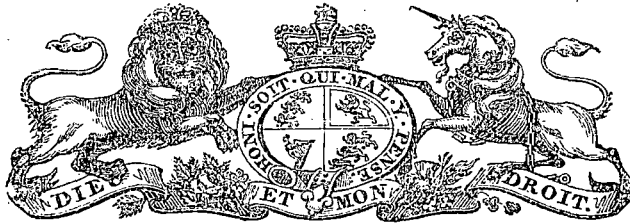


(No. 12.)



1897.

SESSION II.

PARLIAMENT OF TASMANIA.

RECORD OF TITLES:

REPORT FOR 1896.

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

Cost of printing—£2 12s.



Lands' Titles Office, Hobart, 29th April, 1897.

SIR,

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

The receipts under "The Real Property (Torrens) Acts" for the year amounted to £2435 11s. 6d., being 13s. 6d. less than the receipts of the previous year. The expenditure for the year amounted to £2517 19s., including £185 6s. 8d. for advertising, which is paid by the applicants, and so forms no charge on the revenue, and including also the salary of the Parliamentary Draftsman, who is also Solicitor to the Lands' Titles Commissioners. I have personally collected £1099 7s. 6d. in cash, duty under "The Stamp Duties Acts," and the Office has been the medium, directly and indirectly, of the revenue receiving thereunder the sum of £2430 15s. 6d., including in part personal collections above referred to, that being the amount of Stamp Duty paid on Instruments, which it is part of my duty to see duly stamped, and the bulk of which are actually stamped in my presence before they are passed to be registered in this Office. The above quoted figures show that the Department, although not primarily established as a revenue-collecting one, has been the medium of the collection of £4866 or thereabouts of revenue during the past year at a cost of about half that amount.

The following table shows the principal dealings of the year, and the subjoined tables set out fully all the business transacted during the past five years:—

Nature of Instrument.	Number.	Area of Land, Town and Country.			Value.
		A.	R.	P.	
Transfers	633	32,676	2	18	£ 172,081
Mortgages *	540	67,029	0	15	217,241
Grant Deeds prepared at Crown Lands Office and registered here (in duplicate) ..	377	15,382	0	27	27,087
Applications to bring Land under "Torrens' Act," and for Grants of Land held under Location Orders as roots of Title	54	4479	3	6	33,455
Certificates of Title	710 (in duplicate)				
Ditto by Endorsement	138 (in duplicate)				
Total number of Memorials of Instruments entered on Certificates of Title and Grant Deeds in course of registration of dealings during the year	5834				
Proclamations under "Lands Vesting Act" for public purposes	33				
Searches, exclusive of those made for other Government Departments	323				

* Many of these of course represent new loans to take up old ones, and are not additional encumbrances on the real estate of the Colony.

178 plans have been examined, and 200 tracings supplied to the public gratis. The latter item involves in numerous cases a considerable amount of draftsman's time, and I think in future some small charge should be made for these tracings to cover the cost of making them.

The Assurance Fund amounted to £11,456 18s. 5d. on the 31st December last, but since that date a sum of £4878 3s. 7d. has been paid thereout to and on account of Mr. David Clyne, of Melbourne, in settlement of a claim for damages arising through the registration of a forged transfer of property in Tasmania belonging to him. Mr. Clyne's solicitor and agent in Tasmania forged a transfer to himself, at the same time negotiating mortgages

on his alleged purchase to the amount of several thousands of pounds. The witness's signature was also forged, but, as everything was in order on the face of the transfer, which came through the hands of a well-known firm of solicitors, who acted in good faith, no human skill could at that stage have detected the fraud. The mortgagee, having dealt *bonâ fide* and for value with the registered proprietor, was entitled to retain his security, the amount of which was the criterion of damages to be paid to Mr. Clyne. No one but the forger, who is now undergoing penal servitude for his offence, can be blamed for these unfortunate circumstances, which, however, are just such as the Assurance Fund was intended to provide for. Had the title been under the "old system" of conveyancing by deeds, the mortgagee's title would have been bad, he would have lost his thousands, and been left without any remedy excepting the absolutely valueless one against the forger. This is the first claim which has been made upon the fund. I have always urged the necessity for keeping it intact to meet possible claims, and although events have proved the correctness of my views on this point, I could well have wished that the proof had been less costly. At the same time I venture to think that intending mortgagees will take profit by the lesson, and will in many cases where the parties are not personally known to them refuse to lend excepting on a "Torrens' Title," and thus the pace of bringing all the land of the Colony under the system will be accelerated, and what now appears only as an unavoidable misfortune will result in a large increase of the business of the Department, with a corresponding increase in revenue.

The Board of Lands' Titles Commissioners held 37 meetings, and dealt with 153 applications of all descriptions.

I have, as heretofore, to again thank the legal profession for their courteous co-operation with me in carrying out the business of the Department.

I have the honor to be,
Sir,

Your obedient Servant,

The Honorable the Attorney-General.

JAMES WHYTE, *Recorder of Titles.*

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

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
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
1896.....	54	33,455	57	0	35	4422	2	11
	286	263,698	465	2	20	49,109	0	22

No. 2.—*GRANTS Registered.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
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
1896.....	377	27,087	377	3	25	15,004	1	2
	2077	153,786	1900	3	39	105,037	0	18

No. 3.—*TRANSFERS.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
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
1896.....	633	172,081	530	3	8	32,145	3	10
	3607	812,317	3158	3	35	239,983	2	16

No. 4.—*MORTGAGES registered.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Suburbs.			Country.		
		£	A.	R.	P.	A.	R.	P.
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
1896.....	540	217,241	606	0	15	66,423	0	19
	3217	1,604,265	4175	3	36	479,176	2	11

No. 5.—*MORTGAGES.*

DISCHARGED.								PARTIALLY DISCHARGED.									
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.
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	14,302	57	0	10	1942	0	15
1896.....	474	167,413	323	0	8	51,211	1	13	1896...	52	6816	9	0	25	1759	1	3
	2182	818,117	1956	2	28	235,241	1	12		344	46,575	129	1	21	20,962	2	13

No. 6.—*MORTGAGES transferred.*

YEAR.	NO.	VALUE.	AREA.					
			Town and Country.			Suburbs.		
		£	A.	R.	P.	A.	R.	P.
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
1896.....	62	17,680	10	3	26	27,034	3	15
	339	75,170	659	0	35	145,157	1	14

No. 7.—LEASES.

YEAR.	NO.	VALUE PER ANNUM.	AREA.	
			Town and Suburbs.	Country.
		£	A. R. P.	A. R. P.
1892.....	50	3623	90 3 28	10,427 3 35
1893.....	46	5349	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
1896.....	37	2506	12 2 13	19,602 2 15
	208	15,987	481 2 26	87,844 2 24

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

YEAR.	NO.	VALUE.	AREA.	
			Town and Suburbs.	Country.
		£	A. R. P.	A. R. P.
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
1896.....	75	35,675	248 2 2	6018 1 9
	382	237,335	882 3 27	45,570 0 31

No. 9.—OTHER Transactions mentioned in Statistics.

	1892.	1893.	1894.	1895.	1896.
Mortgages extended	11	6	8	10	8
Leases extended .....	...	...	...	...	1
Leases transferred	14	3	7	4	2
Leases surrendered	7	10	5	5	8
Leases partially surrendered .....	...	4	...	2	...
Re-entry by Lessor	1	...	...	...	...
Encumbrances	3	1	3	2	3
Encumbrances transferred .....	...	...	...	...	1
Encumbrances discharged .....	...	2	1	3	1
Encumbrances partially discharged .....	...	1	...	...	...
Annuities .....	...	...	...	...	...
Annuities discharged .....	...	...	2	...	1
Annuities partially discharged .....	...	...	...	...	...
Entry of Death of Annuitant or Life Tenant	1	...	1	2	4
Transmission by Death or Bankruptcy	112	113	53	62	87
Entry of Writs of <i>F. Fa.</i> Warrants of Execution and Caveats	7	11	74	68	64
Evidence of Satisfaction of Writ .....	...	...	...	1	1
Foreclosure Orders	2	12	15	23	8
Entries of Marriage of Proprietor	7	9	8	2	8
Powers of Attorney	51	69	62	50	64
Estates in Remainder .....	...	1	1	1	6
Registration of Abstract .....	...	...	...	...	...
Decree of Order of Supreme Court .....	...	2	...	5	6
Applications to dispense with the production of Grants, Certificates of Title and Mortgages .....	...	5	2	1	4
Surrenders to the Crown	3	2	4	8	13
Certificates of Title (in duplicate)	969	830	753	685	710
Certificates of Title by Endorsement (in duplicate)	220	172	146	142	138
Provisional Certificates	2	1	...	...	1
Certified Copies	3	5	8	3	3
Proclamations under Lands Vesting Act, 58 Vict. No. 17 .....	...	...	...	53	38
Vesting Orders where Vendor absent, &c. from Colony .....	...	...	...	...	1