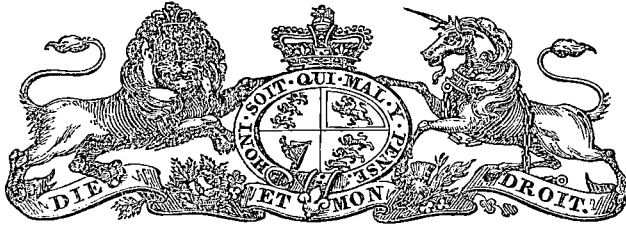


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1896.

SESSION II.

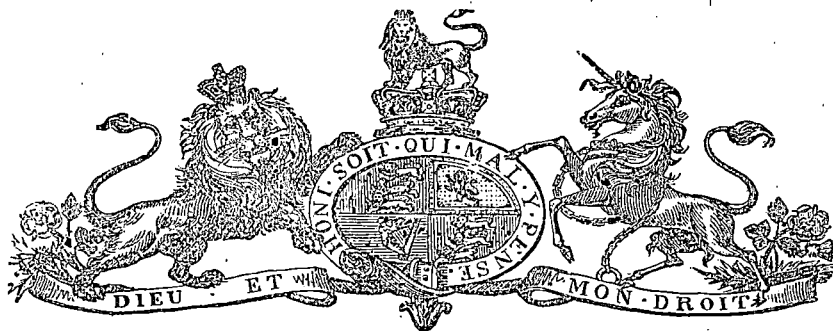
PARLIAMENT OF TASMANIA.

RECORDER OF TITLES:

REPORT FOR 1895.

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

Cost of printing—£2 10s.



Lands' Titles Office, Hobart, February 29th, 1896.

SIR,

I HAVE the honor to submit to you the Annual Report on the working of this Department for the year ending 31st December, 1895.

The receipts under "The Real Property (Torrens) Act" for the year amounted to £2436 5s. I have personally collected £722 10s. in cash, Duty under "The Stamp Duties Acts," and the Office has been the medium, directly and indirectly, of the Revenue receiving the further sum of about £1816 under the latter Acts,—that being approximately the amount paid by adhesive stamps, &c. on instruments which had to be duly stamped before registration in this Office. I can only give the last-quoted amount approximately for the last year, as the necessary record was only instituted eight months ago, but next year I shall be able to quote the exact amount collected under this heading. The expenditure for the year amounted to £2593 7s. 3d., including £155 13s. 4d. for advertising, an item which is repaid by applicants, and so is no charge on the revenue. These figures show that the Department has been the medium of the collection of revenue to the amount of £4958, or thereabout, during the past year, at a cost of about half that amount. This is satisfactory when it is remembered how difficult it has been to realise on property at all either by sale or mortgage. It is not for me here to deal with the causes of this, but its effects have naturally curtailed the transactions requiring to be dealt with by the Department. With a return of confidence in business circles these transactions will, as a matter of course, again increase yearly, as they did prior to the advent of the period of depression, which it is to be hoped is gradually passing away.

The following table shows the principal dealings, and the subjoined tables set out fully all the business passed through the Office during the year:—

Nature of Instrument.	Number.	Area of Lands, Town and Country.			Value. £
		A.	R.	P.	
Transfers	631	46,092	0	19	153,602
Mortgages *	552	102,370	3	30	242,329
Grant Deeds prepared at Crown Lands Office and registered here	373 (in duplicate)	18,756	1	36	27,007
Applications to bring Land under "The Real Property Act," and for Grants of Land held under Location Orders as roots of Title	45	7679	3	36	45,675
Certificates of Title	685 (in duplicate)				
Ditto by Endorsement	142 (in duplicate)				
Total number of Memorials of Instruments entered on Grant Deeds and Certificates of Title in course of registration of dealings during year	6046				
Proclamations under "Lands Vesting Act" for public purposes	53				
Searches, exclusive of those made for other Government Departments	287				

* Many of these do not represent additional encumbrances on the real estate of the Colony, but only new loans to take up old ones.

293 plans have been examined, and a considerable amount of dead work outside the usual routine has been performed in the drafting-room. This latter will conduce to facilitate business in the future.

About 4½ millions of acres of the land of the Colony have been alienated from the Crown. (See Crown Lands Guide). Of this 1,320,264 acres are under "The Real Property Act" (Torrens' System).

The Assurance Fund now amounts to £10,931 6s. Although no claim has hitherto been made upon it, it is impossible to say when one may arise, particularly as in some cases a certain amount of risk, however remote, cannot be avoided in accepting titles to bring land under "The Real Property Act." Indeed, in some cases where titles contain certain imperfections the law has provided for an additional contribution towards the Assurance Fund as a further indemnity against possible claims arising under them. Many single properties under the Torrens' system are of a value considerably greater than the total amount of the fund, no portion of which should ever be alienated excepting for the benefit of the particular class who have contributed it, viz., the holders of property under "Torrens'" system. When the time to do this arrives, which is not yet, some portion might with advantage be employed in making new surveys where required under the Act, or in the inspection of old ones, with a view to reconciling existing discrepancies.

The Board of Lands' Titles Commissioners met 35 times, and dealt with 150 applications of various kinds.

It is my painful duty to record here the death of Mr. William Tarleton, who was the first Recorder of Titles, and as such, and subsequently as a Lands' Titles Commissioner, was continuously a Member of the said Board. During his long connection with the Department, the painstaking, able, and impartial manner in which he performed his duties won for him the esteem and respect of his brother Commissioners, and caused his death to be regarded by them as a great loss to the Service.

I have to thank the legal profession, as on former occasions, for their courteous co-operation with me in carrying out the business of the Department where it has brought me in contact with them. In the early days of "Torrens'" system many of them were opposed to it, but I now know of none who are actively opposed to its principles. Experience in the future, as in the past, will no doubt indicate how and where the practice of conveyancing thereunder may be judiciously altered, either by departmental administration or legislative enactment, so as to meet the changing requirements of the times; but I venture to think that the fundamental principles of the system have proved so successful here and in the other Colonies that they will never be altered so long as the evidence of individual title to property is required.

I have the honor to be,
Sir,

Your obedient Servant,

The Hon. the Attorney-General.

JAMES WHYTE, *Recorder of Titles.*

No. 1.—*APPLICATIONS for Certificates of Titles and Grants.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
1891.....	101	90,687	244	1	31	7436	1	3
1892.....	82	75,386	204	3	25	4021	2	28
1893.....	55	42,820	44	1	16	7656	3	6
1894.....	50	66,362	93	1	28	25,373	3	17
1895.....	45	45,675	65	2	36	7634	1	0
	333	320,930	652	3	16	52,122	3	14

No. 2.—*GRANTS Registered.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
1891.....	470	46,888	630	3	36	44,915	2	13
1892.....	455	32,889	310	3	0	26,496	2	25
1893.....	535	42,447	592	0	31	28,640	2	14
1894.....	337	24,356	308	1	4	16,501	0	0
1895.....	373	27,007	311	3	19	18,444	2	17
	2170	173,587	2154	0	10	134,998	1	29

No. 3.—*TRANSFERS.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1891.....	967	£ 217,955	1209	2	38	49,260	2	29
1892.....	886	210,437	886	3	37	56,824	1	5
1893.....	806	168,410	586	1	20	68,610	3	38
1894.....	651	107,787	481	0	0	36,984	0	34
1895.....	631	153,602	673	3	10	45,418	1	9
	3941	858,191	3837	2	25	257,098	1	35

No. 4.—*MORTGAGES registered.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1891.....	790	£ 429,559	823	3	9	102,465	2	34
1892.....	863	386,389	1309	3	32	86,836	0	16
1893.....	723	474,356	670	1	6	109,871	2	39
1894.....	539	283,950	777	0	22	114,477	0	28
1895.....	552	242,329	812	2	1	101,568	1	29
	3467	1,816,583	4393	2	30	515,219	0	26

No. 5.—*MORTGAGES.*

DISCHARGED.						PARTIALLY DISCHARGED.											
YEAR.	NO.	VALUE.	AREA.														
			Town and Suburbs.			Country.			YEAR.	NO.	VALUE.	AREA.					
			A.	R.	P.	A.	R.	P.				Town and Suburbs.			Country.		
A.	R.	P.	A.	R.	P.	A.	R.	P.				A.	R.	P.			
1891.....	412	£ 159,548	92	1	0	28,910	1	4	1891...	66	6488	17	2	21	803	3	16
1892.....	403	141,311	408	3	14	55,498	2	28	1892...	93	6783	20	3	6	945	0	16
1893.....	485	188,077	368	0	25	29,293	3	35	1893...	80	9340	28	3	8	1322	3	33
1894.....	413	137,019	473	2	17	39,781	0	9	1894...	62	9334	13	2	12	14,993	1	6
1895.....	407	184,297	383	0	4	59,456	1	7	1895...	57	14,502	57	0	10	1942	0	15
	2120	810,252	1725	3	20	212,940	1	3		358	46,247	137	3	17	20,007	1	6

No. 6.—*MORTGAGES transferred.*

YEAR.	NO.	VALUE PER ANNUM.	AREA.					
			Town and Country.			Suburbs.		
			A.	R.	P.	A.	R.	P.
1891.....	33	£ 20,543	58	0	15	11,833	0	30
1892.....	59	16,158	99	1	10	14,142	0	21
1893.....	81	10,883	224	0	22	49,103	3	11
1894.....	72	14,669	123	1	8	44,629	2	7
1895.....	65	15,780	201	2	9	10,247	0	0
	310	78,033	706	1	24	129,955	2	29

No. 7.—LEASES.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1891.....	28	£ 7819	5	2	1	38,211	3	11
1892.....	50	12,623	90	3	28	10,427	3	35
1893.....	46	13,349	95	0	39	32,693	1	26
1894.....	39	2854	264	1	27	19,082	0	28
1895.....	36	1655	18	1	39	6038	2	0
	199	31,300	474	2	14	106,453	3	20

No. 8.—APPLICATIONS on Death of Registered Proprietor.

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
			A.	R.	P.	A.	R.	P.
1891.....	70	£ 31,395	250	1	26	9230	2	1
1892.....	86	88,423	226	0	38	14,196	1	28
1893.....	90	42,560	184	3	5	8770	3	6
1894.....	59	27,038	97	1	12	4969	3	33
1895.....	72	43,639	126	0	10	11,614	2	35
	377	233,055	884	3	11	48,782	1	23

No. 9.—OTHER Transactions mentioned in Statistics.

	1891.	1892.	1893.	1894.	1895.
Mortgages extended	2	11	6	8	10
Leases transferred	9	14	3	7	4
Leases surrendered	11	7	10	5	5
Leases partially surrendered .....	...	...	4	...	2
Re-entry by Lessor .....	...	1	...	...	...
Encumbrances	7	3	1	3	2
Encumbrances discharged	2	...	2	1	3
Encumbrances partially discharged .....	...	...	1	...	...
Annuities .....	...	...	...	...	...
Annuities discharged	1	...	...	2	...
Annuities partially discharged .....	...	...	...	...	...
Entry of Death of Annuitant or Life Tenant .....	...	1	...	1	2
Transmission by Death or Bankruptcy	69	112	113	53	62
Entry of Writs of <i>Fi. Fa.</i> Warrants of Execution and Caveats	8	7	11	74	68
Evidence of Satisfaction of Writ .....	...	...	...	...	1
Foreclosure Orders	1	2	12	15	23
Entries of Marriage of Proprietor	8	7	9	8	2
Powers of Attorney	34	51	69	62	50
Estates in Remainder	3	...	1	1	1
Registration of Abstract .....	...	...	...	...	...
Decree of Order of Supreme Court	2	...	2	...	5
Applications to dispense with the production of Grants, Certificates of Title and Mortgages .....	...	...	5	2	1
Surrenders to the Crown .....	...	3	2	4	8
Certificates of Title (in duplicate)	982	969	880	753	685
Certificates of Title by Endorsement (in duplicate)	259	220	172	146	142
Provisional Certificates	3	2	1	...	...
Certified Copies	9	3	5	8	3
Proclamations under Lands Vesting Act, 58 Vict. No. 17 .....	...	...	...	...	53