1879.

WESTERN AUSTRALIA.

REPORT OF THE COMMISSION

APPOINTED BY

HIS EXCELLENCY THE GOVERNOR

TO ENQUIRE INTO THE

WORKING OF THE LAND TITLES OFFICE.

Presented to the Legislative Council by His Excellency's Governor.

By Authority: Richard Payten, Government Printer.

1879.
Report of the Commission appointed by His Excellency the Governor to enquire into the working of the Land Titles Office.

Sir, Colonial Secretary's Office, Perth, 7th August, 1878.

I am directed by His Excellency the Governor to inform you that he has received a resolution from the Legislative Council, praying His Excellency to take such steps to investigate the charges made in the House as to the working of the Land Titles Office as to him may seem expedient, and in accordance therewith His Excellency has been pleased to appoint a Board, constituted as follows:

The Hon. The Colonial Secretary,
The Hon. The Attorney General,
The Master of the Supreme Court.

The Board will inquire into the working of the said office, and into the truth of certain charges brought against the Commissioner of Titles, a copy of which charges is forwarded herewith for the information of the Board, of which His Excellency has nominated you President.

I have, &c.,

ROGER TUCKER GOLDSWORTHY,
Hon. E. T. Goldsworthy, C.M.G., Colonial Secretary.

R E P O R T.

To His Excellency Major General Sir Harry St. George Ord, B.E., K.C.M.G., C.B., &c., &c.

1. We have the honor to report, that in accordance with Your Excellency's directions, we have attended at the Land Titles Office at various times to make inquiry into the working of the Department, and more particularly into charges made against the office, in the Legislative Council, by Mr. Cary,—a copy of whose speech Your Excellency has kindly supplied us with, as well as the report of the Attorney General, on certain matters previously referred to him in connection with the same office (vide Enclosures Nos. 1 and 2).

2. We have now the honor to lay before Your Excellency the conclusion at which we have arrived on the matters, after full consideration of all the circumstances.

3. With reference to the case of Mr. J. T. Munger; another case in which a mortgage of $790 was emitted to be enforced on the certificate; a case in which the certificate was issued to a purchaser without any notice being taken of the lien for the purchase money; and another case in which a certificate to some land at Freemantle was issued without notice of a mortgage; we quite concur in the views expressed by the Attorney General in the report to which allusion has been already made.

4. With regard to Spencer's case, referred to by Mr. Cary, we went at length into the facts, and we hereto append copy of the notes (Document No. 3) of our examination of Mr. James on the subject, and we cannot help remarking in reference thereto that we think Mr. James showed, throughout, a lamentable want of system.

5. In the first place an informal application was received, the numbers of the lots filled in, in Mr. James' own hand-writing, instead of that of the applicant or his agent. Mr. James could assign no reason for this departure from ordinary practice. The application likewise contained no schedule of documents of title. Mr. James was also unable to say what searches he had made in the Deeds Office. No record seems to have been kept of his having given directions to the Registrar to prepare the certificates in this or any of the other cases examined into, and further, Mr. James appears to have been in the habit of signing certificates placed before him by the Registrar, without any proper evidence that they had been previously passed by him.
6. Referring to Spencer’s case, had Mr. James, at any one stage, observed a proper system in bringing the land under the Act, it seems to us impossible that such a mistake as occurred in this instance could have arisen.

7. With regard to Mr. Waller Clifton’s application, Mr. James stated it was the first case he had received from any one claiming title under the trustees of the Australind Company, and he further explained that it was not till some time after the receipt of the application, when considering a second one dealing with land similarly circumstanced, that he learnt the true nature of the title of the trustees of that Company.

8. For these reasons, and as it appears that the title of the trustees was a complicated one, extending over a period of upwards of 40 years, we are of opinion that the Commissioner could not have safely issued the certificate in this case within which would have been ordinarily regarded as a reasonable period, though at the same time we are unable to see a complete justification for so long a delay.

9. The error made in inserting the words “No servitude” requires no comment from us.

10. In reference to the other two cases alluded to by Mr. Carey, the one relating to land at Guildford, and the other to land in the Southern Districts, in which certificates had been issued without mention of mortgages, the Commissioner was unable to recognise to what Mr. Carey referred.

11. With regard to the course which we recommend to be pursued by the Commissioner of Titles for the future, we are happy to be able to inform Your Excellency that since the beginning of 1877, Mr. James has introduced considerably more system into the management of his office.

12. We have received from him, and herewith enclose a memorandum (No. 6), showing the various steps now taken by him in dealing with an application, from its reception to the issue of the certificate.

13. We can only add that we think Mr. James would do well to be more strict in requiring that in each case the application should be correctly and properly filled up by the applicant, both as regards the description of the land sought to be brought under the operation of the Act, and all the other details provided for in the printed form, before proceeding in any way to deal with it.

14. As regards advertisements, we are of opinion it would be advisable that any land being dealt with should be described, not only by its correct technical description, but also (where possible) by some name or circumstance from which it would be more readily recognised; for instance, the name of the original grantee from the Crown might be given, or that of the present occupier, or where the land is known by any particular designation, such might be adopted.

15. Our attention has been drawn to a memorandum by the Commissioner, dated the 19th November last, addressed to the Honourable the Colonial Secretary (copy of which is appended hereto, No. 5), in reference to the issue of certificates of title in certain cases by the Resident Magistrates, and we concur with the suggestion therein contained.

16. We beg leave to draw attention to the fact that at present there is no proper provision in the office of the Commissioner of Titles for safe custody of the numerous title deeds and original documents at all times in the office, for which we consider an iron safe urgently and indispensably requisite.

17. We had hoped to have been able to offer some suggestions in regard to tracings and maps on certificate, and have delayed sending our report till now, Mr. James having some time since written to the Commissioner of Land Titles in Victoria, asking for information as to the mode adopted in that Colony; but no answer having yet been received, we deem it inadvisable any longer to defer submitting this our Report.

ROGER TUCKER,
HENRY H. HOCKING,
KOWLEY C. LOBBIE.

Perth, 18th January, 1879.

[For Document No. 1, see Parliamentary Debates Volume III., 1879, page 131.]
I have the honor to inform Your Excellency, that in accordance with Your Excellency's wish, conveyed in your message of 29th ultimo, I attended at the Office of the Commissioner of Titles, where I met Mr. Stone and Mr. James, and having investigated the charges made by Mr. Stone against Mr. James in his letter to the Colonial Secretary, of the 15th ultimo, I have now to report to Your Excellency as follows—

J. T. Morgan's Application.—In this case Mr. Morgan applied to have certain land brought under the operation of the Act. In his application he described the land, and the title deeds showed a title to the land so described. The description was not, on the face of it, unintelligible or contradictory; under these circumstances it was Mr. James' plain duty to advise the fact that the application had been made, and if no objection was made, to bring the land under the Act. Instead of doing this he appears to have persuaded himself, in a manner unexplained, that the description of boundaries given was inaccurate. Further, the description given entitled, "south-west" being altered in red ink to "south-east." Who made this alteration did not appear, though Mr. James has intimated it, and the alteration having been made, Mr. James advertised the application with the alteration, and this drew forth a caveat from an adjoining proprietor. I may mention that the land thus advertised, with the alteration of description, was land altogether different to that sought to be brought under the Act by Mr. Morgan.

The caveat having been lodged, Mr. James appears to have sought the aid of Mr. Dunn, "a Licensed Surveyor." This he did without being either required or authorized to do so by the Act. Mr. Dunn appears to have misunderstood the description. However, he made a plan of the land, and Mr. James then (the caveat having apparently been allowed to lapse, the alteration from south-west to south-east being disregarded) made out a certificate in which, instead of describing the land by the boundaries furnished by Mr. Morgan, he described it by Mr. Dunn's drawing, which was wrong. This, Mr. Morgan refused to accept, and finally Mr. James issued to him a certificate, in which the land was described according to the original description given by Mr. Morgan, and which I see no reason to believe was other than a correct description. Thus, in the result, no harm has been done; but a great deal of unnecessary trouble has been given to various parties, by what I should call "business" on the part of Mr. James, in doing so many things (particularly in calling to the aid of a surveyor and having a plan made) which the Act did not call upon him to do. At the same time, I feel bound to say, in justice to Mr. James, that I believe his errors in this respect have arisen from a laudable over-anxiety to do his work well. With regard to the two cases mentioned by Mr. Stone, those of Bowland and Mitchell, they are cases in which not sufficient care has been shown in making the certificates issued from the office correspond with the certificate bound up in the book in the office. Mr. James in the mortgage entered in the book; but he signed and sealed the certificate to be issued to the land owner without seeing that the mortgages were entered on them also. In one case, certainly, he took the precaution to hold the certificate to the man who had the charge over the land, in this case the unpaid vendor, but I think it ought to be a strict rule of the office, never to issue a certificate which is not the exact counterpart of the certificate bound up in the book. In the fourth case, that of Mrs. Hickley, the application, through a piece of carelessness on the part of the applicant's solicitor, did not disclose a mortgage. Mr. James, through carelessness, omitted to search the register, and so issued a certificate which did not disclose the mortgage, nor was the mortgage disclosed in the register book. The mistake might have been serious. If Mr. James had made a proper search in the registry he would have discovered the mortgage. It is Mr. James' duty to make such a search.

Mr. Stone further mentioned a case which had come to his knowledge, of one John Lewis having been registered as the owner of land at Fremantle, which land was the subject of a settlement which ought to have been, but was not, endorsed upon the certificate of title.

On searching the books in the registry, I found a memorial of the settlement, but, as Mr. Stone had stated, no notice had been taken of it by Mr. James.

Mr. James says, no doubt with truth, that the title deeds did not disclose the existence of this settlement, still by a proper search in the Registry, its existence would have been discovered. Mr. James will at once take steps to have the mistake rectified. With regard to the last two cases, I believe I am justified in saying that the register books (I am at the old office for Registration of Deeds) are in a very unsatisfactory state, and I think it would be as well to call on Mr. Laurence Elliot for suggestions as to what he thinks requisite to be done to bring them into a state that shall be readily intelligible.

His Excellency Major-General Sir H. St. Q. Ord, C.B., K.C.M.G.

H. H. HOCKING.

[ Document No. 2. ]

P.S.—In the above case I have written to Mr. Stone and Mr. James, and have had the kind letter from the former by which I am free to say that he has now discovered the error pointed out to him.
harm has resulted, as the certificate ultimately given was in conformity with the original description and correct. I do not also with the Attorney General in thinking that in acting as he did Mr. James was prompted solely by a desire to do his duty well.

E. ROWLAND AND W. S. MITCHELL’S CASES:
Here the certificate issued did not correspond with the certificates bound up in the book—a grave error on the part of the Commissioner.

MRS. BICKLEY’S CASE:
In this case the application did not disclose a mortgage—the Commissioner, if he had searched the Register, as it was his duty to do, would have discovered this, but he issued the certificate without endorsing it.

John Lewis’ Case:
This is somewhat similar to the last. The land was the subject of a settlement, which a search in the Registry would have enabled Mr. James to discover, but it was not on the Title Deeds, and as was not endorsed (as it should have been) on the certificate issued by the Commissioner. I regret to have to acknowledge that so much carelessness has been shown in the conduct of the business of a most important public office, and trust that I shall never be called upon to find similar fault with it in future. This minute to be shown to the Attorney General and Commissioner of Land Titles, and a copy sent to Mr. E. A. Stones, in reply to his letter of the 18th January, 1878. Refer the concluding paragraph of Attorney General’s letter to Mr. E. S. Bissett for report.

H. Sr. GEO. ORD.

[Document No. 8]
COMMISSION OF INQUIRY INTO THE LAND TITLES OFFICE.

Notes on examination of Commissioner of Titles (examined by Attorney General).
August 9th, 1878.

Spencer’s Case:
Mr. James procures original application by W. Padbury, in which Lot 88 is included. No Title Deeds were produced of Lot 88. The certificate issued for Lot 88 included several (8 or 9) contiguous lots as well. All the numbers excepting 88 are correct. The numbers (in the applications) are in my handwriting. I think Padbury dictated the numbers from a piece of paper. I am sure he did. Afterwards Padbury brought up his Title Deeds to the office of all numbers except No. 88.

Questions on the system pursued.
I have no books or memo. showing the searches in titles I made in this case, but I have in another. I have no record to show, in respect of No. 100 or any other numbers in this application, as to what particular searches I made. I believe all I did at the time was to see that Padbury had a Crown Grant in each case. I am sure I noticed the absence of the grant of No. 88 at the time, and made a note of it. I suppose the missing grant would be forthcoming. The certificates would not be prepared without my directions that they should be. I cannot remember giving directions in this case. A map was being prepared (I suppose by my direction) but I do not remember giving any such direction at the land in this application. The draftsman would be furnished with the Crown Grants or with the number of the Crown Grants, enabling him to copy from records in the Survey Office. I presume Padbury must have asked the Registrar to procure a map. I generally send for the draftsman when I want a map, and explain to him verbally. I believe, as a matter of fact, in this case Mr. James gave the instructions to the Draftsman. The schedule of documents in Padbury’s application is in blank. I took it so, believing Padbury would return and perfect it. I do not ever take applications now unless they are filled up properly. I was signing a lot of papers at the time this particular certificate was brought to me. I asked the Registrar “What is this?” He said “These are new Crown Grants.” I supposed they were certificates in case of Crown Grants, in the first instance forwarded from Land Office for registration.
Question.—What preliminary did you go through before signing this certificate brought you by the Registrar?
I had the verbal assurance of the Registrar only, in this case, that it was in respect of Crown Grants issued in first instance. There would be nothing on the face of the certificate to show whether it is issued in respect of a new grant or grants, or of an old Crown grant or old Crown grants 50 years old.

[Document No. 4]
From January, 1877, the Commissioner has adopted the following plan. — Each application, upon reaching the office, is numbered consecutively in red ink upon its cover. A journal is kept with a corresponding enumeration, showing in columns the date of the reception of the application, the name of the applicant, the description and judgment of conveyance, the reference to rejection or withdrawal, with remarks. Notes are not adverted to which evidence which is given by the certificate will not issue under the Commissioner, except upon proof that the certificate is in issue to be.

These vouchers are:
Informal applications, numbers described given of rendering the land over.

To the Honorable R. T. Gold.

I would respectfully to send to the Resident I registration, for delivery to

The Resident to consider

There is considerably always see the (issue not)(see assurance fund contributed)

The transmission of

19th November, 1878.

Mines

His Excellency the

on the Land Titles Office their advice thereon. 24th February, 1879.

Extract from Mines

With reference to the alleged to have taken place:

“that as the whole of the

“the cases (referred to be

“fully dealt with by the Office

“changes adopted by Mr.

“ought effectively to prevent

“1. To furnish

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“carried or

“3. That the rep

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was in conformity with the original copy of the Order in Council in thinking that it is for the interest of His Majesty to have the record kept by the Commissioner, if he had not already done so, but he issued the certificate of a settlement, which a search of the records, however, did not confirm. The Commissioner was therefore unable to issue the certificate.

I have been shown in the conduct of the survey, at the request of the Commissioner of Land Titles, and a copy of the certificate issued by the Surveyor General for the purpose of finding similar certificates.

J. C. H. JAMES,
Commissioner of Titles.
15-179.

[Document No. 5.]
To the Honorable R. T. Goldsworthy, Esq., Esq., Chairman of the Board of Inquiry into the working of the Department of Land Titles.

I have the honor to submit the report of the Board of Inquiry into the working of the Department of Land Titles.

I would respectfully suggest to the Board that the Registrar of Titles should be recommended to send to the Resident Magistrates in the various country districts, the batches of Crown Grants after registration, for delivery to the proprietor residing there.

The Resident Magistrates should be instructed to collect the fees and forward them to the Registrar.

There is considerable inconvenience in the present system, as the proprietors of the land do not always see the Gazette notice, and the Registrar cannot return the document until he has received the fee (trustee fund contribution).

The transmission of a registered letter to the proprietor generally costs as much as the fee comes to.

J. C. H. JAMES, Commissioner of Land Titles.

19th November, 1878.

Extract from Minutes of the Executive Council, 25th February, 1879.

With reference to the report of the Commission appointed to inquire into certain irregularities alleged to have taken place in the Land Titles Office, it has been decided by the Governor in Council,

"that as the whole of the cases considered in the report occurred some time ago, and as all but two of the cases (referred to by Mr. Carey in the Legislative Council) have been already investigated and fully dealt with by the Governor, and further as the Commission appears to be of opinion that the changes adopted by Mr. James in the management of his office since the discovery of these errors has been carried out effectively to prevent the recurrence of them; it will be sufficient—"

1. To furnish Mr. James with a copy of the Report, for his information and future guidance.

2. That the suggestions made by the Commission for the future working of the office, be "carried out.

3. That the report of the Commission should be laid before the Legislative Council, with a "copy of the Resolutions and conclusions here arrived at."

H. Sr. Geo. O.

Acting Clerk of Council.
Sr.,

Colonial Secretary’s Office, Perth, 7th April, 1879.

I am desired by the Committee appointed by your Excellency to enquire into the working of the Land Titles Office, to inform you that some fresh matter has suggested itself which the Committee would be glad to deal with in the Report submitted to your Excellency on the 18th January last, and I am therefore requested to express a hope that previous to the Report being further considered by your Excellency it may be returned to the Committee for the necessary addition.

At the same time I may mention, that owing to the departure of the Honorable the Attorney General, the Committee has been reduced to two members. Under these circumstances, your Excellency may see fit to appoint some other gentleman to the vacant seat.

I have, &c.

ROGER TUCKER GOLDSWORTHY,
Colonial Secretary.

C.S.—Request Mr. M. Fraser to take the Attorney General’s place. The Private Secretary will return the papers to the Committee.

H. 8r. G. 0.
8-4-79.

Supplementary Report.


We have now the honor to forward to your Excellency our Supplementary Report upon the working of the Land Titles Office, as follows—:

1. In reference to the complaints made as to the mode adopted by the Registrar, Mr. Janney, in collecting and paying cost of advertisements in the local journals, we have made careful inquiry, and find there were no grounds whatever for certain imputations cast upon that officer in connection with this branch of his duties.

2. The Registrar formerly made an arrangement with the publisher of “The Inquirer,” under which he was to pay every three months for the advertisements published during that period, thus making himself personally responsible for the several amounts, whether recovered by him or not (in fact we found that in several instances he had actually made such payments before himself receiving the amounts); this plan has now been discontinued, and the Commissioner ofTitles informs us, he has now arranged with the various newspaper proprietors that they shall themselves collect the amounts, the advertisements as sent for insertion having appended to them the name of the Solicitor, Agent, or Applicant, whom the publisher understands to be the person to whom he is to charge the amounts; this plan is found to work well, and meets with our approval.

3. Referring to clause 16 of our original report, we beg to recommend that the unfinished strong room underneath the office should at once be put in a fit state for the reception of its permanent Records; also that another iron safe be provided for the Registrar.

4. We also beg to recommend that the Commissioner of Titles be empowered to direct applications to be advertised in all cases in which it seems advisable to him to do so. Section 19 of the Act, authorises the Commissioner of Titles to direct applications to be advertised only in cases where any transactions affecting the land have been previously registered, and the Commissioner points out to us that circumstances occasionally arise when advertisements become desirable, if not essential, although no transactions may have been so registered, and he is nevertheless in such cases (as the law now stands) bound by Section 18 to direct the land to be brought under the operation of the Act “forthwith” without requiring any such advertisement.

5. We also concur in the opinion expressed by the Commissioner of Titles that the “Government Gazette” is the best medium of advertisement in the Colony, and beg to recommend that Section 19 of the Act be amended, by adding the name of the “Government Gazette,” as one of the journals in which notices of application shall be made.

6. In regard to tracings and maps on certificates, also necessary surveys in connection with applications under the Act, we find the present course in vogue to be as follows—in case of dealings with land requiring sub-division, the potatoes, who thereupon make the boundaries and a tracing of the area the recorded copy of the certified need.

7. In cases where regular arrangements for the survey are being done, or certified as correct, to bring land under the operation adopted by the Commissioners; the applicants are to pay for such work.

8. We beg to recommend to the Commissioners a Title, that it be by mistake, a map of the land in the Crown Grant or certified map be submitted.

9. The Crown Grant is nothing in the Act requiring a map to be submitted, the map lodged with the application, or authorising a charge to be made.

10. The Commissioner of Titles in Victoria Office “as a necessity to ensure the expenditure of the amount expended up to the end of the year under the Act, we hardly think that the amount expended up to the end of the year under the Act, we hardly think that the on the propspective purchaser in substitution for that fee is to be accounted for is a scale of such fees, which, if adopted, we think would be a tax upon the people and thus carry out the desire of the staff of the Titles Office.

11. The work likely to be required to be done is:
   —To make surveys
   —To verify sub-divisions
   —To draw to scale,
   —“of investigation and surveying.”

And in addition we may add the recommendation on this point.

12. The Commissioner of Titles in Victoria Office “as a necessity to ensure the expenditure of the amount expended up to the end of the year under the Act, we hardly think that the on the propspective purchaser in substitution for that fee is to be accounted for is a scale of such fees, which, if adopted, we think would be a tax upon the people and thus carry out the desire of the staff of the Titles Office.

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Colonial Secretary's Office, Perth, 7th April, 1879.

To Her Excellency to inquire into the working of the Act, and to suggest itself which the Committee would to the Report being further considered by your to the party and the necessity additional.

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H. St. G. O.
8-4-79.

Colony Report.
R. E. R., K.C.M.G., C.B., etc., etc.

Exceeding our Supplementary Report upon the
the mode adopted by the Registrar, Mr. January, the local journals, we have made careful enquiries, computations cast upon that officer in connection

with the publisher of "The Inquirer," under the advertisements published during that period, the memorial amounts, whether recovered by him or not, but made such payments before himself receiving the sum of money. The Commissioner of Titles informs us, he has that they shall likewise collect the amounts, and to them the name of the Solicitor, Agent, or person to whom he is to charge the amounts; this

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der requiring sub-division, the original application is forwarded by the Registrar to one of the licensed surveyors, who thereupon makes out a map of the land being dealt with, also written description of boundaries and a tracing of the map (the price paid to the surveyor is 5s. 6d.); the tracing is affixed to the recorded copy of the certificate, which is retained in the office and bound up.

7. In cases where regular surveys become necessary the Solicitor or Applicant makes his own arrangements for the survey and pays for it, without reference to the Titles Office, such work of course being done, or certified as correct by a licensed surveyor; this mode is adopted in respect to applications to bring land under the operation of the Act, as, and to subsequent dealings with the land, and was adopted by the Commissioner in consequence of difficulties experienced by the Registrar in compelling applicants to pay for such work when brought from the office.

8. We beg to recommend, for Your Excellency's consideration, the suggestion of the Commissioner of Titles, that it be made compulsory on the Registrar of Titles to issue certificates with, in each case, a map of the land dealt with on the face of the certificate, coinciding with that upon the Crown Grant or certified map lodged (as the case may be), also upon the bound-up certificate.

9. The Crown Grants issued from the Crown Lands' Office have, in each case, a map, but there is nothing in the Act requiring a copy of the Crown Grant map to be put upon the certificate issued to a purchaser in substitution for the Crown Grant (where the whole lot is purchased) or requiring a copy of the map lodged with the application (in case of sub-division) to go on the certificate issued in that case, or authorizing a charge to be made to the applicant to cover such expense in either case.

10. The Commissioner of Titles has laid before us a communication received by him from the Registrar of Titles in Victoria, by which we find that officer looks upon a Draftsperson attached to the Titles Office "as a necessity to ensure the efficiency of the working of the department." Judging, however, from the amount expended up to the present time, here, on surveys, maps, etc., in connection with applications under the Act, we hardly think an officer or officers of that description attached to the office a necessity, or that we should be justified in recommending such an addition to the staff of the office, as yet, but we beg to recommend that the Commissioner of Titles be enabled to procure drafting work, or any other work required in connection with applications, to be done in the Survey Office, on his written requisition, addressed to the Surveyor General, such work to be paid for by fees to be charged in the Titles Office (the fees to be accounted for to the Surveyor General by the Registrar). We beg to append hereto a scale of such fees, drawn up by the Surveyor General, which we recommend for adoption, and which, if adopted, we think will cover the expenses of the persons who may be employed in the work, and thus carry out the desired object without entailing extra expense on the Colony by an addition to the staff of the Titles Office.

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10. The Commissioner of Titles has laid before us a communication received by him from the Registrar of Titles in Victoria, by which we find that officer looks upon a Draftsperson attached to the Titles Office "as a necessity to ensure the efficiency of the working of the department." Judging, however, from the amount expended up to the present time, here, on surveys, maps, etc., in connection with applications under the Act, we hardly think an officer or officers of that description attached to the office a necessity, or that we should be justified in recommending such an addition to the staff of the office, as yet, but we beg to recommend that the Commissioner of Titles be enabled to procure drafting work, or any other work required in connection with applications, to be done in the Survey Office, on his written requisition, addressed to the Surveyor General, such work to be paid for by fees to be charged in the Titles Office (the fees to be accounted for to the Surveyor General by the Registrar). We beg to append hereto a scale of such fees, drawn up by the Surveyor General, which we recommend for adoption, and which, if adopted, we think will cover the expenses of the persons who may be employed in the work, and thus carry out the desired object without entailing extra expense on the Colony by an addition to the staff of the Titles Office.

11. The work likely to be required, the Commissioner of Titles informs us, would be as follows:—

"To make surveys on the spot."

"To verify sub-division plans of land already under the operation of the Act."

"To draw to scale, and settle rough plans made by the Commissioner of Titles in the course of investigation of a title on application."

And in addition we may add, “to place the maps and tracings on the certificates” (should our recommendation on this point be approved by Your Excellency).

12. The Commissioner of Titles also suggests, in reference to the form of requisition to pass from him to the Surveyor General, “as the work is somewhat various, a form of the utmost simplicity requesting work to be done for the Titles Office, as detailed in paper annexed; this should be signed by the Commissioner of Titles, and initialed by the Surveyor General, and by the Draftsman.”

13. The Commissioner of Titles appears to think that if the plan we recommend be adopted, the officer employed to do the work should be under the control of the Titles Office, while so employed; in this we do not concur; we think any work done in the Survey Office should be done under the supervision of the head of that Department, who would be responsible for the correctness of the work. If, after a fair trial of this plan, it should be found that the fees received were sufficient to maintain a competent officer or officers to be attached to the Titles Office, we think it would then be well to have such officer appointed on fixed salary, and all fees paid into the Treasury.
14. The Commissioner of Titles proposes that, with Your Excellency's sanction, for the future, forms of application, transfer, mortgage, &c., should be sold instead of being given away, as at present; and such sale is estimated to produce £40 per annum; we recommend this proposal for Your Excellency's favorable consideration.

15. These various alterations will necessitate a short Act of Council, amending the Transfer of Land Act in the particulars referred to.

All which we return as our Report, this fourteenth day of July, 1879.

ROGER TUCKER GOLDSWORTHY,
MALCOLM FRASER,
ROWLEY C. LOFTIE.

[Enclosure]

Scale of fees recommended—

1. For survey in Perth £1, occupying not more than half a day, and cost of labor necessary added (otherwise £1 10s. a day.)

2. In any town or district (otherwise than city of Perth), for surveyor £1 10s. a day, with subsistence at 1s. a mile, nearest survey camp, and cost of labor necessary to be added.

3. Map (in duplicate if required), including description and words, 7s. 6d. For general work in office, which cannot be included above, 2s. 6d. for each hour a draftsman is so employed.

All charges for surveys and plans must be collected by Titles Office, and paid promptly for work done.

Officers employed cannot be under the Commissioner of Titles' instructions individually, but will be guided by the wording of the requisitions sent in by him.

COLONIAL SECRETARY—

Be good enough to have the whole of these papers printed, and submit them for the consideration of the Legislative Council as soon as possible after it assembles.

16th July, 1879.

H. SR. G. O.