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HOUSE OF REPRESENTATIVES.

STAMPS.

THIS Bill consolidates five Acts relating to stamp duties, and the Act passed in 1880 respecting the collection of Court fees, &c., by means of stamps.

All the changes suggested in this Bill are indicated either in italics or by other means; and we now indicate the chief of these in detail.

Clause 1. It is proposed the Act shall come into force on the 1st October next.

Clause 4. An alteration is suggested to the effect that the persons named in the Schedule shall be primarily liable to the duties mentioned. This is a new feature, but one of a practical nature, which enables any one perusing the Schedule to see who is primarily liable for the duty; but, of course, this will not relieve any instrument from duty, or exonerate the person presenting it for stamping, or taking any benefit thereunder, from being compelled to pay such duty.

Clause 5 contains a necessary provision as to references to Stamp Acts in any enactments now in force.

Clause 6 repeals all the existing Stamp Acts, with the necessary saving clauses.

Clause 7 makes it clear that special exemptions from stamp duty are not interfered with.

Clause 10. The new matter merely keeps existing regulations in force till others may be made.

Clause 11 alters the existing provision. The use of the term Commissioner's *stamp* was misleading, and we suggest the use of the word *seal*. The other words in italics enables section 43 of the present Act to be wholly omitted.

Clause 19. The apparent intention of the existing Act of 1876 was to exempt the persons indicated from being *licensed* to sell stamps. The marginal note to section two of the Act is to this effect; but the text merely provides that the section requiring a licensee to have his name painted up shall not apply. The alteration suggested by us will give effect to the apparent intention.

In clause 30 a new provision is made. "The Government Summary Prosecutions Act, 1870," ceased to be operative in respect of the Stamp Acts upon the passing of the Act of 1875, which omitted to make provision on the subject. The clause we suggest, in fact, restores the former law.

Clause 37 contains a new provision. This is intended to get over a difficulty which often occurs now when persons presenting instruments offer to supplement the facts by extraneous evidence. This practice, if allowed, would clearly render the first part of the clause nugatory, and lead to embarrassment. The last paragraph saves the right to a higher duty if the facts should justify such duty being charged.

In clause 39 words are added to make it clear that payment of the penalty in the cases provided for shall not exonerate from liability to the extra duty which may be payable.

Clause 45 is new. Its object is to regulate the practice on presenting an instrument to be stamped.

Clause 53. A proviso has been added giving a right of appeal to the Court of Appeal, and thence to the Privy Council. The absence of this power hitherto has led to some inconvenience.

Clause 54. An addition is made in this to cover an existing defect, which requires remedy.

Clause 59. The added matter more clearly defines what is to be deemed execution where several parties execute. An addition is also suggested as to cancellation of stamps by corporate bodies.

Clause 97. We call attention to the words in brackets. There seems no good reason why there should be any distinction as to this class of conveyance from an ordinary conveyance on sale.

Clause 129. A provision is added imposing a penalty for registering or recording any transfer of shares without its being duly stamped.

Clause 135. An addition is suggested as to the duty to be paid upon an exchange. This appears to have been an omission in the Stamp Act of 1881; and, as it covers cases which may frequently arise, we have prepared this clause.

Clause 139 is rendered necessary by the insertion of clause 107 in its proper place. It is virtually the existing law, as will be seen by a reference to section 8 of the Stamp Act of 1881.

In the Schedule the following matters need only be mentioned. Its arrangement has already been referred to in our remarks on clause 4; and opposite each head on which duty is chargeable the authority for the charge is stated:—

“Annual license.” The exemption of mining companies has been taken from the general exemption clause and inserted in its proper place. Our attention has been called to the need of the word “exclusively” being inserted in the exemption clause. It frequently happens that the main business of a company is not one to which the exemptions apply, and there is difficulty in deciding whether the exemption claimed should be allowed.

“Appraisements.” It seems worth consideration whether this duty should be retained.

“Certificate of incorporation.” The words in italics are to meet the alteration in the law relating to companies proposed this session.

“Conveyance on sale.” An addition is made to the exemption of instruments executed by or on behalf of the Queen. Since the abolition of provinces the Crown frequently conveys land which the Superintendent of a province was formerly authorized to convey.

“Receipt.” In the exemptions are added words to make clear that receipts contained within an instrument are also free of duty.

The words added in italics to subclause 4 are by way of suggestion.

We have not thought it within our duty to suggest that receipts for colonial pensions should also be exempt from receipt duty.

“General exemptions.” Certain of these have been omitted from the place they previously occupied, and have been inserted under the proper heads to which they relate.

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We have inserted an exemption in respect of contracts made by a responsible Minister in exercise of an independent authority.

The exemption of bonds seems to require the words shown in italics, and we have also added words exempting "agreements to mortgage," which, although within the spirit of the exemption, were not specifically mentioned.

In the exemption of assignments of life policies, we suggest words to make clear that the exemption shall not cover other matters than those to which it properly extends.

A. J. JOHNSTON.
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[STATUTES REVISION COMMISSION.]

STAMP.

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97. As to exchange and partition.

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A BILL INTITULED

AN ACT to consolidate and amend the Laws relating to Stamp Duties, Title.
and to provide for the Collection, by means of Stamps, of Fees
payable in the various Departments of the Public Service.

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

1. The Short Title of this Act is "The Stamp Act, 1882." It shall come into operation on the *first* day of *October*, one thousand eight hundred and eighty-two. Short Title and commencement.

10 2. In this Act, if not inconsistent with the context,—

"Commissioner" means such member of the Executive Council as shall be appointed to be Commissioner of Stamp Duties under this Act: Interpretation.
1875, No. 73, s. 4.

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:

20 "Duty" means the stamp duty for the time being chargeable by law:

"Executed" and "execution," with reference to instruments, mean signed and signature *by any one or more of the parties thereto, or, in the case of a corporation, sealed with its seal*:

25 "Forge," "forged," mean and include counterfeit, counterfeited:

"Head Office" means the office of the Commissioner:

"Instrument" means and includes every written document:

30 "Marketable security" includes any stock, funds, shares, bonds, or debentures of any Government, municipal or other corporation, company or society:

"Material" means and includes every sort of material upon which words or figures can be expressed:

- “Money” includes all sums expressed in British or in any foreign or colonial currency :
- “Person” includes company, corporation, and society :
- “Property” means and includes real and personal property :
- “Regulations” mean regulations made under the authority of *this Act* : 5
- “Stamp” means either a stamp impressed by means of a die or an adhesive stamp :
- “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
- “Stamp Office” means the office of the Commissioner appointed under this Act or of any Deputy-Commissioner :
- “Write,” “written,” and “writing” include every mode in which words or figures can be expressed upon material. 15

PRELIMINARY.

Grant of duties in Schedules, which are to be read as part of this Act.
1875, No. 73, s. 65.

3. (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 *Third* Schedule to this Act, the several duties therein specified, and no other duties. 20

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

Persons primarily liable for such duties.

4. (1.) *When any person shall with respect to any instrument of the nature mentioned in the said Schedule come within the description specified in the column thereof headed “Persons primarily liable,” he shall be personally liable to Her Majesty for the payment of the duty so chargeable upon such instrument immediately upon the execution thereof, and every such person may be sued for the amount of such duty as for a debt due to the Crown.* 25 30

(2.) *But nothing herein shall be deemed to exonerate any other person from any liability imposed upon him by or under this Act, or to exempt any instrument from any duty or disability to which it may be liable under this Act.*

References to repealed Acts to refer to this Act.
Ib., s. 3.

5. Where any unrepealed Act incorporates or refers to any Act or to any part of any Act or to any provisions of any Act hereby repealed, such unrepealed Act shall be deemed to incorporate or refer to this Act or to the corresponding part or provisions of this Act as amended hereby. 35

Repeal.
Ib., s. 2.

6. The Acts enumerated in the *First* Schedule hereto are hereby repealed. 40

But this repeal shall not affect—

Saving past transactions.

- (1.) The past operation of any enactment hereby repealed, or the sufficiency or insufficiency of the stamp duty upon any instrument executed ; 45
- (2.) The validity or invalidity of anything done or suffered ;
- (3.) The payment or recovery of any duty of any kind which may be, or may hereafter become, payable under any of the Acts hereby repealed, or any of the Acts repealed by the first-mentioned Acts or any of them. 50

7. Nothing in this Act shall be deemed to interfere with or control the operation of any enactment now in force whereby any instruments are exempted from stamp duty. Saving of exemptions.

This Act is divided into Parts, as follows :—

- 5
- PART I.—As to Management.
 PART II.—Duties on Instruments.
 PART III.—Duties on Alienation of Native Lands.
 PART IV.—Stamp Fees.

Divisions of Act
into Parts.

PART I.

10 AS TO MANAGEMENT.

8. 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. Governor in Council to appoint Commissioner. 1875, No. 73, s. 6.
- 15 9. (1.) 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 to appoint Deputy Commissioners and officers. Ibid.
- 20 (2.) *The Commissioner and 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.* Saving as to existing officers. Ib., s. 2.
- 25 10. (1.) The Governor may from time to time, by Order in Council, make regulations not inconsistent with the provisions of this Act, for the due administration of this Act and for the conduct of all persons concerned in such administration, and generally for carrying this Act into effect. Governor may make regulations. Ib., s. 7.
- 30 (2.) *But any regulations made under the hereby repealed Acts, or any of them, and in force at the date of the commencement of this Act, shall continue in force as if made under this Act until altered or repealed by regulations made under this Act.*
- 35 11. There shall be a die, called the Commissioner's seal, which shall be impressed on the adhesive stamps affixed to any executed instruments at any stamp office when the duty payable on such instrument has been assessed and paid, and shall, subject to the provisions of section fifty-four hereof, denote that all duty to which such instrument is liable has been paid. Commissioners' seal. Effect thereof. Ib., ss. 8, 43.
- 40 12. All adhesive and impressed stamps shall be created or impressed only at the Head Office. Adhesive and impressed stamps to be created only at Head Office. Ib., s. 9.
- 45 One form of adhesive stamp of various denominations, according to the money-value of each, may be created, which may be used either as postage-labels or for any other purpose for which adhesive stamps are used or permitted to be used, whether under this Act or under any other Act, except under "The Beer Duty Act, 1880." One form of stamp may be used for all purposes. 1881, No. 42, s. 10.
- But this provision shall not be deemed to affect the operation of section *fifty-eight* of this Act.

As to licenses to deal
in stamps.
1875, No. 73, s. 10

13. 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.

Every person to 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. 5 10

But one license and one bond only shall be required for any number of persons in copartnership.

As to the contents and
effects of a license.
Ib., s. 11.

14. 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. 15

Penalty for
unauthorized
dealing in stamps.
Ib., s. 12.

15. Every person who,— 20
(1.) Not being duly licensed to deal in stamps, deals in any manner in stamps;
(2.) Being so duly licensed, deals in any manner in stamps at any place not specified in his license,

shall for every such offence forfeit a sum not exceeding twenty pounds. 25

Double penalty in
case of a forged
stamp.
Ibid.

16. (1.) 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 have not been so alleged in the information or pleading, the said penalty shall be doubled. 30

(2.) 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.

Proviso.

(3.) But 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. 35

How license to be
notified.
Ib., s. 13.

17. 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 be liable to a penalty not exceeding ten pounds. 40 45

Penalty.

Penalty on
unauthorized persons
holding themselves
out as dealers in
stamps.
Ib., s. 14.

18. *Except as hereinafter provided, 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, 50

any word or words signifying that he is a dealer in stamps, he shall be liable to a penalty not exceeding ten pounds for every day on which such offence is committed or continued.

19. Any person in the service or employment of the Government of the colony may sell at any public office stamps deposited with him by the Commissioner for sale *without the necessity of obtaining a license to sell the same*, and any banker within the meaning of "The Banks and Bankers Act, 1880," may sell any stamps supplied to such banker by the Commissioner *without any such license*.

Exception as to officers of the Government and managers of banks in certain cases. 1876, No. 17, s. 2.

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

Discount. 1875, No. 73, s. 15.

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

Allowance for spoiled stamps. *Ib.*, s. 16.

22. 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,—

Criminal offences relating to stamps. *Ib.*, s. 17.

(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.

23. (1.) 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

Search warrants may be granted by Justices for the

detection of forged dies.
1875, No. 73, s. 18.

his hand, cause every dwellinghouse, 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. 5

(2.) 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. 10

Further proceedings, under Commissioner's warrant, for the detection of forged stamps.
Ib., s. 19.

24. 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 dwellinghouse, room, shop, warehouse, outhouse, or other building of or belonging to any such suspected person. 15 20

If on demand of admittance and notice of such warrant the door of any such dwellinghouse, 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. 25

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. 30

Penalty for resisting, obstructing, or refusing to assist.
Ibid.

25. Any person who—

- (1.) Refuses to permit any search or seizure to be made as aforesaid;
- (2.) 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; 35

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 be liable to a penalty not exceeding fifty pounds. 40

Mode of proceeding when stamps are seized.
Ib., s. 20.

26. (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. 45

(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 50

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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.

27. (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.
1875, No. 73, s. 21.

(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.

28. (1.) 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.

As to defacement of adhesive stamps.
Ib., s. 22.

(2.) 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.

29. 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;

Penalty for frauds in relation to adhesive stamps or to any duty.
Ib., s. 23.

(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 be liable to a penalty of twenty pounds over and above any other penalty to which he may be liable.

New Clause.

30. All fees, fines, and penalties incurred under this Act may be recovered in a summary way with costs before any two or more Justices of the Peace.

Recovery of penalties.
Ib., s. 24.

Notwithstanding anything in "The Justices of the Peace Act, 1882," or any other Act, any information or complaint heard in a summary way before two or more Justices of the Peace for or in respect of any offence against this Act, or any other Act relating to stamp duties, may be laid at any time within three years next after the date of the offence committed.

Limitation of proceedings;
1870, No. 38, s. 2.

Governor may mitigate penalties. 1875, No. 73, s. 24.

31. 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. *Ib.*, s. 25.

32. (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. 5

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. 10

Colonial Treasurer to pay moneys. *Ib.*, s. 26.

33. The Colonial Treasurer may *without further appropriation* issue and pay out of the Consolidated Fund any moneys which may become payable to any person under the provisions of this Act. 15

PART II.

DUTIES ON INSTRUMENTS.

GENERAL PROVISIONS.

How instruments are to be written and stamped. *Ib.*, s. 27.

34. (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. 20

(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. 25

Instruments to be separately charged with duty in certain cases. *Ib.*, s. 28.

35. (1.) Except where express provision to the contrary is made by this or any other Act, 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. 30

(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. 35

As to the use of appropriated stamps. *Ib.*, s. 29.

36. (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 any instrument of any other description. 40

(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.

Facts and circumstances affecting duty to be set forth in instruments. *Ib.*, s. 30.

37. 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 the Commissioner or a Deputy-Commissioner shall not be entitled or compellable to accept any evidence not contained in the instrument which may tend to reduce the amount of duty payable. 45

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But this provision shall not prevent the Commissioner or a Deputy-Commissioner exercising the powers conferred upon him by the next succeeding section hereof, and, if the facts justify it, charging or assessing a greater amount of duty than would appear to be charge-
5 able or assessable by a reference to the language and contents of such instrument.

38. (1.) In any case of application to the Commissioner or a Deputy-Commissioner with reference to any instrument, such Commissioner or Deputy may require to be furnished with such evidence
10 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 fur-
15 nished accordingly.

The Commissioner or Deputy-Commissioner may call for and refuse to proceed without evidence.
1875, No. 73, s. 42.

(2.) 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
20 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 an instrument any of the facts or circumstances aforesaid.

Protection of witnesses.

39. Every person who, with intent to defraud Her Majesty,—
25 (1.) Executes any instrument in which all the said facts and circumstances are not fully and truly set forth;

Penalty for not fully setting forth facts, &c.

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

Ib., s. 30.

shall be liable to a penalty of fifty pounds in addition to the amount of duty of which Her Majesty has been deprived by any such fraudulent act as aforesaid.

40. Where an instrument is chargeable with *ad valorem* duty in
35 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.
Ib., s. 31.

41. Where an instrument is chargeable with *ad valorem* duty in
40 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.
Ib., s. 32.

42. Where an instrument contains a statement of current rate of
45 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.
Ib., s. 33.

If such statement is proved to be untrue the deficient duty and
50 fine may be recovered.

43. 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

As to denoting stamp.
Ib., s. 34.

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.

Terms upon which instruments may be stamped after execution.
1875, No. 73, s. 35.

44. Except where express provision to the contrary is made by this or any other Act, any unstamped or insufficiently-stamped instrument may be stamped or further stamped by the Commissioner or a Deputy-Commissioner after the first execution thereof on payment of the unpaid duty, and 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 if such instrument is presented to be stamped more than one month and less than three months after execution, and 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 if such instrument is presented to be stamped more than three months after execution; but in no case shall the last-mentioned fine be less than five pounds.

No fine within one month after execution.

As to instruments executed abroad.

But 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.

New Clause.

On presentation of instrument, amount of duty to be tendered.

45. No instrument shall be deemed presented to be stamped until when tendered to the Commissioner the duty payable on it is capable of being at once assessed by the Commissioner, nor until the amount of duty so assessed is paid.

But in special cases, when the Commissioner's assessment is disputed, a sum on account of duty as fixed by the Commissioner may be paid to him, and no fine shall accrue in respect of such instrument until after such dispute shall have been settled in the manner provided by this Act.

Terms upon which unstamped or insufficiently stamped instruments may be received in evidence in any Court.
Ib., s. 36.

46. Upon the production of an instrument chargeable 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.

The officer of the Court to transmit instrument for stamping.

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.

When evidence of contents of lost unstamped instruments may be given.
1877, No. 33, s. 2.

47. If an instrument chargeable with any duty and which may legally be stamped after execution be lost before the same is stamped, secondary evidence may nevertheless be given of such instrument and of the contents thereof in any Court, but the person adducing such evidence shall first pay to the officer of the Court whose duty it would be to read such instrument in Court if the same had not been lost such unpaid duty and fine as the Judge shall assess to be the duty and fine that would be payable on such instrument had such instrument itself been tendered in evidence.

If such duty and fine be not paid on assessment being made as aforesaid, the evidence shall be rejected.

48. 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.
49. 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 :
- But 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.
50. 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—
- (1.) That it is not so liable, he shall impress thereon the Commissioner's *seal*, and a particular stamp denoting that it is not so liable ;
 - (2.) 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 seal, and a stamp denoting the amount of duty or fine so paid.
51. Any deed or instrument presented at any stamp office for assessment or otherwise may be impounded and detained by the Deputy-Commissioner until the duty or fine, or both, shall have been paid in respect thereof.
52. (1.) 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.
- (2.) But when any assessment has been made by the Deputy-Commissioner no reference shall be permitted to be made to the Commissioner unless the party dissatisfied pay to the Deputy-Commissioner the sum of five shillings by way of fee, in addition to any duty which may on such reference be found payable ; but, in the event of the Commissioner deciding that a less sum is chargeable than that assessed by the Deputy-Commissioner, such party shall be entitled to a refund of the fee so paid.
53. (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.

Instruments not
duly stamped
inadmissible.
1875, No. 73, s. 37.

Deeds executed out
of New Zealand
valid if stamped in
accordance with law
of country in which
executed.
Ib., s. 38.

The Deputy-Com-
missioner to assess
duty.

Ib., s. 39.

Mode and effect of
proceeding.

Instruments may be
impounded till duty
paid.
1880, No. 42, s. 2.

In case of doubt,
reference to be made
to Commissioner.
1875, No. 73, s. 40.

Fee payable on
reference.
1876, No. 17, s. 3.

Person dissatisfied
may appeal.
1875, No. 73, s. 41.

Mode of proceeding.

(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.

(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. 5

(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. 10 15

(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.

Right of appeal to Court of Appeal or Privy Council.

Provided that the Commissioner or any party to the proceedings shall have a right of appeal to the Court of Appeal, and thereafter to Her Majesty's Privy Council, in like manner respectively as such appeals may be had from decisions of the Supreme Court or Court of Appeal in matters within the ordinary jurisdiction of such Courts; subject, however, to any rules in force regulating appeals to such Court of Appeal or Privy Council respectively. 20 25

Deficient duty may be recovered. 1875, No. 73, s. 44.

54. If it appears that the Deputy-Commissioner has stamped an instrument having assessed an insufficient amount of duty or fine thereon, *or erroneously or improperly put on the same a stamp denoting that it is not liable to duty*, 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 with which in his opinion such instrument was chargeable at the time of stamping the same. 30

Procedure. Ibid.

55. The amount of such additional duty shall be a debt due to the Crown, and may be recovered from such person accordingly: Provided— 35

Appeal.

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

Interim validity of instrument.

(2.) That the instrument so stamped shall be as good and available for all purposes as though full duty had been paid thereon. 40

Rolls, books, &c., to be open to inspection. Ib., s. 45.

56. 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. 45 50

Penalty for refusing inspection.

Every person who refuses to permit such inspection shall, for every such refusal, *be liable to a penalty* not exceeding ten pounds.

57. 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 be liable to a penalty not exceeding 5 ten pounds.

Penalty for knowingly enrolling, &c., any instrument not duly stamped. 1875, No. 73, s. 46.

58. Except where express provision is made to the contrary, all duties are to be denoted by impressed stamps only.

How duties to be denoted. *Ib.*, s. 47.

10 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 paid thereon, but shall forthwith obliterate every stamp so used.

59. (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 15 obliterated by the Commissioner or Deputy-Commissioner, or unless the person required by law to cancel such adhesive stamp cancels the same, at the time of the execution of the instrument by him, 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 20 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.

General direction as to the cancellation of adhesive stamps. *Ib.*, s. 48.

25 (2.) If there be several parties to any such instrument, the cancellation shall be deemed effectual if made in manner aforesaid by such one of the parties as may first execute the same.

Cancellation by one party effectual in certain cases.

30 (3.) If such instrument be executed by any corporate body or quasi corporate body, the cancellation shall be deemed effectual if made in manner hereinbefore provided, and by impressing or marking in ink the full name of such body, or the initial letters of such name, or the initial letters of the name of the manager, secretary, or other person executing such instrument on behalf of such body, together with such date as aforesaid.

Cancellation by corporate bodies.

35 60. Every person who, being required by law to cancel an adhesive stamp, neglects or refuses duly and effectually to do so in manner aforesaid, shall be liable to a penalty not exceeding ten pounds.

Penalty for neglect or refusal to cancel adhesive stamps. *Ibid.*

SPECIAL PROVISIONS.

Affidavits and Declarations.

40 61. 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.

Duty on affidavits and declarations may be denoted by adhesive stamps. *Ib.*, s. 49.

Agreements.

45 62. The duty 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.

Duty on agreements under hand may be denoted by adhesive stamp. *Ib.*, s. 50.

Appraisements and Awards.

63. Every appraiser by whom an appraisement or valuation is made shall, within fourteen days after the making thereof, write out the same in words and figures, showing the full amount thereof upon duly-

Appraisements to be made out on duly-stamped material. 1880, No. 42, s. 7.

stamped material, and if he neglects or omits so to do, or in any other manner delivers out or states the amount of any such appraisement or valuation, shall *be liable to a penalty* not exceeding fifty pounds.

Penalty for non-compliance.
1880, No. 42, s. 8.

64. Any person who receives from any appraiser or pays for the making of any appraisement or valuation, unless the same be written out and stamped as aforesaid, shall *be liable to a penalty* not exceeding fifty pounds. 5

Bank Notes, Bills of Exchange, and Promissory Notes.

Definition of terms "banker," "bank," and "bank note."
1875, No. 73, s. 51.

65. The terms "banker," "bank," include any corporation, society, partnership, or person carrying on the business of banking in New Zealand. 10

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.
Ib., s. 52.

66. All bank notes, except as provided by the *Third Schedule* hereto, shall be exempt from duty, and may be reissued as often as is thought fit. 15

Interpretation of term "bill of exchange."
Ib., s. 53.

67. (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. 20

(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 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. 25

(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. 30 35

Interpretation of term "promissory note."
Ib., s. 54.

68. (1.) The term "promissory note" includes any document or writing (except a bank note) containing a promise to pay any sum of money. 35

(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. 40

Bills and notes payable at sight, &c., to be deemed payable on demand.
1876, No. 17, s. 7.

69. Every bill of exchange or promissory note drawn and purporting to be payable at sight or on presentation shall for the purposes of this Act be deemed to be a bill of exchange or promissory note payable on demand. 45

Duties upon bills and notes denoted by adhesive or impressed stamps.
Ib., s. 5.

70. 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. 50

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71. (1.) Whenever any adhesive stamp shall be used for denoting the payment of such stamp duties, such adhesive stamp shall be affixed by the maker, payee, drawer, acceptor, or indorser thereof, as the case may be; and such maker, payee, drawer, acceptor, or indorser failing to affix and cancel any such stamp at the time of making indorsing, drawing, or accepting any such bill of exchange or note, in the manner provided by the *fifty-ninth* section, shall be liable to a penalty not exceeding fifty pounds.
- (2.) But 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.
- (3.) The foregoing proviso is not to relieve any person from any penalty he may have incurred in relation to such bill.
72. Any adhesive stamp on any note or bill of exchange heretofore obliterated or cancelled as provided by *any enactment hereby repealed*, or in the manner provided by this Act, shall be deemed to be duly obliterated and cancelled.
73. (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.
- (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.) But if, at the time when any such bill or note comes into the hands of any *bona 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.
- (4.) If, at the time when any such bill or note comes into the hands of any *bona 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.
- (5.) But neither of the foregoing provisos is to relieve any person from any penalty incurred by him for not cancelling any adhesive stamp.
74. 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.
75. Except as aforesaid, no bill of exchange or promissory note shall be stamped after the execution thereof.
76. (1.) Every person who issues, indorses, transfers, negotiates, presents for payment, or pays any bill of exchange or promissory note

Affixing and cancelling of stamps on bills, &c.
1876, No. 17, s. 5.

Former cancellations validated.
Ibid.

Ad valorem duties to be denoted in certain cases by adhesive stamps.

1875, No. 73, s. 56.

Provisoes for the protection of *bona fide* holders.

Ibid.

Not to relieve any other person.

Bills and notes purporting to be drawn, &c., abroad to be deemed to have been so drawn, &c.
Ib., s. 57.

No bill or note to be stamped after execution.

Exception.

Ib., s. 58.

Penalty for issuing,

&c., any unstamped bill or note. 1875, No. 73, s. 59. The bill or note to be unavailable.

liable to duty and not being duly stamped, shall *be liable to a penalty not exceeding fifty pounds.*

(2.) 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. 5

Penalty for drawing, &c., bills purporting to be in a set, and not drawing the whole number. *Ib.*, s. 60.

77. 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 *be liable to a penalty not exceeding fifty pounds.* 10

Bills, &c., not to be noted or protested unless stamped. Penalty. *Ib.*, s. 61.

78. 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 *be liable to a penalty of twenty pounds.* 15

Bills of Lading.

Bills of lading not to be stamped after execution. *Ib.*, s. 62. Penalty.

79. 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. 20

Every person who makes or executes any bill of lading not duly stamped shall *be liable to a penalty not exceeding fifty pounds.*

Bonds, Debentures, &c.

Penalty for paying interest upon unstamped bonds. *Ib.*, s. 63.

80. 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 *be liable to a penalty not exceeding twenty pounds.* 25 30

Charter-parties.

Definition of "charter-party." *Ib.*, s. 64.

81. 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 vessel and any other person for or relating to the freight or conveyance of any money, goods, or effects on board of such vessel. 35

Adhesive stamp may be used. *Ib.*, s. 65.

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

As to charter-parties executed abroad. *Ib.*, s. 66.

83. 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. 40 45

Terms upon which charter-parties may be stamped after execution. *Ib.*, s. 67.

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

- (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.

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

85. 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.
1875, No. 73, s. 68.

Conveyances on Sale.

86. 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."
Ib., s. 69.

87. (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.
Ib., s. 70.

(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.

Ibid.

88. (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.
Ib., s. 71.

(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 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.) *But* 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.
1875, No. 73, s. 72.

89. 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. 5

How consideration to be charged where property conveyed by separate instruments.
Ib., s. 73.

90. 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. 10 15

Where property conveyed separately on distinct part of considerations.
Ibid.

91. 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. 20

Where property conveyed direct to sub-purchaser.
Ibid.

92. 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. 25

Where property conveyed direct to separate sub-purchasers.
Ibid.

93. 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. 30 35

Charge on a second conveyance to sub-purchaser.
Ibid.

94. 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. 40

As to the sale of an annuity or right not before in existence.
Ib., s. 74.

95. 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 some one of such instruments, if there be more than one, is to be charged with the same duty as a conveyance on sale. 45 50

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Duplicates or Counterparts.

96. The duplicate or counterpart of an instrument chargeable with duty is not to be stamped as such unless *it is proved to the satisfaction of the Commissioner* that 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.
1875, No. 73, s. 75.

Exchange and Partition or Division.

97. 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.
Ib., s. 76.

Incorporated Companies.

98. 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 effect in the *Second* Schedule hereto.

Incorporated companies to take out yearly licenses.
Ib., s. 77.

99. Such license shall be issuable on the first day of January in every year; and the Commissioner is hereby authorized to issue such license on payment to him of the duty specified in the *Third* Schedule hereto: 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.

Form and duration of license.
Ibid.

100. 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.
Ib., s. 78.

101. 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 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.
Ib., s. 79.

102. 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.
Ib., s. 80.

103. 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 *Third* Schedule hereto or not, the decision of the

Commissioner's decision as to liability of companies to be final.
Ib., s. 81.

Appeal.

Commissioner shall be final, subject to appeal as in manner provided by section *fifty-three* of this Act.

Leases.

Definition of term
"lease."
1875, No. 73, s. 82.

104. The term "lease" includes any agreement for the letting of any land, 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. 5

Leases, how to be
charged in respect of
produce, &c.
Ib., s. 83.

105. 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. 10

Duty not to be
charged on penal
rents.
Ib., s. 84.

106. 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. 15

Leases, how to be
charged in respect
of royalty.
1881, No. 42, s. 8.

107. (1.) Where the yearly rental payable under a lease is wholly or partly a royalty, payable either in money, produce, or goods, or any other consideration whatever other than a fixed sum of money, then, if it be stipulated that the amount of such money, or the value of such produce or goods, is to amount at least to, or not to exceed, a given sum, or where the lessee is specially charged with or has the option of paying after any permanent rate of conversion, the yearly amount of such money and value of such produce or goods is to be estimated at such given sum or according to such given rate. 20

Provision in case
value thereof cannot
be ascertained.

(2.) Wherever there is no possible means under the lease of discovering what may be the maximum or minimum value of the consideration dealt with by this section, then the duty payable in respect of such lease shall be a fixed sum of *five* pounds. 30

Duty not to be
charged on im-
provements.
1875, No. 73, s. 84.

108. 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. 35

Notarial Acts.

Duty on notarial act
may be denoted by
adhesive stamps.
1876, No. 17, s. 8.
Deeds, &c., not to be
notarially attested
unless stamped.
1875, No. 73, s. 86.
Proviso.

109. The duty upon a notarial act may be denoted by an adhesive stamp, which is to be cancelled by the notary.

110. 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. 40

But 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. 45

Policies of Sea Insurance.

Interpretation of
"sea insurance"
and "policy."
Ib., s. 87.

111. (1.) The term "sea insurance" means any insurance (except reinsurance) made upon any vessel, or upon the machinery, tackle, or furniture of any vessel, or upon any goods, merchandise, or 50

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.

(2.) The word "policy" means any instrument whereby a contract or agreement for any sea insurance is made or entered into.

112. The duty upon *any such* policy may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is executed *at the time of execution*.

Adhesive stamps may be used for policies.
1875, No. 73, s. 88.
All sea insurance to be by policy.
Ib., s. 89.

113. 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.

114. No *such* 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.

Time policies not to be for more than twelve months.
Ib., s. 90.

115. A policy after it is signed or underwritten may be stamped only by the Commissioner or a Deputy-Commissioner, and then only upon the terms following, that is to say,—

Policies not to be stamped after making, except on certain conditions.
Ib., s. 91.

(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.

116. 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.
Ib., s. 92.

117. 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.

Policy for insurance of separate interests to be charged as separate policies.
Ibid.

118. Every person who—

(1.) Receives or takes credit for any premium or consideration for any contract of *sea* 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;

Penalty for not making out policy, or making, &c., any policy not duly stamped.
Ib., s. 93.

(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 herein-before provided,

shall be liable to a penalty not exceeding twenty pounds.

Receipts.

119. 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

Meaning of term "receipt."
Ib., s. 94.

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. 5

Receipts to Her Majesty subject to duty.

1880, No. 42, s. 4.

Duty on receipts may be denoted by adhesive stamps.

1875, No. 73, s. 95.

Penalty.

120. Subject to the general exemptions contained in the *Third* Schedule to this Act, all receipts given to Her Majesty, or to any person on her behalf, shall be chargeable with duty.

121. 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. 10

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 be liable to a penalty not exceeding ten pounds. 15

122. 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 be liable to a penalty of ten pounds. 20

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

- (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. 25

Settlements.

124. Where any money which may become due or payable 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. 30

125. (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. 35

(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. 40

(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. 45

126. 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 or duty under any Act imposing duties on the estates of deceased persons has been paid, an instrument of appointment in favour of such person in respect of such property is not liable to duty. 50

As to settlement of security.

Ib., s. 98.

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

Ib., s. 99.

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

Ib., s. 100.

Penalty for offences relating to receipts.

Ib., s. 96.

Commissioner, &c., may stamp receipts upon certain terms.

Ib., s. 97.

127. (1.) When the property comprised in any deed of settlement is subject to any mortgage, debt, or certain charge annual or otherwise, created prior to the execution of the deed of settlement, such deed shall be liable to the duty payable on the amount or value of such property after a deduction has been made of the amount of such mortgage, debt, or charge.

Mortgage, debt, or charge to be deducted when assessing duty or value of property settled.

1876, No. 17, s. 4.

(2.) No such deduction shall be made unless the deed of settlement is expressly made subject to such mortgage, debt, or charge, and the amount or nature thereof is stated in such deed of settlement or in a schedule thereto.

(3.) And where such charge consists of money payable periodically for a definite period, or periodically in perpetuity, or for an indefinite period, or periodically during any life or lives, the amount of such charge in respect of which such deduction shall be made shall be calculated in the same manner as provided by the *eighty-eighth* section in the case of the consideration on conveyances on sale payable periodically.

Transfers of Runs.

128. 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 *Third Schedule* hereto shall be assessed on the whole consideration agreed to be paid for the interest in the run, station, improvements, and stock thereon.

Assessment of duty on transfers of runs.
1875, No. 73, s. 101.

Transfers of Shares.

129. (1.) 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.

Transfers of shares not to be registered unless duly stamped.
Ib., s. 102.

(2.) Any person registering, recording, or entering any such transfer contrary to this provision shall be liable to a penalty not exceeding one hundred pounds.

Penalty.

130. 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 written therein in ink at the time of or before the execution of the instrument of sale or transfer.

Instrument of sale or transfer to be void if name of purchaser or transferee not inserted.
Ib., s. 103.

131. 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 written therein in ink at the time or before the execution thereof, he shall be liable to a penalty of not less than twenty pounds or more than one hundred pounds.

1877, No. 38, s. 3.
Penalty for executing same.
Ibid.

132. (1.) 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.

Instruments to be absolutely void.
1875, No. 73, s. 103.

(2.) 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.

Penalty on share-brokers.

(3.) 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.

Agent not entitled to fee if instrument not duly executed, stamped, &c.
1875, No. 73, s. 104.

133. 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. 5

PART III.

10

DUTIES ON THE ALIENATION OF NATIVE LANDS.

Interpretation of "Native" and "Native land."

1881, No. 42, s. 2.

134. In this Part of this Act, if not inconsistent with the context,—

"Natives" mean aboriginal natives of New Zealand, including half-castes and their descendants by Natives, and "Native" means one of such natives: 15

"Native land" means any land or interest in land owned by Natives for which a certificate of title or memorial of ownership has been issued or granted under any Act relating to land owned by Natives under their customs or usages, whether such land is still held under such certificate or memorial, or under a Crown grant, or under a certificate of title under "The Land Transfer Act, 1870." 20

Additional duties on conveyances, exchanges, and leases of Native lands.

Ib., s. 3.

135. There shall be charged for the use of Her Majesty, in addition to the *other* duties imposed by *the preceding Parts* of this Act, the duties following, that is to say,— 25

(1.) Upon every first "conveyance on sale" of Native land to a person other than a Native, ten pounds per centum on the amount or value of the consideration.

But in case any duties under this *Part of this Act, or any enactment heretofore in force imposing similar duties*, have previously to the date of such conveyance been paid in respect of the land dealt with by such conveyance, then the amount of such duties so previously paid shall be deducted from the duties payable under this Act, and only the amount of the net balance shall be payable under this Act on such conveyance. 30 35

(2.) Upon every exchange of Native land by a Native with a person other than a Native, ten pounds per centum upon the amount or value of the sum or other consideration paid or given by way of equality of exchange; 40

(3.) Upon every lease of Native land to a person other than a Native, ten pounds per centum upon the amount or value of any consideration by way of premium in respect of which such lease is granted, and also ten pounds per centum upon the capitalized value of any rent payable thereunder. 45

How capitalized value ascertained where lease for term not exceeding ninety years.

Ib., s. 4.

136. Where the lease is granted for a term certain not exceeding ninety years, the capitalized value of the rent payable thereunder shall be the present value of an annuity or annuities of the same annual amount as the rent or rents, and payable for the same periods; rent, for the purposes of this *Part of this Act*, being deemed to be payable 50

yearly and at the end of the year, and interest being calculated at the rate of five pounds per centum per annum.

137. Where the term of the lease is contingent upon a life or lives, then the amount of the capitalized value of the rent payable there-
 5 under shall be decided by such actuary as the Commissioner and the person presenting the lease for stamping shall agree upon, and, failing such agreement, by the actuary appointed under any Act for the time being relating to the Government Insurance and Annuities Department, the rent being deemed to be payable and interest being calculated
 10 as in the preceding section mentioned.

How capitalized value ascertained where lease contingent on life or lives. 1881, No. 42, s. 5.

138. Where the lease is granted for a term exceeding ninety years, or in perpetuity, or for an indefinite period, or where dependent upon any contingency other than human life, the capitalized value of the rent payable thereunder shall be estimated at twelve pounds and ten
 15 shillings for every one pound of annual rent.

How capitalized value ascertained where lease for term exceeding ninety-nine years. *Ib.*, s. 6.

New Clause.

139. Where the lease is of such a nature as to render applicable the provisions of the second paragraph of section *one hundred and seven* hereof, then the duty to be paid under this Part of this Act shall be a fixed sum of *ten* pounds.

Where capitalized value cannot be ascertained, fixed duty of ten pounds to be paid.

20 140. The repeal of "The Native Land Duties Act, 1873," by "The Stamp Act 1875 Amendment Act, 1881," shall not affect any duties due, or to become due, on any instrument *on or previous to the first day of October, in the year one thousand eight hundred and eighty-one*, but the same duties that *were theretofore* payable in respect
 25 of such instrument shall continue to be paid in respect thereof; and the same shall be paid to a Deputy-Commissioner of Stamps, who is hereby empowered to assess the amount of duty and fines payable in respect of such instrument, and shall affix stamps in respect of the same when paid, which stamps shall, for all purposes whatsoever, have
 30 the same effect as the memorandum of receipt mentioned in the sixteenth section of the Act *in this section first mentioned*.

Saving as to duties formerly payable. *Ib.*, s. 7.

141. The Deputy-Commissioner may also compound for all future duty payable in respect of a lease liable to duty under "*The Native Land Duties Act, 1873*," for the unexpired term thereof, by receiving
 35 ten pounds per centum on the capitalized value of the rent to be paid during such unexpired term, ascertained as hereinbefore mentioned.

Commissioner may compound in respect of duty accruing under repealed Acts. *Ibid.*

PART IV.

STAMP FEES.

40 142. The Governor in Council may, *from time to time*, by notice gazetted, direct that after the time specified in such notice all or any of the duties, fees, fines, or penalties for the time being payable in money in any public department or office connected with the public service, or to the officers thereof, shall be collected by means
 of stamps.

Governor in Council may appoint fees, fines, &c., to be collected by means of stamps only. 1880, No. 43, s. 3.

45 After the time so specified, the duties, fees, fines, or penalties therein mentioned shall be received by stamps denoting the sums payable, and not in money.

All or any of such stamps shall be impressed or adhesive, as *may be directed in any such notice*.

Document in respect of which the fee is payable to be stamped.
1880, No. 43, s. 6.

143. When any sum comprised in any such notice—

- (1.) Is payable in respect of a document, the stamps denoting such sum shall be affixed to or impressed on such document, or such other document, book, or record as may be prescribed by regulations;
- (2.) *Is payable* otherwise than in respect of a document, the stamps denoting such sum shall be affixed to or impressed on such document, book, or record as *may be prescribed by regulations.*

5

Document invalid until properly stamped.
Ib., s. 7.

144. Any document which ought to bear a stamp under *this Part of this Act* shall not be of any validity unless and until it is properly stamped, nor shall any Judge, Justice, or officer of any Court allow such document to be used, although no exception be raised thereunto, until such document has been first duly stamped.

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Court may order document to be stamped.

But if any such document is through mistake or inadvertence received, filed, or used without being properly stamped, the Court in which the same is so received, filed, or used may, if it thinks fit, order that the same be stamped; and thereupon such document shall be as valid as if it had been properly stamped in the first instance.

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Duties of officer who receives payment in stamps.
Ib., s. 8.

145. Every officer whose duty it may be to receive any fee or sum of money for any matter or thing to be done or performed, and for which payment is to be made by stamps, shall, before doing or performing such matter or thing, see that there is attached to the document, instrument, matter, or thing in respect whereof the fee or sum of money is payable, or to such other document to which it is required by regulations that the stamp in respect of the said fee shall be affixed, a stamp of value not less than the fee or sum of money payable for the performance of such matter or thing.

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Cancellation of stamps.
Ibid.

146. When an adhesive stamp is used, *every such officer* shall see that such stamp is duly cancelled, or, if such stamp be not duly cancelled, shall immediately cancel the same by writing or stamping in ink on the same his name or initials, and the date thereof, or by putting thereon the impress of any seal authorized for that purpose by *regulations*, and the date when such seal is impressed, so as effectually to obliterate and cancel the stamp, and so as not to admit of its being used again.

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Penalty for issuing unstamped documents, writs, processes, &c.
Ib., s. 9.

147. If any person shall without lawful excuse (the proof whereof shall be upon such person)—

- (1.) File, issue, procure, or deliver any document, or serve or execute any writ, rule, order, matter, or proceeding in respect of which a stamp has not been affixed *in the manner prescribed by regulations*; or
- (2.) Do or perform, or permit to be done or performed, any act, matter, or thing in respect whereof a stamp should be used, without using such stamp, or shall fail or omit to cancel or obliterate any adhesive stamp at the time and in the manner prescribed by *regulations*,

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he shall be *liable to* a penalty not exceeding *twenty pounds*.

Former provisions of this Act to apply.
Ib., s. 10.

148. All the preceding provisions of this Act, so far as applicable, shall extend and apply to the stamps to be used under this Part of this Act.

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1876, No. 17, s. 11.	Nature of Instrument.	Amount of Duty.	Persons primarily liable.
	(7.) Declaration made before a notary or other authority as to the execution of any instrument, and any certificate by such notary or authority that such declaration has been duly made.	£ s. d.	
1875, No. 73, Schedule I.	AGREEMENT OF 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	The parties thereto.
	(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 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.	The company.
	<i>Exemptions.</i> —All companies or associations formed for any of the following purposes [<i>exclusively</i>] :—		
	(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 ;		
	(4.) Towing vessels or barges, or landing cargo and 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.		
1876, No. 17, s. 11.	(11.) Formed for mining purposes, as defined in the 5th section of "The Mining Companies Act, 1872."		
1875, No. 73, Schedule I.	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	The person making or executing the appointment.
	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	The person making or executing the appointment.

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Nature of Instrument.	Amount of Duty.	Persons primarily liable.
APPRAISEMENTS. —Instrument setting forth any appraisal or valuation of any property, or of any interest therein, or of the annual value thereof, or of any dilapidation, or of any repairs wanted, or of the materials and labour used or to be used in any building, or of any artificers' work whatsoever,—	£ s. d.	1880, No. 42, Schedule.
Where the amount of the appraisal or valuation—		The person making the appraisal.
Does not exceed £20	0 1 0	
Exceeds £20 and does not exceed £50	0 2 6	
Exceeds £50 and does not exceed £100	0 5 0	
Exceeds £100 and does not exceed £200	0 10 0	
Exceeds £200 and does not exceed £500	0 15 0	
Exceeds £500	1 0 0	
Exemptions. —Instrument setting forth any appraisal or valuation made—		
(1.) For the information of one party only, and not being in any manner obligatory as between parties, either by agreement or by operation of law ;		
(2.) For or on behalf of Her Majesty the Queen or the Government of New Zealand, or of any County Council, Borough Council, Town Board, Road Board, or other similar body having power by law to levy rates.		
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,—		1875, No. 73, Schedule I.
Where the purchase or consideration money, or the value of the property—		The assignee or transferee.
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	
AWARD , whether under hand only or under hand and seal,—		1880, No. 42, Schedule.
Where the amount or value of the matter in dispute—		The person making or executing the award.
Does not exceed £20	0 1 0	
Exceeds £20 and does not exceed £50	0 2 6	
Exceeds £50 and does not exceed £100	0 5 0	
Exceeds £100 and does not exceed £200	0 10 0	
Exceeds £200 and does not exceed £500	0 15 0	
Exceeds £500 and does not exceed £1,000	1 0 0	
Exceeds £1,000, and in any case not above provided for	1 15 0	
Exemption. —Award made in any matter in which Her Majesty the Queen is a party, either directly or by some public officer acting in such matter, or representing Her said Majesty, or the Government of New Zealand therein.		
BILLS OF EXCHANGE AND PROMISSORY NOTES.		1875, No. 73, Schedule I.
BILL OF EXCHANGE —		
(1.) Payable on demand	0 0 1	
(2.) Payable otherwise than on demand,—		The drawer or acceptor.
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.	

	Nature of Instrument.	Amount of Duty.	Persons primarily liable.
1876, No. 17, s. 6.	<i>Exemptions.</i> —(1.) Letter written by a banker in New Zealand to any other banker in New Zealand directing the payment of any sum of money, the same not being payable to bearer or to order, and such letter not being sent or delivered to the person to whom payment is to be made, or to any person on his behalf.	£ s. d.	
	(2.) Letter of credit granted in New Zealand authorizing drafts to be drawn out of New Zealand payable in New Zealand.		
1875, No. 73, Schedule I.	PROMISSORY NOTE—		
	(1.) Payable on demand	0 0 1	} The maker.
	(2.) 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—		The bank.
	Upon the average quarterly amount in circulation, as certified under "The Banks and Bankers Act, 1880"	10s. per cent.	
	BILL OF LADING for any goods, merchandise, or effects to be carried to any place beyond the boundaries of the colony.—		} The person by whom the goods are consigned.
	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 any Act for the time being in force relating to the registration of companies, on the registration thereof	5 0 0	The company.
	CHARTER-PARTY for conveyance beyond the colony	0 1 0	The charterer.
	CONVEYANCE ON SALE—		
	For every £50, or part of £50, of the amount or value of the consideration for sale	0 5 0	The purchaser.
	<i>Exemptions:—</i>		
	(1.) Any grant from Her Majesty of Crown lands in New Zealand, or any conveyance from Her Majesty, of land vested in her, or any person on her behalf;		
	(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;		
	(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 such property.		
1876, No. 17, s. 9.	DUPLICATE OR COUNTERPART of any instrument chargeable with any duty,—		} The person chargeable in the original instrument.
	(1.) Where such duty does not amount to 2s. 6d.	The same duty as the original instrument.	
	(2.) In any other case	0 2 6	
1875, No. 73, Schedule I.	DEED of any kind whatever not otherwise charged in this Schedule	0 10 0	The parties to the deed, or any one of them.
	EXCHANGE:—		
	(1.) For any instrument effecting an exchange of any lands, upon any consideration exceeding £100 paid by way of equality	The same duty as on a conveyance on sale.	} The parties thereto.
	(2.) In any other case	0 10 0	

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Nature of Instrument.	Amount of Duty.	Persons primarily liable.
LAND TRANSFER. —Under “The Land Transfer Act, 1870,” and any Acts amending the same:—	£ s. d.	1875, No. 73, Schedule I.
(1.) Certificate of Title,—		
(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.	The person in whose name the certificate is issued.
(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		
(2.) Memorandum of Transfer,—		
Where the transfer is on a sale of the property therein ..	The same duty as on a conveyance on sale.	The transferee.
Where the transfer is on an exchange or partition of the property therein	The same duty as on an exchange or partition.	
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.	The lessee.
(4.) Memorandum of incumbrance for securing a sum of money	The same duty as on a conveyance on sale.	The incumbrancer.
(5.) Transfer of lease or incumbrance, or surrender thereof,—		
Where the transfer or surrender is—		
On a sale of the property or estate therein	The same duty as on a conveyance on sale.	The transferee.
On a partition or exchange of the property or estate therein	The same duty as on a partition or exchange.	
In any other case	0 10 0	
(6.) Foreclosure order,—		The person in whose favour the order is made.
The same duty as on a conveyance of sale.		1880, No. 42, s. 3.
Exemptions. —(1.) Duplicate of any instrument retained by any District Land Registrar to form records of the Land Registry Office.		1875, No. 73, Schedule I.
(2.) Any memorandum of transfer of property under the Land Transfer Acts 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 trusts of, or for appointing new trustees in respect of, such property.		1876, No. 17, s. 11.

1876, No. 73,
Schedule I.

Nature of Instrument.	Amount of Duty.	Persons primarily liable.
LEASE OR AGREEMENT FOR A LEASE , or any written document for the tenancy or occupancy of any lands,—	£ s. d.	
(1.) Without any consideration by way of premium— In respect of the yearly rent, where such rent		
Does not exceed £50	0 2 6	
And for every additional £50 or part of £50.. ..	0 2 6	The lessee or tenant.
(2.) In consideration of a sum of money by way of premium without rent	{ The same duty as on a conveyance on sale.	
(3.) In consideration of a sum of money by way of premium, and also of a yearly rent,—		
On the amount of premium	{ The same duty as on a conveyance on sale.	
And on the yearly rent when amounting to £20 or upwards	{ The same duty as on a lease.	
<i>Exemption.</i> —Lease or license granted by the Crown of any waste lands under the provisions of any Act <i>regulating the sale or disposal of Crown lands</i> or any Act providing for the administration of gold fields.		
MEMORIAL. —For every memorial authorized to be registered under “The Deeds Registration Act, 1863”	0 10 0	The person in whose favour or behalf the memorial is issued.
<i>Exemption.</i> —Memorandum of the commencement of proceedings registered under the provisions of “The Crown Suits Act, 1881.”		
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	The notary.
<i>Exemption.</i> —Noting any protest.		
PARTITION: —		
(1.) For any instrument effecting a partition of any lands, upon any consideration paid by way of equality.. ..	{ The same duty as on a conveyance on sale.	The persons making the partition.
(2.) In any other case	0 10 0	
POLICY OF SEA INSURANCE: —		
(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—		The company or persons issuing the policy.
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	The person executing the power of attorney.
RECEIPT OR DISCHARGE	0 0 1	The person giving the receipt.
<i>Exemptions:</i> —		
(1.) Receipt <i>contained in, attached to, or indorsed</i> upon any instrument duly stamped under this Act acknowledging the receipt of the consideration money therein expressed;		
(2.) For money deposited in any bank in current account, and not as a fixed deposit for any period;		
(3.) For money paid into any land, building, provident, friendly, industrial, fire or life insurance society or company, or any post office or other savings bank established in pursuance of any Act of the General Assembly;		

1876, No. 17, s. 10.

1876, No. 73,
Schedule I.

Nature of Instrument.	Amount of Duty.	Persons primarily liable.
(4.) All receipts given by or on behalf of the Corporation of any county, borough, Road Board, Town Board, Education Board, Harbour Board [or any other local governing body having power by law to make or levy rates] ;	£ s. d.	1880, No. 42, s. 4.
(5.) All receipts given to Her Majesty, or to any person on her behalf, for or in respect of any pension or other superannuation or retiring allowance payable out of the funds of the Imperial or Indian Governments.		1881, No. 42, s. 11.
SETTLEMENT, DEED OF:—		1875, No. 73, Schedule I.
(1.) Any instrument whether voluntary or upon any good or valuable consideration other than a <i>bond fide</i> pecuniary consideration whereby any property is settled or agreed to be settled in any manner whatsoever;—		} The person making the settlement.
(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 OF RUN, except by way of mortgage,—		
Of any run or station held under lease or license, or promise of lease or license, from the Crown, or of any interest therein—		
For £100 and every part of £100	0 10 0	The transferee.
TRANSFER OF SHARES,—		
(1.) Upon the sale of any share or shares in the stock and funds of any corporation, company, or society whatever, in New Zealand—		} The transferee.
(2.) 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	
(3.) Upon any transfer of shares not on actual sale	0 10 0	1880, No. 42, s. 3.

GENERAL EXEMPTIONS FROM STAMP DUTY.

- (1.) Every instrument for effecting the payment or transmission of money, or for acknowledging any such payment to or on behalf of Her Majesty, or the Government of the colony; 1875, No. 73, Schedule I.
- (2.) Every instrument for the conveyance of any property, or any interest therein, to Her Majesty, or to any person on her behalf;
- (3.) Every instrument whereby any contract is made with Her Majesty, or any other person or authority on her behalf, with any other person;
- (4.) Every contract or instrument made or executed by any responsible Minister of the Crown under the authority of any Act of the General Assembly;
- (5.) All bonds to Her Majesty, or any person or authority on her behalf;
- (5.) 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;
- (7.) All mortgages, bonds for repayment of money, and bills of sale by way of mortgage, and all transfers, and releases, reconveyances, and discharges thereof respectively, and also all agreements to mortgage;
- (8.) All preferable liens under Parts III. or IV. of "The Chattel Securities Act, 1880," over wool, oil, bone, or agricultural produce;
- (9.) Every memorandum of transfer, registered under "The Government Insurance and Annuities Act, 1874;" 1880, No. 42, s. 5.

1880, No. 42, s. 5.

(10.) Every instrument assigning or transferring any policy of life assurance effected with any life assurance company or association, or any interest in any such policy, *but without prejudice, however, to the liability of such instrument to duty in respect of any matter or thing not coming within this exemption;*

1876, No. 17, s. 11.

(11.) Every policy or receipt insuring the holder against risk of loss or damage by fire

(12.) Every policy of assurance on the life of the person effecting the same;

(13.) All instruments relating to the services of apprentices, clerks, and servants.

By Authority: GEORGE DIDSBUXY, Government Printer, Wellington.—1882.