

(No. 87.)



1863.

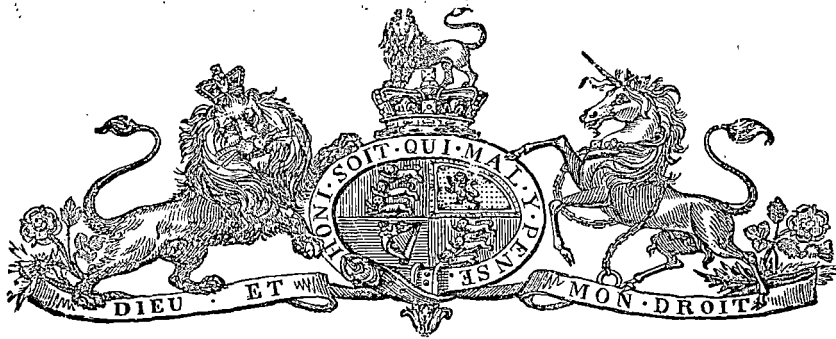
[SECOND SESSION.]

T A S M A N I A.

REAL PROPERTY LAW.

REPORT FROM THE RECORDER OF TITLES, AND RETURNS.

Presented by Mr. Attorney-General, and ordered by the House to be printed,
2 September, 1863.



Lands' Titles Office, 31st August, 1863.

SIR,

I HAVE the honor to transmit to you, herewith, a Return showing in detail the nature and extent of the various transactions under "The Real Property Act," during the first twelve months of its operation.

When it is remembered that the system was entirely new both to landholders and capitalists, and that it had to encounter the strenuous opposition of the majority of the legal profession, and that the depressed state of the Colony during the past year has had the effect of limiting transactions in real property, I think I am fully justified in viewing the progress of the Department as eminently satisfactory.

In every district, from the Huon to George Town, we have now property under the operation of the Act; in every quarter of the Island the system has fairly taken root; the safety, the simplicity, and the cheapness of it begin to be better known and understood, the adoption of it has become more general, and I have not the smallest doubt that, in spite of all opposition, it will gradually but surely supersede the old mode of conveyancing.

It is gratifying to me to be able to speak of the gentlemen appointed to assist me in working the Department with unqualified praise; the Commissioners have afforded me a cordial co-operation of the most valuable kind. To the facilities afforded to the public by the courtesy and indefatigable industry of the Deputy-Recorder at Launceston must, in justice, be mainly ascribed the success of the Act on the North side of the Island; whilst both the Solicitor and Draftsman have performed their respective duties with skill, diligence, and a hearty zeal for the promotion of the interests of the system which have left me nothing to desire. As a satisfactory proof, indeed, of the care which has been bestowed upon the work passing through the Office, I am glad to be able to inform you, that although upwards of 250 properties, valued at £150,000, have been involved in the transactions we have effected, no claim has been made upon the Assurance Fund, nor have we been called upon to defend any of our decisions in the Supreme Court. But although our work has hitherto been performed with safety, it has not, I am bound to confess, been executed with the rapidity which I could have desired.

The financial embarrassments of the Colony unfortunately prevented the Department, in spite of my remonstrances, from being placed upon the footing which Mr. Torrens advised; and, until very lately, the staff of the Office has been limited to one clerk and draftsman. The natural consequences have not failed to show themselves. As applications increased the work gradually accumulated until it fell seriously into arrears,—that celerity of action which (when compared with the interminable delays of the old law) was one of the most attractive recommendations of the new system was compromised, and no little disappointment and dissatisfaction was occasioned to many of the applicants.

I am happy, however, to say that this condition of things has now been remedied: with the aid of a temporary draftsman, and by working after hours, the arrears have been discharged; and a second efficient draftsman having been attached permanently to the Department, I trust that for some time, at least, we may be able to avoid further delays. I feel bound, nevertheless, to record my conviction, that the business of the Department will necessitate a still further increase of staff before the expiration of the coming year.

In a financial point of view, the progress of the Act has also been encouraging. The fees received have gone on steadily increasing in amount until they now supply about one-third of the total cost of the Department; a result which must be regarded as highly satisfactory, when it is borne in mind that the work we have been hitherto doing has of necessity been more a preparation for future transactions than actual dealings with land.

The quantity of Real Property, however, which has now been brought under the Act, all dealings in regard to which must be effected through this Office, has laid a wide foundation for future operations, and affords us an assurance that the Registration Fees cannot fail materially to increase. Although, therefore, fluctuations must of course be looked for, there is every reason to hope that, at no very distant period, the Department may be self-supporting.

In conclusion, I am enabled to say with perfect truth that, upon the whole, the Act has worked with a facility and smoothness which leave little to desire: certain amendments in regard to the subject of Dower and other minor points might be, perhaps, desirable, but no serious obstacle has presented itself; and the result of twelve months' experience of the operation of the Act in this Colony is such as to entitle it to the character which it has received from one of the most eminent of living lawyers, Sir Hugh Cairns; viz.,—that of being a *safe, simple, and expeditious mode of transferring Real Property*.*

I have the honor to be,
Sir,

Your very obedient Servant,

W. TARLETON, *Recorder of Titles.*

The Hon. the Attorney-General.

* Letter from Sir Hugh Cairns to Sir Richard M'Donnell, C.B., 15th June, 1863.

RETURN of the Number of Applications for CERTIFICATES OF TITLE, with the Amount of FEES, &c. under "The Real Property Act," from the 1st July, 1862, to 30th June, 1863.

Months.	No. of Applications.	No. of Properties included.	Acreage.						Value.	Fees.			TOTAL.								
			Town and Suburban.			Country.				Assurance.	Commissioners.	Registration.									
			A.	R.	P.	A.	R.	P.						£ s. d.	£ s. d.	£ s. d.					
July.....	6	13	10	3	17	521	0	0	1094	2	5	7	2	17	0	9	7	0	14	9	7
August.....	9	9	13	3	39	1745	0	0	5853	12	3	10½	4	11	0	12	6	0	29	0	10½
September.....	14	14	295	1	33½	2310	0	0	9275	19	6	5½	4	1	0	19	8	0	42	15	5½
October.....	14	16	67	1	26½	1553	0	0	9609	20	0	4½	7	0	0	25	18	0	52	18	4½
November.....	6	6	15	3	17½	—	—	—	724	1	10	2	1	16	0	9	5	0	12	11	2
December.....	14	15	41	0	3½	61	0	0	9364	19	10	2	6	18	0	21	0	0	47	8	2
January.....	15	15	47	0	0	1039	3	31	13,983	29	2	7½	6	3	0	20	18	0	56	3	7½
February.....	17	18	77	0	28	820	0	0	8288	17	5	4	8	4	0	23	12	0	49	1	4
March.....	20	20	40	1	38	1994	2	16	19,077	39	14	10½	8	10	0	36	7	0	84	11	10½
April.....	15	16	10	2	34	2522	3	32	7093	14	15	6½	6	19	0	22	8	0	44	2	6½
May.....	34	42	135	1	34	2735	3	0	15,097	31	9	0½	13	2	0	50	19	0	95	10	0½
June.....	23	25	160	3	12¾	5284	0	0	20,078	41	16	7	11	19	0	36	3	0	89	18	7
TOTAL.....	187*	209	916	1	3¾	20,587	0	39	119,535	249	0	7½	82	0	0	287	11	0	618	11	7½

* Of this Number four applications have been rejected and three withdrawn, the property included in which amounts to £6395.

RETURN of the Number of Applications for GRANTS FROM THE CROWN, with the Amount of FEES, &c. under "The Real Property Act, No. 2," from the 20th March, 1863, to 30th June, 1863.

Months.	No. of Applications.	No. of Properties included.	Acreage.						Value.	Fees.			Total.								
			Town and Suburban.			Country.				Assurance.	Commissioners.	Registration.									
			A.	R.	P.	A.	R.	P.						£ s. d.	£ s. d.	£ s. d.					
March.....	2	2	0	1	0	10	0	0	1300	2	14	2	1	15	0	2	10	0	6	19	2
April.....	5	5	12	1	5	0	0	0	3630	7	11	3	4	0	0	6	5	0	17	16	3
May.....	6	6	1	0	10½	2336	0	0	4295	8	18	11½	4	10	0	7	10	0	20	18	11½
June.....	3	3	0	1	20½	73	0	5	1180	2	9	2	2	5	0	3	15	0	8	9	2
TOTAL.....	16	16	13	3	36½	2419	0	5	10,405	21	13	6½	12	10	0	20	0	0	54	3	6½

RETURN of the Number of GRANTS exchanged for CERTIFICATES OF TITLE under the provisions of the 13th Section of "The Real Property Act, No. 1," from the 1st July, 1862, to the 30th June, 1863, with the amount of FEES, &c.

Months.	No.	Acreage.		Value.	Fees.		TOTAL.
		Town & Suburban.	Country.		Assurance.	Registration.	
		A. R. P.	A. R. P.		£ s. d.	£ s. d.	
October	7	4 2 28	40 0 0	72	0 3 0	2 0 0	£ 2 3 0
November	34	67 3 29	1405 0 9	1529	3 3 8½	22 0 0	25 3 8
December	1	6 0 30	—	15	0 0 7½	1 0 0	1 0 7½
March	14	94 3 25	69 3 2	410	0 17 1	8 0 0	8 17 1
April	29	43 1 9½	321 2 17	570	1 3 9	6 0 0	7 3 9
May	31	96 0 27	360 0 21	747	1 11 1½	11 0 0	12 11 1½
June	16	3 0 6	723 2 6	770	1 12 1	13 0 0	14 12 1
TOTAL	132	316 0 34¾	2920 0 15	4113	8 11 4½	63 0 0	71 11 4½

RETURN of the Number of GRANTS (in duplicate), with the Amount of FEES, &c., registered under the provisions of the 7th Section of "The Real Property Act, No. 2," from the 20th March, 1863, to the 30th June, 1863.

Months.	No.	Acreage.		Value.	Fees.		TOTAL.
		Town & Suburban.	Country.		Assurance.	Registration.	
		A. R. P.	A. R. P.		£ s. d.	£ s. d.	
June	9	7 2 8	148 0 0	155	0 6 5½	Nil.	0 6 5½

MORTGAGES.						TRANSFERS.				
Months.	No. registered.	Value.	Acreage.		Value secured.	Value.	No. registered.	Acreage.		Amount of Purchase Money.
			Town and Suburban.	Country.				Town and Suburban.	Country.	
			A. R. P.	A. R. P.				A. R. P.	A. R. P.	
September	2	£ 900	5 0 0	866 0 0	550					
October	1	150	3 2 21	—	60	51	1	1 0 25	60	
November	1	76	0 0 18	—	75					
December	3	3396	21 3 22	273 3 10	1190					
January	2	575	6 3 4	55 3 0	355					
February	2	260	1 3 0	50 0 0	142					
March	5	634	38 0 27	—	464	263	3	25 0 34	195 0 0	258
April	3	1295	0 0 18	5 2 8	920					
May	1	150	0 0 22	—	50	1000	1	0 1 35	—	1000
June	3	9350	0 0 21	1673 0 26	4650	100	1	—	100 0 0	100
TOTAL	23	16,786	77 2 33	2924 1 4	8456	1414	6	26 3 14	295 0 0	1418

W. TARLETON, Recorder of Titles.