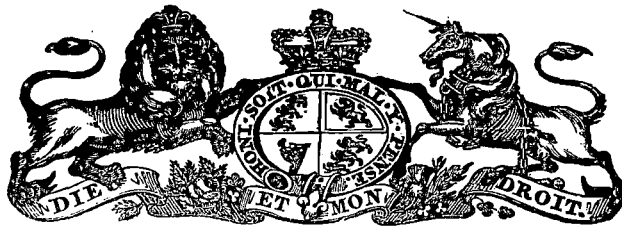


(No. 87.)



1885.

PARLIAMENT OF TASMANIA.

RECORDER OF TITLES:

REPORT FOR YEAR ENDING JUNE 30, 1885.

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



Lands' Titles Office, Hobart, 4th August, 1885.

SIR,

I HAVE the honor to submit to you a Report of the working of this Department for the twelve months ending the 30th June last, with Returns annexed of the transactions dealt with to that date from the commencement of the operation of the Real Property Act in 1862.

The net income of the Department has yearly increased, from £1237 2s. 6d. in 1881 to £2190 6s. 9d. for the twelve months under reference, *while the working expenses for that period have been within that amount.* Judging by the income of the last five years, and taking into consideration the probable number of Crown Grants which will be issued during the ensuing twelve months, I have estimated the probable net income of the Office for that period at £2450. This is, of course, exclusive of Stamp Duty, of which, as a Collector, I received for the past twelve months the sum of £3237 12s. 6d.

Up to the 31st December last, 4,403,888 acres of land had been alienated from the Crown. Of this, 872,155 acres, or about one-fifth, are held by Titles under the Real Property Act, and were valued at the time of the first registration of such Titles at £1,887,707. As all Grants for Land purchased from the Crown since July, 1862, are registered under that Act, the area subject to its provisions must yearly increase. In the face of this, I beg to draw your attention to the suggestion which I had the honor to make in my Report for the year ending 30th June, 1884,—that “the principles and practice of Conveyancing under the Torrens’ System should form part of the Conveyancing curriculum in future Law Examinations,”—and which suggestion the Board of Examiners have intimated would “probably be embodied in the recommendation to be made by the Board to their Honors the Judges.” I submit that the matter is sufficiently important to justify the subject referred to being placed on the Conveyancing Paper at the earliest Examination which fair notice to intending candidates will admit of.

The number of applications to bring lands under the provisions of the Act is slightly in excess of those filed during the last official year, and represents land of the area of 5543 acres, and value of £44,859; but I do not expect this class of business to increase in the ratio which it otherwise would if the advantages of the system and its principles and practice were more generally understood throughout the Colony.

The Assurance Fund up to 30th June last amounted to £5633 11s. 3d., and no claim has hitherto been made thereon.

The number of Transfers registered for the year is 670, as against 659 last year, and represents purchase money to the amount of £156,876. During the same period 508 Mortgages have been registered, as against 437 last year.

Referring to the evidence given by Reports furnished to a Select Committee of the House of Assembly, and laid upon the Table of that Chamber on 15th July, 1884, certain defects in detail in the Act were pointed out, and certain inherent flaws in the system were alleged. The then Recorder, Mr. G. Adams, and I (then Solicitor to the Department) had the honor to deal very fully with the matter, admitting many of the defects and pointing out their remedies, while combatting other objections for reasons given. Since then, in the administration of the Act, further channels for its improvement have been disclosed to me; but in any proposed Legislation which may be brought forward on the subject, great care must be taken not to violate its fundamental principles or simplicity, or to make a retrograde movement by importing anything *which may re-introduce the doctrine of Notice (actual or constructive), which was one of the principal sources of insecurity which Torrens’ System of Registration of Title got rid of.* A learned Royal Commission has recently sat in Victoria to consider how to best amend and improve the Torrens’ System of Conveyancing. Several Amendments to the Law carrying out that system having been made in that Colony, and the transactions being so much more numerous there, the experiences of that Colony in this respect should be very valuable to this; and I think, therefore, it would be but wise to await the advent of the Amending Bill which is now being prepared in Victoria before amending the Law here. A copy of the Bill has been promised to me by the Registrar of Titles there as soon as it is drawn.

Certain of the improvements which must eventually be made in the Act will no doubt cause a decrease in the Office Revenue, but they will equally conduce to despatch, and reduce the amount of office work in dealing with certain transactions.

It has hitherto been the practice for the Recorder to report for the twelve months ending 31st June in each year, in accordance with official instructions originally given so to do. It would be more convenient in the future if the practice of other Departments were adopted, and the Report were furnished instead for the year ending 31st December. This would make the Statistical Returns of one year much more easy of comparison with those of another. As between the Office and those dealing with it the work is practically up to date, but some internal work is in arrear, while, owing to the numerical weakness of the staff, much could never be attempted which, to make the Records of the office perfect, should be duly kept up. When the additional officer provided for on the Estimates for 1886 is appointed these matters will be put right, and the work for the public put through quicker. At the same time, as the work of this Office is necessarily of an ever increasing nature, the fact must be faced that from time to time the staff will have to be strengthened in proportion.

The discrepancies between subdivision plans and old surveys is still a source of unavoidable delay in certain cases, but this question will no doubt be dealt with in any amending legislation on the Act.

I have to acknowledge the courtesy which I have received at the hands of the Profession in transacting the business of the Department.

I have the honor to be,
Sir,

Your obedient Servant,

JAMES W. 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.		
		£								
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	15,063	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	123	52,892	195	3	31	6937	1	20		
1876	108	30,692	102	2	38	3111	0	22		
1877	101	43,813	259	1	19	4895	1	23		
1878	96	52,502	275	3	29	10,739	2	18		
1879	116	50,641	189	3	27	3773	2	10		
1880	117	76,318	187	0	12	8276	3	0		
1881	99	64,188	139	2	13	12,074	3	22		
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 (first 6 months)	23	9200	43	1	18	913	3	19		
	3041	1,385,065	6029	2	33	251,032	3	9		
						6029	2	33		
						257,062	2	2		

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	54	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	326	33,241	559	2	13	41,444	0	32
1876	366	22,968	451	3	12	29,723	1	15
1877	321	18,517	442	1	0	18,744	1	5
1878	369	24,460	653	2	29	20,431	3	38
1879	315	23,080	558	0	22	22,862	0	0
1880	200	16,289	169	0	23	14,196	0	23
1881	211	14,389	225	3	24	11,178	0	30
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 (first 6 months)	306	15,876	555	3	14	15,097	1	3
	6503	527,718	9976	1	38	621,726	2	5
						9976	1	38
						631,703	0	3

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	214	55,255	390	2	3	31,193	1	28
1876	250	53,563	448	1	13	15,251	3	30
1877	349	73,193	531	2	11	26,045	3	34
1878	344	88,938	574	0	2	29,791	0	28
1879	385	84,859	783	0	17	22,367	1	5
1880	329	75,883	380	0	36	16,158	3	17
1881	441	117,861	492	3	0	27,070	1	23
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 (first 6 months)	323	84,352	5518	1	30	13,181	1	32
	5732	1,443,540	12,314	3	16	485,356	1	7
						12,314	3	16
						497,671	0	23

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.		
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	180	0	10	23,438	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.....	127	31,263	275	1	17	21,682	2	25	273	242,574
1876.....	168	55,994	128	1	30	33,884	0	28	338	231,984
1877.....	234	103,057	435	3	27	26,201	2	12	357	173,992
1878.....	249	112,994	224	1	25	43,544	3	34	419	284,245
1879.....	269	126,355	587	2	28	43,653	2	1	452	248,052
1880.....	313	127,148	491	1	12	50,359	2	0	421	246,414
1881.....	323	142,236	336	1	26	35,577	3	22	430	265,247
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 (first 6 months)	264	133,737	552	3	32	31,038	0	37		
	4721	2,017,385	6202	3	23	635,077	3	30		
						6202	3	23		
						641,280	3	15		

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.						
1862.....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
last 6 mos.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1863.....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1864.....	8	3050	40	1	17	0	2	0	1864.....	1	154	0	0	37	—	—	—	—	—	—	—	—	
1865.....	15	6357	18	1	13	2578	0	15	1865.....	2	330	0	1	9	70	2	0	—	—	—	—	—	
1866.....	23	13,681	6	1	1	7151	2	0	1866.....	3	850	0	0	15	4	2	36	—	—	—	—	—	
1867.....	25	10,422	63	1	13	10,126	3	17	1867.....	3	1143	0	2	6	406	0	4	—	—	—	—	—	
1868.....	39	9522	136	2	3	1521	0	36	1868.....	9	8630	1	0	22	3208	3	2	—	—	—	—	—	
1869.....	35	21,394	26	2	6	12,580	2	5	1869.....	6	2347	0	3	13	769	2	4	—	—	—	—	—	
1870.....	49	20,116	112	0	31	6762	0	36	1870.....	3	1242	2	0	34	705	2	17	—	—	—	—	—	
1871.....	60	21,359	117	3	17	5822	1	19	1871.....	10	2989	55	1	6	3494	1	0	—	—	—	—	—	
1872.....	50	18,906	24	1	34	4747	0	20	1872.....	7	1405	14	0	4	918	1	21	—	—	—	—	—	
1873.....	82	32,618	73	0	31	12,246	3	24	1873.....	5	3550	2	2	29	3317	0	0	—	—	—	—	—	
1874.....	68	21,180	220	3	14	9031	1	32	1874.....	5	15,695	—	—	—	10,480	0	0	—	—	—	—	—	
1875.....	83	19,415	269	2	34	6512	0	14	1875.....	14	3687	1	3	1	1553	2	0	—	—	—	—	—	
1876.....	108	31,065	118	3	30	18,902	3	15	1876.....	9	3980	—	—	—	7092	3	3	—	—	—	—	—	
1877.....	123	31,211	255	3	8	9879	2	18	1877.....	8	2020	1	3	27	481	3	0	—	—	—	—	—	
1878.....	108	30,336	299	0	19	14,727	0	34	1878.....	14	4737	0	0	18	3367	1	26	—	—	—	—	—	
1879.....	129	82,246	96	2	32	29,449	2	25	1879.....	13	4670	0	3	4	2326	0	21	—	—	—	—	—	
1880.....	138	55,220	103	0	36	16,898	2	15	1880.....	15	6600	2	3	27	2272	3	19	—	—	—	—	—	
1881.....	218	72,727	252	2	0	18,675	3	16	1881.....	12	13,905	1	0	14	11,090	1	37	—	—	—	—	—	
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	40	1	33	4872	1	38	—	—	—	—	—	
1884.....	259	90,215	439	2	39	20,741	3	14	1884.....	9	751	2	0	13	139	0	0	—	—	—	—	—	
1885.....	122	39,566	435	0	26	29,743	0	35	1885.....	18	8273	3	3	0	2463	2	33	—	—	—	—	—	
first 6 mos.	2161	788,762	3499	1	30	309,193	2	1	first 6 mos.	195	92,883	140	1	30	59,369	0	16	—	—	—	—	—	—
						3499	1	30							140	1	30	—	—	—	—	—	
						312,692	3	31							59,509	2	6	—	—	—	—	—	

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.....	6	345	0	3	3	2523	0	0
1876.....	11	781	4	2	38	4364	3	9
1877.....	8	298				153	3	35
1878.....	11	632	2	1	30	6857	3	24
1879.....	13	1742	1	2	14	9825	1	13
1880.....	16	3256	4	0	24	10,065	3	7
1881.....	11	1266	11	3	10	349	2	29
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 (first 6 months) ..	16	327	20	1	26	1197	0	39
	265	23,241	203	2	39	80,217	3	22
						203	2	39
						80,421	2	21

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.....	21	6499	34	1	7	5756	2	10
1876.....	25	36,456	96	1	38	7664	2	36
1877.....	19	6200	63	3	26	1766	3	0
1878.....	35	53,875	151	3	22	13,756	2	35
1879.....	34	52,502	97	3	19	20,309	3	26
1880.....	33	8956	36	1	34	2763	1	8
1881.....	41	37,227	49	2	34	12,499	1	0
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 (first six months) ..	30	20,873	65	2	25	13,830	0	25
	452	425,860	1708	2	16	162,378	1	39
						1708	2	16
						164,087	0	15

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

	1862. last 6 mos.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885. first 6 mos.
Mortgages partially discharged.....								9	1		3	1	4	1	2	4	6	3	12	6	12	8	35	..
Powers of Attorney.....				2	2	5	1	1	5	3	3	5	4	12	8	8	11	6	12	8	21	17	13	8
Surrenders of Lease.....				2				1	3	2	1	1	1				2	2	1	2	3	2	11	3
Transfers of Lease.....			1													1			1	3	1	7	4	5
Transfers by Death or Bankruptcy ..						2	6		2	3	17	2	7	13	12	17	25	33	26	36	42	34	43	28
Foreclosure Orders.....				1											1					1				
Encumbrances.....					3												2			1	1			
Order of Supreme Court.....											1					1			1				5	1
Provisional Certificates.....											1									1	3	2		
Writ of <i>Fi. Fa.</i>												1	1		2	3	1	1		1		1		
Registration Abstract.....												1												
Office Copy.....												1												
Entry of Marriage of Proprietor.....													1		1					3		4	4	
Entry of Death of Annuitant.....																1								
Estate in Remainder.....																							1	4
Re-entry by Lessor.....																			1					
Discharge of Encumbrance.....																					1	2	2	
Surrender to the Crown.....																							9	1