

(No. 26.)



1870.

TASMANIA.

LEGISLATIVE COUNCIL.

LAND TRANSFER BY REGISTRATION.

DESPATCH, AND REPORT OF RECORDER OF TITLES.

Laid upon the Table by Mr. Wilson, and ordered by the Council to be printed,
August 23, 1870.



Downing-street, 25th February, 1870.

SIR,

As the system of Land Transfer by Registration continues to be a subject of considerable interest in this country, I shall be obliged to you for such reports or statements as you can procure for me from the Registrar-General, Attorney-General, or other proper and competent Officers in the Colony under your Government with reference to the working and efficiency of the system as there established,—noticing any proposals for the amendment of the Law on this subject (either in principle or in detail) which experience may have suggested as likely to conduce to its improvement.

Among the points on which it may be of advantage to have information, I may mention the following:—

1. Whether indefeasibility of Title has been practically secured under the Law in force in your Colony, or whether the Courts of Law or Equity have upset, and if so, upon what grounds, any Title which has been registered under such Law.
2. Whether, in such case, the person establishing his claim has been restored to his estate or interest in the property, or has received money compensation.
3. Whether such money compensation is payable by the Government from an Insurance Fund established for that purpose; and whether the contributions to such Fund (stating the rates at which they are made) have been sufficient, and are expected to be sufficient, to meet the claims upon it.
4. Whether persons availing themselves of the provisions of the Act have, as a general rule, recourse to legal advice, and whether it is considered that they do so unnecessarily, or that their expenses are thereby much increased.
5. What proportion of the land alienated from the Crown in your Colony is under the Act; and have complicated Titles been registered?
6. How has the Law worked in respect of Mortgages and Leases.

I have, &c.

(Signed) GRANVILLE.

The Officer Administering the Government of Tasmania.

WILL the Recorder of Titles peruse the accompanying copy Despatch from Earl Granville, and favour me with a Report on the working of "The Real Property Act" (25 Vict. No. 16) from its commencement to the present time? The Report should be full and complete, and might embrace not only specific answers to the queries put by Earl Granville, but also such remarks and suggestions as the experience of the past seven years may dictate. The Report will thus be valuable to the Executive Government and the Parliament, as well as enable me to furnish the material for a reply to this Despatch.

W. R. GIBLIN.

20 June, 1870.

Hobart Town, 5th July, 1870.

SIR,

I HAVE the honor to acknowledge the receipt of your minute of the 20th ultimo, enclosing a copy of Earl Granville's Despatch of the 25th February last, and requesting me to furnish you with such a full Report as to the working of "The Real Property Act" in this Colony as may supply the material for a reply to His Lordship's inquiries.

Your instructions will, I think, be best fulfilled, and Lord Granville's questions most satisfactorily answered, by giving a brief history of the progress and working of the Act since its introduction down to the present time, accompanied by detailed particulars and examples of the mode in which each kind of transaction in land is carried into effect.

The principle of Land Transfer by Registration had been propounded by Mr. Torrens, and passed into law for more than three years in South Australia, when the attention of the landholders of this Colony was called to the merits of the system by the delivery of some able and lucid lectures on the subject by its originator, Mr. Torrens, whilst on a visit to Tasmania. Struck with the promise of simplicity and consequent economy held out by this new method of conveyancing, a number of intelligent colonists took up the question with energy, and a warm agitation was set on foot to procure the introduction of a similar measure to Tasmania. The then Attorney-General, Mr. Byron Miller, was induced to bring the Bill into Parliament; and, in spite of much opposition, "The Real Property Act," identical both in principle and detail with the Adelaide Act, was passed into law in the early part of 1862, and came into operation, under my charge, on the 1st of July of that year.

It could not be expected that a system entirely new to the bulk of the landholders and capitalists of the Island, which moreover was both distrusted and disliked by their legal advisers, should at once start into full activity. Nevertheless a satisfactory amount of business was transacted even during the first twelve months; and from that time forward, in spite of all opposition, the progress of the new Act has been steady, uninterrupted, and as rapid as could be expected, during a period of acknowledged depression of all the most important interests of the Colony.

Up to the 1st of the present month the following Registrations have been effected; viz.—

- 1908 Certificates of Title, and 1645 Grants, including 4730 acres Town Allotments and 302,103 acres Country Lands, of the aggregate declared value of £750,894.
- 644 Mortgages, securing £275,623.
- 563 Transfers, conveying 903 acres Town, and 41,834 acres Country Lands, for the sum of £134,648.
- 169 Releases of Mortgages, involving £76,554.
- 24 Assignments of Mortgages, involving £13,186.
- 43 Leases of 70 acres Town and 10,319 acres Country Land.

This large amount of business—amply sufficient it must be conceded to test the merits of the Act—has, by the exercise of proper care, been transacted with perfect ease and thorough safety. When the Act came first into operation, an impression appeared to prevail, especially on the part of the legal profession, that any sort of evidence of ownership would pass current at the Real Property Office, and that the chief uses of the new system were to remedy dangerous and defective Titles by exchanging them for indefeasible Certificates under the Act.

This idea, however, was speedily dispelled. The Solicitor to the Department submitted every case to a strict scrutiny; and it was soon found that the Lands' Titles Commissioners refused to pass any application which was not based upon a fair marketable, or, at the least, a good holding Title. If by this cautious method of conducting business some slight amount of property has been rejected, the all important element of security has been preserved; and I am thus enabled with sincere satisfaction to report that no Title given through this office has been disputed or in any way impugned, and that consequently no demand has as yet been made against the Assurance Fund.

To the first two questions put by Lord Granville I am therefore unable to give a reply, as the Courts of Law have not been called upon to review any Title registered under "The Real Property Act," nor to give any decision as to the indefeasibility of such Titles.

In the event, however, of compensation being in any case awarded for unjust deprivation of property, the amount would be payable from an Assurance Fund established for that purpose by a contribution of $\frac{1}{4}d.$ in the £1 on the declared value of all property brought under the Act, or afterwards transmitted. This contribution was in the first instance $\frac{1}{2}d.$; but, on my recommendation, it was reduced in 1867 to the present rate, which I am of opinion will amply suffice, so

long as the Act is administered with due caution, to meet all demands likely to be made against the Fund. This now amounts to £1650, and, as this sum is invested in Debentures at 6 per cent. interest, it will, if unmolested, rapidly accumulate.

At least four-fifths of the operations I have above detailed have been transacted by the staff of the Department without the intervention of any legal adviser. Hence it is manifest that legal assistance is in most cases wholly unnecessary; and as the same Registration Fees are charged in all, whether brought direct to this office or through the hands of a Solicitor, it is clear that the expenses of those who employ lawyers are increased to the extent of whatever charges are made by the latter.

From a Return obtained from the Survey Office it appears that the total amount of land alienated from the crown is 3,782,542 acres. The lands registered under "The Real Property Act," 306,834 acres, form therefore nearly one-twelfth of the whole. As pieces of old granted property are constantly being brought under the Act,—and the Grants for all lands alienated hereafter must also be registered in accordance with its provisions,—it is obvious that, by this twofold process, the proportions of the property held under the old and new systems must from year to year materially alter in favour of the latter.

Tasmania having now been settled for nearly 67 years, the Titles to property are in many cases long and intricate; and not a few of these have passed through this office. No great trouble, however, has arisen in dealing with them; and the result of my experience on this point is that, so long as a Title is really sound, its length or complication is of no great moment, and presents no serious difficulty. I may add that it is precisely in these cases, where bulky piles of Deeds—liable to loss, and utterly unintelligible to the vulgar, entailing lengthy abstracts of Title, and heavy law charges upon every dealing with the property—are exchanged for a simple Certificate of Title, that the greatest sense of relief is experienced by the landowner. I append some examples of the Solicitor's Reports in cases which have been brought before the Lands' Titles Commissioners, which will serve to show the nature of Titles we have frequently to deal with.

The ease and expedition with which Mortgages, Transfers, Leases, &c. are effected, constitute one of "The Real Property Act's" greatest advantages. Instead of the slow process of inquiring into the Title of the mortgagor or vendor, carried on by lawyers under the old method of conveyancing,—instead of the inevitable delay and expense occasioned by furnishing Abstracts of Title, and by the preparation of long and costly Deeds,—the whole transaction under the new system can be completed in a few minutes, without the aid of legal advice, and at the very trifling expense of the Registration Fees. In fact, it is an every day occurrence for parties to come to the office, sign the proper forms filled up by the Clerk according to their instructions, pay over the purchase money or the amount lent there and then at the counter, and walk off with their business completed. It is almost needless to point out what an important advantage this combination of speed and cheapness must be to landholders of all classes.

Nor are the means of releasing or assigning Mortgages less simple,—a mere short endorsement on the instrument in either case effecting the desired object in a few minutes:

The process of foreclosure upon default is also simple, speedy, and effectual. Leases are registered with the same facility,—usual and ordinary covenants being condensed by the use of abbreviated terms prescribed by the Act,—special agreements only being set forth in full.

The manner in which each kind of transaction is conducted is as follows:—

I. *Application.*—When a proprietor desires to bring his land under the Act, he is required to fill up the Form marked A. (*Vide* Appendix.) With the aid of the marginal notes any person of ordinary education should be able to do this for himself, but the clerks in the office are instructed to assist persons in doing so where required. The applicant, having signed it and made the necessary declaration, deposits it, together with his Title Deeds, with the Chief Clerk in the office. The latter, after having entered it in the Application Book, passes it on to the Solicitor, with the accompanying Deeds, for examination and report. When the latter has thoroughly scrutinised the evidence of Title, and the Draftsman has also carefully examined the description and boundaries of the land claimed, the case is brought before the Lands' Titles Commissioners; when, if passed, the property is ordered, according to circumstances, to be either at once brought under the Act, or to be advertised for some specified period. At the expiration of the time fixed, if no Caveat has been in the mean time entered, Certificates of Title in duplicate are drawn out in the Form marked B. One of these is bound up in the Register Book, and the other issued to the proprietor; and thenceforth the land is lifted out of the old law of conveyancing, and can only be dealt with under the new. There is one valuable feature in this proceeding to which I would call special attention, namely, the power given by the Act to the applicant to order his property to be registered in the name of a third person. Thus the application can be made to operate as a conveyance; and I believe I shall be

correct in saying that at least one-third of the land brought under the provisions of the Act has in this manner changed hands in the process.

II. *Transfers*.—These are effected simply by the execution before a witness of the Form marked C. When this is entered in the Register Book, and on the Certificate of Title in the memorandum marked D, the property passes to the purchaser.

III. *Mortgages*.—These also are carried out by the use of the Form marked E, which is given effect to by the entry on the Register Book marked F. It is usual for the Certificate of Title of the mortgagor to be handed into the custody of the mortgagee; but this precaution is quite unnecessary, the security being perfectly complete without it.

IV. Leases are registered upon the presentation of the Form marked G, by an entry in the Book in the Form marked H.

V. Releases of Mortgage are effected by receipt endorsed thereon in the Form marked I, and registered in that marked J. Assignments of Mortgage in the Form marked K, and registered in that marked M.

VI. The rate of fees payable upon each of the above operations, fixed upon a sliding scale according to the value of the property affected, is set forth in the Schedule marked N.

Having thus, as I proposed, given a general review of the work done under our Act, and details as to the manner of its performance, I have, in conclusion, to say that my experience of the working of the Torrens system, extending now over a period of eight years, has not suggested to me any amendment in its principle, nor any alterations in detail of sufficient importance to demand an appeal to legislation.

Speaking with diffidence as a layman, I believe the principle to be thoroughly sound. Whatever objections may be urged against its applicability to property in England, encumbered with old-established trusts and numerous settlements, I regard it as eminently suited to the simpler condition of Colonial Titles, and admirably adapted to fulfil the requirements of a country where land is constantly changing hands,—and where, therefore, a safe, simple, and expeditious mode of transferring real property cannot but prove an infinite benefit.

Of the mode in which this principle is carried out, I am able to say with perfect truth that, up to the present date, the progress of "The Real Property Act" has not been impeded by any serious obstacle; and that, upon the whole, it has worked with a facility and smoothness which leave little to desire.

In short, the success of the new system is no longer with us a problem, nor its benefits a matter of doubt: it has become an established institution, of which the peculiar and important advantages have been thoroughly recognised by the community; and, as the business already transacted under it has now laid down a wide base for future operations, there can be little doubt that these will gradually extend until they eventually absorb the main conveyancing business of the Colony.

I have the honor to be,
Sir,

Your obedient Servant,

W. TARLETON, *Recorder of Titles.*

The Honorable the Attorney-General.

RETURNED to the Colonial Secretary with a full Report which I have caused to be prepared by the Recorder of Titles, showing the details of the working of "The Real Property Act" in Tasmania, which I think will afford all the information sought for by Earl Granville's Despatch. I have nothing to add to Mr. Tarleton's remarks upon the Act except that to say that, in my opinion, it is eminently suitable for all simple transactions such as Transfers and Mortgages, not so for complex dispositions of property. As the out-going mail closes to-morrow, I would suggest that the Recorder's Report be forwarded to His Excellency the Governor to-day.

W. R. GIBLIN.

13th July, 1870.

Colonial Secretary's Office, 13th July, 1870.

SIR,

I HAVE the honor to return herewith Earl Granville's Circular Despatch of the 25th February last, requesting to be furnished with a Report upon the working of the System established in this Colony for Land transfer by Registration.

The Attorney-General has procured from Mr. Tarleton, the Recorder of Titles, a full statement of the mode of operation under the Act of this Colony, intituled "An Act to simplify the Laws relating to the Transfer and Encumbrance of Freehold and other Interests in Land," 25th Vict. No. 16, subsequently amended by 26 Vict. No. 1, (Second Session), and 31 Vict. No. 17, together with Copies of the Forms used and instances illustrating several operations under the Law.

These documents I have now the honor to forward to Your Excellency, and I trust the information they contain will meet the requirements of the Secretary of State.

I have &c.,

(Signed) J. M. WILSON.

His Excellency the Governor.

APPENDIX.

A.

APPLICATION TO BRING LANDS UNDER THE PROVISIONS OF THE
REAL PROPERTY ACT.

I, (a) *James Smith, of Torquay, in Tasmania, Yeoman*, do hereby solemnly and sincerely declare that I am seized of an estate of freehold of inheritance in all that land situated in (b) *the Town of Torquay aforesaid, containing six acres one rood and twenty-four perches, and bounded on the north by eight chains along Montagu-street, on the east by eight chains along Thomas-street, on the south by eight chains along Mary-street, and on the west by eight chains along John-street*, which piece of land is of the value of (c) *Three hundred Pounds* and no more, and is (d) *the whole* of (e) *an allotment in Sec. A1*, originally granted to (f) *myself, the said James Smith*, by Land Grant under the hand of (g) *Sir John Eardley-Eardley Wilmot, Lieutenant-Governor of the Colony of Van Diemen's Land*, and seal of the said Colony, dated the 29th day of September, 1846.

(a) Here state Christian and Surname in full, with residence and occupation.
(b) Here give description of the property in full.

(c) Here state the present value of the land with all improvements.

(d) State whether "the whole" or "part."

(e) Insert allotment with reference to number and section on Plan, if any, or, if not, number of acres granted.

(f) Name of Grantee.

(g) Name of Governor.

And I do further declare that I am not aware of any mortgage, encumbrance, or claim affecting the said lands, or that any person hath any claim, estate, or interest in the said lands at law or in equity, in possession or in expectancy, other than is set forth and stated as follows, that is to say (h)—

(h) If there be any lease, mortgage, dower, or other incumbrance, here state the particulars; if none, strike out the words in *Italics*.

And I further declare that there is no person in possession or occupation of the said lands adversely to my estate or interest therein, and that the said land is now (i) *in my possession*,

(i) Insert "unoccupied" or "in the occupation of," adding names and residence of tenants in full, and, if tenanted, whether under lease or from year to year.

and that the owners and occupiers of the adjoining lands are as follows: (k)—*The public, land being surrounded by streets*,

(k) Here insert names and residence of adjoining owners and occupiers on each side.

and that there are no deeds or instruments of title affecting such land in my possession or under my control, other than those enumerated in the Schedule hereto. And I further declare that I (l) *was married to my present wife in the year 1860*.

(l) Here insert "am unmarried" or "was married to my present wife on the day of 18," as the case may be.

All which matters I conscientiously believe to be true: and I make this declaration under the provisions of the Act of this Island, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

Dated at *Launceston*, this Tenth day of *January*, 1863.

Signature of Applicant—*JAMES SMITH*.

Made and subscribed by the above-named *James Smith*, this Tenth day of *January*, 1870, in the presence of me (m)

(m) The declaration must be made before the Recorder of Titles, or Deputy Recorder, or a Justice of the Peace.

RONALD C. GUNN, J.P., Deputy Recorder of Titles.

To the Recorder of Titles.

I, *James Smith*, the above declarant, do hereby apply to have the piece of land described in the above declaration brought under the provisions of the Real Property Act, and request you to issue the Certificate of Title in the name of (n) *myself the said James Smith*.

(n) If to applicant, say "myself;" if to any other person write name at full length, with residence and occupation.

Dated at *Launceston*, this Tenth day of *January*, 1863.

Witness to signature—

JOHN JAMIESON GUNN.

Signature of Applicant—

JAMES SMITH,

[SCHEDULE REFERRED TO.]

Land Grant to said James Smith for 6A. 1R. 24P.

Section A1, Town of Torquay. Dated 29 September, 1846.

No. 6742.

[This application is correct for the purposes of the Real Property Act.]

JAMES SMITH.

Signature of Applicant (or his Solicitor.)

CAUTION.—Any person falsely or negligently certifying as above is liable to a penalty of £50. See Section 107 of R. P. Act.

CAUTION.—By Section 139, any applicant procuring a Certificate through any fraud, error, omission, misrepresentation, or misdescription, will, notwithstanding the issue of such Certificate, remain liable for damages to any person thereby prejudiced. Any person who fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of any Certificate of Title, is declared guilty of a misdemeanor, and liable to a penalty not exceeding £500, or imprisonment not exceeding three years; and any Certificate of Title thereby procured is rendered void as between all parties or privies to the fraud.

A.

No. 640.

APPLICATION from *James Smith*, for *6a. 1r. 24p.*

Town of Torquay.

Certificate issued 21st January, 1863.

CERTIFICATE OF TITLE.

Registered
VOL. II. FOL. 73.

B.

TASMANIA.



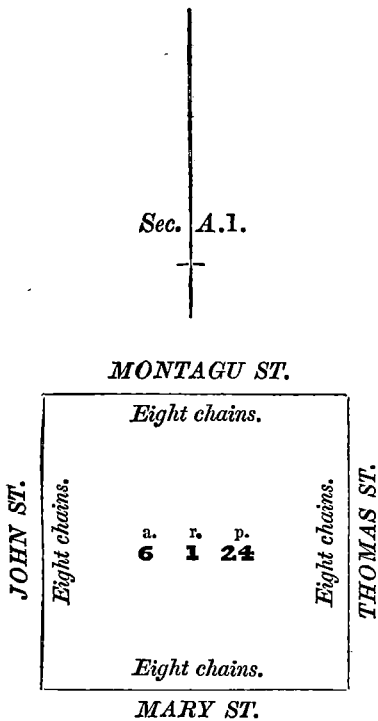
RECORDER OF TITLES,
CANCELLED.
TASMANIA.

JAMES SMITH of Torquay in Tasmania Yeoman is now seized of an estate in fee simple subject nevertheless to such incumbrances liens and interests as are notified by memorial underwritten or endorsed hereon in that piece of Land situated in the Town of Torquay aforesaid containing six acres one rood and twenty-four perches delineated in the diagram drawn in the margin hereof and distinguished by a pink line which said piece of Land is the Town allotment marked Section A. 1. delineated in the public map of the said Town of Torquay deposited in the Office of the Surveyor-General originally granted the Twenty-ninth day of September 1846 under the hand of Sir John Eardley Eardley-Wilmot Lieutenant-Governor of Van Diemen's Land and the seal of the said Colony to the said James Smith. In witness whereof I have hereunto signed my name and affixed my seal this Twenty-first day January 1863.

Signed sealed and delivered this Twenty-first }
day of January 1863 in presence of }
(Sd.) JAMES M. CLARKE.

W. (Sd.) W. TARLETON (L.S.)

Sec. A.1.



Scale 5 chs.

H LEASE No. 17 dated the 30th day of June 1863 produced the 1st day of July 1863 at noon from the above named James Smith to Thomas Robinson of Torquay in Tasmania Saddler. Term seven years from the 1st day of July 1863. Rent Thirty Pounds per annum payable half-yearly on the 1st days of July and December. Entered the first day of July 1863 at four o'clock p.m.
(Sd.) W. TARLETON,
Recorder of Titles.

F MORTGAGE No. 570 dated the 21st day of July 1863 produced the 22nd day of July 1863 at ten o'clock a.m. from the above-named James Smith to Henry Trueman of Launceston Solicitor Principal sum secured Two hundred Pounds. Date appointed for redemption the first day of August 1870. Rate of interest seven pounds per centum per annum payable half-yearly on the 1st days of February and August. Entered the twenty-fourth day of July 1863 at noon.
(Sd.) W. TARLETON,
Recorder of Titles.

M TRANSFER of the above Mortgage No. 570 by endorsement thereon from the above-named Henry Trueman to Arthur Walsh of Latrobe in Tasmania Pensioner dated the 2nd day of January 1864. Entered the fourth day of January 1864 at noon.
(Sd.) W. TARLETON,
Recorder of Titles.

J DISCHARGE No. 90 of the above Mortgage No. 570 by receipt endorsed thereon for the whole of the money thereby secured dated the 29th day of June 1870. Entered the twenty-ninth day of June 1870 at four o'clock p.m.
(Sd.) W. TARLETON,
Recorder of Titles.

[Turn over.]

JAMES SMITH.

II. 73.

D *TRANSFER No. 497 dated the 15th day of July 1870 produced the 16th day of July 1870 at ten o'clock a.m. from the above-named James Smith to Henry Drayton of Torquay Storekeeper of the within described land. Consideration money paid Two hundred and eighty Pounds. Entered the seventeenth day of July 1870 at two o'clock p.m.*

(Sd.)

W. TARLETON,
Recorder of Titles.

[Tasmania.

D.

MEMORANDUM OF TRANSFER.

I, *James Smith, of Torquay, in Tasmania, Yeoman*, being registered as the Proprietor of an Estate *in fee simple*, subject, however, to such encumbrances, liens, and interests as are notified by Memoranda underwritten or endorsed hereon, in *that piece* of Land situated in the *Town of Torquay, in Tasmania aforesaid*, containing *six acres one rood and twenty-four perches as delineated in the diagram drawn in the margin of Certificate of Title, Volume II., Folio 73*, in consideration of the Sum of *Two hundred and eighty Pounds* paid to me by *Henry Drayton, of Torquay, Storekeeper*, the receipt of which Sum I hereby acknowledge, do hereby transfer to the said *Henry Drayton* all my Estate and Interest in the said *piece* of Land above described.

In witness whereof I have hereunto subscribed my name this *Fifteenth* day of *July*, 1870.

Signed on the day above named by the said *James Smith*,
in the presence of

JAMES SMITH.

HENRY DOWNING.

No. 497.

MEMORANDUM of Transfer of *Ga. 1r. 24p.*
situated in *the Town of Torquay.*

JAMES SMITH, *Vendor.*

HENRY DRAYTON, *Purchaser.*

PARTICULARS entered in the Register Book,
Vol. II., Folio 73, the *Seventeenth* day of *July*, 1870,
at *Two* o'clock P.M.

W. TARLETON,
Recorder of Titles.

Seal of Office.

C.

Correct for purposes of Registration.

OLD & SONS, *Solicitors.*

[Tasmania.

E.

MEMORANDUM OF LEASE.

I, *James Smith, of Torquay, in Tasmania, Yeoman*; being registered as the proprietor of an estate *in fee simple*, subject, however, to such encumbrances, liens, and interests as are notified by memorandum underwritten or endorsed hereon, in *that piece* of land situated in *the Town of Torquay aforesaid, containing six acres one rood and twenty-four perches, as delineated and described in Certificate of Title, Volume II., Folio 73*, do hereby lease to *Thomas Robinson, of Torquay aforesaid, Saddler*, all the said lands, to be held by him the said *Thomas Robinson* as Tenant for the space of *Seven* years, at the yearly rental of *Thirty Pounds*, payable *half-yearly on the First days of July and December*, subject to the following covenants, conditions, and restrictions:—*Will insure to the amount of Three hundred Pounds. Will not, without leave, assign or sublet.*

I, *Thomas Robinson*, do hereby accept this Lease of the above described lands, to be held by me as Tenant, and subject to the conditions, restrictions, and covenants above set forth.

Dated this *Thirtieth* day of *June*, 1863.

JAMES SMITH, *Lessor.*

THOMAS ROBINSON, *Lessee.*

Signed by the above-named *James Smith*, as Lessor, and by the
 above-named *Thomas Robinson*, as Lessee, this *Thirtieth*
 day of *June*, 1863, in presence of

JAMES JAMIESON GUNN.

G.

No. 17. Lease of *6a. 1r. 24p.*, situated in the
Town of Torquay.

JAMES SMITH, *Lessor.*

THOMAS ROBINSON, *Lessee.*

Particulars entered in the Register Book, Vol.
II., Folio 73, the *First* day of *July*, 1863.

W. TARLETON, *Recorder of Titles.*

Seal of Office.

Correct for purposes of Registration,

JOHN COLQUHON,

Attorney for the said James Smith.

[Tasmania.

F.

MEMORANDUM OF MORTGAGE.

I, *James Smith, of Torquay, in Tasmania, Yeoman*, being registered as the Proprietor of an Estate *in fee simple*, subject, however, to such encumbrances, liens, and interests as are notified by Memoranda underwritten or endorsed hereon, in *that piece* of Land situated in the *Town of Torquay aforesaid, containing six acres one rood and twenty-four perches, as the same is delineated in Certificate of Title, Volume II., Folio 73.*

Subject to Lease No. 17, dated the Thirtieth day of June, 1863, to Thomas Robinson, for Seven years, at Thirty Pounds per annum.

In consideration of the Sum of *Two hundred Pounds* lent to me by *Henry Trueman, of Launceston, Solicitor*, the Receipt of which Sum I hereby acknowledge, do hereby covenant with the said *Henry Trueman* that I will pay to *him the said Henry Trueman* the above sum of *Two hundred Pounds* on the *First day of August, 1870.*

Secondly, that I will pay Interest on the said Sum at the rate of *Seven Pounds* for every *One hundred Pounds* by the year, by equal *half-yearly* payments on the *First days of February and August* in every year.

And for the better securing to the said *Henry Trueman* the repayment in manner aforesaid of the said Principal Sum and Interest, I hereby mortgage to the said *Henry Trueman* all my estate and interest in the said Land above described.

In witness whereof I have hereunto signed my name this *Twenty-first day of July, 1863.*

JAMES SMITH, *Mortgagor.*

Signed by the above-named *James Smith, Mortgagor,*
 this *Twenty-first day of July, 1863,* in the
 presence of

RONALD CAMPBELL GUNN, *J.P.*

Correct for purpose of Registration,

HENRY TRUEMAN, *Solicitor.*

E.

No. 570.

MORTGAGE of Ga. 1^r. 24^p, situated in the
Town of Torquay.

JAMES SMITH, *Mortgagor.*
HENRY TRUEMAN, *Mortgagee.*

PARTICULARS entered in the Register Book,
Vol. II., Folio 73, the *Twenty-fourth* day of July,
1863, at noon.

W. TABLETON,
Recorder of Titles.

Seal of Office.

F.

Received from *James Smith*, this *Twenty-ninth*
day of *June*, 1870, the Sum of Two hundred Pounds,
being in full satisfaction and discharge of the within
Obligation.

ARTHUR WALSH, *Mortgagee.*

Witness—
JAMES M. CLARKE.

Discharge No. 90.

Particulars entered in the Register Book, Volume
II., Folio 73, this *29th* day of *June*, 1870, at *Four*
o'clock P.M.

W. TABLETON, *Recorder of Titles.*

K.

I, Henry Trueman, the within-mentioned Mortgagee, in consideration of Two hundred Pounds, this day paid to me by Arthur Walsh, of Latrobe, in Tasmania, Pensioner, the receipt of which sum I hereby acknowledge, hereby transfer to him the estate or interest in respect to which I am registered proprietor, as set forth and described in the within-written security, together with all my rights, powers, estate, and interest therein. In witness whereof I have hereunto subscribed my name this second day of January, 1864.

HENRY TRUEMAN, *Transferror.*

Signed by the above-named Henry Trueman,
in the presence of

ADOLPHUS FLOOD, *J.P.*

Accepted,

ARTHUR WALSH, *Transferee.*

No. 19.

Particulars entered in the Register Book, Volume II., Folio 73, this *4th* day of *January*, 1864, at *noon.*

W. TABLETON, *Recorder of Titles.*

COMPARATIVE RETURN showing the Number and Value of the Conveyances and Mortgages registered under the Old and New Systems during the Twelve Months ending 30th June, 1870.

| CONVEYANCES. | | £ |
|---|-----|---------|
| Registry of Deeds (Old System)..... | 322 | 159,913 |
| Lands' Titles Office (Real Property Act)..... | 168 | 31,402 |
| MORTGAGES. | | |
| Registry of Deeds (Old System)..... | 237 | 148,033 |
| Lands' Titles Office (Real Property Act)..... | 106 | 49,207 |

RETURN showing the Amount voted by Parliament for the use of the Lands' Titles, Registry of Deeds, and Collector of Stamp Duties.

| | £ |
|--|-------|
| Recorder of Titles, Registrar of Deeds, Collector of Stamp Duties, and Administrator of Charitable Allowances..... | *600 |
| Solicitor to the Lands' Titles Commissioners..... | 500 |
| Chief Clerk and Draftsman..... | 180 |
| Clerk and Draftsman..... | 100 |
| Clerk (Registry of Deeds)..... | †100 |
| Messenger (half Salary)..... | 40 |
| Deputy Recorder of Titles, and Deputy Registrar of Births, Deaths, &c., at Launceston..... | ‡200 |
| Clerk..... | 100 |
| Stationery and Stores..... | 15 |
| Fuel..... | 16 |
| | 1851 |
| * One-half only of this amount can in fairness be charged to the Lands' Titles Office..... | £ 300 |
| † This Salary is paid for maintenance of the old system of registration, not "The Real Property Act"..... | 100 |
| ‡ £50 should be deducted from this amount as the Salary of the Deputy Registrar of Births, &c..... | 50 |
| | 450 |
| | £1401 |

RETURN of the Amount of Fees received at the Lands' Titles Office for the Twelve Months ending 30th June, 1870.

| | £ | s. | d. |
|------------------------|------|----|----|
| Registration Fees..... | 510 | 7 | 6 |
| Assurance..... | 122 | 19 | 5 |
| | £633 | 6 | 11 |

SCHEDULE OF FEES.

| | £ | s. | d. |
|---|---|----|----|
| For every application to bring lands under <i>The Real Property Act</i> | 0 | 5 | 0 |
| For every first Certificate of Title or Grant issued on application to the Recorder of Titles for land not exceeding the value of £500 | 1 | 0 | 0 |
| For every first Certificate of Title or Grant issued on application to the Recorder of Titles for land not exceeding the value of £1000 | 1 | 10 | 0 |
| For every first Certificate of Title or Grant issued on application to the Recorder of Titles for land not exceeding the value of £2000 | 2 | 0 | 0 |
| For every first Certificate of Title or Grant issued on application to the Recorder of Titles for land not exceeding the value of £3000 | 2 | 10 | 0 |
| For every first Certificate of Title or Grant issued on application to the Recorder of Titles for land not exceeding the value of £4000 | 3 | 0 | 0 |
| For every first Certificate of Title or Grant issued on application to the Recorder of Titles for land not exceeding the value of £5000 | 4 | 0 | 0 |
| For every first Certificate of Title or Grant issued on application to the Recorder of Titles for land exceeding the value of £5000 | 5 | 0 | 0 |
| For every Certificate of Title after the first | 1 | 0 | 0 |
| For the registration of every Purchase Grant of less value than £50 | 0 | 5 | 0 |
| For the registration of every Purchase Grant of more value than £50 and less than £300 | 0 | 7 | 6 |
| For the registration of every Purchase Grant of more value than £300 | 0 | 10 | 0 |
| Registering Memorandum of Transfer or Mortgage where the money paid or secured shall not exceed £500 | 0 | 10 | 0 |
| Registering Memorandum of Transfer or Mortgage where the Money paid or secured shall not exceed £1000 | 1 | 0 | 0 |
| Registering Memorandum of Transfer or Mortgage where the money paid or secured shall not exceed £2000 | 1 | 10 | 0 |
| Registering Memorandum of Transfer or Mortgage where the money paid or secured shall not exceed £3000 | 2 | 0 | 0 |
| Registering Memorandum of Transfer or Mortgage where the money paid or secured shall not exceed £4000 | 2 | 10 | 0 |
| Registering Memorandum of Transfer or Mortgage where the money paid or secured shall not exceed £5000 | 3 | 0 | 0 |
| Registering Memorandum of Transfer or Mortgage where the money paid or secured exceeds £5000 | 4 | 0 | 0 |
| Registering Memorandum of Encumbrance or Lease | 0 | 10 | 0 |
| Registering Transfer or Discharge of Mortgage, or of Encumbrance, or the Transfer or Surrender of a Lease | 0 | 5 | 0 |
| Registering Proprietor of any Estate or Interest derived by settlement or transmission | 0 | 10 | 0 |
| For every Power of Attorney | 0 | 10 | 0 |
| For every Registration Abstract | 1 | 0 | 0 |
| For cancelling Registration Abstract | 0 | 5 | 0 |
| For every Revocation Order | 0 | 10 | 0 |
| Noting Caveat | 0 | 10 | 0 |
| Cancelling or withdrawal of Caveat, and Service of Notice to Caveator or Caveatee | 0 | 5 | 0 |
| Issuing Order for Foreclosure | 1 | 0 | 0 |
| For every Search | 0 | 2 | 0 |
| For every general Search | 0 | 5 | 0 |
| For every Map or Plan deposited | 0 | 5 | 0 |
| For every Instrument declaratory of Trusts, and for every Will or other Instrument deposited .. | 0 | 10 | 0 |
| For Registering recovery by proceeding at Law or Equity, or re-entry by Lessee | 0 | 10 | 0 |
| For Registering vesting of Lease in Mortgagee consequent on refusal of Assignees to accept the same | 0 | 10 | 0 |
| For entering notice of Marriage or Death | 0 | 10 | 0 |
| For entering notice of Writ or Order of Supreme Court | 0 | 10 | 0 |
| Taking acknowledgment of Married Women | 0 | 5 | 0 |
| Taking declaration in case of lost Grant or other Instrument, or where production of duplicate is dispensed with | 0 | 10 | 0 |
| Taking Affidavit or Statutory Declaration | 0 | 5 | 0 |
| For the exhibition or return of any deposited Instrument, or for exhibiting or returning Deeds surrendered by applicant Proprietor | 0 | 5 | 0 |
| For certified copy, first five folios, per folio of seventy-two words | 0 | 5 | 0 |
| For every folio or part folio after first five | 0 | 0 | 8 |
| For every Instrument drawn on Parchment | 0 | 2 | 6 |
| When any Instrument purports to deal with land included in more than one Grant or Certificate, for each Registration Memorial after the first | 0 | 2 | 0 |