201	0	21	13,810	3	2
1868.....	138	11,923	207	3	7	17,010	0	20
1869.....	146	17,788	154	2	7	24,013	0	0
1870.....	166	17,211	198	3	7	25,679	0	36
1871.....	194	29,168	95	3	3	47,690	2	34
1872.....	230	31,521	223	3	22	45,125	3	32
1873.....	471	40,447	1350	2	38	50,042	1	30
1874.....	567	44,435	788	0	9	56,607	3	16
1875..... (first 6 months)	166	16,026	244	0	37	20,273	2	38
			5023	0	5	379,452	1	5
						5023	0	5
	3246	£270,191	TOTAL			384,475	1	10

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No. 3.

TRANSFERS.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1862..... (last 6 months)	1	£ 60	1	0	25	—	—	—
1863.....	29	4587	47	3	26	781	0	17
1864.....	47	16,162	88	2	8	3766	2	15
1865.....	79	24,269	116	0	21	5917	0	1
1866.....	57	17,692	100	1	10	4887	1	35
1867.....	99	19,590	166	0	16	4667	3	36
1868.....	111	21,485	204	1	24	13,186	2	36
1869.....	97	18,779	75	0	27	2712	1	11
1870.....	116	18,152	198	3	7	25,679	0	36
1871.....	155	23,659	176	2	10	7326	1	35
1872.....	145	27,507	156	2	39	36,308	0	0
1873.....	137	49,499	206	3	12	20,652	0	37
1874.....	170	42,677	184	3	16	24,427	3	5
1875..... (first 6 months)	111	34,554	232	1	24	14,223	1	6
			1955	3	35	164,536	0	30
						1955	3	35
	1354	318,672	TOTAL			166,492	0	15

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No. 4.

MORTGAGES REGISTERED.

UNDER REAL PROPERTY ACT.						UNDER OLD SYSTEM.				
YEAR.	NO.	VALUE.	AREA.							
			Town and Suburbs.			Country.			NO.	VALUE.
			A.	R.	P.	A.	R.	P.		
1862 (last 6 months) ..	7	£ 4522	30	2	21	1139	3	10	172	78,798*
1863.....	39	36,291	89	1	13	5780	1	9	234	218,214
1864.....	60	34,251	91	2	10	14,147	3	0	205	165,132
1865.....	88	39,297	122	1	19	17,138	1	20	186	126,280
1866.....	113	46,756	130	0	10	23,433	3	36	203	109,352
1867.....	86	37,942	187	0	7	22,178	1	18	222	122,198
1868.....	102	30,471	125	0	23	16,290	0	2	251	156,310
1869.....	101	35,412	117	1	39	17,364	1	1	269	145,690
1870.....	117	46,341	301	3	25	33,043	2	24	234	139,138
1871.....	139	41,487	124	1	28	18,681	3	26	254	129,336
1872.....	127	40,553	171	3	16	18,649	0	12	250	119,537
1873.....	117	53,880	126	2	0	18,894	0	6	250	175,531
1874.....	121	36,393	133	1	9	16,287	1	2	219	113,780
1875 (first 6 months)..	53	18,635	64	1	15	9678	2	33	116	119,766
			1865	3	35	232,712	1	39		
						1865	3	35		
	1270	502,231				234,578	1	34	3065	1,919,062

* One-half of No. and Value for the whole year.

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No. 5.

MORTGAGES.

DISCHARGED.					TRANSFERRED.													
YEAR.	NO.	VALUE.	AREA.			NO.	VALUE.	AREA.			YEAR.							
			Town and Suburbs.		Country.			Town and Suburbs.		Country.								
			A.	R.	P.			A.	R.	P.		A.	R.	P.				
1862 (last 6 months) ..	—	—	—	—	—	—	—	—	—	1862 (last 6 months)								
1863.....	—	—	—	—	—	—	—	—	—	1863								
1864.....	8	3050	40	1	17	0	2	0	0	0	37	1864						
1865.....	15	6357	18	1	13	2578	0	15	0	1	9	70	2	0	1865			
1866.....	23	13,681	6	1	1	7151	2	0	0	0	15	4	2	36	1866			
1867.....	25	10,422	63	1	13	10,126	3	17	0	2	6	406	0	4	1867			
1868.....	39	9522	136	2	3	1521	0	36	1	0	22	3208	3	2	1868			
1869.....	35	21,394	26	2	6	12,580	2	5	0	3	13	769	2	4	1869			
1870.....	49	20,116	112	0	31	6762	0	36	2	0	34	705	2	17	1870			
1871.....	60	21,359	117	3	17	5822	1	19	55	1	6	3494	1	0	1871			
1872.....	50	18,906	24	1	34	4747	0	20	14	0	4	918	1	21	1872			
1873.....	82	32,618	73	0	31	12,246	3	24	2	2	29	3317	0	0	1873			
1874.....	68	21,180	220	3	14	9081	1	32	—	—	—	10,480	0	0	1874			
1875 (first 6 months) ..	36	7047	45	1	26	887	1	6	5	5	15,695	—	—	—	372	2	0	1875 (first 6 months)
			885	1	6	73,506	0	10	77	1	15	23,747	1	4				
						885	1	6				77	1	15				
	490	185,652				74,391	1	16	59	39,604		23,824	2	19				

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No. 6.
LEASES.

YEAR.	NO.	VALUE.	AREA.							
			Town and Suburbs.			Country.				
			A.	R.	P.	A.	R.	P.		
1862..... (last 6 months)	—	—								
1863.....	1	1080	4	3	17					
1864.....	7	559	0	3	31	125	0	0		
1865.....	11	1280	37	0	24	5195	2	10		
1866.....	4	124	12	2	0	656	2	0		
1867.....	6	403	1	1	27	1305	2	7		
1868.....	8	267	20	1	33	777	0	0		
1869.....	4	128	0	3	15	209	0	0		
1870.....	5	705	0	0	26	6926	1	35		
1871.....	3	59				219	3	0		
1872.....	2	162	8	1	4					
1873.....	7	695	1	1	39	2658	0	9		
1874.....	5	290	0	2	0	7898	2	0		
1875..... (first 6 months)	2	120				2202	2	0		
			88	2	16	28,173	3	21		
						88	2	16		
	65	5872	TOTAL			28,262	1	37		

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No. 7.

APPLICATIONS on Death of Registered Proprietor.

YEAR.	NO.	VALUE.	AREA.							
			Town and Suburbs.			Country.				
			A.	R.	P.	A.	R.	P.		
1862..... (last 6 months)	—	—								
1863.....	—	—								
1864.....	1	200	2	0	3					
1865.....	—	—								
1866.....	2	533	22	1	33					
1867.....	1	1175	0	0	20					
1868.....	3	1480	2	2	39	1350	0	0		
1869.....	4	1041	0	2	8	859	0	0		
1870.....	7	5140	4	1	18	1336	0	0		
1871.....	13	26,218	14	2	21	10,290	3	21		
1872.....	13	4584	38	0	30	4715	3	7		
1873.....	11	5154	46	3	19	857	0	37		
1874.....	10	4826	2	3	37	3587	2	22		
1875..... (first 6 months)	4	5401	30	2	11	5085	2	0		
			165	1	39	28,082	0	7		
						165	1	39		
	69	55,752	TOTAL			28,247	2	6		

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No. 8.

OTHER transactions mentioned in the Statistics.

	1862. (last six months.)	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875. (first six months.)	TOTAL.
Mortgages partially discharged	9	1	..	3	1	4	1	19
Powers of Attorney	2	2	5	1	1	5	3	3	5	4	2	33
Surrenders of Lease	2	..	..	..	1	3	2	1	1	1	..	11
Transfers of Lease	1	..	..	..	..	..	..	..	..	..	..	..	1
Transfers by Death or Bankruptcy	2	6	..	2	3	17	2	7	4	43
Foreclosure Orders	1	..	..	..	..	..	..	..	..	..	..	1
Encumbrances	3	..	..	..	..	..	..	..	..	..	3
Order of Supreme Court	1	..	..	..	1
Provisional Land Grant	1	1
Writ of <i>Fi. Fa.</i>	1	1
Registration Abstract	1	1
Office Copy	1	1

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No. 9.

LAND under the Real Property Act.

	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Land granted or sold by the Crown	3,335,239	3,413,810	3,555,191	3,647,305	3,709,595	3,739,766	3,763,067	3,782,542	3,806,301	3,837,185	3,863,350	3,905,485	3,982,003
Land under Act	8158	41,219	89,116	142,223	190,114	218,581	251,090	280,576	311,929	372,807	425,983	485,269	548,286
	<i>i.e.</i> $\frac{1}{409}$	$\frac{1}{33}$	$\frac{1}{40}$	$\frac{1}{25}$	$\frac{1}{20}$	$\frac{1}{17}$	$\frac{1}{15}$	$\frac{1}{13}$	$\frac{1}{12}$	$\frac{1}{10}$	$\frac{1}{9}$	$\frac{1}{8}$	$\frac{1}{7}$

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No. 10.

ASSURANCE FUND.

Collected in—	£	s.	d.	Collected in—	£	s.	d.
1862, (last 6 months)	73	9	6	1869	41	4	9
1863	282	4	8	1870	52	18	8
1864	242	17	7	1871	125	3	8
1865	202	4	2	1872	76	0	0
1866	226	1	4	1873	72	3	7
1867	130	12	7 ^½	1874	66	13	10
1868	76	16	8	1875, (first 6 months)	56	18	5

The Assurance Fund on the 1st July, 1875, consisted of Twenty-five (25) Debentures of the value of £100 each, and an uninvested balance of £64 6s. 9d.

* In 1867 the contribution to the Assurance Fund was reduced from $\frac{1}{2}d.$ to $\frac{3}{4}d.$

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No. 11.

OFFICE FEES.

Collected in—	£	s.	d.	Collected in—	£	s.	d.
1862, (last 6 months)	100	3	0	1870	531	7	0
1863	400	17	0	1871	665	2	6
1864	435	14	0	1872	629	4	6
1865	506	19	0	1873	678	10	6
1866	460	0	0	1874	735	11	6
1867	511	19	8	1875, (first 6 months)	429	15	0
1868	577	9	4				
1869	457	15	4				
					£7120	8	4

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