

(No. 40.)



1881.

TASMANIA.

LEGISLATIVE COUNCIL.

RECORDER OF TITLES:

DESPATCH, WITH REPORT.

Laid upon the Table by Mr. Moore, and ordered by the Council to be printed,
July 19, 1881.



TASMANIA.
No. 19.

Downing-street, 1st September, 1880.

SIR,

ON the 25th of February, 1870, Earl Granville addressed to the Governors of the Australian Colonies and of New Zealand a Circular Despatch respecting the working and progress of the system of Conveyancing by Registration of Title as established in those Colonies.

I now have the honor to transmit to you a copy of an Address which has recently been presented to Her Majesty on the same subject, and I request that you will enable me to comply with the terms of the Address so far as it relates to the Colony under your Government.

I enclose a copy of the return of the 8th May, 1872, for convenience of reference.

I have the honor to be,
Sir,

Your most obedient humble Servant,
KIMBERLEY.

The Officer Administering the Government of Tasmania.

HOUSE OF COMMONS.

THURSDAY, 26TH AUGUST, 1880.

Registration of Title (British Colonies).

Resolved—That an humble Address be presented to Her Majesty, that she will be graciously pleased to give directions that there be laid before this House a return, supplementary to those laid upon the Table of this House, and ordered to be printed, on the 8th day of May, 1872, reporting on the working and progress of the system of Conveyancing by Registration of Title in operation in the Colonies of South Australia, Queensland, New South Wales, Victoria, Tasmania, Western Australia, New Zealand, British Columbia, and Fiji; such returns to be made up to the 31st day of December, 1879.

Ordered—That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's Most Honorable Privy Council.

(Signed) T. ERSKINE MAY, *Clerk House of Commons.*

FORWARDED to the Honorable the Attorney-General.

WM. MOORE.
25 Oct., 1880.

RETURNED to the Honorable the Colonial Secretary, with a Report by the Recorder of Titles upon the working of the Real Property Act supplementary to that forwarded to the Colonial Secretary on 13th July, 1870, and dated 5th July, 1870.

J. S. DODDS.
21 Feb., 1881.

RETURNED to His Excellency the Administrator of the Government, with a Report by the Recorder of Titles.

WM. MOORE.
26 Feb., 1881.

Hobart Town, 20th November, 1880.

SIR,

I HAVE the honor to acknowledge the receipt of your memo. of the 5th instant, together with copy of the Despatch of the Earl of Kimberley, dated 1st September last, requesting me to furnish you for the Secretary of State with a Report upon the working of "The Real Property Act," supplementary to that furnished by the Recorder of Titles on the 5th July, 1870.

With the view of affording full information as to the progress made in carrying out the provisions of "The Real Property Act" since the Report of the 5th July, 1870, I have had the honor to prepare and now append a detailed statement, in a tabular form, of the transactions completed by the Department to 31st December, 1879.

Upon reference to the appended Returns, it will be evident that the area of land both in town and country brought under the provisions of "The Real Property Act" has been annually widely extending; and I am happy to be able to state that no serious difficulty has been found in carrying out the numerous subsequent transactions relating thereto.

On the 31st December, 1879, registrations as follows had been effected:—5241 Certificates of Title and 5082 Land Grants, including 12,600 acres Town Land and 702,041 acres Country Land, valued at £1,442,941. 2274 Mortgages, securing £913,259; 2785 Transfers, conveying 4451 acres Town Land and 274,962 acres Country Land, for the sum of £639,926; 1005 Releases of Mortgage relating to £372,878; 112 Assignments of Mortgages relating to £57,429; 112 Leases of 98 acres Town Land and 49,696 acres Country Land.

The amount standing to the credit of the Assurance Fund on 31st December, 1879, was £3683 7s. This fund is composed of the almost inappreciable sum of $\frac{1}{4}d.$ in the Pound on the declared value of all land brought under the Act, or afterwards transmitted. The amount of this contribution as it accumulates is invested in Government Debentures.

"The Real Property Act" has now been in operation in this Colony for more than 18 years; and I consider that indefeasibility of title has been practically secured, inasmuch as I am not aware of any case in which a registered title has been upset upon reference to the Law Courts of the Colony.

No claim has been made upon the Assurance Fund, nor has any person received compensation therefrom.

A large proportion of the transactions relating to property under the Act is now carried out by members of the legal profession, although in my opinion neither professional knowledge nor experience are essential for safely conducting most of the dealings with land; but parties conversant with the Torrens system frequently fill up and sign the proper forms without professional aid, and occasionally the clerks in the office have afforded assistance in filling up forms for persons unacquainted with the necessary details. In some Colonies, where title by registration has been introduced, numerous Land Brokers have been licensed for the purpose of assisting the public; but in Tasmania the new system has been accepted by the legal profession and worked, I believe, without much additional expense to clients.

On 31st December, 1879, land in this Colony to the extent of 4,193,445 acres had been alienated from the Crown, and of this amount 714,641 acres, or more than one-sixth, are under the Act: it may therefore, I think, be predicted that the majority of transactions in real property will soon be conducted through the Lands' Titles Office, which may now be considered as the statutory conveyancer of the Colony.

No practical difficulty has been experienced in working the new system with respect to mortgages and leases. The forms provided by "The Real Property Act" have been generally found sufficient, or in some cases these forms have been modified as the character of the parties or the circumstances of the case required. Leases have been assigned and surrendered, and mortgages have been transferred and released with such ease and rapidity as to astonish those previously acquainted only with the old and cumbrous system of conveyancing.

The alterations in "The Real Property Act" which from time to time have been considered necessary are comparatively unimportant, and I am not aware of any serious defect (either in principle or in detail) in the existing law urgently requiring legislation.

Upon reviewing the operations of "The Real Property Act," with which I have been officially connected from its commencement in this Colony, (1st July, 1862), I can come to no other conclusion than that title by registration is a simple, expeditious, and economical method of dealing with land, untrammelled by the costly and complex machinery of the old mode of conveyancing;

and, being free from technicalities, with the exercise of vigilant care and caution as to accuracy, the new system of land transfer may commonly be worked by any person possessing ordinary intelligence and business capacity.

I have, &c.

G. PATTEN ADAMS, *Recorder of Titles.*

The Honorable 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
	2517	1,066,520	5156	2	31	209,656	3	7

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	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
	4777	376,421	7444	0	14	492,384	1	17

TRANSFERS.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1862 (last 6 months)	1	£ 26	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
	2785	639,926	4451	0	7	274,962	2	29

MORTGAGES registered.

UNDER REAL PROPERTY ACT.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1862 (last 6 months)	7	£ 4522	30	2	21	1139	3	10
1863	39	36,291	89	1	13	5780	1	9
1864	60	34,251	91	2	10	14,147	3	0
1865	88	39,297	122	1	19	17,138	1	20
1866	113	46,756	180	0	10	23,438	3	36
1867	86	37,942	187	0	7	22,173	1	18
1868	102	30,471	125	0	23	16,290	0	2
1869	101	35,412	117	1	39	17,364	1	1
1870	117	46,341	301	3	25	33,043	2	24
1871	139	41,487	124	1	28	18,681	3	26
1872	127	40,553	171	3	16	18,649	0	12
1873	117	53,880	126	2	0	18,894	0	6
1874	121	36,393	133	1	9	16,287	1	2
1875	127	31,263	275	1	17	21,682	2	25
1876	168	55,994	128	1	30	33,884	0	28
1877	234	103,057	435	3	27	26,201	2	12
1878	249	112,994	224	1	25	43,544	3	34
1879	269	126,355	587	2	28	43,653	2	1
	2269	913,259	3453	1	27	402,000	2	26

No. 5.

MORTGAGES.

DISCHARGED.					TRANSFERRED.													
YEAR.	NO.	VALUE.	AREA.															
			Town and Suburbs.			Country.												
		£	A.	R.	P.	A.	R.	P.			£	A.	R.	P.	A.	R.	P.	
1862....	—	—	—	—	—	—	—	—	1862....	—	—	—	—	—	—	—	—	—
last 6 mos.	—	—	—	—	—	—	—	—	last 6 mos.	—	—	—	—	—	—	—	—	—
1863....	—	—	—	—	—	—	—	—	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	9081	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	9579	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	
	1005	372,878	980	0	23	153,090	0	30		112	57,429	81	3	25	38,196	1	14	

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
	112	9550	98	0	21	49,696	1	22

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	
	199	205,883	579	1	20	72,251	0	34	

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.
Mortgages partially discharged	—	—	—	—	—	—	—	9	1	—	3	1	4	1	2	4	6	3
Powers of Attorney	—	—	—	2	2	5	1	1	5	3	3	5	4	12	8	8	11	6
Surrenders of Lease	—	—	—	2	—	—	—	1	3	2	1	1	1	—	—	—	2	2
Transfers of Lease	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—
Transfers by Death or Bankruptcy	—	—	—	—	—	2	6	—	2	3	17	2	7	13	12	17	25	33
Foreclosure Orders	—	—	—	1	—	—	—	—	—	—	—	—	—	—	1	—	—	—
Encumbrances	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Order of Supreme Court	—	—	—	—	3	—	—	—	—	—	1	—	—	—	—	1	—	—
Provisional Land Grant	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—
Writ of <i>Fi. Fa.</i>	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	2	3	1
Registration Abstract	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—
Office Copy	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—
Entry of Marriage of Proprietor	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	—
Entry of Death of Annuitant . .	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Registration of Proprietor on Letters of Administration	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Estate in Remainder	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—