

1873.

## NEW ZEALAND.

## REPORT OF THE REGISTRAR-GENERAL OF LAND

FOR THE YEAR ENDED 30TH JUNE, 1873.

*Presented to both Houses of the General Assembly by command of His Excellency.*

## No. 1.

Mr. WILLIAMS to the Hon. J. BATHGATE.

SIR,—

Office Register-General of Land, Christchurch, 30th July, 1873.

I have the honor to lay before you the results of the working of the Land Transfer Act for the year ending the 30th June, 1873.

The revenue for the year, as estimated by my predecessor, was £8,500; the actual receipts have been £7,125.

The amount voted for the year's expenditure was £9,329 15s. Owing to various reductions that have been found practicable, a saving of about £900 has been effected.

The revenue for the year ending the 30th June, 1872, was £4,539 17s. 11d., and the expenditure £8,025 19s. 1d. It will be seen, therefore, that while the revenue of the Department has increased during the past year by about 65 per cent., the expenditure has exceeded its former limits by a comparatively small amount.

Taking the whole of the past year, the expenditure has been in excess of the receipts, but for the last three months the Department has been paying its expenses and yielding a profit.

If it be borne in mind that no less than ten separate offices have to be maintained, the fact that the system has become self-supporting in little more than two years after its first establishment cannot be considered as otherwise than satisfactory.

I estimate the revenue for the ensuing year at £9,000; the expenditure at £8,090.

Experience in the working of the Act has shown that reductions were capable of being made in various directions without impairing the efficiency of the Department.

The inaccuracy of the surveys in many parts of the Colony is a serious hindrance to the Land Transfer system. The Report of the Conference of Chief Surveyors lately held in Wellington fully justifies the urgent representations that were from time to time made to the Government on this subject by my predecessor, Mr. Moorhouse.

Thus far the working of the Land Transfer Act has shown that its main principles are sound, and the adoption of these principles, including the very important one of the non-registration of Trusts, by the framers of the Land Transfer Bill now before the English Parliament, is an additional testimony in their favour.

In several minor points the Act is capable of amendment, and some of the clauses might be expressed more clearly than at present. It seems advisable, however, to await the teaching of a more matured experience before submitting a Bill to the Legislature, and to be content to suffer in the meantime some slight doubt and inconvenience rather than to encumber the Statute Book with imperfect Amendment Acts.

The Land Transfer Act is a step, and a very important one, towards the assimilation of the law of Real Property to that of personal—the goal to which all true reforms of the law of Real Property tend. It is, nevertheless, but a step—a piece of a new system patched on to the old; and unless a further advance is made, its want of coherence with the old law must ultimately lead to doubts and litigation.

What should follow would seem to be an enactment that real estate, on the death of its proprietor, should devolve on his executors or administrators, and be distributed as personal estate. This could be effected by a very short Act, and the fundamental distinction between the two classes of property would be at once destroyed. If this were done, an enormous mass of learning would be got rid of, and it would not be chimerical to hope that the whole law of landed property might ultimately be arranged in logical order and expressed in terse and plain language, so that any intelligent person might find in a single volume the knowledge for which lawyers ransack whole libraries.

I trust that the above remarks will not be considered out of place; but I am so thoroughly impressed with the conviction that further reforms are necessary to give full effect to existing legislation, that I cannot refrain from expressing my opinion.

I have nothing further to add, but to tender my sincere thanks to those gentlemen who have assisted me in the task of administering the Department; a task which, so far as I am concerned, has been rendered comparatively light, by the complete manner in which the Department was originally organized by my predecessor.

I append returns—(A) of the business transacted under the Act during the past year; (B) of the fees received during the same period; and (C) of the amount secured by mortgage under the Land Transfer Act on 30th of June last.

*Deeds Registry.*

The estimated revenue for this Department for the past year was £13,500; the actual receipts were £13,434.

The amount voted for the year's expenditure was £9,186 10s.; the amount expended about £8,700.

For the ensuing year I anticipate a falling off in the receipts, mainly from the fact that the number of Crown grants registered will be further diminished owing to the grants of land bought from the Crown since the beginning of 1871 being under the Land Transfer Act.

Apart from this, the general revenue of the Deeds Registry keeps up steadily. The greatly increased number of transactions consequent on the prosperity of the Colony tends to replace the business that has been diverted by the Land Transfer Act.

I estimate the revenue for the ensuing year at £12,500; the expenditure at £8,360.

I have, &c.,

JOSHUA STRANGE WILLIAMS,  
Registrar-General of Land.

(For Return A, see next page.)

B.—FEES received under the LAND TRANSFER ACT for the YEAR ending the 30th JUNE, 1873.

DISTRICT.	General Fees.	Land Assurance.	Total.
	£ s. d.	£ s. d.	£ s. d.
Auckland ... ..	701 18 0	250 12 7	952 10 7
Otago ... ..	1,996 17 6	614 19 1	2,611 16 7
Canterbury ... ..	1,750 2 0	434 13 6	2,184 15 6
Wellington ... ..	606 18 0	162 11 9	769 9 9
Nelson ... ..	575 16 4	124 12 2	700 8 6
Southland ... ..	427 3 4	93 14 7	520 17 11
Hawke's Bay ... ..	331 19 0	83 16 2	415 15 2
Taranaki ... ..	58 5 6	5 6 6	63 12 0
Westland ... ..	201 18 6	12 9 10	214 8 4
Marlborough ... ..	264 19 10	46 13 5	311 13 7
Land Brokers' Licenses ... ..	210 0 0	...	210 0 0
Total ... ..	7,125 18 0	1,829 9 7	8,955 7 7

C.—RETURN showing Total Amount of MONEY remaining secured by MORTGAGE under the LAND TRANSFER ACT on the 30th JUNE, 1873.

DISTRICT.	Total amount secured by Mortgage under the Land Transfer Act from the date of its coming into operation to the 30th June, 1873.	Less total amount of Mortgages paid off during same period.	Balance, being total amount remaining secured by Mortgage under the Land Transfer Act, on the 30th June, 1873.
	£ s. d.	£ s. d.	£ s. d.
Auckland ... ..	99,423 4 10	19,686 3 9	79,737 1 1
Otago ... ..	231,167 13 4	20,428 16 9	210,738 16 7
Canterbury ... ..	212,264 9 1	4,599 10 0	207,664 19 1
Wellington ... ..	41,733 11 6	2,760 0 0	38,973 11 6
Nelson ... ..	23,368 10 0	560 0 0	22,808 10 0
Southland ... ..	100,913 0 4	7,532 0 0	93,380 5 11
Hawke's Bay ... ..	7,030 0 0	1,060 0 0	5,970 0 0
Taranaki ... ..	2,057 0 0	100 0 0	1,957 0 0
Westland ... ..	2,542 19 6	306 19 6	2,476 0 0
Marlborough ... ..	4,874 0 0	100 0 0	4,774 0 0
Total ... ..	725,374 8 7	57,133 10 0	668,240 18 4

## A.—STATEMENT of BUSINESS TRANSACTIONS under the LAND TRANSFER ACTS, for the YEAR ending 30th JUNE, 1878.

DISTRICT.	APPLICATIONS.				TRANSFERS.				MORTGAGES.				CROWN GRANTS.				Certificates issued.	Caveats.	Powers of Attorney.	Searches.	General Searches.	Caveats agst. dealings.	Maps deposited.	Instruments deposited.	Leases registered.	Encumbrances registd.	
	No.	AREA.		Value.	No.	AREA.		Consideration Money.	No.	AREA.		Amount Secured.	No.	AREA.		Town and Suburban.											Country.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.			A. R. P.	A. R. P.			A. R. P.	A. R. P.												
Auckland ...	246	158 2 02.8	62,928 2 36	129,222 0 0	107	325 2 26.2	67,505 1 32	33,782 4 6	68	425 3 32.7	3,422 3 34	55,701 6 4	586	1,780 3 21.75	99,776 2 0	265 1 4	68	...	21	...	4	14	...				
Otago ...	446	230 3 38.8	32,657 0 11.4	196,473 0 0	352	300 0 32	16,333 2 31	61,715 6 6	223	233 3 07	64,730 0 03	145,507 11 10	635	594 0 28.9	187,034 0 08	802 1 2	160 11 6	7	3	16	2	...					
Canterbury ...	469	57 0 39.55	25,016 2 07	193,593 9 6	269	53 3 17.1	21,085 2 27	35,195 3 11	307	37 2 05.5	46,191 3 0	126,613 6 7	227	6 0 22	29,711 3 0	553...	16	41	1	...	5	1	32	1			
Wellington ...	200	187 2 03	16,665 0 08	76,809 9 3	102	109 0 31	5,130 1 0	11,369 3 3	56	37 2 06.5	11,345 2 23	26,559 1 6	66	268 3 20	25,359 8 37	150...	2	20	...	1	4	1	2	...			
Nelson ...	161	210 2 03	7,405 1 34	56,122 0 0	14	14 1 22	479 0 02	2,186 0 0	73	21 0 07	3,437 1 05	12,649 10 0	40	6 3 03	2,120 2 19	189...	1	2	...	...	...	...	5	...			
Southland ...	178	26 0 19.5	14,120 3 05	36,333 0 0	54	29 0 36.75	8,268 0 18	9,408 0 1	85	45 3 18.75	27,566 1 26	82,388 0 4	38	3 2 06	1,684 1 38	130...	2	26	...	...	1	...	13	...			
Hawke's Bay ...	120	61 2 23.2	10,203 3 05	39,688 0 0	35	10 3 29	3,964 2 0	11,531 10 0	13	2 3 02	3,959 1 08	5,970 0 0	37	6 2 19	27,081 1 29	110 2	...	27	1	1	...	...	...	...			
Taranaki ...	29	12 2 24	878 3 24	2,553 0 0	13	1 3 01	82 3 31	862 5 0	10	4 3 07	449 1 12	2,057 0 0	...	...	...	26	...	7	...	...	...	...	1	...			
Westland ...	56	6 2 23	529 2 04	5,777 0 0	80	4 2 31	4,744 2 08	6,253 5 3	28	3 1 18	872 2 0	2,132 19 6	14	2 2 02	...	61	...	8	...	...	2	1	3	...			
Marlborough ...	87	262 1 20	19,349 2 15	30,728 5 0	12	...	1,722 0 16	2,652 5 0	14	8 3 34	465 3 12	4,874 0 0	24	114 0 14	1,287 1 16	42	...	...	...	...	1	...	1	...			
Total, 1872-73...	1992	1,214 0 36.86	189,755 1 29.4	767,299 3 9	1038	839 3 26.5	129,316 1 05	174,955 3 6	878	821 2 18.45	162,441 0 08	464,432 16	11667	2,783 2 16.65	374,056 0 27	2328	4	27	359	13	29	21	10	87	3		
" 1871-72...	1933	1,387 3 07.65	178,125 2 07.3	739,843 5 3	377	299 0 37.6	49,853 3 17	56,266 4 5	442	209 0 34.6	104,205 1 17.5	237,163 2 6	642	592 3 00.35	52,154 0 32	1842	4	14	171	15	7	10	2	65	3		
" 1870-71...	409	968 3 00.35	32,192 3 14	166,331 5 0	25	33 0 20.95	1,313 1 13	7,031 0 0	41	1 3 18	5,761 2 00	23,728 10 0	...	...	...	182	1	...	11	...	...	1	...	4	...		
Total ...	4334	3,570 3 04.85	400,073 3 10.7	1,673,473 14 0	1440	1,172 1 05.05	180,483 1 35	238,252 7 11	1361	1,032 2 31.05	272,407 3 20.5	725,374 8	72309	3,376 1 17	426,210 1 19	4352	9	41	541	28	36	32	12	156	6		

The Land Transfer Act came into operation in the Auckland, Wellington, Canterbury, and Otago Land Registration Districts on and from the 1st day of February, 1871; in the Nelson Land Registration District, on and from the 15th February, 1871; and in the Marlborough, Westland, Southland, Hawke's Bay, and Taranaki Land Registration Districts, on and from the 28th February, 1871.

