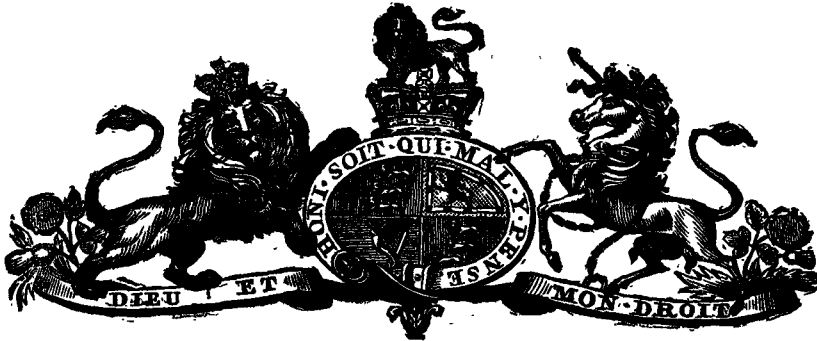


## NEW ZEALAND.



TRICESIMO NONO

## VICTORIÆ REGINÆ.

No. LXXIII.

\*\*\*\*\*

## ANALYSIS.

## Title.

1. Short Title and commencement.
2. Repeal.
3. Former references to stamp duties to apply to this Act.
4. Interpretation of terms.
5. Grant of duties in Schedules, which are to be read as part of this Act.

## PART I.

## MANAGEMENT.

6. Commissioner and officers to be appointed.
7. Governor may make regulations.
8. Commissioner's stamp.
9. Adhesive and impressed stamps to be created only at Head Office.
10. As to licenses to deal in stamps.
11. As to the contents and effects of a license.
12. Penalty for unauthorized dealing in stamps £20; and in the case of a forged stamp £40. Proviso.
13. How license to be notified. Penalty £10.
14. Penalty on unauthorized persons holding themselves out as dealers in stamps. Officers of the Government may sell.
15. Discount.
16. Allowance for spoiled stamps.
17. Criminal offences relating to stamps.
18. Proceedings for the detection of forged dies.
19. Further proceedings for the detection of forged stamps. Penalty for resisting obstructing or refusing to assist, £50.
20. Mode of proceeding when stamps are seized.
21. Proceedings for the detection of stamps stolen or obtained fraudulently.
22. As to defacement of adhesive stamps.
23. Penalty for frauds in relation to adhesive stamps or to any duty.
24. Recovery of penalties. Governor may mitigate penalties.
25. Affidavits and declarations, how to be made. Punishment for false oath.
26. Colonial Treasurer to pay moneys.

## PART II.

## AS TO DUTIES ON INSTRUMENTS.

## GENERAL PROVISIONS.

27. How instruments are to be written and stamped.
28. Instruments to be separately charged with duty in certain cases.
29. As to the use of appropriated stamps.
30. Facts and circumstances affecting duty to be set forth in instruments.
31. Money in foreign or colonial currency to be valued.
32. Marketable securities to be valued.
33. Effect of statement of value.
34. As to denoting stamp.
35. Terms upon which instruments may be stamped after execution. No fine within one month after execution. As to instruments executed abroad.
36. Terms upon which unstamped or insufficiently stamped instruments may be received in evidence in any Court. The Officer of the Court to transmit instrument for stamping.
37. Instrument not duly stamped inadmissible.
38. Deeds executed out of New Zealand valid if stamped in accordance with law of country in which executed.
39. The Deputy Commissioner to assess duty. Mode and effect of proceeding.
40. In case of doubt reference to be made to Commissioner.
41. Person dissatisfied may appeal. Mode of proceeding.
42. The Commissioner or Deputy Commissioner may call for and refuse to proceed without evidence. Proviso.
43. Effect of Commissioner's stamp.
44. Deficient duty may be recovered.
45. Rolls, books, &c. to be open to inspection. Penalty for refusing inspection, £10.
46. Penalty for knowingly enrolling &c. any instrument not duly stamped.
47. How duties to be denoted.
48. General direction as to the cancellation of adhesive stamps. Penalty for neglect or refusal, £10.

*Stamp.*

## SPECIAL PROVISIONS.

*Affidavits.*

49. Duty on affidavits and declarations may be denoted by adhesive stamps.

*Agreements.*

50. Duty on agreements under hand may be denoted by adhesive stamp.

*Bank Notes, Bills of Exchange, and Promissory Notes.*

51. Definition of terms "banker," "bank," and "bank note."  
 52. Bank notes to be exempt subject to annual composition.  
 53. Interpretation of term "bill of exchange."  
 54. Interpretation of term "promissory note."  
 55. The duties on bills of exchange may be denoted by adhesive or impressed stamps.  
 56. *Ad valorem* duties to be denoted in certain cases by adhesive stamps. Provisoes for the protection of *bond fide* holders. Not to relieve any other person.  
 57. Bills and notes purporting to be drawn &c. abroad, to be deemed to have been so drawn &c.  
 58. Except as aforesaid, no bill or note may be stamped after execution.  
 59. Penalty for issuing &c. any unstamped bill or note £50, and the bill or note to be unavailable.  
 60. Penalty for drawing &c. bills purporting to be in a set and not drawing the whole number.  
 61. Bills &c. not to be noted or protested unless stamped. Penalty.

*Bills of Lading.*

62. Bills of lading not to be stamped after execution. Penalty.

*Bonds, Debentures, &c.*

63. Penalty for paying interest upon unstamped bonds.

*Charter-parties.*

64. Definition of "charter-party."  
 65. Adhesive stamp may be used.  
 66. As to charter-parties executed abroad.  
 67. Terms upon which charter-parties may be stamped after execution.

*Certificates of Title.*

68. District Land Registrar to forward certificate to be stamped.

*Conveyances on Sale.*

69. Definition of term "conveyance on sale."  
 70. How *ad valorem* duty to be calculated in respect of marketable securities.  
 71. How consideration consisting of periodical payments to be charged.  
 72. How conveyance in consideration of a debt, or subject to future payment &c., to be charged.  
 73. How conveyance in certain cases to be charged.  
 74. As to the sale of an annuity or right not before in existence.

*Duplicates and Counterparts.*

75. As to duplicates or counterparts.

*Exchange and Partition.*

76. As to exchange and partition.

*Incorporated Companies.*

77. Incorporated Companies to take out yearly licenses.  
 78. Registrar of Joint Stock Companies not to issue any certificate until duty paid.  
 79. Penalty on Company carrying on business without license.  
 80. Mutual Companies liable to annual duty as incorporated Companies.  
 81. Commissioner's decision as to liability of Companies to be final. Appeal.

*Leases.*

82. Definition of term "Lease."

83. Leases how to be charged in respect of produce &c.  
 84. Directions as to duty in certain cases.

*Notarial Acts.*

85. Duty on notarial act may be denoted by adhesive stamp.  
 86. Deeds &c. not to be notarially attested unless stamped. Proviso.

*Sea Insurance.*

87. Interpretation of "sea insurance" and policy.  
 88. Adhesive stamps may be used for policies.  
 89. All sea insurance to be by policy.  
 90. Time policies not to be for more than twelve months.  
 91. Policies not to be stamped after making except on certain conditions.  
 92. Insurances for voyage and time to bear duties for both voyage and time.  
 93. Penalty for not making out policy, or making &c. any policy not duly stamped, £20.

*Receipts.*

94. Meaning of term "receipt."  
 95. Duty on receipts may be denoted by adhesive stamps. Penalty.  
 96. Penalty for offences relating to receipts.  
 97. Commissioner &c. may stamp receipts upon certain terms.

*Settlements.*

98. As to settlement of policy or security.  
 99. Where several instruments one only to be charged with *ad valorem* duty.  
 100. Instrument in favour of object of power of appointment in certain cases not liable to duty.

*Transfers of Runs.*

101. Assessment of duty on transfers of runs.

*Transfers of Shares.*

102. Transfers of shares not to be registered unless duly stamped.  
 103. Instrument of sale or transfer to be void, if name of purchaser or transferee not inserted. Penalty for executing same, £20.  
 104. Agent not entitled to fee if instrument not duly executed, stamped, &c.

## PART III.

## AS TO DUTIES ON THE ESTATES OF DECEASED PERSONS.

105. Interpretation of terms.  
 106. Duties payable on all property of deceased.  
 107. Grant of administration to be sent by Registrar or Clerk of Court to the Commissioner.  
 108. Statement of property to be forwarded to Commissioner.  
 109. Statement to be verified.  
 110. Duties to be a debt due to Her Majesty by deceased.  
 111. Duties to be paid within six months from grant of administration. Sale shall be conducted by Registrar or Deputy Registrar. Proviso.  
 112. Administration or in certain cases the statement to be stamped.  
 113. No duty payable on further administration being taken out.  
 114. Power to administrator to deduct duty from devisees and legatees.  
 115. Annuities for life, how to be valued.  
 116. On determination of life interest, how duty to be calculated.  
 117. Provision in case too little duty has been paid.  
 118. Provision in case too much duty has been paid.  
 119. Administrator shall pay duty for persons dying intestate.  
 120. Penalty for false statement.  
 121. Penalty for dealing with estate prior to payment of duty. Proviso.  
 Schedules.

*Stamp.*

AN ACT to impose Stamp Duties in lieu of Duties of the same kind now payable under various Acts, and to consolidate and amend the provisions relating thereto. [21st October, 1875.] Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as “The Stamp Act, 1875,” and shall come into operation on the first day of January, one thousand eight hundred and seventy-six, which date is hereinafter referred to as the commencement of this Act. Short Title and commencement.

2. “The Stamp Duties Act, 1866,” “The Stamp Duties Act Amendment Act, 1867,” “The Stamp Duties Act Amendment Act, 1869,” “The Stamp Duties Act Amendment Act, 1870,” “The Stamp Duties Act Amendment Act, 1871,” and “The Stamp Duties Act Amendment Act, 1872,” are hereby repealed: Repeal.

Provided that this repeal shall not affect the past operation of any enactment hereby repealed, or the sufficiency or insufficiency of the stamp duty upon any instrument executed or the validity or invalidity of anything done or suffered, or the payment or recovery of any legacy succession or residuary or other duty which may have or which may hereafter become payable in relation to the estates of persons who may have died before the commencement of this Act. Nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed, or any penalty or forfeiture incurred against or under any enactment hereby repealed.

Provided further that every Deputy Commissioner and other officer appointed under the authority of the Acts hereby repealed, or any of them, and holding office at the date of the commencement of this Act, shall be deemed to be duly appointed under the authority of this Act.

3. Where, by any Act heretofore passed, reference is made to the enactments relating to stamp duties in force before the commencement of this Act, such reference shall after the commencement of this Act be read and construed as a reference to this Act, instead of to the said enactments. Former references to stamp duties to apply to this Act.

4. In the construction and for the purposes of this Act the following words have the meanings by this section assigned to them, unless it is otherwise provided or there be something in the context repugnant thereto:— Interpretation of terms.

- (1.) “The Commissioner” means such member of the Executive Council as shall be appointed to be Commissioner of Stamp Duties under this Act.
- (2.) “Stamp Office” means the office of the Commissioner appointed under this Act or of any Deputy Commissioner.
- (3.) “Head Office” means the office of the Commissioner.
- (4.) “Duty” means the stamp duty for the time being chargeable by law.
- (5.) “Material” means and includes every sort of material upon which words or figures can be expressed.
- (6.) “Write” “written” and “writing” include every mode in which words or figures can be expressed upon material.
- (7.) “Instrument” means and includes every written document.
- (8.) “Stamp” means either a stamp impressed by means of a die or an adhesive stamp.

*Stamp.*

- (9.) "Stamped," with reference to instruments and material, applies as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto.
- (10.) "Executed" and "execution," with reference to instruments not under seal, mean signed and signature.
- (11.) "Money" includes all sums expressed in British or in any foreign or colonial currency.
- (12.) The term "Marketable Security" includes any stock funds shares bonds or debentures of any Government, municipal or other corporation, company or society.
- (13.) "Property" means and includes real and personal property.
- (14.) "Person" includes company corporation and society.
- (15.) "Die" means and includes any plate type tool or implement whatever used for expressing or denoting any duty or the fact that any duty or penalty has been paid or that an instrument is duly stamped or is not chargeable with any duty, and also any part of any such plate type tool or implement.
- (16.) "Forge," "forged," mean and include counterfeit, counterfeited.

Grant of duties in Schedules, which are to be read as part of this Act.

5. (1.) From and after the commencement of this Act, there shall be charged for the use of Her Majesty, upon the several instruments specified in the Schedules to this Act, the several duties therein specified, and no other duties.

(2.) The said Schedules, and everything therein contained, are to be read and construed as part of this Act.

## PART I.

## AS TO MANAGEMENT.

Commissioner and officers to be appointed.

6. (1.) There shall be a Commissioner of Stamps, who shall be appointed by the Governor in Council, and who shall be charged with the administration of this Act and the chief control of all matters relating to the duties imposed by this Act: Provided that the person who at the time of the coming into operation of this Act holds office as Commissioner of Stamps shall be deemed to have been appointed under this Act.

(2.) The Governor may appoint as many Deputy-Commissioners and other officers as may be found necessary to assist the Commissioner in the administration of this Act, who shall receive such salaries and allowances only as the General Assembly from time to time directs.

Governor may make regulations.

7. The Governor may from time to time by Order in Council make Regulations not inconsistent with the provisions of this Act for the conduct of all persons concerned in the administration thereof, and generally for carrying this Act into effect.

Commissioner's Stamp.

8. There shall be a stamp called the Commissioner's stamp, which may be impressed on instruments at any Stamp Office, and shall denote that all duty to which such instrument is liable has been paid.

Adhesive and impressed stamps to be created only at Head Office.

9. All adhesive stamps and all *ad valorem* impressed stamps shall be created only at the Head Office.

As to licenses to deal in stamps.

10. The Commissioner may grant a license to any person to deal in stamps at any place in New Zealand named in such license, and may at any time revoke such license, and every person to

*Stamp.*

whom any such license is granted shall enter into a bond to Her Majesty in such sum as the Commissioner thinks fit with a condition that such licensed person does not sell or offer for sale or exchange or keep or have in his possession for the purpose of sale or exchange any stamps other than such as he has purchased or procured at a Stamp Office or from some person duly licensed to deal in stamps, and the sum named in such bond shall in case of breach be recoverable as liquidated damages and not as a penalty: Provided that one license and one bond only shall be required for any number of persons in copartnership.

11. Every such license is to specify the proper Christian or first name and surname and place of abode of the person to whom the same is granted and to contain a true description of every building at which he is by such license authorized to deal in stamps, and such person shall not be thereby entitled to deal in stamps at any place not described in his license.

As to the contents and effects of a license.

12. (1.) Every person who

(a.) Not being duly licensed to deal in stamps deals in any manner in stamps,

(b.) Being so duly licensed deals in any manner in stamps at any place not specified in his license,

Penalty for unauthorized dealing in stamps £20; and in the case of a forged stamp £40.

shall for every such offence forfeit a sum not exceeding twenty pounds.

(2.) If in any proceeding for recovery of the said penalty it appears that any stamp which has been sold or exchanged or offered for sale or exchange is forged, although the same may not have been so alleged in the information or pleading, the said penalty shall be doubled.

(3.) If on any such proceeding any issue is tried by a jury in which the selling or exchanging or offering for sale or exchange of any stamp is in question, the jury shall be required to say whether such stamp is forged or not.

(4.) Provided that nothing in this section contained shall exempt any person from the legal consequences of selling uttering or having in possession any forged stamp, knowing the same to be forged.

Proviso.

13. Every person licensed to deal in stamps shall cause to be painted at full length in Roman capital letters one inch at least in height and of a proportionate breadth, on some conspicuous place on the outside of the front of every building at which he is licensed to deal in stamps, and so that the same may be at all times distinctly visible and legible, his Christian or first name and surname together with the words "Licensed to sell Stamps," and shall continue such names and words so painted during all the time that he continues licensed as aforesaid, and for every neglect or omission in any of such matters, shall forfeit a sum not exceeding ten pounds.

How license to be notified.

Penalty £10.

14. (1.) If any person not being duly licensed to deal in stamps permits to be or to continue written painted or marked upon any part of his house or shop, either in the inside or on the outside thereof, or upon any material whatever exposed to public view, whether the same be affixed to his house or shop or not, any word or words signifying that he is a dealer in stamps, he shall forfeit a sum not exceeding ten pounds for every day on which such offence is committed or continued.

Penalty on unauthorized persons holding themselves out as dealers in stamps.

(2.) But it shall nevertheless be lawful for any person in the service or employment of the Government of the colony to sell at any public office stamps deposited with him by the Commissioner for sale.

Officers of the Government may sell.

15. Upon the sale of stamps such discount may be allowed to the purchasers thereof as the Commissioner directs.

Discount.

16. The Commissioner may, subject to any Regulations made under this Act, make allowance for stamps inadvertently spoiled

Allowance for spoiled stamps.

*Stamp.*

by giving in exchange other stamps of the same value, or by giving the owner thereof an order on the Treasury for the same amount.

Criminal offences  
relating to stamps.

17. Any person who is guilty of doing or causing or procuring to be done, or knowingly aiding abetting or assisting in doing any of the acts following, that is to say,—

- (1.) Forging a die or stamp ;
- (2.) Making an impression upon any material with a forged die ;
- (3.) Fraudulently removing from any material any stamp with the intent that any use should be made of such stamp or of any part thereof ;
- (4.) Fraudulently mutilating any stamp with intent that any use should be made of any part of such stamp ;
- (5.) Fraudulently fixing upon any material or upon any stamp any stamp or part of a stamp which whether fraudulently or not has been removed from any other material or from any other stamp ;
- (6.) Fraudulently erasing or otherwise either really or apparently removing from any stamped material any name sum date or other matter or thing whatsoever thereon written with the intent that any use should be made of the stamp upon such material ;
- (7.) Knowingly selling, or exposing for sale, or uttering or using any forged stamp ;
- (8.) Knowingly and without lawful excuse (the proof of which lawful excuse lies on the person accused) having in possession any forged die or stamp or any stamp or part of a stamp which has been fraudulently removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name sum date or other matter or thing has been fraudulently erased or otherwise either really or apparently removed,

is guilty of felony, and upon being convicted shall be liable to penal servitude for any term not less than seven years, or to be imprisoned with or without hard labour for any term not exceeding four years.

Proceedings for the  
detection of forged  
dies.

18. On information given before any Justice of the Peace upon oath that there is just cause to suspect any person of being guilty of any of the offences aforesaid, such Justice may, by a warrant under his hand, cause every dwelling-house room workshop outhouse or other building or place belonging to or occupied by the suspected person, or where he is suspected of being or having been in any way engaged or concerned in the commission of any such offence, or of secreting any forged die or stamp, or any machinery implement or utensils applicable to the commission of any such offence, to be searched, and if upon such search any of the said several matters and things are found, the same may be seized and carried away in order that they may be produced in evidence against any offender, and shall afterwards, whether produced in evidence or not, by order of the Court or Judge before whom such offender is tried, or in case there shall be no such trial, by order of some Justice of the Peace, be delivered over to the Commissioner to be defaced or destroyed.

Further proceedings  
for the detection of  
forged stamps.

19. (1.) Upon information given to the Commissioner or a Deputy Commissioner that there is reasonable cause to suspect that any person being or having been licensed to deal in stamps has in his possession any forged stamps, the Commissioner or Deputy Commissioner may, by warrant under his hand, authorize any person to enter between the hours of nine in the morning and seven in the evening into any dwelling-house room shop warehouse outhouse or

*Stamp.*

other building of or belonging to any such suspected person; and if on demand of admittance and notice of such warrant the door of any such dwelling-house room shop warehouse outhouse or other building or any inner door thereof is not opened, then such authorized person may break open the same respectively, and search for and seize any stamps that may be found in any such place as aforesaid or elsewhere in the custody or possession of such suspected person.

(2.) All constables and other peace officers are hereby required, upon the request of any person acting under such warrant, to aid and assist in the execution thereof.

(3.) Any person who

(a.) Refuses to permit any such search or seizure to be made as aforesaid;

(b.) Assaults opposes molests or obstructs any person employed or acting in the execution or under the authority of any such warrant, or aiding or assisting in the execution thereof;

and every constable or peace officer who upon any such request as aforesaid refuses or neglects to aid and assist in the execution of any such warrant as aforesaid, shall forfeit a sum not exceeding fifty pounds.

20. (1.) The person who is intrusted with the execution of any such warrant as aforesaid shall, if required, give to the person in whose custody or possession any stamps are found and seized, an acknowledgment of the number particulars and amount of the stamps so seized, and shall permit such last-mentioned person, or any person employed by him, to mark such stamps before the removal thereof.

Penalty for resisting obstructing or refusing to assist, £50.

Mode of proceeding when stamps are seized.

(2.) The person in whose custody or possession any stamps are so found and seized shall be entitled to claim and receive in money the amount of such of the stamps so seized as may be found to be genuine (deducting therefrom the proper discount), or, if the Commissioner think fit, such of the stamps so seized as may be found to be genuine may be returned to the person from whose custody or possession the same have been taken.

21. (1.) Any Justice of the Peace may, upon reasonable suspicion that any stamps have been stolen or fraudulently obtained, issue his warrant for the seizure thereof, and for apprehending and bringing before himself or any other Justice the person in whose possession or custody such stamps may be found, to be dealt with according to law.

Proceedings for the detection of stamps stolen or obtained fraudulently.

(2.) If such person omits or refuses to account for the possession of such stamps, or is unable satisfactorily to account for the possession thereof, or if it does not appear that the same were purchased by him at a Stamp Office, or from some person duly licensed to deal in stamps, such stamps shall be forfeited to Her Majesty and shall be by such Justice delivered over to the Commissioner; and such stamps shall be kept by the Commissioner for the space of six months, and shall afterwards be cancelled and destroyed.

(3.) Provided that if at any time within such six months any person makes out to the satisfaction of the Commissioner that any such stamps were stolen or otherwise fraudulently obtained from him, and were purchased by him at a Stamp Office, or from some person duly licensed to deal in stamps, such stamps may be delivered up to him.

22. Every person who by any writing in any manner defaces any adhesive stamp before it is used, shall forfeit a sum not exceeding five pounds: Provided that any person may with the express sanction of the Commissioner, and in such manner as he prescribes, write upon an adhesive stamp before it is used for the purpose of identifying the same.

As to defacement of adhesive stamps.

*Stamp.*

Penalty for frauds in relation to adhesive stamps or to any duty.

**23.** Any person who

- (1.) Fraudulently removes or causes to be removed from any instrument any adhesive stamp, or affixes any adhesive stamp which has been so removed to any other instrument with intent that such stamp may be used again.
- (2.) Sells or offers for sale, or utters, any adhesive stamp which has been so removed, or utters any instrument having thereon any adhesive stamp which has to his knowledge been so removed as aforesaid.
- (3.) Practises or is concerned in any fraudulent act contrivance or device not specially provided for, with intent to defraud Her Majesty of any duty,

shall forfeit, over and above any other penalty to which he may be liable, the sum of twenty pounds.

Recovery of penalties.

**24.** (1.) Penalties incurred under this Act may be recovered in a summary way, with costs, before any two Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1866."

Governor may mitigate penalties.

(2.) The Governor may at his discretion mitigate or stay or compound proceedings for any penalty, and may reward any person who informs of any offence against this Act, or assists in the recovery of any penalty.

Affidavits and declarations, how to be made.

**25.** (1.) Any oath affidavit or declaration to be taken or made in pursuance or for the purposes of this Act may be made before the Commissioner or any Deputy Commissioner, any Judge or Solicitor of the Supreme Court, or any Justice of the Peace or Notary Public in New Zealand, or at any place out of New Zealand before any person duly authorized to administer oaths thereat.

Punishment for false oath.

(2.) Any person who knowingly and wilfully makes a false oath or declaration concerning any matter in this Act contained shall be liable to the punishment imposed by law for wilful and corrupt perjury.

Colonial Treasurer to pay moneys.

**26.** The Colonial Treasurer may issue and pay out of the Consolidated Fund any moneys which may become payable to any person under the provisions of this Act.

## PART II.

## AS TO DUTIES ON INSTRUMENTS.

*General Provisions.*

How instruments are to be written and stamped.

**27.** (1.) Every instrument written upon stamped material is to be written in such manner, and every instrument partly or wholly written before being stamped, is to be so stamped that the stamp may appear on the face of the instrument, and cannot be used for or applied to any other instrument written upon the same piece of material.

(2.) If more than one instrument is written upon the same piece of material, every one of such instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

Instruments to be separately charged with duty in certain cases.

**28.** Except where express provision to the contrary is made by this or any other Act,

(1.) An instrument containing or relating to several distinct matters is to be separately and distinctly charged with duty in respect of each of such matters as if each matter were expressed in a separate instrument.

(2.) An instrument made for more than one consideration is to be charged with duty in respect of each such consideration, according to the rate with which each is chargeable, as though each consideration were expressed in a separate instrument.



*Stamp.*

**29.** (1.) A stamp which by any word or words on the face of it is appropriated to any particular description of instrument is not to be used or available for an instrument of any other description. As to the use of appropriated stamps.

(2.) An instrument falling under the particular description to which any stamp is so appropriated as aforesaid is not to be deemed duly stamped unless it is stamped with the stamp so appropriated.

**30.** All the facts and circumstances affecting the liability of any instrument to *ad valorem* duty, or the amount of the *ad valorem* duty with which it is chargeable, are to be fully and truly set forth in such instrument; and every person who, with intent to defraud Her Majesty, Facts and circumstances affecting duty to be set forth in instruments.

(1.) Executes any instrument in which all the said facts and circumstances are not fully and truly set forth,

(2.) Being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances,

shall forfeit the sum of fifty pounds.

**31.** Where an instrument is chargeable with *ad valorem* duty in respect of any money in any foreign or colonial currency, such duty shall be calculated on the value of such money in British currency according to the current rate of exchange on the day of the date of the instrument. Money in foreign or colonial currency to be valued.

**32.** Where an instrument is chargeable with *ad valorem* duty in respect of any marketable security, such duty shall be calculated on the price of such security as quoted in any stock or share market in or out of the colony, or on the average value according to the best evidence which can be obtained of such security on the day of the date of the instrument. Marketable securities to be valued.

**33.** (1.) Where an instrument contains a statement of current rate of exchange or average price, and is stamped in accordance with such statement, it is, so far as regards the subject-matter of such statement, to be deemed duly stamped: Effect of statement of value.

(2.) Provided that, if such statement is proved to be untrue, the deficient duty and fine may be recovered.

**34.** Where the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of such last-mentioned duty shall, if application be made for that purpose, and on production of both the instruments, be denoted in such manner as the Commissioner or a Deputy Commissioner thinks fit upon such first-mentioned instrument. As to denoting stamp.

**35.** (1.) Except where express provision to the contrary is made by this or any other Act, any unstamped or insufficiently stamped instrument may be stamped by the Commissioner or a Deputy Commissioner after the execution thereof, on payment of the unpaid duty, and, if such instrument is presented to be stamped more than one month and less than three months after execution, of a fine in addition to the duty at the rate of twenty pounds per centum on the value of the stamps to be affixed, and, if such instrument is presented to be stamped more than three months after execution, of a fine in addition to the duty at the rate of one hundred pounds per centum on the value of the stamps to be affixed; but in no case shall the last-mentioned fine be less than five pounds. Terms upon which instruments may be stamped after execution.

(2.) Provided that any unstamped or insufficiently stamped instrument, which has been first executed at any place out of New Zealand, may be stamped at any time within three months after it has been first received in New Zealand, on payment of the unpaid duty only. No fine within one month after execution.

(2.) Provided that any unstamped or insufficiently stamped instrument, which has been first executed at any place out of New Zealand, may be stamped at any time within three months after it has been first received in New Zealand, on payment of the unpaid duty only. As to instruments executed abroad.

**36.** (1.) Upon the production of an instrument, chargeable Terms upon which

*Stamp.*

unstamped or insufficiently stamped instruments may be received in evidence in any Court.

The Officer of the Court to transmit instrument for stamping.

Instrument not duly stamped inadmissible.

Deeds executed out of New Zealand valid if stamped in accordance with law of country in which executed.

The Deputy Commissioner to assess duty.

Mode and effect of proceeding.

In case of doubt, reference to be made to Commissioner.

Person dissatisfied may appeal.

Mode of proceeding.

under this Act or any Act hereby repealed with any duty as evidence in any Court of civil judicature, the officer whose duty it is to read the instrument shall call the attention of the Judge to any omission or insufficiency of the stamp thereon; and if the instrument is one which may legally be stamped after execution, it may, on payment to such officer of the amount of the unpaid duty and the fine payable by law, be received in evidence, saving all just exceptions on other grounds.

(2.) Such officer shall detain and immediately transmit to the Commissioner or a Deputy Commissioner the instrument, together with the duty and fine so paid thereon, and the payment thereof shall be denoted on such instrument accordingly.

**37.** Except as aforesaid, no instrument executed in New Zealand, or relating, wheresoever executed, to any property situate or to any matter or thing done or to be done in any part of New Zealand, shall, except in criminal proceedings, be pleaded or given in evidence, or admitted to be good useful or available in law or equity, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

**38.** (1.) No instrument executed out of New Zealand, and which by the law of the country in which it was executed is inadmissible in evidence in such country by reason of not having been stamped, shall be for such reason inadmissible in evidence in New Zealand, unless it is proved that such instrument is, by the statute law of such country, expressly made void if made or executed without being stamped:

(2.) Provided that nothing herein contained shall be deemed to render valid in New Zealand any instrument executed out of New Zealand which is void by the law of the place in which the same was executed for any other reason than that the same was not duly stamped.

**39.** When any instrument is brought to a Stamp Office for assessment, the Deputy Commissioner shall state whether it is liable to duty; and if he is of opinion,—

(a.) That it is not so liable, he shall impress thereon the Commissioner's stamp, and a particular stamp denoting that it is not so liable.

(b.) That it is liable to duty or fine, he shall assess the duty or fine with which it is in his opinion chargeable, and on the payment of the amount so assessed shall stamp the instrument with the Commissioner's stamp, and a stamp denoting the amount of duty or fine so paid.

**40.** If the Deputy Commissioner is in any doubt as to whether an instrument is liable to duty or as to the amount of duty or fine with which it is chargeable, or if the person presenting the instrument is dissatisfied with the assessment of the Deputy Commissioner thereon, the matter shall be referred to the Commissioner, whose decision thereon, except as hereinafter provided, shall be final.

**41.** (1.) Any person who is dissatisfied with the assessment of the Commissioner, made in pursuance of the last preceding section, may, within twenty-one days after the date of such assessment, and on payment of duty in conformity therewith, appeal against such assessment to the Supreme Court, and may for that purpose require the Commissioner to state and sign a case setting forth the question upon which his opinion was required, and the assessment made by him.

(2.) The Commissioner shall thereupon state and sign a case accordingly, and deliver the same to the person by whom it is required, and on his application such case may be set down for hearing in the proper Court.

*Stamp.*

(3.) Upon the hearing of such case (due notice of which is to be given to the Commissioner) the Court shall determine the question submitted, and, if the instrument in question is, in the opinion of the Court, chargeable with any duty, shall assess the duty with which it is so chargeable.

(4.) If it is decided by the Court that the assessment of the Commissioner is erroneous, any excess of duty paid in conformity with such erroneous assessment, together with any fine or penalty paid in consequence thereof, shall be ordered by the Court to be repaid to the appellant, together with the costs incurred by him in relation to the appeal.

(5.) But if the assessment of the Commissioner is confirmed by the Court, the costs incurred by the Commissioner in relation to the appeal shall be ordered by the Court to be paid by the appellant.

**42.** (1.) In any case of application to the Commissioner or a Deputy Commissioner with reference to any instrument, the Commissioner or Deputy Commissioner may require to be furnished with such evidence upon oath or otherwise as he may deem necessary, in order to show to his satisfaction whether all the facts and circumstances affecting the liability of the instrument to duty, or the amount of the duty chargeable thereon, are fully and truly set forth therein, and may refuse to proceed upon any such application until such evidence has been furnished accordingly:

The Commissioner or Deputy Commissioner may call for and refuse to proceed without evidence.

(2.) Provided that no oath affidavit or statutory declaration made in pursuance of this section shall be used against any person making the same in any proceeding whatever, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and every person by whom any such oath affidavit or declaration is made shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty forfeiture or disability he may have incurred by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

Proviso.

**43.** Any instrument which is stamped with the Commissioner's stamp shall, subject as next hereinafter provided, be deemed to be duly stamped for all purposes whatever.

Effect of Commissioner's stamp.

**44.** If it appears that the Deputy Commissioner has stamped an instrument having assessed an insufficient amount of duty or fine thereon, the Commissioner may, at any time within six months after the date of stamping such instrument, call upon the person by whom the instrument was presented for assessment to pay the additional duty or fine with which in his opinion such instrument was chargeable at the time of stamping the same; and the amount of such additional duty or fine shall be a debt due to the Crown, and may be recovered from such person accordingly: Provided—

Deficient duty may be recovered.

(a.) That such person may appeal against the decision of the Commissioner to the Supreme Court as hereinbefore provided.

(b.) That the instrument so stamped shall be as good and available for all purposes as though full duty had been paid thereon.

**45.** (1.) All public officers having in their custody any rolls books records papers documents or proceedings, the inspection whereof may tend to secure any duty, or to the proof or discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person thereunto authorized by the Commissioner or a Deputy Commissioner to inspect all such rolls books records papers documents and proceedings, and to take such notes and extracts as he may deem necessary, without fee or reward.

Rolls, books, &c., to be open to inspection.

*Stamp.*

Penalty for refusing inspection, £10.

(2.) Every person who refuses to permit such inspection shall for every such refusal forfeit a sum not exceeding ten pounds.

Penalty for knowingly enrolling &c. any instrument not duly stamped.

46. If any person, whose office it is to enrol register or enter in or upon any rolls books or records any instrument chargeable with any duty, knowingly enrolls registers or enters any such instrument not being duly stamped, he shall forfeit a sum not exceeding ten pounds.

How duties to be denoted.

47. (1.) Except where express provision is made to the contrary, all duties are to be denoted by impressed stamps only :

(2.) Provided that where any instrument is stamped at a Stamp Office the Commissioner or a Deputy Commissioner may use adhesive stamps to denote the duty or fine paid thereon, but shall forthwith obliterate every stamp so used.

General direction as to the cancellation of adhesive stamps.

48. (1.) An instrument, the duty upon which is required or permitted by law to be denoted by an adhesive stamp, is not to be deemed duly stamped with an adhesive stamp unless such adhesive stamp be obliterated by the Commissioner or Deputy Commissioner, or unless the person required by law to cancel such adhesive stamp cancels the same by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing, so that the stamp may be effectually cancelled and rendered incapable of being used for any other instrument, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

Penalty for neglect or refusal, £10.

(2.) Every person who, being required by law to cancel an adhesive stamp, wilfully neglects or refuses duly and effectually to do so in manner aforesaid, shall forfeit the sum of ten pounds.

## SPECIAL PROVISIONS.

*As to Affidavits and Declarations.*

Duty on affidavits and declarations may be denoted by adhesive stamp.

49. The duty upon an affidavit or declaration may be denoted by an adhesive stamp, which is to be cancelled by the person making such affidavit or declaration.

*As to Agreements.*

Duty on agreements under hand may be denoted by adhesive stamp.

50. The duty of one shilling upon an agreement under hand may be denoted by an adhesive stamp, which is to be cancelled by either of the parties to the agreement signing the same.

*As to Bank Notes, Bills of Exchange, and Promissory Notes.*

Definition of terms "banker" "bank" and "bank note."

51. The terms "banker" "bank" include any corporation society partnership or person carrying on the business of banking in New Zealand.

The term "bank note" means any note issued in New Zealand by any bank promising the payment of any sum of money not exceeding one hundred pounds to the bearer on demand.

Bank notes to be exempt subject to annual composition.

52. All bank notes, except as provided by the First Schedule hereto, shall be exempt from duty, and may be re-issued as often as is thought fit.

Interpretation of term "bill of exchange."

53. (1.) The term "bill of exchange" includes also draft order cheque and letter of credit, and any document or writing (except a bank note) entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money therein mentioned.

(2.) An order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund

*Stamp.*

which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed a bill of exchange for the payment of money on demand.

(3.) An order for the payment of any sum of money weekly, monthly, or at any other stated periods, and also any order for the payment by any person at any time after the date thereof of any sum of money, and sent or delivered by the person making the same to the person by whom the payment is to be made, and not to the person, or to any person on his behalf, to whom the payment is to be made, is to be deemed a bill of exchange for the payment of money on demand.

**54.** (1.) The term "promissory note" includes any document or writing (except a bank note) containing a promise to pay any sum of money. Interpretation of term "promissory note."

(2.) A note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed a promissory note for the said sum of money.

**55.** (1.) The duties imposed upon bills of exchange and promissory notes may be denoted by adhesive stamps affixed thereto, or may be partly denoted by adhesive stamps, partly by impressed stamps: Provided that, whenever any adhesive stamp shall be used for denoting the payment of such stamp duties, the maker or drawer in the case of promissory notes, and the acceptor in the case of bills of exchange, shall at the time of the making or drawing, or the acceptance as the case may be, so sign his name as that part of his signature shall be on the left side of the stamp, part on the stamp itself, and part on the right side of the stamp, and the signature shall be written continuously and shall be so written as if the stamp were part of the paper, and in default thereof the stamp shall be of no avail; and in the case of promissory notes such adhesive stamp shall be affixed by the maker or drawer thereof, and in case of bills of exchange by the acceptor thereof; and such maker or drawer failing to affix and cancel as aforesaid any such stamp at the time of making or drawing any such note, and such acceptor failing to affix and cancel as aforesaid any such stamp at the time of accepting any such bill of exchange, shall be liable to a penalty not exceeding fifty pounds. But this section shall not apply to bills of exchange or promissory notes made or drawn out of the colony, nor to bills of exchange or promissory notes upon which the duty of one penny is imposed. The duties on bills of exchange may be denoted by adhesive or impressed stamps.

(2.) Provided that if any bill of exchange for the payment of money on demand, liable only to the duty of one penny, is presented for payment unstamped, the person to whom it is so presented may affix thereto a proper adhesive stamp, and cancel the same, as if he had been the drawer of the bill, and such bill shall thereupon be deemed to be duly stamped. Proviso.

(3.) But the foregoing proviso is not to relieve any person from any penalty he may have incurred in relation to such bill.

**56.** (1.) The *ad valorem* duties upon bills of exchange and promissory notes drawn or made out of New Zealand are to be denoted by adhesive stamps. Ad valorem duties to be denoted in certain cases by adhesive stamps.

(2.) Every person into whose hands any such bill or note comes in New Zealand before it is stamped shall, before he presents for payment or indorses transfers or in any manner negotiates or pays such bill or note, affix thereto a proper adhesive stamp denoting the duty payable on the amount named therein, whether such bill be single or drawn as one of a set, and shall cancel every stamp so affixed.

(3.) Provided as follows:—

(a.) If at the time when any such bill or note comes into the Provisoes for the protection of bond fide holders.

*Stamp.*

hands of any *bonâ fide* holder thereof, there is affixed thereto an adhesive stamp appearing to be duly cancelled, such stamp shall, so far as relates to such holder, be deemed to be duly affixed and cancelled.

- (b.) If at the time when any such bill or note comes into the hands of any *bonâ fide* holder thereof, there is affixed thereto an adhesive stamp not duly cancelled, it shall be competent for such holder to cancel such stamp, and such bill or note shall thereupon be as valid and available as if the stamp had been duly cancelled by the person by whom it was affixed.

(4.) But neither of the foregoing provisoes is to relieve any person from any penalty incurred by him for not cancelling any adhesive stamp.

**57.** A bill of exchange or promissory note purporting to be drawn or made out of New Zealand is for the purposes of this Act to be deemed to have been so drawn or made, although it may in fact have been drawn or made within New Zealand.

**58.** Except as aforesaid, no bill of exchange or promissory note shall be stamped after the execution thereof.

**59.** Every person who issues indorses transfers negotiates presents for payment or pays any bill of exchange or promissory note liable to duty and not being duly stamped, shall forfeit a sum not exceeding fifty pounds, and the person who takes or receives from any other person any such bill or note not being duly stamped, either in payment or as a security, or by purchase or otherwise, shall not be entitled to recover thereon, or to make the same available for any purpose whatever.

**60.** Any person who draws and issues any bill purporting to be drawn as one of a set, and does not draw and issue on material duly stamped the whole number of bills of the set, or who transfers or negotiates any such bill drawn within the colony and purporting to be one of a set, and does not at the same time transfer or deliver on material duly stamped the whole number of bills of the set, shall forfeit a sum not exceeding fifty pounds.

**61.** Any notary-public or other person who knowingly and wilfully notes or protests otherwise than for non-acceptance any bill of exchange or promissory note liable to duty not appearing to be duly stamped, shall forfeit the sum of twenty pounds.

*As to Bills of Lading.*

**62.** (1.) A bill of lading includes also any receipt given in lieu thereof from the master mate owner or agent of any vessel, and is not to be stamped after the execution thereof.

(2.) Every person who makes or executes any bill of lading not duly stamped shall forfeit a sum not exceeding fifty pounds.

*As to Bonds Debentures, &c.*

**63.** Any person who makes issues delivers assigns transfers or negotiates in the colony any bond debenture or other security chargeable with stamp duty, or pays any principal money interest or dividend accrued due in respect of any such instrument, before the same is duly stamped, shall forfeit a sum not exceeding twenty pounds.

*As to Charter-Parties.*

**64.** The term "charter-party" includes any agreement or contract for the charter of any vessel, or any memorandum letter or other writing between the captain master owner or agent of any

Not to relieve any other person.

Bills and notes purporting to be drawn &c. abroad to be deemed to have been so drawn &c.

Except as aforesaid, no bill or note may be stamped after execution.

Penalty for issuing &c. any unstamped bill or note, £50, and the bill or note to be unavailable.

Penalty for drawing &c. bills purporting to be in a set and not drawing the whole number.

Bills &c. not to be noted or protested unless stamped.

Penalty.

Bills of lading not to be stamped after execution.

Penalty.

Penalty for paying interest upon unstamped bonds.

Definition of "charter-party."

*Stamp.*

vessel and any other person, for or relating to the freight or conveyance of any money goods or effects on board of such vessel.

**65.** The duty upon a charter-party may be denoted by an adhesive stamp, which is to be affixed and cancelled by the person by whom the instrument is first executed.

Adhesive stamp may be used.

**66.** Where a charter-party not being duly stamped is first executed out of New Zealand, any party thereto may within seven days after it has been first received, and before it has been executed by any person in New Zealand, affix thereto an adhesive stamp denoting the duty chargeable thereon, and at the same time cancel such adhesive stamp, and the instrument shall thereupon be deemed duly stamped.

As to charter-parties executed abroad.

**67.** A charter-party may be stamped after execution only by the Commissioner or a Deputy Commissioner, and then only upon the following terms, that is to say,—

Terms upon which charter-parties may be stamped after execution.

- (1.) Within seven days after the first execution thereof, on payment of the duty and a fine of ten shillings.
- (2.) After seven days but within one month after the first execution thereof, on payment of the duty and a fine of ten pounds.

*As to Certificates of Title under "The Land Transfer Act, 1870."*

**68.** Every District Land Registrar shall, before issuing any certificate of title, assess the duty payable thereon, and upon the payment of such duty (if any) the Deputy Commissioner shall stamp the certificate and return it to the District Land Registrar, but such assessment shall be subject to revision on appeal by the Commissioner or by the Supreme Court as hereinbefore provided.

District Land Registrar to forward certificate to be stamped.

*As to Conveyances on Sale.*

**69.** The term "conveyance on sale" includes every instrument and every decree or order of any Court or of any Commissioners, whereby any property upon the sale thereof is legally or equitably transferred to or vested in the purchaser, or any other person on his behalf or by his direction.

Definition of term "conveyance on sale."

**70.** (1.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any marketable security, such conveyance is to be charged with *ad valorem* duty in respect of the value of such security.

How *ad valorem* duty to be calculated in respect of marketable securities.

(2.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any security not being a marketable security, such conveyance is to be charged with *ad valorem* duty in respect of the amount due on the day of the date thereof for principal and interest.

**71.** (1.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period, so that the total amount to be paid can be previously ascertained, such conveyance is to be charged in respect of such consideration with *ad valorem* duty on such total amount.

How consideration consisting of periodical payments to be charged.

(2.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically in perpetuity or for any indefinite period not terminable with life, such conveyance is to be charged in respect of such consideration with *ad valorem* duty on the total amount which will or may, according to the terms of sale, be payable during the period of fifteen years next after the day of the date of such instrument.

(3.) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically during

*Stamp.*

any life or lives, such conveyance is to be charged in respect of such consideration with *ad valorem* duty on the amount which will or may, according to the terms of sale, be payable during the period of nine years next after the day of the date of such instrument.

(4.) Provided that no conveyance on sale chargeable with *ad valorem* duty in respect of periodical payments, and containing also provision for securing such periodical payments, is to be charged with any duty whatsoever in respect of such provision, and no separate instrument made in any such case for securing such periodical payments is to be charged with any higher duty than ten shillings.

How conveyance in consideration of a debt, or subject to future payment &c., to be charged.

**72.** Where any property is conveyed to any person in consideration wholly or in part of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or marketable security, whether being or constituting a charge or encumbrance upon the property or not, such debt money or marketable security is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the conveyance is chargeable with *ad valorem* duty.

How conveyance in certain cases to be charged.

**73.** (1.) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts or parcels by different instruments, the consideration is to be apportioned in such manner as the parties think fit, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is to be charged with *ad valorem* duty in respect of such distinct consideration.

(2.) Where property contracted to be purchased for one consideration for the whole by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts or parcels by separate instruments to the persons by or for whom the same was purchased for distinct parts of the consideration, the conveyance of each separate part or parcel is to be charged with *ad valorem* duty in respect of the distinct part of the consideration therein specified.

(3.) Where a person having contracted for the purchase of any property, but not having obtained a conveyance thereof, contracts to sell the same to any other person, and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance is to be charged with *ad valorem* duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(4.) Where a person having contracted for the purchase of any property, but not having obtained a conveyance, contracts to sell the whole or any part or parts thereof to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts or parcels, the conveyance of each part or parcel is to be charged with *ad valorem* duty in respect only of the consideration moving from the sub-purchaser thereof, without regard to the amount or value of the original consideration.

(5.) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the consideration moving from him, and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be exempt from the said *ad valorem* duty, and chargeable only with the duty of ten shillings.

As to the sale of an annuity or right not before in existence.

**74.** Where, upon the sale of any annuity or other right not before in existence, such annuity or other right is not created by actual grant or conveyance, but is only secured by bond warrant of attorney covenant contract or otherwise, the bond or other instrument, or



*Stamp.*

some one of such instruments if there be more than one, is to be charged with the same duty as a conveyance on sale.

*As to Duplicates or Counterparts.*

**75.** The duplicate or counterpart of an instrument chargeable with duty is not to be stamped as such unless the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart.

As to duplicates or counterparts.

*As to Exchange and Partition or Division.*

**76.** Where, upon the exchange of any real property for any other real property, or upon the partition or division of any real property, any consideration exceeding in amount or value one hundred pounds is paid or given, or agreed to be paid or given, for equality, the principal or only instrument whereby such exchange or partition or division is effected is to be charged with the same *ad valorem* duty as a conveyance on sale for such consideration, and with such duty only.

As to exchange and partition.

*As to Incorporated Companies.*

**77.** (1.) Every incorporated company carrying on business in the colony, whether incorporated in New Zealand or elsewhere, shall procure from the Commissioner every year a license in the form or to the effect in the Fourth Schedule hereto. And the Commissioner is hereby authorized to issue such license on the payment to him of the duty specified in the First Schedule hereto.

Incorporated Companies to take out yearly licenses.

(2.) Such license shall be issuable on the first day of January in every year: Provided that the first license issued to any company may be issued at any time during the year, but shall continue in force for the remaining part of such year only, and the duty payable in such case shall be a proportionate part of the duty hereby payable on an annual license.

**78.** No Registrar of Joint Stock Companies, or other officer acting in that behalf, shall issue any certificate of incorporation to any company until the full amount of duty payable by this Act in respect thereof is paid.

Registrar of Joint Stock Companies not to issue any certificate until duty paid.

**79.** If any incorporated company required by this Act to obtain an annual license shall at any time carry on business or operations in New Zealand without having obtained such annual license, or if on the expiration of such license any such company neglects to renew the same within one calendar month after the expiration thereof, such company, and every director secretary or other person acting in the management thereof, shall be liable to a penalty of twenty pounds for every month during which the company remains unlicensed.

Penalty on company carrying on business without license.

**80.** Any mutual or co-operative company or association consisting of more than twenty persons, carrying on Life Insurance business in New Zealand, whether in partnership or not, and whether for profit or not, but in such a manner as that the same have not or do not appear to have any nominal capital in respect of which duty may be assessed, shall be deemed to be an incorporated company, and shall pay the maximum duty of two hundred pounds.

Mutual Companies liable to annual duty as incorporated companies.

**81.** If any question is raised whether the purposes or objects for which any company or association is formed fall within the exemptions mentioned in the First Schedule hereto or not, the decision of the Commissioner shall be final, subject to appeal as in manner provided by section forty-one of this Act.

Commissioner's decision as to liability of companies to be final.

Appeal.

*Stamp.**As to Leases.*

Definition of term  
"lease."

**82.** The term "lease" includes any agreement for the letting of any lands tenements or hereditaments, but where a lease is made subsequently to and in conformity with such an agreement duly stamped, such lease is to be charged with the duty of one shilling only.

Leases how to be  
charged in respect  
of produce, &c.

**83.** Where the consideration, or any part of the consideration, for which any lease is granted or agreed to be granted, does not consist of money, but of any produce or other goods, the duty is to be calculated on the value of such produce or goods at the average market price thereof on the day of the date of the instrument.

Directions as to duty  
in certain cases.

**84.** (1.) A lease is not to be charged with duty in respect of any penal rent, or increased rent in the nature of a penal rent, thereby reserved, or by reason of being made in consideration of the surrender or abandonment of any existing lease or relating to the same subject-matter.

(2.) No lease made for any consideration in respect whereof it is chargeable with *ad valorem* duty, and in further consideration either of a covenant by the lessee to make, or of his having previously made, any substantial improvement of or any addition to the property demised to him, or of any covenant relating to the matter of the lease, is to be charged with any duty in respect of such further consideration.

*As to Notarial Acts.*

Duty on notarial act  
may be denoted by  
adhesive stamp.

**85.** The duty upon a notarial act, and upon the protest by a notary-public of a bill of exchange or promissory note, may be denoted by an adhesive stamp, which is to be cancelled by the notary.

Deeds &c. not to be  
notarially attested  
unless stamped.

**86.** Any notary-public who shall knowingly and wilfully by any notarial act attest or certify the due execution of any instrument liable to duty, and not appearing to be duly stamped, shall forfeit the sum of twenty pounds: Provided always that nothing in this Act shall extend to render any notary-public liable to a penalty by reason of his attesting the execution of any instrument merely as a witness, and without attaching annexing or subscribing any notarial act.

Proviso.

*As to Policies of Sea Insurance.*

Interpretation of  
"sea insurance"  
and "policy."

**87.** The term "sea insurance" means any insurance (except re-assurance) made upon any vessel, or upon the machinery tackle or furniture of any vessel, or upon any goods merchandise or property of any description whatever on board of any vessel, or upon the freight of or any other interest which may be lawfully insured in or relating to any vessel; and the word "policy" in respect of sea insurance means any instrument whereby a contract or agreement for any sea insurance is made or entered into.

Adhesive stamps may  
be used for policies.

**88.** The duty upon a policy may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is executed.

All sea insurance to  
be by policy.

**89.** No contract or agreement for sea insurance shall be valid unless the same is expressed in a policy, and every policy shall specify the particular risk or adventure, the names of the subscribers or underwriters, and the sum or sums insured, and if any of the above-mentioned particulars are omitted in any policy such policy shall be null and void to all intents and purposes.

Time policies not to  
be for more than  
twelve months.

**90.** No policy shall be made for any time exceeding twelve months, and every policy which shall be made for any time exceeding twelve months shall be null and void to all intents and purposes.

Policies not to be

**91.** A policy after it is signed or underwritten may be stamped

*Stamp.*

only by the Commissioner or a Deputy Commissioner, and then only upon the terms following, that is to say,—

- (1.) Within fourteen days after the same bears date and was executed by the person first executing the same, upon payment of the duty without any fine.
- (2.) After the expiration of the said fourteen days and within thirty days after the same bears date and was first executed as aforesaid, upon payment of the duty and a fine of ten pounds.

**92.** (1.) Where any sea insurance is made for a voyage and also for time, or to extend to or cover any time beyond twenty-four hours after the ship arrives at her destination and is there moored at anchor in good safety, the policy shall be chargeable with duty as a policy for a voyage and also with duty as a policy for time.

Insurances for voyage and time to bear duties for both voyage and time.

(2.) Where the separate and distinct interests of two or more persons are insured by one policy for a voyage or for time, such policy shall be liable to duty as a separate policy for each of such interests.

**93.** Every person who—

- (1.) Receives or takes credit for any premium or consideration for any contract of insurance, and does not, within thirty days after receiving or taking credit for such premium or consideration, make out and execute a duly stamped policy of such insurance;
- (2.) Makes executes or delivers out, or pays or allows in account, or agrees to pay or allow in account, any money upon or in respect of any policy not stamped as hereinbefore provided,

Penalty for not making out policy, or making &c. any policy not duly stamped, £20.

shall forfeit a sum not exceeding twenty pounds.

*As to Receipts.*

**94.** The term “receipt” means and includes any note memorandum or writing whatsoever, whereby any money amounting to two pounds or upwards, or any bill of exchange or promissory note for money amounting to two pounds or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of any debt or demand, of the amount of two pounds or upwards, is acknowledged to have been settled satisfied or discharged, or which signifies or imports any such acknowledgment, and whether the same is or is not signed with the name of any person.

Meaning of term “receipt.”

**95.** (1.) The duty upon a receipt may be denoted by an adhesive stamp, which is to be affixed and cancelled by the person by whom the receipt is given before he delivers it out of his hands.

Duty on receipts may be denoted by adhesive stamps.

(2.) Every person who writes or signs, or causes to be written or signed, any receipt liable to duty without the same being duly stamped, shall forfeit a sum not exceeding ten pounds.

Penalty.

**96.** Any person who in any case where a receipt would be liable to duty refuses to give a receipt duly stamped, or upon payment to the amount of two pounds or upwards gives a receipt for a sum not amounting to two pounds, or separates or divides the amount paid, with intent to evade the duty, shall forfeit the sum of ten pounds.

Penalty for offences relating to receipts.

**97.** A receipt may be stamped, after being given, only by the Commissioner or a Deputy Commissioner, and then only upon the terms following, that is to say,—

Commissioner &c. may stamp receipts upon certain terms.

- (1.) Within one month after such receipt has been given, upon payment of the duty and a fine of five pounds.
- (2.) After the expiration of one month from the giving of such receipt, on payment of the duty and a fine of ten pounds.

## Stamp.

*As to Settlements.*

As to settlement of policy or security.

**98.** Where any money which may become due or payable upon any policy of life insurance, or upon any security not being a marketable security, is settled or agreed to be settled, the instrument whereby such settlement is made or agreed to be made is to be charged with *ad valorem* duty in respect of such money, and in the case of a marketable security is to be charged with the *ad valorem* duty on the value of such security.

Provided as follows:—

(1.) Where in the case of a policy of life insurance no provision is made for keeping up the policy, the *ad valorem* duty is to be charged only on the value of the policy at the date of the instrument.

(2.) If in any such case the instrument of settlement contains a statement of such value, and is stamped in accordance with such statement, it is, so far as regards such policy, to be deemed duly stamped: Provided that if such statement is proved to be untrue the deficient duty and fine may be recovered.

Where several instruments, one only to be charged with *ad valorem* duty.

**99.** (1.) Where several instruments are executed for effecting the settlement of the same property, and the *ad valorem* duty chargeable in respect of such settlement exceeds ten shillings, one only of such instruments is to be charged with the *ad valorem* duty.

(2.) Where a settlement is made in pursuance of any previous agreement or articles upon which any *ad valorem* settlement duty exceeding ten shillings has been paid in respect of the same property, such settlement is not to be charged with any *ad valorem* settlement duty.

(3.) In each of the aforesaid cases the instruments not chargeable with *ad valorem* duty are to be charged with the duty of ten shillings.

Instrument in favour of object of power of appointment in certain cases not liable to duty.

**100.** Where any person is specially named or described as the object of a power of appointment in a settlement on which *ad valorem* duty has been paid, or in a will in respect of property on which probate duty under the Acts hereby repealed, or duty under the Third Part of this Act, has been paid, an instrument of appointment in favour of such person in respect of such property is not liable to duty.

*As to Transfers of Runs.*

Assessment of duty on transfers of runs.

**101.** Where any person sells or disposes of any run or interest therein held under a license or lease, or promise of a license or lease, or in any other manner, from the Crown, together with the stock thereon, or the station or any improvement thereon, the duty named in the First Schedule hereto shall be assessed on the whole consideration agreed to be paid for the interest in the run station improvements and stock thereon.

*As to Transfers of Shares.*

Transfers of shares not to be registered unless duly stamped.

**102.** No transfer of any share or shares of or in the stock or funds of any corporation company or society whatever in New Zealand shall be registered recorded or entered in the books of such corporation company or society unless such transfer is duly stamped.

Instrument of sale or transfer to be void, if name of purchaser or transferee not inserted.

**103.** No instrument of sale or transfer of any share or shares shall be valid, either at law or in equity, unless the name of the purchaser or transferee is inserted therein at the time of or before the execution of the instrument of sale or transfer, and if any person executes a sale-note transfer contract-note or other instrument of sale or transfer, in any manner or for any purpose whatsoever, unless the name of the purchaser is inserted therein at the time or before the execution thereof, he shall forfeit a sum of not less than

Penalty for executing same, £20.

*Stamp.*

twenty pounds or more than one hundred pounds; and if any such instrument is so made or signed, it shall be wholly and absolutely void and inoperative, and shall in no case be made available by the insertion of a name or of any other particulars afterwards; and the person selling or transferring such share shall not be divested of his interest therein, but shall remain liable thereon as if he had never sold or disposed of the same. And if such person is a licensed sharebroker, his license shall, on any conviction under this section, be absolutely forfeited, and he shall not thereafter be qualified to act as a broker, or to have a fresh license issued to him.

**104.** No sharebroker auctioneer commission agent or any other person shall be entitled to any brokerage commission or any other fee or reward in respect of the sale or transfer of any such share, unless the instrument of sale or transfer is filled up with all necessary particulars to make it a complete instrument, and is duly stamped.

Agent not entitled to fee if instrument not duly executed, stamped, &c.

## PART III.

## AS TO DUTIES ON THE ESTATES OF DECEASED PERSONS.

**105.** In this Part of this Act and the Second Schedule hereto the following terms are to have the following meaning:—

Interpretation of terms.

- (1.) The term "administration" includes probate letters of administration, with or without a will annexed, and any rule or order of any Court whereby any person becomes entitled at law to administer the property of a deceased person.
- (2.) "Administrator" includes executor administrator and also any person succeeding to any property where no probate or letters of administration are required to be issued.
- (3.) "Descends" means and includes every manner, whether by settlement will or by operation of law, by which any person acquires the possession or enjoyment of any property of a deceased person, whether directly or as the object of a trust for his benefit.

**106.** The duties mentioned in the Second Schedule to this Act are payable upon the death of any person in respect of all the property of or to which such person is possessed seized or entitled at the time of his death.

Duties payable on all property of deceased.

**107.** Every administration shall immediately upon the grant thereof be sent by the Registrar or Clerk of the Court to the Commissioner or to the Deputy Commissioner of his district, who shall issue the same to the person entitled to receive it upon payment of the duty payable on the property to which the same relates, and not otherwise.

Grant of administration to be sent by Registrar or Clerk of Court to the Commissioner.

**108.** In order to ascertain the amount of duty so payable, every administrator shall, within six months from the grant of administration, file with the Commissioner or Deputy Commissioner a statement in writing in respect of the property to which such administration relates, specifying,—

Statement of property to be forwarded to Commissioner.

- (a.) The particulars of all the personal property of or to which the deceased was possessed or entitled at the time of his death, and of the value thereof.
- (b.) All the debts due by the deceased payable thereout.
- (c.) The balance of such personal property after deducting such debts.
- (d.) The situation extent and value of all the real property of

*Stamp.*

or to which the deceased was seized or entitled at the time of his death.

(e.) The particulars of all mortgages and other debts secured thereon.

(f.) The balance of the value of such real property after deducting such debts.

Provided that the Commissioner may, upon the application of the administrator, extend the time within which such statement must be filed to any period not exceeding twelve months.

Statement to be verified.

**109.** The said statement shall contain such particulars of property and of debts and liabilities, and shall be in such form and be verified in such manner and by the oaths of such persons as the Commissioner requires, and may be altered by his permission or as he directs, and when finally approved by him shall be certified by his signature; and such certificate shall, except as herein provided, be conclusive as to the amount and value of property included in such statement, and the Commissioner or Deputy Commissioner shall assess the duty payable thereon: Provided that the administrator may appeal to the Supreme Court against such assessment in the manner provided by the forty-first section of this Act.

Duties to be a debt due to Her Majesty by deceased.

**110.** Thesaid duties shall be deemed to be a debt due to Her Majesty by the deceased, and shall be paid to the Commissioner or Deputy Commissioner by the administrator of such property after the payment of the testamentary and funeral expenses, and in priority to all debts of the deceased; and if the personal estate of the deceased be insufficient to pay such duty, the administrator or any person interested may apply to the Supreme Court, which may order that a sufficient part of the real estate of the deceased may be sold, and the proceeds applied in payment of the said duties, and of the costs of such order and sale consequent thereon.

Duties to be paid within six months from grant of administration.

**111.** The said duties shall be paid within six months from the grant of administration, or within such further time not exceeding twelve months from such grant as the Commissioner may upon application allow, and if not paid within such time or further time the Supreme Court, or a Judge thereof, may upon the application of the Commissioner in a summary way order a sufficient part of the property of the deceased to be sold, and the proceeds applied in payment of the said duties, and of the costs of the order and the sale consequent thereon.

Sale shall be conducted by Registrar or Deputy Registrar.

Any sale under this and the preceding section shall be conducted by the Registrar or Deputy Registrar of the Supreme Court within the district in which the property of the deceased so sold is situated, or by such other person as the Supreme Court or a Judge thereof shall direct. And it shall be lawful for such Registrar or Deputy Registrar, or other person as aforesaid, upon any such sale, to execute such deed or instrument for conveying or causing the same to be conveyed as would in the case of an ordinary sale be required to be executed by the vendor: Provided that, in the case of any person other than the Registrar or Deputy Registrar executing such deed or instrument, he shall, within twenty-one days, forward a correct copy of the deed or instrument so executed to the Registrar or Deputy Registrar, who shall cause an entry thereof to be made in a book kept by him for that purpose.

Proviso.

Administration or in certain cases the statement to be stamped.

**112.** Before issuing administration the Commissioner or Deputy Commissioner shall stamp the same with the Commissioner's stamp and with stamps denoting the duty paid, and, in the case of property descending by operation of law without administration, he shall place such stamps on the statement hereby required to be filed.

*Stamp.*

**113.** Where upon the decease of any person the statement has been filed and the full duty paid required by this Act in respect of any property of such person, no further statement shall be required or duty become payable in respect of the same property upon the grant of any further administration consequent upon the same decease.

No duty payable on further administration being taken out.

**114.** Every administrator shall deduct from each and every devise bequest and legacy coming to any person an amount equal to the duty thereon, calculated at the same rate as is payable on the estate under this Act, unless a different disposition as to the payment of the said duty has been made by the deceased by will.

Power to administrator to deduct duty from devisees and legatees.

**115.** The value of any life interest in property annuity or annual sum of money for life shall for the purposes of this Act be ascertained and determined by reference to the Table contained in the Third Schedule to this Act.

Annuities for life, how to be valued.

**116.** On the death of any person having a life interest by will or settlement in any property, the duty is to be calculated according to the consanguinity to the testator or settlor of the person to whom the property descends on the determination of such life interest, and such duty shall be charged against and payable out of such property.

On determination of life interest, how duty to be calculated.

**117.** If after any duty has been paid under this Act it is discovered that too little duty has been paid, the administrator shall forthwith amend his statement accordingly, and shall pay such additional duty as may be assessed thereon, and the amount so payable shall be a debt due by such administrator to Her Majesty, and may be recovered accordingly.

Provision in case too little duty has been paid.

**118.** If after any duty has been paid under this Act it is discovered that too much duty has been paid, the administrator may amend such statement accordingly, and the Commissioner, upon being satisfied after due examination of the parties that too much duty has been paid, shall order the amount overpaid to be returned to the person entitled to receive the same.

Provision in case too much duty has been paid.

**119.** Where a person dies intestate, and the persons to whom the property descends are not known, the administrator shall pay duty at the rate of five pounds per centum on the value of such property, and such payment shall be adjusted as provided by sections one hundred and seventeen and one hundred and eighteen of this Act, so soon as the persons to whom such property descends are known.

Administrator shall pay duty for persons dying intestate.

**120.** Any person making or assisting to make any statement required by this Act in which any particular is wilfully omitted or falsely stated, with intent to evade the payment or lessen the amount of duty payable under this Act, shall forfeit a sum not exceeding one hundred pounds.

Penalty for false statement.

**121.** Every administrator or other person who takes possession of or exercises any right over, or receives or pays any moneys belonging to or accruing from, the property of any deceased person, not having first filed with the Commissioner or a Deputy Commissioner the statement and paid the duties required by this Act, shall forfeit a sum not exceeding five hundred pounds.

Penalty for dealing with estate prior to payment of duty.

Provided that the Commissioner may by writing under his hand authorize any person to whom administration has been granted to collect, before the issue of administration, so much of the debts due to the deceased, or of the rents or other proceeds accruing from the property to which such administration relates, as may enable him to pay the duties payable in respect of such property, and the administrator shall immediately pay all moneys so collected to the Commissioner on account of such duties, and to no other person whatsoever. And any receipts given by the administrator for moneys received under such authority shall be a good and valid discharge to the person to whom the same are given.

Provisoos.

*Stamp.*

Provided however that the administrator may give security by bond to the Commissioner or Deputy Commissioner with two sureties to the satisfaction of such Commissioner or Deputy Commissioner, the penalty in which shall be twice the estimated duty upon the sworn value of the property of the deceased, and such bond shall be conditional for the payment of the full duty upon such property within six months from the date of the grant of administration, and it shall thereupon be lawful for the Commissioner or Deputy Commissioner to issue such administration although the duty thereon may not have been paid, and notwithstanding anything hereinbefore to the contrary in anywise contained.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

	£	s.	d.
AFFIDAVIT OF DECLARATION made under any Statute	0	2	6
<i>Exemptions—</i>			
Every affidavit or declaration—			
(1.) Filed read or used in any Court or before any Judge, Registrar, Clerk, or officer of any Court.			
(2.) Required by the Commissioner.			
(3.) Required by "The Bankers Returns Act, 1858," or by any Insurance Company, or in proof of death or identity.			
(4.) Required under any Act or regulation for the time being in force for the management of the Customs, of the Post Office, or of the Post Office or other Savings Banks, or of the Government Insurance Office.			
(5.) Required to be made before any Registrar of Marriages, or any Registrar of Births Deaths and Marriages.			
(6.) Required to be made by any officer of the General Government or of any Provincial Government in respect of any matters relating to the duties of his office.			
AGREEMENT or MEMORANDUM OF AN AGREEMENT other than agreement for a lease or by deed—			
(1.) Where the matter thereof is of the value of £20 or upwards, whether the same is only evidence of a contract, or obligatory on the parties from its being a written instrument, including every schedule receipt or other matter put or indorsed thereon or annexed thereto	0	1	0
(2.) Where divers letters are offered in evidence to prove any agreement between the writers thereof, it shall be sufficient if any one of such letters is stamped with the duty of	0	2	6
ANNUAL LICENSE to be taken out by—			
(1.) Any Chartered Incorporated or Joint Stock Company carrying on business in New Zealand, whether incorporated in this colony or elsewhere.			} 1s. per cent. on nominal capital but not to exceed a maximum of £200 in respect of any one license.
<i>Exemptions—</i>			
All Companies or Associations formed for any of the following purposes:—			
(1.) Owning and working Manufactories, Ironworks, Implement and Machine Works, Flour, Threshing, or Saw Mills, or Works for the cultivation preparation or dressing of <i>Phormium tenax</i> .			
(2.) Carrying on Whaling or Sealing.			
(3.) Carriage of Passengers or Goods by land or water.			



## Stamp.

	£	s.	d.
(4.) Towing Vessels or Barges or landing Cargo or Passengers.			
(5.) Working Mines or Quarries, and selling Coal, Stone or Lime.			
(6.) Owning and letting or conducting Halls or Buildings for Public Meetings or Entertainments, or for conducting or managing Grounds Buildings or other places of Public Recreation or Amusement.			
(7.) Owning or working Slips or Docks for building or repairing Ships.			
(8.) Preserving Meat, or boiling down Carcases of Animals for Tallow or otherwise.			
(9.) The introduction and settlement of Immigrants.			
(10.) Carrying on the business of Friendly Societies.			
APPOINTMENT in execution of a power over any property, or of any use share or interest therein, by any instrument not being a will	0	10	0
APPOINTMENT OF NEW TRUSTEES.—For every appointment of a new Trustee or new Trustees, except the Public Trustee, whether by any instrument other than a will, or by order of the Supreme Court or a Judge thereof	0	10	0
ASSIGNMENT OR TRANSFER of Miners' property, or letter or instrument authorizing the transfer or assignment of miners' property, where the letter or instrument is the only act required on the part of the vendor or assignor.			
Where the purchase or consideration money or the value of the property—			
Does not exceed £20	0	1	0
Exceeds £20 and does not exceed £50	0	2	6
For every additional £50 or part of £50	0	2	6
BILLS OF EXCHANGE AND PROMISSORY NOTES.			
BILL OF EXCHANGE—			
(1.) Payable on demand	0	0	1
(2.) Payable otherwise than on demand—			
If drawn singly—			
For any sum not exceeding £50	0	1	0
For every additional £50 or part of £50	0	1	0
If drawn in a set			
			Such sum upon each Bill of the set as to make up the same duty as if a single Bill were drawn for the amount.
PROMISSORY NOTE—			
Payable on demand	0	0	1
Payable otherwise than on demand—			
For any sum not exceeding £25	0	0	6
Exceeding £25 and not exceeding £50	0	1	0
For every additional £50 or part of £50	0	1	0
BANK NOTES issued by any Bank in New Zealand—			
Upon the average quarterly amount in circulation, as certified under "The Bankers' Returns Act, 1858"	10s.		¾ cent.
BILL OF LADING for any goods merchandise or effects to be carried to any place beyond the boundaries of the Colony—			
For every such Bill of Lading or copy thereof	0	1	0
CERTIFICATE OF INCORPORATION.—For every Certificate of Incorporation of any Joint Stock Company registered under "The Joint Stock Companies Act, 1860," or any Acts amending the same, on the registration thereof...	5	0	0
CHARTER-PARTY for conveyance beyond the Colony	0	1	0
CONVEYANCE ON SALE—			
For every £50, or part of £50, of the amount or value of the consideration for the sale	0	5	0
Exemptions—			
(1.) Any Grant from the Crown of Crown Lands in New Zealand.			
(2.) Any instrument dedicating a free and perpetual right of way to the use of the public, and not containing any provision by which such instrument could otherwise become liable to duty.			

Stamp.

	£	s.	d.
(3.) Any conveyance of property to or in trust for any corporation or body of persons associated for religious, charitable or educational purposes; and any instrument for declaring or defining the trust, or for appointing new trustees, in respect of the property so conveyed.			
COUNTERPART or DUPLICATE of Lease or of Agreement by Deed ...	0	2	6
DEED of any kind whatever not otherwise charged in this Schedule ...	0	10	0
<b>EXCHANGE—</b>			
(1.) For any instrument effecting an exchange of any lands, tenements, or hereditaments upon any consideration exceeding £100 paid by way of equality ...	{ The same duty as on a Conveyance on sale.		
(2.) In any other case ...			
<b>LAND TRANSFER—Under "The Land Transfer Act, 1870," and any Acts amending the same—</b>			
<b>(1.) Certificate of Title—</b>			
(a.) Where application is made to bring land under the Act, and the certificate is issued in the name of any person other than the applicant ...	{ The same duty as would have been payable on a conveyance of such land from the applicant, and all other necessary parties, to the person in whose name such certificate is issued for the estate mentioned in such certificate had such land been conveyed to him by deed instead of vested in him by certificate.		
(b.) Where application is made to bring land under the Act by any person not entitled at law thereto, and the certificate is issued to such person ...			
<b>(2.) Memorandum of Transfer—</b>			
Where the transfer is on a sale of the property therein...	{ The same duty as on a Conveyance on sale.		
Where the transfer is on an exchange or partition of the property therein ...			
Where the transfer is not on a sale exchange or partition of the property therein...	0	10	0
(3.) Memorandum of Lease ...	{ The same duty as on a Lease.		
(4.) Memorandum of Encumbrance for securing a sum of money ...			
<b>(5.) Transfer of Lease or Encumbrance or Surrender thereof—</b>			
<b>Where the Transfer or Surrender is—</b>			
On a sale of the property or estate therein ...	{ The same duty as on a Conveyance on sale.		
On a partition or exchange of the property or estate therein ...			
In any other case ...	0	10	0
<b>Exemption—</b>			
Duplicate of any instrument retained by any District Land Registrar to form records of the Land Registry Office.			
<b>LEASE or AGREEMENT FOR A LEASE, or any written document for the tenancy or occupancy of any lands tenements or hereditaments—</b>			
<b>(1.) Without any consideration by way of premium—</b>			
<b>In respect of the yearly rent, where such rent</b>			
Does not exceed £50 ...	0	2	6
And for every additional £50 or part of £50 ...	0	2	6

Stamp.

	£	s.	d.
(2.) In consideration of a sum of money by way of premium without rent ... ..			
(3.) In consideration of a sum of money by way of premium, and also of a yearly rent—			
On the amount of premium ... ..			
And on the yearly rent when amounting to £20 or upwards ... ..			
<i>Exemption—</i>			
Lease or License granted by the Crown of any Waste Lands under the provisions of any Waste Lands Act or any Act providing for the administration of Gold Fields.			
MEMORIAL.—For every Memorial authorized to be registered under "The Deeds Registration Act, 1868" ... ..	0	10	0
<i>Exemption—</i>			
Memorandum of the commencement of proceedings registered under the provisions of "The Crown Debts Act, 1866."			
NOTARIAL ACT—			
(1.) For every Notarial Act of any kind (except protests on injury to ship or cargo) ... ..	0	1	0
(2.) For every Maritime Protest for or in respect of any injury or damage to any ship or vessel, or the cargo or loading thereof, or for any purpose that such protest may be required, and whether noted only or extended in due form	0	2	6
<i>Exemption—</i>			
Noting any protest.			
PARTITION—			
(1.) For any Instrument effecting a partition of any lands tenements or hereditaments upon any consideration exceeding £100 paid by way of equality ... ..			
(2.) In any other case ... ..	0	10	0
POLICY—			
(1.) Upon every Policy of Sea Insurance on any voyage— For every £100 and every part of £100 thereby insured ... ..	0	1	0
(2.) Upon every Policy of Sea Insurance for time— For every £100 and every part of £100 thereby insured—			
Where the insurance is made for any time not exceeding six months ... ..	0	1	0
For any time exceeding six months and not exceeding twelve months ... ..	0	2	0
POWER OF ATTORNEY.—Upon every Power of Attorney or Letters of Attorney whether executed in or out of the Colony ... ..	0	10	0
RECEIPT OF DISCHARGE ... ..	0	0	1
<i>Exemptions—</i>			
(1.) Receipt indorsed upon any instrument duly stamped under this Act acknowledging the receipt of the consideration money therein expressed.			
(2.) For money deposited in any bank to be accounted for.			
(3.) For money paid into any Land, Building, Provident, Friendly, Industrial, Fire or Life Insurance Society, or any Post Office or other Savings Bank established in pursuance of any Act of the General Assembly.			
SETTLEMENT, DEED OF—			
(1.) Any Instrument whether voluntary or upon any good or valuable consideration other than a <i>bonâ fide</i> pecuniary consideration whereby any property is settled or agreed to be settled in any manner whatsoever—			
(2.) Any Instrument declaring that the property vested in the person executing the same shall be held in trust for the person or persons mentioned therein— Upon the amount or value of such property— For every £100 and every part of £100 ... ..	0	5	0
TRANSFER except by way of mortgage—			
(1.) Of any run or station held under lease or license or promise of lease or license from the Crown, or of any interest therein—			

## Stamp.

	£	s.	d.
For every £100 and every part of £100 ... ..	0	10	0
(2.) Upon the sale of any Share or Shares in the stock and funds of any corporation company or society whatever in New Zealand—			
Where the purchase or consideration money—			
Does not exceed £20 ... ..	0	1	0
Exceeds £20 and does not exceed £50 ... ..	0	2	6
For every additional £50 or part of £50 ... ..	0	2	6

## GENERAL EXEMPTIONS FROM STAMP DUTY.

Every instrument for effecting the payment or transmission of money, or for acknowledging any such payment or receipt, by to or on behalf of Her Majesty, or the General or any Provincial Government in the colony.

Every instrument for the conveyance of any property or any interest therein to Her Majesty, or to the General or any Provincial Government, or to any person in Her or their behalf.

Every instrument whereby any contract is made with Her Majesty, or with the General or any Provincial Government, or with any person on Her or their behalf.

All Bonds to Her Majesty.

Letters of Registration and Letters Patent granted under "The Patents Act, 1870," and all instruments issued under the Seal of the Colony other than those specifically charged under this Act.

All mortgages, bonds, and bills of sale by way of mortgage, and all transfers, agreements, and releases, re-conveyances and discharges thereof.

All preferable liens under "The Wool and Oil Securities Act, 1858," and "The Agricultural Produce Lien Act, 1871."

## SECOND SCHEDULE.

In respect of all personal property left after the payment of all debts payable thereout, and in respect of the value of all real property left after deducting the amount of all mortgages and other debts secured thereon:—

Upon so much of such property as descends to any person, being—	Exceeding ...		Not exceeding ...		£	£	£	£	£
	100	1,000	1,000	5,000	100	1,000	5,000	10,000	20,000
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
(a.) Lineal issue, or lineal ancestor of the deceased ... ..	1	1½	2	2	2	2	2	2	2
(b.) Brother or sister of the deceased, or lineal issue of such brother or sister ... ..	2½	3	4	4½	5	5	5	5	5
(c.) Brother or sister of the father or mother of the deceased, or lineal issue of such brother or sister ... ..	4	4½	5	5½	6	6	6	6	6
(d.) Brother or sister of the grandfather or grandmother of the deceased, or lineal issue of such brother or sister ... ..	5	5½	6	6½	7	7	7	7	7
(e.) Of any other degree of collateral consanguinity to deceased ... ..	6	6½	7	7½	8	8	8	8	8
(f.) A stranger in blood to the deceased ... ..	10	10	10	10	10	10	10	10	10

*Exemptions.*—1. So much of such property as descends to the husband or wife of the deceased.

2. Any property held by the deceased as a trustee, and in which he has no beneficial interest.

3. Any property devised or bequeathed to or in trust for any corporation or body of persons appointed for religious, charitable, or educational purposes.

*Stamp.*

## THIRD SCHEDULE.

TABLES of the VALUES of ANNUITIES to be used for the CALCULATION of DUTY on a LIFE INTEREST in a PROPERTY, an ANNUITY or ANNUAL SUM of MONEY for LIFE.

The Values of an Annuity of £100 per annum held on a single life.

Years of Age.	Values.	Years of Age.	Values.	Years of Age.	Values.
	£ s. d.		£ s. d.		£ s. d.
Birth ...	946 4 3	32 ...	809 10 3	64 ...	426 4 6
1 ...	953 6 6	33 ...	802 12 0	65 ...	410 16 3
2 ...	958 11 0	34 ...	795 4 9	66 ...	395 7 6
3 ...	963 4 0	35 ...	787 8 9	67 ...	380 19 6
4 ...	964 8 0	36 ...	779 4 9	68 ...	366 14 3
5 ...	963 9 9	37 ...	770 15 3	69 ...	352 12 0
6 ...	960 16 0	38 ...	762 0 0	70 ...	338 14 6
7 ...	956 12 3	39 ...	753 0 9	71 ...	325 4 0
8 ...	951 8 3	40 ...	743 15 0	72 ...	311 19 9
9 ...	945 9 9	41 ...	734 2 0	73 ...	298 13 9
10 ...	939 1 6	42 ...	723 15 9	74 ...	284 16 6
11 ...	932 3 6	43 ...	713 1 0	75 ...	270 10 3
12 ...	924 16 0	44 ...	701 15 0	76 ...	255 19 9
13 ...	916 19 3	45 ...	689 17 3	77 ...	238 18 6
14 ...	908 8 9	46 ...	677 8 3	78 ...	222 4 9
15 ...	900 4 3	47 ...	664 1 3	79 ...	206 4 9
16 ...	891 16 6	48 ...	650 4 9	80 ...	190 11 6
17 ...	883 18 0	49 ...	635 18 9	81 ...	175 7 3
18 ...	876 12 9	50 ...	621 9 9	82 ...	160 17 3
19 ...	870 5 6	51 ...	606 18 6	83 ...	146 5 0
20 ...	864 14 9	52 ...	592 17 0	84 ...	131 11 0
21 ...	859 18 6	53 ...	578 18 9	85 ...	117 9 3
22 ...	856 10 6	54 ...	565 6 6	86 ...	103 18 0
23 ...	853 8 3	55 ...	551 19 0	87 ...	92 5 9
24 ...	850 5 9	56 ...	536 15 0	88 ...	82 8 9
25 ...	847 0 0	57 ...	525 15 0	89 ...	74 3 6
26 ...	843 7 3	58 ...	512 15 0	90 ...	66 14 6
27 ...	838 12 9	59 ...	499 10 6	91 ...	61 8 0
28 ...	833 10 6	60 ...	486 0 6	92 ...	53 13 6
29 ...	828 0 6	61 ...	471 17 9	93 ...	46 11 6
30 ...	822 3 9	62 ...	457 1 0	94 ...	39 14 3
31 ...	816 0 0	63 ...	441 8 0	95 ...	32 5 6

## FOURTH SCHEDULE.

FORM OF ANNUAL LICENSE TO BE ISSUED TO COMPANIES.

Nominal capital £.....  
 Fee paid ... £.....  
 To whom issued.....

THIS is to certify that "The \_\_\_\_\_ Company, Limited [*or as the case may be*], being a Company duly incorporated under the provisions of "The Joint Companies Act, 1860" [*or, incorporated under Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, dated the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, or incorporated by an Act of the General Assembly of New Zealand intituled (State short title of the Act incorporating Company), as the case may be*], have this day paid to me the annual license fee required to be paid by incorporated companies pursuant to "The Stamp Duties Act, 1875."

This License is to remain in force only till the thirty-first day of December next.  
 Dated at Wellington, this \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_.

Commissioner.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIBSBURY, Government Printer.