

(No. 45.)



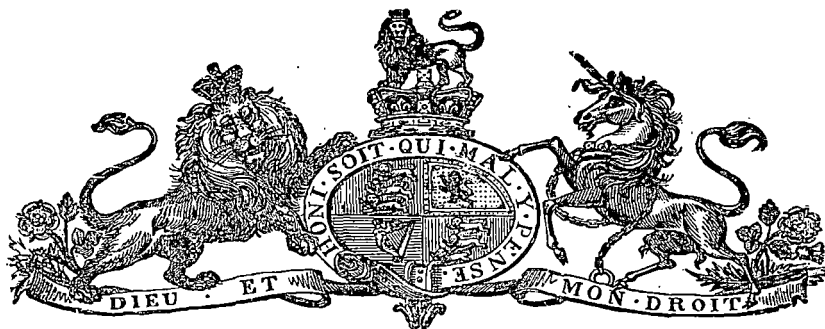
1893.

PARLIAMENT OF TASMANIA.

RECORDE OF TITLES:

REPORT FOR 1892.

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



Lands' Titles Office, Hobart, 16th March, 1893.

SIR,

I HAVE the honor to submit to you the Annual Report on this Department for the year ending 31st December, 1892.

The income for the year was £3569 2s. 6d., being £265 11s. 2d. in excess of that of the previous year, and only £40 less than the amount which in 1891 I estimated that it would realize.

The receipts for June were £382, the highest amount reached for any one month since the Office was first opened for the transaction of business, while the receipts for the half-year ending 30th of that month exceeded those of the corresponding half of 1891 by £302.

The total expenditure for the year has been £3021 10s. 6d., which includes a sum of £220 19s. 2d. the cost of advertising Applications, but which is paid by the Applicants, and thus forms no charge upon the revenue. This reduces the actual or real cost of the Department on all accounts to £2800 11s. 4d. In connection with the advertising I should state that the present course of providing for it on the Estimates by setting down a sum of £250 unnecessarily swells the apparent expenditure of the Department, and in this respect is misleading. This might be altered, I think, with advantage by adopting one of two courses, viz.—(first) by returning to the original practice under which the Recorder settled the advertising accounts with the newspapers out of the moneys collected by him for that purpose without accounting to the Treasury for them otherwise than at intervals for any unclaimed surplus thereof, or (secondly) by letting the applicants make their own arrangements for payment directly with the newspaper proprietors indicated by the Recorder, as is done in Victoria.

The surplus income contributed to the Revenue for the year was £547 12s. 0d. Here it may not be out of place to point out that for some years past this Department has not only been entirely supported by the class of persons who are interested in land under "The Real Property (Torrens) Act," but they have also in addition contributed a handsome amount to the Revenue—something considerably over £3500 in the last six and a half years. When it is remembered that this Office was not established for revenue purposes, but for the conduct of the business brought into existence by the Act referred to—that is to say, the registration of transactions affecting land held under Torrens' system or being brought thereunder, and that those interested in such transactions are the one class of the community by whom alone the cost of the working of this Department is borne—it is apparent that it must become a question sooner or later whether the fees should not be reduced to an amount to cover working expenses only, or whether surplus income should not be otherwise applied to give Torrens' title holders additional facilities for the conduct of their affairs by providing more convenient and accessible offices with the additional strong-room accommodation which will be required in the near future, and to which I specially referred in my Report for 1891 (Parliamentary Paper No. 76 of 1892.) For similar reasons those interested in land under this system have a right to insist that this Department shall be maintained in a condition of efficiency capable of dealing with reasonable despatch with their business by the continued maintenance of an adequate staff.

During the past 10 years the receipts of the Department have increased from £1598 to £3569 in 1892, while the expenditure for salaries during the same decade has increased from £2305 to £2719, or, in other words, the income and work have increased 132 per cent., while the expenditure for salaries has only increased not quite 19 per cent. This must be considered satisfactory and I am sure any private individual would be extremely glad to extend business operations on similar terms.

I submit that I have shown sufficient grounds to justify me in expressing the hope that the question of economising by either numerical reduction or amalgamation of offices with any other Department will not be entertained, as it must lead to a perfunctory and unsatisfactory discharge of the business of those whose interests, entirely supported at their own expense, should not be sacrificed for the benefit of a temporarily depressed revenue to which it has already contributed and will continue to contribute so much.

455 purchase grants from the Crown were registered, covering an area of 26,806 acres of land of the value of £32,889 and 4226 acres of land of the value of £75,386 were brought under the provisions of "The Real Property Act," *i.e.*, the titles to them were converted from the "old system" into "Torrens" titles.

The total area of land held under the Real Property Act on the 31st December last was 1,214,601 acres, valued at £2,747,684 when first appearing on the Register-book, but, as the total area of land alienated from the Crown at the same date was about 4,756,304 acres of the value of £21,256,538 the actual value of the lands under the said Act probably is roughly nearer £5,428,000 proportionally and for many other reasons, among which must be prominently reckoned the large number of cases where lands have been brought under the Act and mere holding titles have been converted into legal and marketable ones. It will thus be seen that the work of the Department must be ever increasing with the increase of area of land over which it has jurisdiction, and that the staff as years roll on must necessarily from time to time be strengthened accordingly. I have postponed this as much as possible by the revision of forms and by the adoption of certain improvements which I observed in the Melbourne Transfer of Land Office, but this of course has a limit.

Roads are seldom constructed on the exact lines reserved for them in Grant Deeds, and this, coupled with incorrect survey work in the past, is a constant source of inconvenience in Titles. The former difficulty might easily be overcome by the adoption of a simple remedy which I had the honor to recommend in the year 1888—*viz.*, that in such cases, and where deviations are necessary, the Crown should give to the subject a grant of the whole of the old reserved line of road in exchange for the transfer from the latter of the whole line of road as actually made. This would place both parties in their proper position, and save landowners the annoyance and inconvenience, to say nothing of possible expense, to which they in many cases must be otherwise subjected. The difficulties arising from incorrect survey work in the past can only be smoothed away by time and an Inspecting Surveyor.

The Assurance Fund, which has now been accumulating for upwards of 30 years, amounted to £9399 18s. 11d. on 31st December last, and so far no claim has been made upon it. My views as to the necessity for the maintenance of this fund inviolate having been fully stated in several previous Reports, I need not give further expression to them here.

The following Table shows the principal Instruments received by this Office to be dealt with during the year 1892:—

Nature of Instrument.	Number received.	Area of Lands, Town and Country.	Value of Lands affected.
		ACRES.	£
Transfers.....	886	57,711	210,437
Mortgages.....	863	88,146	386,389
Grant Deeds prepared at Crown Lands Office and registered here.....	455 (in duplicate)	26,807	32,889
Applications to bring Land under "The Real Property Act," and for Grants of Land held under Location Orders as roots of Title.....	82	4226	75,386
Certificates of Titles on Application or on Transfers.....	969 (in duplicate)	...	...
Certificates of Titles by Endorsement.....	220	...	...

Further detailed Returns of the work of the year are hereunto annexed:—722 Surveyors' plans have been examined and checked by mathematical computation. This involved a considerable amount of skilled labour and responsibility, as Surveys for "The Real Property Act" are required to be exceptionally accurate, and for this reason it is very properly provided in the Government Regulations for the guidance of authorised Surveyors issued by the Deputy Surveyor-General, on the 1st January, 1890, that after that date "Authority to practice under 'The Real Property Act' will be regarded as the highest credential the Surveyor-General can bestow, and will only be given to experienced and reliable Surveyors."

When opportunity has served, the draftsmen have been employed in colouring-up country and town plans so as to show the lands held under the Real Property Act. This work is very important for reference generally, especially on applications to bring land under the Act where portions of original grants are affected, and to further facilitate "Searching," which had already been much simplified by the introduction of the Lexicographical Index to the names of the owners of land, which is now complete to the end of 1892. Unfortunately the opportunities to take up this work are few owing to the draftsmen being fully employed in their daily routine work. In addition a considerable amount of their time is taken up in the course of the year in preparing tracings for those requiring them and for which no charge is authorised by the Schedule of Fees to the Real Property Act. Occasionally one of these will occupy a draftsman for a day. In such cases I really think some reasonable charge should be made.

The Lands' Titles Commissioners have held 48 meetings, and dealt with 187 applications of various kinds.

Mr. R. F. Young, the Accountant, has issued an Appendix to his "Guide for the Computation of Fees and Stamp Duty" so as to bring it in accord with "The Stamp Duties Amendment Act, 1892." All usually having business connected with this Office or the stamping of deeds will find the small outlay for Guide and Appendix will well repay them.

I have to thank the Legal Profession for the invariable and courteous co-operation which they have extended to me in my administration of the Real Property and relative Acts.

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 Titles and Grants.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1888.....	113	£ 66,773	166	1	6	5774	3	14
1889.....	105	71,525	194	3	10	10,308	0	6
1890.....	76	72,851	93	2	1	4341	3	5
1891.....	101	90,687	244	1	31	7436	1	3
1892.....	82	75,386	204	3	25	4021	2	28
	477	377,222	903	3	33	31,892	2	16

No. 2.—*GRANTS Registered.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1888.....	563	£ 61,571	580	0	2	45,967	3	28
1889.....	502	37,415	3815	2	17	30,373	3	4
1890.....	523	38,270	659	0	0	27,076	1	0
1891.....	470	46,888	630	3	36	44,915	2	13
1892.....	455	32,889	310	3	0	26,496	2	25
	2513	217,033	5996	1	15	174,830	0	30

No. 3.—*TRANSFERS.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1888.....	1076	£ 211,327	1172	0	28	47,006	1	22
1889.....	1028	230,119	784	3	36	82,362	1	15
1890.....	1106	276,513	1037	0	12	67,553	3	33
1891.....	967	217,955	1209	2	38	49,260	2	29
1892.....	886	210,437	886	3	37	56,824	1	5
	5063	1,146,351	5090	3	31	303,007	2	24

No. 4.—*MORTGAGES registered.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1888.....	918	£ 373,318	1172	0	28	96,066	2	35
1889.....	826	377,681	623	0	10	54,806	2	1
1890.....	913	332,824	1483	1	31	93,640	1	37
1891.....	790	429,559	823	3	9	102,465	2	34
1892.....	863	386,389	1309	3	32	86,836	0	16
	4310	1,899,771	5412	1	30	433,815	2	3

No. 5.—*MORTGAGES.*

DISCHARGED.					TRANSFERRED.												
YEAR.	NO.	VALUE.	AREA.														
			Town and Suburbs.			Country.											
			A.	R.	P.	A.	R.	P.									
1888.....	363	£ 228,482	445	1	18	38,439	0	11	1888...	15	7607	2608	3	2	622	1	28
1889.....	351	100,961	1006	0	17	25,993	3	15	1889...	28	9945	35	2	39	12,152	0	27
1890.....	423	184,527	817	1	12	41,532	2	29	1890...	22	4866	56	3	8	2066	1	23
1891.....	412	159,548	92	1	0	28,910	1	4	1891...	33	20,543	58	0	15	11,833	0	30
1892.....	403	141,311	408	3	14	55,498	2	28	1892...	59	16,158	99	1	10	14,142	0	21
	1952	814,829	2769	3	21	190,374	2	7		157	59,119	2858	2	34	40,816	1	9

No. 6.—*LEASES.*

YEAR.	NO.	VALUE PER ANNUM.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1888.....	51	£ 22,510	569	2	1	11,967	3	8
1889.....	34	3477	32	3	35	10,185	0	33
1890.....	37	4356	4	1	1	19,584	2	8
1891.....	28	7819	5	2	1	38,211	3	11
1892.....	50	12,623	90	3	28	10,427	3	35
	200	50,785	703	0	26	90,377	1	15

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

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1888.....	57	£ 36,707	1312	1	21	10,917	0	24
1889.....	84	55,119	237	0	29	20,621	1	19
1890.....	88	60,953	300	1	29	13,957	1	22
1891.....	70	31,395	250	1	26	9230	2	1
1892.....	86	88,423	226	0	38	14,196	1	28
	385	272,597	2326	2	23	68,922	3	14

No. 8.—*OTHER Transactions mentioned in Statistics.*

	1888.	1889.	1890.	1891.	1892.
Mortgages partially discharged.....	43	26	...	66	93
Powers of Attorney	40	31	25	34	51
Surrenders of Lease	7	..	5	11	7
Transfers of Lease.....	12	2	2	9	14
Transmission by Death or Bankruptcy	49	58	34	69	112
Foreclosure Orders.....	..	1	..	1	2
Encumbrances .....	..	..	1	7	3
Orders of Supreme Court.....	7	..	1	2	..
Provisional Certificates of Title .....	..	4	1	3	2
Writs of <i>Fi. Fa.</i> and Warrants of Execution	6	2	8	8	7
Office Copies .....	..	..	..	9	3
Entries of Marriage of Proprietor	6	7	11	8	7
Entry of Death of Annuitant .....	..	1	..	..	1
Estate in Remainder .....	..	..	..	3	..
Re-entry by Lessor	1	..	1	..	1
Discharges of Encumbrance.....	..	..	..	2	..
Surrender to the Crown.....	..	..	..	..	3
Discharges of Annuity	2	1	2	1	..
Extensions of Mortgage	2	2	..	2	11
Certificates of Title by Endorsement.....	..	..	..	259	220
Entry of Encumbrance	1	..	..	..	..
Certificates of Title in duplicate .....	..	..	1168	982	969