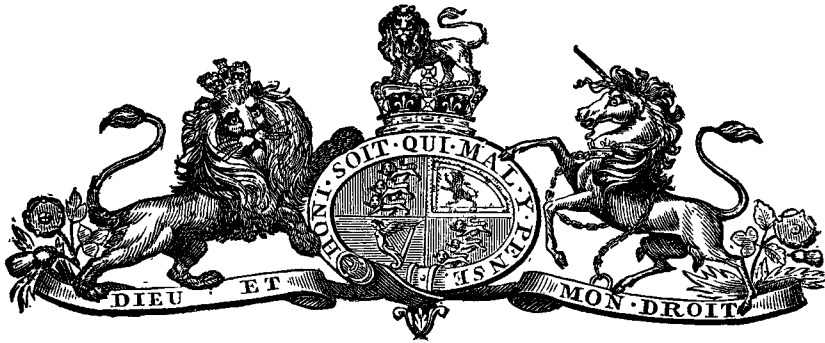


NEW ZEALAND.



TRICESIMO SECUNDO ET TRICESIMO TERTIO
VICTORIÆ REGINÆ.

No. LXX.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Commencement of Act. 3. Additional and altered duties to be levied. 4. Provisions of former Acts to apply to this. 5. Section 26 of "The Stamp Duties Act 1866" to apply to certain inland bills drawn in sets. 6. Bills &c. not to be noted or protested unless stamped. 7. Deeds &c. not to be notarially attested unless stamped. Proviso. 8. Colonial Treasurer not to pay funds under decree or order until payment of succession or legacy duty if any payable. 9. Duties on inland bills other than duties of one penny to be denoted by impressed stamps only. 10. Penalty on signing &c. bills not stamped. 11. Inland bills not to be stamped after making. | <ol style="list-style-type: none"> 12. No instrument except foreign bills to be stamped after making by any one but the Commissioners. 13. Power to Commissioners to detain documents till duty paid. 14. Transfer of shares not to be registered unless stamped. 15. Term "receipt" in principal Acts explained. 16. Provision for deeds made for separate considerations. 17. New duties on policies of sea insurance. 18. Interpretation of "sea insurance" and "policy." 19. All sea insurance to be by policy. 20. Time policies not to be for more than twelve months. 21. Policies not to be stamped after making except on certain conditions. 22. Insurances for voyage and time to bear duties for both voyage and time. <p>Schedule.</p> |
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AN ACT to amend "The Stamp Duties Act 1866" and
 "The Stamp Duties Act Amendment Act 1867."
 [3rd September 1869.]

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 shall be "The Stamp Duties Acts Amendment Act 1869." Short Title.

2. It shall be lawful for the Governor by Proclamation published in the *New Zealand Gazette* to proclaim and bring into operation this Act or from time to time any parts thereof at such time as the Governor shall think fit and no part of this Act except this second section which shall come into operation on the passing hereof shall come into operation until such part shall be so proclaimed and brought into operation as aforesaid or until the time fixed in the Proclamation for the coming into operation thereof. Commencement of Act.

3. From and after such day as the Governor shall appoint there Additional and

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altered duties to be levied.

shall be levied collected and paid for the use of Her Majesty and to form part of the ordinary revenue of New Zealand for and in respect of the several matters instruments or things described or mentioned in the Schedule hereto annexed or for or in respect of the parchment or paper upon which the same respectively shall be written the several duties or sums of money and at the several rates set down in figures against the same respectively or specified and set forth in the said Schedule and the several provisions regulations and directions therein contained with respect to the said duties and the instruments matters and things chargeable therewith shall be deemed to be part of this Act and of "The Stamp Duties Act 1866" and shall be applied observed and put in execution accordingly.

Provisions of former Acts to apply to this.

4. All the powers provisions clauses regulations directions allowances and exceptions fines forfeitures pains and penalties contained in or imposed by "The Stamp Duties Act 1866" or "The Stamp Duties Act Amendment Act 1867" or any Schedule thereto respectively relating to any duties of the same kind or description heretofore payable in New Zealand and in force at the time of commencement of this Act shall respectively be of full force and effect with respect to the duties by this Act granted and to the vellum parchments paper instruments matters and things charged and chargeable therewith and to the persons liable to the payment of the said duties so far as the same are or shall be applicable in all cases not hereby expressly provided for and shall be observed applied allowed enforced and put in execution for and in the raising levying collecting and securing of the said duties hereby granted and otherwise in relation thereto so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act as fully and effectually to all intents and purposes as if the same had been repeated and specially enacted *mutatis mutandis* with reference to the duties by this Act granted.

Section 26 of "The Stamp Duties Act 1866" to apply to certain inland bills drawn in sets.

5. From and after such day as the Governor shall appoint the twenty-sixth section of "The Stamp Duties Act 1866" shall apply to bills drawn within the Colony on or after such day and payable at any place within the Colony.

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

6. If any notary-public or other person shall knowingly and wilfully note or protest otherwise than for non-acceptance any bill of exchange or promissory note liable to duty not appearing to be duly stamped every such notary-public or other person shall incur a penalty of not exceeding twenty pounds.

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

7. If any notary-public shall knowingly and wilfully by any notarial act attest or certify the due execution of any deed or instrument liable to duty and not appearing to be stamped he shall incur a penalty of not exceeding twenty pounds Provided always that nothing in this Act shall extend to render any notary-public liable to a penalty by reason of his signing or attesting any declaration relating to the execution of a deed or instrument and made under "The Powers of Attorney Act 1854" or "The British Companies Act 1865" nor by reason of his attesting the execution of any deed or instrument merely as a witness and without attaching annexing or subscribing any notarial act.

Proviso.

8. The Colonial Treasurer before executing any decree or order of any Court in New Zealand directing the payment or transfer of any fund or part of any fund in respect of which any legacy duty or succession duty shall be payable under any Act for the time being in force relating to such duties shall require the production of the official receipt for the duty or a certificate from the proper officer of the payment of the duty chargeable in respect of any such fund or

Colonial Treasurer not to pay funds under decree or order until payment of succession or legacy duty if any payable.

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any portion thereof respectively by any such decree or order directed to be paid or transferred.

9. On and after such day as the Governor shall appoint the duties imposed upon bills of exchange drafts orders and promissory notes by "The Stamp Duties Act 1866" or "The Stamp Duties Act Amendment Act 1867" or this Act except the duties imposed upon bills of exchange and promissory notes drawn or purporting to be drawn out of the Colony and except the duties of one penny by the said Acts imposed upon bills of exchange drafts orders and promissory notes shall be denoted by an impressed stamp only and not by an adhesive stamp.

Duties on inland bills other than duties of one penny to be denoted by impressed stamps only.

10. Any person who shall on or after the day so appointed by the Governor as last aforesaid make sign or issue or cause to be made signed or issued or accept or pay or cause or permit to be accepted or paid any bill of exchange draft or order or promissory note or other note for the payment of money required by this Act to be stamped with an impressed stamp without the same being first duly stamped with an impressed stamp shall for every such offence incur a penalty not exceeding fifty pounds.

Penalty on signing &c. bills not stamped.

11. No bill of exchange promissory note draft or order made within the Colony shall be stamped by any person whatever after the making thereof.

Inland bills not to be stamped after making.

12. No instrument except bills of exchange and promissory notes drawn or purporting to be drawn out of the Colony shall be stamped after the first execution thereof by any person except the Commissioners.

No instrument except foreign bills to be stamped after making by any one but the Commissioners.

13. When any deed or instrument is submitted to the Commissioners for assessment of the duty thereon in pursuance of the thirty-third section of "The Stamp Duties Act 1866" the Commissioners shall detain such deed or instrument and every deed or instrument deposited therewith for the purpose of aiding the Commissioners in assessing the duty thereon until the whole of the duty or deficiency of duty if any as the case may be assessed and charged by them on such first-mentioned deed or instrument together with the amount if any payable by way of fine on stamping such first-mentioned deed or instrument shall have been paid to them or until upon an appeal to the Supreme Court the said Court shall make any order as to the other disposal of such deeds or instruments which order the said Court or the Judge or Judges thereof who shall hear and determine such appeal is and are hereby empowered to make.

Power to Commissioners to detain documents till duty paid.

14. 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 until the same shall have been duly stamped for denoting payment of the duty chargeable in respect thereof.

Transfer of shares not to be registered unless stamped.

15. The term "receipt or discharge for or on payment of any sum of money of the amount of five pounds or upwards" where used or referred to in the first Schedule to "The Stamp Duties Act 1866" and in "The Stamp Duties Act Amendment Act 1867" shall with reference to all instruments made after such day as the Governor shall appoint be taken to mean and include any note memorandum or writing whatsoever given to any person for or upon the payment of money whereby any sum of money debt or demand or any part of any debt or demand therein specified and amounting to five pounds or upwards shall be expressed or acknowledged to have been paid settled balanced or otherwise discharged and satisfied or which shall import or signify any such acknowledgment and whether the same shall or shall not be signed with the name of any person But nothing in this section shall

Term "receipt" in principal Acts explained.

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render liable to duty any instrument expressly exempted from duty by "The Stamp Duties Act 1866" or "The Stamp Duties Act Amendment Act 1867."

Provision for deeds made for separate considerations.

16. Where any conveyance assignment lease deed or instrument described in the Schedule to either of the said Acts which shall be chargeable with any *ad valorem* Stamp duty in respect of any sum of money yearly or in gross or any stock or security therein mentioned shall be made also for any further or other valuable consideration such conveyance assignment lease deed or instrument shall be chargeable (except where express provision to the contrary is or shall be made in any Act of the General Assembly) with such further Stamp duty as any separate deed or instrument made for such last-mentioned consideration alone would be chargeable with.

New duties on policies of sea insurance.

17. The Stamp duties now payable upon policies of insurance shall from and after such day as the Governor shall appoint cease and determine and the same are hereby repealed. Provided that the Stamp duties now chargeable thereon and not the duties imposed by this Act shall be payable in respect of such policies of insurance as shall be made signed or dated at any time before or upon the day so appointed as last aforesaid.

Interpretation of "sea insurance" and "policy."

18. In this Act and in the Schedule hereto the expression "sea insurance" means any insurance (including re-assurance) made upon any ship or vessel or upon the machinery tackle or furniture of any ship or vessel or upon any goods merchandise or property of any description whatever on board of any ship or vessel or upon the freight of or any other interest which may be lawfully insured in or relating to any ship or vessel and the word "policy" in this Act and the said Schedule and in the Acts hereby amended means any instrument whereby a contract or agreement for any sea insurance is made or entered into.

All sea insurance to be by policy.

19. No contract or agreement for sea insurance shall be valid unless the same shall be 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 in case any of the above-mentioned particulars shall be omitted in any policy such policy shall be null and void to all intents and purposes.

Time policies not to be for more than twelve months.

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

Policies not to be stamped after making except on certain conditions.

21. No policy made or dated after the day so appointed as last aforesaid shall be pleaded or given in evidence in any Court or be good or available at law or in equity unless duly stamped and it shall not be lawful for the Commissioners to stamp any such policy at any time after it is signed or underwritten by any person on any pretence whatever except in the three cases following—

- (1.) If such policy shall be brought to the Commissioners to be stamped within fourteen days after the same shall bear date and shall have been signed or executed by the person who shall have first signed or executed the same in which case the Commissioners shall cause the same to be stamped upon payment of the duty chargeable thereon without any penalty.
- (2.) If such policy shall be brought to be stamped as aforesaid at any time after the expiration of the said fourteen days and within thirty days after the same shall bear date and shall have been first executed or signed as aforesaid in which case the Commissioners shall cause the same to be stamped upon payment of the duty chargeable thereon and of the further sum of ten pounds by way of penalty.

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(3.) If such policy shall have been first signed or executed at any place out of the Colony and shall be brought to the Commissioners to be stamped within sixty days from the time when the same shall have been received in this Colony in which case the Commissioners shall cause the same to be stamped upon payment of the duty chargeable thereon without any fine Provided that proof shall be first made to the satisfaction of the Commissioners of the facts aforesaid.

22. 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 shall have arrived at her destination and been 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.

SCHEDULE.

Schedule.

BILL of EXCHANGE for the payment to the bearer or to order at any time otherwise than on demand drawn at any place in the Colony of New Zealand and payable at any other place in the Colony—

If drawn singly or otherwise than in sets of two or more ...	...	{ The same duty as on any other Inland Bill of the same amount and tenor payable at a place within fifty miles of the place where drawn.
		£ s. d.
If drawn in sets of two then for every bill of such set where the sum payable shall not exceed £50 ...	...	0 0 6
And where it shall exceed £50 and not exceed £100 ...	...	0 1 0
And where the same shall exceed £100 then for every £50 and also any fractional part of £50 ...	...	0 0 6
If drawn in sets of three or more for every bill of each set where the sum payable shall not exceed £50 ...	...	0 0 4
And where it shall exceed £50 and not exceed £100 ...	...	0 0 8
And where the same shall exceed £100 then for every £50 and also any fractional part of £50 ...	...	0 0 4

POLICY OF INSURANCE—MARINE.

For every policy of sea insurance on any voyage—		
For every £100 and any fractional part of £100 thereby insured ...	...	0 1 0
For every policy of sea insurance for time—		
For every £100 and any fractional part of £100 thereby insured—		
Where the insurance shall be made for any time not exceeding six months ...	...	0 1 0
Where the insurance shall be made for any time exceeding six months and not exceeding twelve months ...	...	0 2 0

But if the separate and distinct interests of two or more persons shall be insured by one policy for a voyage or for time then the duty of one shilling or the duty of one shilling or two shillings as the case may be shall be charged thereon in respect of every full sum of one hundred pounds and every fractional part of one hundred pounds thereby insured upon any separate or distinct interest.

WELLINGTON, NEW ZEALAND :

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