

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.