

Amended by Ord. 8/41
 " " " 6/42
 " " " 22/45
 " " " 47/51
 Amended by
 Reg. Reg. 11/2/43
 p. 138

For substitution of and "Commiss
 sioner" for the word "Treasurer"
 throughout this Ord. see
 Sec. 3 of 6/42.

CHAPTER 33. No. 4.

STAMP DUTY.

AN ORDINANCE RELATING TO STAMP DUTIES.

[15th June, 1908.]

Ordinances
 Cap. 206—
 1925.
 „ 207—
 1925.
 No. 4—1929.
 „ 8—1937.
 Commencement.

1. This Ordinance may be cited as the Stamp Duty Ordinance. Short title.

2. In this Ordinance—

“executed” and “execution,” with reference to instru- Interpreta-
tion.
 ments not under seal, mean signed and signature;

“instrument” includes every written document;

“marketable security” includes all security of such Amended by
Sec. 2 of 6/42.
 a description as to be capable, according to the use and
 practice of stock markets, of being bought and sold;

“material” 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 any company, corporation, society,
 firm, or co-partnership;

“stamp” means as well a stamp impressed by means of
 a die as 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.

PART I.

DUTIES GENERALLY.

Duties
imposed.

3. Subject to the exemptions contained in the Schedule hereto, there shall be raised, levied, collected, and paid unto His Majesty for the use of the Colony upon and in respect of the several instruments specified in the said Schedule, the several duties in such Schedule specified.

Name and
management
of duties.

4. The duties imposed and regulated by this Ordinance shall be denominated stamp duties, and shall be under the management of the Treasurer, who shall have all necessary powers and authorities for carrying this Ordinance into execution, subject however to the general control and direction of the Governor in Council.

Regulations.

Cap. 207—
1925.
Ord. 8-1937,
s. 2.

5. The Governor in Council may, subject to the provisions of this Ordinance, make regulations,—

(a) defining the duties of the Treasurer in relation to the determination and collection of the stamp duty payable on any instrument;

(b) defining what is denoted by any words in the Schedule of duties, and the mode of the apportionment of the proceeds of the sale of stamps between different departments;

(c) for the guidance of the Treasurer in respect of the issue of stamps and of the several officers whose duty it may be to examine documents to ascertain that the same are duly stamped or to receive or issue or stamp any document tendered to them;

(d) prescribing which of the stamp duties in the Schedule shall be collected by means of adhesive or impressed stamps respectively;

(e) allowing fees which may legally be denoted by adhesive stamps to be denoted by adhesive postage stamps, and the stamps so allowed to be used shall be adhesive stamps within the meaning of this Ordinance;

(f) prescribing such matters with regard to the custody, issue, use of, and accounting for the dies, presses, and impressed stamps respectively as shall seem fit;

*Amended by
Sec. 496/42.*

(g) as to the assessment of duty by the Treasurer and the procedure to be followed by persons requiring such assessment;

(h) for providing for any matters which are authorised by this Ordinance to be prescribed.

6. (1) The fees payable in any court or public office shall be collected either in money or by means of stamps, or partly in one way and partly in the other way, as may be from time to time directed by order of the Governor.

Collection of
fees by
stamps.
Cap. 207—
1925,
ss. 2, 3.
Regulations.

(2) The Governor may make regulations for all or any of the following purposes respecting fees in any court or public office, that is to say,—

(a) regulating the manner in which the fees, taken in money, are to be taken, accounted for, and paid over;

(b) determining the use of impressed or adhesive stamps, and the mode of cancellation of adhesive stamps;

(c) regulating the use of stamps, and prescribing the application thereof to documents from time to time in use, and requiring documents to be used for the purpose of such stamps.

(3) Such regulations shall apply to the court or office named in the regulations, and shall be binding on all courts, officers, and persons to whom the regulations refer, in the same manner as if they were enacted by this Ordinance.

(4) Any document which ought to bear a stamp in pursuance of any regulations made under this section shall not be received, filed, used, or admitted in evidence unless or until it is properly stamped within the time prescribed by the regulations, but if any such document is, through mistake or inadvertence, received, filed, or used without being properly stamped, the same may be stamped under the direction of such court or person, and under such conditions as may be prescribed by the regulations.

(5) Any regulations under this section, so far as they relate to the Supreme Court, shall be made with the consent of the Chief Justice.

7. All stamps shall be lodged and deposited with the Treasurer, who shall be answerable for all stamps received

Custody of
stamps, dies,
etc.
Repealed
replaced
by Sec. 5 of
6/42.

by him and shall sell and dispose of adhesive stamps as required according to the provisions hereof. The Treasurer shall in like manner have the custody and control of all dies and presses for the impressing of stamps, and may, subject to any regulations under this Ordinance, authorise the impressing of stamps on any material, blank or executed, and either singly or in books or files, as the case may be, that shall be presented to him for this purpose.

Sale of stamps.

Licence to
deal in
stamps.

8. (1) The Treasurer may, in his discretion, grant a licence to any person to deal in stamps at any place to be named in the licence.

*Amended by
Sec. 69 6/42*

(2) Every person to whom a licence is granted shall, if required by the Treasurer, give security in such sum and in such manner and form as the Treasurer shall require, and if by bond, the bond shall be exempt from stamp duty.

(3) One licence and one bond only shall be required for any number of persons in partnership, and the licence may at any time be revoked by the Treasurer.

(4) Every licence shall specify the full name and place of abode of the person to whom the same is granted, and a description of every house, shop, or place in or at which he is authorised to deal in stamps.

(5) The Treasurer and any clerk in the Treasury by his order, and the Auditor and any clerk of the Auditor with his authority, may at any time enter the licensed premises and inspect the stock of stamps.

(6) The Treasurer may deliver to licensed dealers for sale blank forms and other materials bearing impressed stamps as he may from time to time deem convenient.

(7) Every person licensed to deal in stamps shall cause to be visibly and legibly painted and shall keep so painted in letters not less than one inch in length on some conspicuous place on the outside of the front of every house, shop, or place in or at which he is licensed to deal in stamps, his full name, together with the words "licensed to sell stamps," and for every neglect or omission so to do shall incur a penalty of forty-eight dollars.

(8) *See Reg. 11/2/43 p. 138*

9. (1) Any person who is not licensed to deal in stamps, who deals in any manner in stamps, and any person who, being licensed to deal in stamps, deals in any manner in stamps at any house, shop, or place not specified in his licence, shall, for every such offence, incur a penalty of ninety-six dollars.

Unauthorised dealing in stamps.

(2) If any person not duly licensed to deal in stamps, has, or puts upon his premises either in the inside or on the outside thereof, or upon any board or any material whatever exposed to public view, and whether the same be affixed to his premises or not, any letters importing or intending to import that he deals in stamps or is licensed so to do, he shall incur a penalty of forty-eight dollars.

10. If the licence of any person to deal in stamps expires or is revoked, or if any person licensed to deal in stamps dies or becomes bankrupt, and any such person at the expiration or revocation of his licence, or at the time of his death or bankruptcy, has in his possession any stamps, such person, or his executor or administrator, or the receiver or trustee under his bankruptcy, may, within six months after the expiration or revocation of his licence, or after the death or bankruptcy, as the case may be, bring or send the stamps to the Treasury.

Determination of licence.

Amended by Sec. 7 of 6/42.

11. Such commission as the Governor may direct shall be paid to licensed dealers on the amount of their sales of stamps.

Discount.

12. It shall be a condition of the licence to every dealer in stamps that he shall not offer for sale in any case any stamp not obtained by him directly from the Treasurer or the Postmaster General, and also that he shall not sell or offer for sale any stamp which is imperfect, or which has been torn or cut, or which has been affixed to any instrument, or which, if an adhesive stamp, has been affixed to any material.

Condition of licence.

13. Notwithstanding anything in this Ordinance contained it shall be lawful for any person in the service or employment of the Post Office, without any other licence or authority than this Ordinance, to sell postage stamps at any place and in any manner.

Post Office employees.

14. Material bearing impressed stamps may from time to time be issued from the office of the Treasurer to Sub-Treasurers

Issue of impressed stamps. Repealed & replaced by Sec. 8 of 6/42.

and other public officers, and, when issued, the same shall be accounted for by such Sub-Treasurers and other officers.

Prepayment
necessary.

15. No public officer shall supply or affix any stamp unless the amount of such stamp shall have been previously paid by the party requiring the same.

Allowance for spoiled stamps.

Allowance
for spoiled
stamps.

16. Subject to such regulations as the Treasurer may think proper to make, and to the production of such evidence by statutory declaration or otherwise as the Treasurer may require, allowance shall be made by the Treasurer for stamps spoiled in the cases hereinafter mentioned—

(1) The stamp on any material inadvertently and undesignedly spoiled, obliterated, or by any means rendered unfit for the purposes intended, before the material bears the signature of any person or any instrument written thereon is executed by any party;

(2) Any adhesive stamp which has been inadvertently and undesignedly spoiled or rendered unfit for use and has not in the opinion of the Treasurer been affixed to any material;

(3) Any adhesive stamp representing a fee capable of being collected by means of such stamp which has been affixed to material, provided that a certificate from the proper officer is produced to the effect that a stamp should be allowed;

(4) The stamp on any bill of exchange signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance;

(5) The stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands;

(6) The stamp on any bill of exchange or promissory note which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange, may have been accepted or indorsed, or, being a promissory

note, may have been delivered to the payee, provided that another completed and duly stamped bill of exchange or promissory note is produced identical in every particular, except in the correction of the error or omission, with the spoiled bill or note;

(7) The stamp used for an instrument executed by any party thereto which—

(a) is afterwards found to be absolutely void from the beginning;

(b) is afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended;

(c) has not been made use of for any purpose whatever, and which, by reason of the inability or refusal of some necessary party to sign the same or to complete the transaction according to the instrument, is incomplete and insufficient for the purpose for which it was intended;

(d) by reason of the refusal of any person to act under the same, or for want of enrolment or registration within the time required by law, fails of the intended purpose or becomes void;

(e) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped, or which becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument duly stamped:

Provided as follows:—

(i) That the application for relief is made within two years after the stamp has been spoiled or becomes useless or in the case of an executed instrument after the date of the instrument, or, if it is not dated, within two years after the execution thereof by the person by whom it was first or alone executed, or within such further time as the Treasurer may prescribe in the case of any instrument sent abroad for execution, or when from unavoidable circumstances, any instrument for which another has been substituted cannot be produced within the said period;

(ii) That, in the case of an executed instrument, no legal proceedings have been commenced in which the instrument could or would have been given or offered in evidence, and that the instrument is given up to be cancelled.

Allowance
for misused
stamps.

17. When any person has inadvertently used for an instrument liable to duty a stamp of greater value than was necessary or has inadvertently used a stamp for an instrument not liable to any duty, the Treasurer may, on application made within two years after the date of the instrument, or, if it is not dated, within two years after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if liable to duty, being stamped with the proper duty, cancel and allow as spoiled the stamp so misused.

Allowance,
how to be
made.

18. In any case in which allowance is made for spoiled or misused stamps the Treasurer may give in lieu thereof other stamps of the same denomination and value, or if required, and he thinks proper, stamps of any other denomination to the same amount in value, or, in his discretion, the same value in money, deducting therefrom the discount allowed on the purchase of stamps of the like description.

Stamps not
wanted may
be re-
purchased by
the Treasurer.

19. When any person is possessed of a stamp which has not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Treasurer may, if he thinks fit, repay to him the value of the stamp in money, deducting the proper discount, upon his delivering up the stamp to be cancelled, and proving to his satisfaction that it was purchased by him at the chief office or at one of the head offices, or from some person duly appointed to sell and distribute stamps or duly licensed to deal in stamps, within the period of two years next preceding the application and with a *bonâ fide* intention to use it.

Charge of duty upon instruments.

How instru-
ments are to
be written
and stamped.

20. (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 cannot be used for or applied to any other instrument written upon the same piece of material.

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

21. Except where express provision to the contrary is made by this or any other Ordinance—

Instruments to be separately charged with duty in certain cases.

(a) an instrument containing or relating to several distinct matters is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the matters;

(b) an instrument made for any consideration in respect whereof it is chargeable with *ad valorem* duty, and also for any further or other valuable consideration or considerations, is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the considerations.

22. All the facts and circumstances affecting the liability of any instrument to duty, or the amount of the duty with which any instrument is chargeable, are to be fully and truly set forth in the instrument; and every person who, with intent to defraud His Majesty—

Facts and circumstances affecting duty to be set forth in instruments.

(a) executes any instrument in which all the said facts and circumstances are not fully and truly set forth, or

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

shall incur a penalty of forty-eight dollars.

23. (1) Where an instrument is chargeable with *ad valorem* duty in respect of—

Calculation of *ad valorem* duty in certain cases.

(a) any money in any foreign or colonial currency, or

(b) any stock or marketable security,

the duty shall be calculated on the value, on the day of the date of the instrument, of the money in British currency according to the current rate of exchange, or of the stock or security according to the average price thereof.

(2) Where an instrument contains a statement of current rate of exchange or average price, as the case may require, and is stamped in accordance with that statement, it is, so far as regards the subject matter of the statement, to be deemed duly stamped, unless or until it is shown that the statement is untrue, and that the instrument is in fact insufficiently stamped.

Use of adhesive stamps.

Cancellation
of adhesive
stamps.

24. (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 the person required by law to cancel the adhesive stamp cancels the same by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing, or otherwise effectively cancels the stamp and renders the same incapable of being used for any other instrument or for any postal purpose, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

(2) Where two or more adhesive stamps are used to denote the stamp duty upon an instrument, each or every stamp is to be cancelled in the manner aforesaid.

(3) Every person who, being required by law to cancel an adhesive stamp, neglects or refuses duly and effectually to do so in the manner aforesaid, shall incur a penalty of twenty-four dollars.

Denoting stamps.

When duty
on one
instrument
depends on
duty on
another.

Cap. 206—

1925,

ss. 25

and 26.

Land partly
under Real
Property
Ordinance.

25. (1) 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, upon application to the Treasurer and production of both the instruments, be denoted upon the first mentioned instrument in such manner as the Treasurer thinks fit.

(2) Where, in any transaction relating partly to lands subject to the provisions of the Real Property Ordinance and partly to lands not subject to the provisions of the said Ordinance, two sets of instruments liable to the payment of stamp duty are required to be drawn up, the instruments made in pursuance of the provisions of the Real Property Ordinance shall not be

chargeable with any stamp duty whatsoever if the instrument which is not subject to the provisions of the said Ordinance is fully stamped according to the true intent and meaning of the transaction. In every such case the Treasurer shall write on the instrument made subject to the provisions of the Real Property Ordinance the words "Stamp duty paid," and thereupon such instrument shall be deemed to be stamped with such duty.

26. It shall be lawful for the Auditor in the examination of any accounts to admit and allow, in cases where it shall appear to him to be reasonable and expedient for the public service, vouchers for any moneys expressed therein, although such vouchers be not stamped according to law. All vouchers so admitted and allowed shall be admissible in evidence in any court of law.

Auditor
may admit
unstamped
voucher.
Cap. 206—
1925, s. 27.

Adjudication stamps.

27. (1) Subject to such regulations as may be prescribed, the Treasurer may be required by any person to express his opinion with reference to any executed instrument upon the following questions—

Assessment
of duty by
Treasurer.
Ord. 8—1937,
s. 3.

- (a) whether it is chargeable with any duty;
- (b) with what amount of duty it is chargeable.

(2) The Treasurer may require to be furnished with an abstract of the instrument, and also with such evidence 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.

(3) If the Treasurer is of opinion that the instrument is not chargeable with any duty, it may be stamped with a particular stamp denoting that it is not chargeable with any duty.

(4) If the Treasurer is of opinion that the instrument is chargeable with duty, he shall assess the duty with which it is in his opinion chargeable, and when the instrument is stamped in accordance with the assessment it may be stamped with a particular stamp denoting that it is duly stamped.

(5) Every instrument stamped with the particular stamp denoting either that it is not chargeable with any duty, or is

duly stamped, shall be admissible in evidence, and available for all purposes notwithstanding any objection relating to duty.

(6) Provided as follows—

(a) An instrument upon which the duty has been assessed by the Treasurer shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment:

(b) Nothing in this section shall extend to any instrument chargeable with *ad valorem* duty, and made as a security for money or stock without limit; or shall authorise the stamping after the execution thereof of any instrument which by law cannot be stamped after execution:

(c) A statutory declaration made for the purpose of this section shall not be used against any person making the same in any proceeding whatever, except in an enquiry as to the duty with which the instrument to which it relates is chargeable; and every person by whom any such declaration is made shall, on payment of the duty chargeable upon the instrument to which it relates, be relieved from any fine or disability to which he may be liable by reason of the omission to state truly in the instrument any fact or circumstance required by this Ordinance to be stated therein.

Persons
dissatisfied
may appeal.
Ord. 8—1937
s. 3.

(7) Any person who is dissatisfied with the assessment of the Treasurer may, within twenty-one days after the date of the assessment, and on payment of duty in conformity therewith, appeal against the assessment to a Judge of the Supreme Court sitting in Chambers, and may for that purpose require the Treasurer to state and sign a case, setting forth the question upon which his opinion was required, and the assessment made by him.

(8) The Treasurer shall thereupon state and sign a case and deliver the same to the person by whom it is required, and the case may within fifteen days thereafter be set down by him for hearing.

(9) Upon the hearing of the case the Judge shall determine the question submitted, and, if the instrument in question is in the opinion of such Judge chargeable with any duty, shall assess the duty with which it is chargeable.

(10) If it is decided by the Judge that the assessment of the Treasurer is erroneous, any excess of duty which may

have been paid in conformity with the erroneous assessment, together with any fine or penalty which may have been paid in consequence thereof, shall be ordered by the Judge to be repaid to the appellant.

(11) The costs of and incident to an appeal shall be in the discretion of the Judge.

Production of instruments in evidence.

28. (1) Upon the production of an instrument chargeable with any duty as evidence in any court of civil jurisdiction, or before any arbitrator, notice shall be taken by the Judge, Magistrate or arbitrator, of any omission or insufficiency of the stamp thereon, and if the instrument is one which may legally be stamped after the execution thereof, it may, on payment to the officer of the court whose duty it is to receive or read the instrument, or to the arbitrator, of the amount of the unpaid duty, and the penalty payable on stamping the same, and of a further sum of \$4.80, be received in evidence, saving all just exceptions on other grounds.

Terms upon which instruments not duly stamped may be received in evidence.

Ord. 8—1937,
s. 4.

(2) The officer, or arbitrator, receiving the duty and penalty shall give a receipt for the same, and shall communicate to the Treasurer the name or title of the cause or proceeding in which, and of the party from whom, he received the duty and penalty, and the date and description of the instrument, and shall pay over to the Treasurer the money received by him for the duty and penalty.

(3) On production to the Treasurer of any instrument in respect of which any duty or penalty has been paid, together with the receipt, the payment of the duty and penalty shall be denoted on the instrument.

(4) The decision of the Judge, Magistrate or arbitrator as to the necessity or sufficiency of a stamp upon any document, or as to the amount payable as stamp duty thereupon, shall be final.

(5) Save as aforesaid, an instrument executed in any part of the Colony, or relating, wheresoever executed, to any property situate, or to any matter or thing done or to be done, in any part of the Colony shall not, except in criminal proceedings, be given in evidence, or be available for any purpose whatever, unless it is duly stamped.

Recovery of
moneys
received
and not
appropriated.

29. (1) Every person who, having received any sum of money as or for the stamp duty upon or in respect of any instrument, neglects or omits to appropriate such money to the due payment of such duty, or otherwise improperly withholds or detains the same, shall be accountable for the amount of such duty, and the same shall be a debt from him to His Majesty, and recoverable as such accordingly.

(2) The Supreme Court may, upon application to be made for that purpose on behalf of the Treasurer, upon such affidavit as may appear sufficient, grant a rule requiring any such person as aforesaid, or the officer of any court or the executor or administrator of any such person or officer, to show cause why he should not deliver to the Treasurer an account upon oath of all stamp duties and sums of money received by such person or officer, and why the same should not be forthwith paid to the Treasurer; and the Court may make absolute any such rule, and enforce by attachment or otherwise the payment of any such duties or sums of money as on such proceedings may appear to be due, together with the costs of the proceedings.

Stamping of instruments after execution.

Penalty
on stamping
instruments
after
execution.

Ord. 8—1937,
s. 5.

30. (1) Except where otherwise provided in this Ordinance, any unstamped or insufficiently stamped instrument may be stamped by the Treasurer after the execution thereof in manner hereinafter provided:—

In the case of an instrument executed in the Colony—

(a) on payment within two months after its first execution, of the unpaid stamp duty; or, if the instrument has been submitted for the opinion of the Treasurer in accordance with the provisions of this Ordinance within two months of its first execution, on payment of duty in accordance with the assessment of the Treasurer within fourteen days after notice of the assessment;

(b) on payment within six months after its first execution—

if the unpaid stamp duty does not exceed one dollar and twenty cents, of the unpaid stamp duty and a penalty of one dollar and twenty cents;

if the unpaid stamp duty exceeds one dollar and twenty cents but does not exceed forty-eight dollars,

of the unpaid stamp duty and a penalty equal to the amount of the unpaid stamp duty;

if the unpaid stamp duty exceeds forty-eight dollars, of the stamp duty together with a penalty of forty-eight dollars and a further penalty of twenty-four cents for every four dollars and eighty cents or part of four dollars and eighty cents of the unpaid stamp duty exceeding forty-eight dollars;

(c) on payment, after six months and within one year after its first execution, of the unpaid stamp duty and double the respective penalties aforesaid;

(d) on payment, after one year, of the unpaid stamp duty and the respective penalties mentioned in paragraph (b) aforesaid in respect of each period or part of a period of six months elapsing after the first execution of the said instrument;

(e) in the computation of penalties imposed by this subsection, all instruments executed before the 22nd of February, 1905, shall be deemed to have been executed on that date.

(2) An unstamped or insufficiently stamped instrument which has been first executed out of the Colony shall, in relation to stamp duty, be deemed to have been first executed on the date of its receipt in the Colony.

Execution
out of
Colony.

31. Notwithstanding any enactment to the contrary a bill of exchange which is presented for acceptance, or accepted, or payable, outside the Colony shall not be invalid by reason only that it is not stamped in accordance with the law for the time being in force relating to stamp duties, and any such bill of exchange which is unstamped or not properly stamped may be received in evidence on payment of the proper duty and penalties as provided by sections 28 and 30.

Effect of non-
compliance
with stamp
laws in case
of certain bills
of exchange.
Ord. 8—1937,
s. 5.

32. (1) No instrument upon which a stamp duty is payable shall be registered, enrolled, or entered in or upon any registry, protocol, rolls, records, or books unless such instrument shall be duly stamped: Provided that any instrument executed before the 1st of February, 1900, may be registered without being duly stamped under the provisions hereof.

Penalty for
enrolling, etc.,
any instru-
ment not
duly stamped.

(2) If any person whose office it is to register, enrol, or enter in or upon any rolls, books, or records any instrument chargeable with duty, enrolls, registers, or enters any such instrument not being duly stamped, he shall incur a penalty of forty-eight dollars.

PART II.

REGULATIONS APPLICABLE TO PARTICULAR INSTRUMENTS.

Admissions.

Admissions.

33. The stamp duty on the admission of any person as a solicitor in the Supreme Court shall be denoted on the certificate of the Committee referred to in section 17 of the Solicitors Ordinance.

Agreements.

How duty may be denoted.

34. The stamp duty upon an agreement may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the agreement is first executed.

Certain mortgages of stock to be chargeable as agreements.

35. (1) Every instrument under hand only (not being a promissory note or bill of exchange) given upon the occasion of the deposit of any share warrant or stock certificate to bearer, or foreign or colonial share certificate, or any security for money transferable by delivery, by way of security for any loan, shall be deemed to be an agreement, and shall be charged with duty accordingly.

(2) Every instrument under hand only (not being a promissory note or bill of exchange) making redeemable or qualifying a duly stamped transfer, intended as a security, of any registered stock or marketable security, shall be deemed to be an agreement, and shall be charged with duty accordingly.

(3) A release or discharge of any such instrument shall not be chargeable with any *ad valorem* duty.

Appraisements.

Appraisements to be written out.

36. (1) Every appraiser by whom an appraisement or valuation chargeable with stamp duty 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 stamped material, and if he neglects or omits to do so, or in any other manner discloses the amount of the appraisal or valuation, he shall incur a penalty of two hundred and forty dollars.

(2) Every person who receives from any appraiser, or pays for the making of any such appraisal or valuation, shall, unless the same be written out and stamped as aforesaid, incur a penalty of ninety-six dollars.

Bills of exchange and promissory notes.

37. For the purposes of this Ordinance, the expression "bill of exchange" includes 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; and the expression "bill of exchange payable on demand" includes—

Meaning of
"bill of
exchange."

(a) 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; and

(b) an order for the payment of any sum of money, weekly, monthly, or at any other stated periods, and also an 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 to whom the payment is to be made, or to any person on his behalf.

38. (1) For the purposes of this Ordinance, the expression "promissory note" includes any document or writing (except a bank note) containing a promise to pay any sum of money.

Meaning of
"promissory
note."

(2) A note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not

be performed or happen, is to be deemed a promissory note for that sum of money.

Use of
adhesive
stamps on
bills and
notes.
Ord. 8—1937,
s. 6.

39. (1) The fixed duty payable on a bill of exchange payable on demand or at sight or on presentation or within three days after date or sight, and drawn in the Colony, may be denoted by an adhesive stamp which shall be cancelled by the person by whom the bill is signed before he delivers it out of his hands, custody, or power.

(2) The *ad valorem* duties upon bills of exchange and promissory notes drawn or made out of the Colony are to be denoted by adhesive stamps.

Stamping
foreign bills
and notes.

40. (1) Every person into whose hands any bill of exchange or promissory note drawn or made out of the Colony comes in the Colony before it is stamped, shall, before he presents for payment, or indorses, transfers, or in any manner negotiates or pays the bill or note, affix thereto a proper adhesive stamp or proper adhesive stamps of sufficient amount, and cancel every stamp so affixed thereto.

(2) Provided as follows:—

Cancellation.

(a) If at the time when any such bill or note comes into the hands of any *bonâ fide* holder there is affixed thereto an adhesive stamp effectually cancelled, the stamp shall, so far as relates to the holder, be deemed to be duly cancelled, although it may not appear to have been affixed or cancelled by the proper person:

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

Penalty
for not
cancelling.

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

Bills and
notes pur-
porting to
be drawn
abroad.

41. A bill of exchange or promissory note which purports to be drawn or made out of the Colony is, for the purpose of

determining the mode in which the stamp duty thereon is to be denoted, to be deemed to have been so drawn or made, although it may in fact have been drawn or made within the Colony.

42. (1) Every person who issues, indorses, transfers, negotiates, presents for payment, or pays any bill of exchange or promissory note liable to duty and not being duly stamped, shall incur a penalty of forty-eight dollars, and the person who takes or receives from any other person any such bill or note 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.

Penalty for issuing, etc., unstamped bill or note.

(2) Provided that if any bill of exchange payable on demand or at sight or on presentation or within three days after date or sight is presented for payment unstamped, the person to whom it is presented may affix thereto an adhesive stamp for the amount of the duty payable, and cancel the same, as if he had been the drawer of the bill, and may thereupon pay the sum in the bill mentioned, and charge the duty in account against the person by whom the bill was drawn, or deduct the duty from the said sum, and the bill is, so far as respects the duty, to be deemed valid and available.

Ord. 8—1937, s. 7.

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

43. When a bill of exchange is drawn in a set according to the custom of merchants, and one of the set is duly stamped, the other or others of the set shall, unless issued or in some manner negotiated apart from the stamped bill, be exempt from duty; and upon proof of the loss or destruction of a duly stamped bill forming one of a set, any other bill of the set which has not been issued or in any manner negotiated apart from the lost or destroyed bill may, although unstamped, be admitted in evidence to prove the contents of the lost or destroyed bill.

Bills drawn in a set.

Bill of Health.

44. The stamp upon a bill of health shall be cancelled by the person signing such bill of health.

Stamp on bill of health.

Bill of Lading.

Bills of
lading.

45. (1) A bill of lading is not to be stamped after the execution thereof.

(2) Every person who makes or executes any bill of lading not duly stamped shall incur a penalty of two hundred and forty dollars.

Charter-parties.

Meaning of
"charter-
party."

46. (1) For the purposes of this Ordinance, the expression "charter-party" includes any agreement or contract for the charter of any ship or vessel or any memorandum, letter, or other writing between the captain, master, or owner of any ship or vessel, and any other person for or relating to the freight or conveyance of any money, goods, or effects on board of the ship or vessel.

How duty
denoted.

(2) The duty upon a charter-party may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is last executed, or by whose execution it is completed as a binding contract.

Charter-
party
executed
abroad.

47. Where a charter-party is first executed out of the Colony, without being duly stamped, any party thereto may, within ten days after it has been first received in the Colony, and before it has been executed by any person in the Colony, affix thereto an adhesive stamp denoting the duty chargeable thereon, and at the same time cancel such adhesive stamp, and the instrument when so stamped shall be deemed duly stamped.

Stamping
after
execution.

48. A charter-party may be stamped with an impressed stamp after execution upon the following terms; that is to say—

(a) within seven days after the first execution thereof, on payment of the duty and a penalty of one dollar and eight cents;

(b) after seven days, but within one month after the first execution thereof, on payment of the duty and a penalty of forty-eight dollars;

and shall not in any other case be stamped with an impressed stamp.

Conveyances on sale.

49. (1) For the purposes of this Ordinance, the expression "conveyance on sale" includes every instrument, and every decree or order of any court whereby any property, or any estate or interest in any property, upon the sale thereof is transferred to or vested in a purchaser, or any other person on his behalf or by his direction.

Meaning of "conveyance on sale."

(2) Provided that a conveyance on sale made for any consideration in respect whereof it is chargeable with "*ad valorem*" duty and in further consideration of a covenant made by the purchaser to make, or of his having previously made, any substantial improvement of or addition to the property conveyed to him, or of any covenant relating to the subject matter of the conveyance, is not chargeable with any duty in respect of such further consideration.

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

Calculation of duty in respect of stock and securities.

(2) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any security not being a marketable security, the 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 upon the security.

51. (1) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period not exceeding twenty years, so that the total amount to be paid can be previously ascertained, the conveyance is to be charged in respect of that consideration with *ad valorem* duty on such total amount.

How consideration consisting of periodical payments to be charged.

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

(4) Provided that no conveyance on sale chargeable with *ad valorem* duty in respect of any periodical payments, and containing also provision for securing the payments, is to be charged with any duty in respect of such provision, and no separate instrument made in that case for securing the payments is to be charged with any higher duty than \$2.40.

How conveyance in consideration of a debt, etc., to be charged.

52. 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 stock, whether being or constituting a charge or encumbrance upon the property or not, the debt, money, or stock 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.

Duty where property conveyed in separate parcels.

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

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

(3) Where there are several instruments of conveyance for completing the purchaser's title to property sold, the principal instrument of conveyance only is to be charged with *ad valorem* duty, and the other instruments are to be respectively charged with such other duty as they may be liable to, but the last mentioned duty shall not exceed the *ad valorem* duty payable in respect of the principal instrument.

(4) 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 moving from the sub-purchaser.

Sub-purchases.

(5) 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.

(6) 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 chargeable only with such other duty as it may be liable to, but the last mentioned duty shall not exceed the *ad valorem* duty.

54. 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 an actual grant or conveyance, and is for the purposes of this Ordinance to be deemed an instrument of conveyance on sale.

Sale of annuity or right not before in existence.

Conveyances on any occasion except sale or mortgage.

How duty
charged.

55. Every instrument, and every decree or order of any court, whereby any property on any occasion, except a sale or mortgage, is transferred to or vested in any person, is to be charged with duty as a conveyance or transfer of property:

Provided that a conveyance or transfer made for effectuating the appointment of a new trustee or the retirement of a trustee is not to be charged with any higher duty than \$2.40.

Gifts inter vivos.

Stamp duty
on gifts
inter vivos.
Ord. 8—1937,
s. 8.

55A. (1) Any conveyance or transfer operating as a voluntary disposition *inter vivos* shall be chargeable with the like stamp duty as if it were a conveyance or transfer on sale, with the substitution in each case of the value of the property conveyed or transferred for the amount or value of the consideration for the sale.

(2) Notwithstanding anything in section 27, the Treasurer may be required to express his opinion under that section on any conveyance or transfer operating as a voluntary disposition *inter vivos*, and no such conveyance or transfer shall be deemed to be duly stamped unless the Treasurer has expressed his opinion thereon in accordance with that section.

(3) Where any instrument is chargeable with duty both as a conveyance or transfer under this section and as a settlement under the heading "Settlement" in the Schedule hereto, the instrument shall be charged with duty as a conveyance or transfer under this section, but not as a settlement under the said Schedule.

(4) Any conveyance or transfer (not being a disposition made in favour of a purchaser or encumbrancer or other person in good faith and for valuable consideration) shall, for the purposes of this section, be deemed to be a conveyance or transfer operating as a voluntary disposition *inter vivos*, and (except where marriage is the consideration) the consideration for any conveyance or transfer shall not for this purpose be deemed to be valuable consideration where the Treasurer is of opinion that by reason of the inadequacy of the sum paid as consideration or other circumstances the conveyance or transfer confers a

substantial benefit on the person to whom the property is conveyed or transferred.

(5) A conveyance or transfer made for nominal consideration for the purpose of securing the repayment of an advance or loan or made for effectuating the appointment of a new trustee or the retirement of a trustee, whether the trust is expressed or implied, or under which no beneficial interest passes in the property conveyed or transferred, or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust, whether expressed or implied, or a disentailing assurance not limiting any new estate other than an estate in fee simple, in the person disentailing the property, shall not be charged with duty under this section, and this subsection shall have effect notwithstanding that the circumstances exempting the conveyance or transfer from charge under this section are not set forth in the conveyance or transfer.

Duplicates and counterparts.

56. The duplicate or counterpart of an instrument chargeable with duty (except the counterpart of an instrument chargeable as a lease, such counterpart not being executed by or on behalf of any lessor or grantor) is not to be deemed duly stamped unless it is stamped as an original instrument, or unless it appears by some stamp impressed or writing under the hand of the Treasurer thereon that the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart: Provided, however, that the instruments referred to in subsection (2) of section 25 shall be exempt from the operation of this section.

How to be stamped.

Exchange, partition, or division.

57. Where, upon the exchange, partition, or division of any real or heritable property, any consideration exceeding in amount or value four hundred and eighty dollars is paid or given, or agreed to be paid or given, for equality, the principal or only instrument whereby the exchange, partition, or division is effected is to be charged with the same *ad valorem* duty as a conveyance on sale for the consideration, and with that duty only; and where in any such case there are several instruments for completing the title of either party, the principal instrument

Partition or division.

is to be ascertained, and the other instruments are to be charged with duty in the manner hereinbefore provided in the case of several instruments of conveyance.

Leases.

Agreement
for a lease.

58. (1) An agreement for a lease or tack, or with respect to the letting of any lands, tenements, or heritable subjects for any term not exceeding thirty-five years, or for any indefinite term, is to be charged with the same duty as if it were an actual lease or tack made for the term and consideration mentioned in the agreement.

(2) A lease or tack made subsequently to, and in conformity with, such an agreement duly stamped is to be charged with the duty of twelve cents only.

Leases, how
to be charged
in respect of
produce.

59. (1) Where the consideration, or any part of the consideration, for which a lease or tack is granted or agreed to be granted, consists of any produce or other goods, the value of the produce or goods is to be deemed a consideration in respect of which the lease or tack or agreement is chargeable with *ad valorem* duty.

(2) Where it is stipulated that the value of the produce or goods is to amount at least to, or is 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 value of the produce or goods is, for the purpose of assessing the *ad valorem* duty, to be estimated at the given sum, or according to the permanent rate.

(3) A lease or tack or agreement for a lease or tack made either wholly or partially for any such consideration, if it contains a statement of the value thereof, and is stamped in accordance with the statement, is, so far as regards the subject-matter of the statement, to be deemed duly stamped, unless or until it is otherwise shown that the statement is incorrect, and that the lease or tack or agreement is in fact not duly stamped.

Directions as
to duty in
certain cases.

60. (1) A lease or tack, or agreement for a lease or tack, or with respect to any letting, is not to be charged with any duty in respect of any penal rent, or increased rent in the nature of a penal rent, thereby reserved or agreed to be reserved or made

payable, or by reason of being made in consideration of the surrender or abandonment of any existing lease, tack, or agreement, of or relating to the same subject-matter.

(2) A 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 addition to the property demised to him, or of any covenant relating to the matter of the lease, is not to be charged with any duty in respect of such further consideration.

(3) No lease for a life or lives not exceeding three, or for a term of years determinable with a life or lives not exceeding three, and no lease for a term absolute not exceeding twenty-one years, granted by an ecclesiastical corporation aggregate or sole, is to be charged with any higher duty than \$8.40.

(4) An instrument whereby the rent reserved by any other instrument chargeable with duty and duly stamped as a lease or tack is increased, is not to be charged with duty otherwise than as a lease or tack in consideration of the additional rent thereby made payable.

61. Where the duty upon a lease does not exceed twenty-four cents it may be denoted by an adhesive stamp which shall be cancelled by the person by whom the instrument is first executed.

Adhesive
stamp on
lease.

Mortgages.

62. For the purposes of this Ordinance, the expression "mortgage" means a security by way of mortgage for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable, or for the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already advanced or due, or without, as the case may be; and includes—

Meaning of
"mortgage."

(a) any conveyance of any lands, estate or property whatsoever in trust to be sold or otherwise converted into money, intended only as a security, and redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where the conveyance is made for the benefit of creditors generally, or for the

benefit of creditors specified who accept the provision made for payment of their debts, in full satisfaction thereof, or who exceed five in number;

(b) any defeasance, letter of reversion, back bond, declaration, or other deed or writing for defeating or making redeemable, or explaining or qualifying any conveyance, transfer, disposition, assignation, or tack of any lands, estate, or property whatsoever, apparently absolute, but intended only as a security;

(c) any deed operating as a mortgage of any stock or marketable security.

Security for
transfer of
stock.

63. (1) A security for the transfer or re-transfer of any stock is to be charged with the same duty as a similar security for a sum of money equal in amount to the value of the stock; and a transfer, assignment, disposition, or assignation of any such security, and a re-conveyance, release, discharge, surrender, re-surrender, warrant to vacate, or renunciation of any such security is to be charged with the same duty as an instrument of the same description relating to a sum of money equal in amount to the value of the stock.

(2) A security for the payment of any rent-charge, annuity, or periodical payments, by way of repayment, or in satisfaction or discharge of any loan, advance, or payment intended to be so repaid, satisfied, or discharged, is to be charged with the same duty as a similar security for the payment of the sum of money so lent, advanced, or paid.

(3) A transfer of a duly stamped security, and a security by way of further charge for money or stock, added to money or stock previously secured by a duly stamped instrument, is not to be charged with any duty by reason of its containing any further or additional security for the money or stock transferred or previously secured, or the interest or dividends thereof, or any new covenant, proviso, power, stipulation, or agreement in relation thereto, or any further assurance of the property comprised in the transferred or previous security.

(4) An instrument chargeable with *ad valorem* duty as a mortgage is not to be charged with any further duty by reason of the equity of redemption in the mortgaged property being thereby conveyed or limited in any other manner than to a purchaser, or in trust for, or according to the direction of, a purchaser.

64. (1) A security for the payment or repayment of money to be lent, advanced, or paid, or which may become due upon an account current, either with or without money previously due, is to be charged, where the total amount secured or to be ultimately recoverable is in any way limited, with the same duty as a security for the amount so limited.

Security for future advances, how to be charged.

(2) Where such total amount is unlimited, the security is to be available for such an amount only as the *ad valorem* duty impressed thereon extends to cover, but where any advance or loan is made in excess of the amount covered by that duty the security shall for the purpose of stamp duty be deemed to be a new and separate instrument, bearing date on the day on which the advance or loan is made.

(3) The Registrar General shall, upon a requisition bearing a fee stamp of the value of \$1.20, of any party to an instrument securing an unlimited amount, cause such instrument to be sent to the Treasurer to be stamped to cover such further sum as may be advanced in excess of the amount on which stamp duty had been paid.

(4) Provided that no money to be advanced for the insurance of any property comprised in the security against damage by fire, or for keeping up any policy of life insurance comprised in the security, or for effecting in lieu thereof any new policy, or for the renewal of any grant or lease of any property comprised in the security upon the dropping of any life whereon the property is held, shall be reckoned as forming part of the amount in respect whereof the security is chargeable with *ad valorem* duty.

Notarial acts.

65. The duty upon a notarial act, and upon the protest by a Notary Public of a bill of exchange or promissory note, may be denoted by an adhesive stamp which shall be cancelled by the Notary.

Duty may be denoted by adhesive stamp.

Policies of insurance.

66. For the purposes of this Ordinance, the expression "policy of insurance" includes every writing whereby any contract of insurance is made or agreed to be made, or is evidenced, and the expression "insurance" includes assurance.

Meaning of "policy of insurance."

Policies of sea insurance.

Meaning of
"policy
of sea
insurance."

67. (1) For the purposes of this Ordinance, the expression "policy of sea insurance" means any insurance (including re-insurance) 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 includes any insurance of goods, merchandise, or property for any transit which includes not only a sea risk, but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance.

(2) Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise, or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise, or property from any risk, loss, or damage, such agreement or engagement shall be deemed to be a contract for sea insurance.

Contract to be
in writing.

68. (1) A contract for sea insurance shall not be valid unless the same is expressed in a policy of sea insurance.

(2) No policy of sea insurance made for time shall be made for any time exceeding twelve months.

(3) A policy of sea insurance shall not be valid unless it specifies the particular risk or adventure, the names of the subscribers or underwriters, and the sum or sums insured, and is made for a period not exceeding twelve months.

Policy for
voyage and
time charge-
able with two
duties.

69. Where any sea insurance is made for a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy is to be charged with duty as a policy for a voyage, and also with duty as a policy for time.

No policy
valid unless
duly stamped.

70. (1) A policy of sea insurance may not be stamped at any time after it is signed or underwritten by any person except in the two cases following—

(a) any policy of mutual insurance having a stamp

impressed thereon may, if required, be stamped with an additional stamp provided that at the time when the additional stamp is required the policy has not been signed or underwritten to an amount exceeding the sum or sums which the duty impressed thereon extends to cover;

(b) any policy made or executed out of, but being in any manner enforceable within, the Colony may be stamped at any time within two months after it has been first received in the Colony on payment of the duty only.

(2) Provided that a policy of sea insurance shall, for the purpose of production in evidence, be an instrument which may legally be stamped after the execution thereof, and the penalty payable by law on stamping the same shall be the sum of four hundred and eighty dollars.

71. Nothing in this Ordinance shall prohibit the making of any alteration which may lawfully be made in the terms and conditions of any policy of sea insurance after the policy has been underwritten: Provided that the alteration be made before notice of the determination of the risk originally insured, and that it do not prolong the time covered by the insurance thereby made beyond the period of six months in the case of a policy made for a less period than six months, or beyond the period of twelve months in the case of a policy made for a greater period than six months, and that the articles insured remain the property of the same person or persons, and that no additional or further sum be insured by reason or means of the alteration.

Alterations in policies may be made under certain restrictions.

Power of attorney.

72. When a certified copy or other satisfactory proof of a power of attorney registered according to law in the office of the Registrar General is produced authorising the Treasurer to pay moneys to the person or persons named therein, the Treasurer shall be indemnified in respect of all payments made by him by virtue of such power of attorney until notice in writing of the revocation thereof shall be delivered to him.

Indemnity of Treasurer.

Letters or powers of attorney and voting papers.

73. (1) Every letter or power of attorney for the purpose of appointing a proxy to vote at a meeting, and every voting paper,

Letter or power of attorney and voting paper.
Ord. 8—1937,
s. 9.

charged with duty, is to specify the day upon which the meeting at which it is intended to be used, is to be held, and is to be available only at the meeting so specified and any adjournment thereof.

(2) The duty may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is executed, and a letter or power of attorney or voting paper charged with duty is not to be stamped after the execution thereof by any person: Provided that any such instrument which has been first executed at any place out of the Colony may be stamped after execution in accordance with sections 30 and 31.

(3) Every person who makes or executes, or votes, or attempts to vote, under or by means of any such letter or power of attorney or voting paper, not being duly stamped, shall incur a penalty of two hundred and forty dollars and every vote given or tendered under the authority or by means of the letter or power of attorney or voting paper, shall be void.

Receipts.

Meaning of
"receipt."
Cap. 206—
1925, ss. 73
and 74.

74. (1) For the purposes of this Ordinance, the expression "receipt" includes any note, memorandum, or writing whereby any money amounting to \$9.60 or upwards, or any bill of exchange or promissory note for money amounting to \$9.60 or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand, of the amount of \$9.60 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.

Denoting
of duty.

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

Stamping of
receipt after
execution.

(3) A receipt given without being stamped may be stamped by the Treasurer on the instrument being produced to him for this purpose within one month after it has been given, on payment of the duty and a penalty of twenty-four dollars.

75. If any person—

(a) gives a receipt liable to duty and not duly stamped, or

(b) in any case where a receipt would be liable to duty, refuses to give a receipt duly stamped, or

(c) upon payment to the amount of \$9.60 or upwards, gives a receipt for a sum not amounting to \$9.60, or divides the amount paid into two or more receipts with intent to evade the duty,

Offences in relation to receipts.

he shall incur a penalty of forty-eight dollars.

Settlements.

76. (1) Where any money which may become due or payable upon any policy of life insurance, or upon any security not being a marketable security, is settled or agreed to be settled, the instrument whereby the settlement is made or agreed to be made is to be charged with *ad valorem* duty in respect of that money.

Settlement of money due on policy or security.

(2) Provided as follows—

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

(b) If in any such case the instrument contains a statement of the said value, and is stamped in accordance with the statement, it is, so far as regards the policy, to be deemed duly stamped, unless or until it is shown that the statement is untrue, and that the instrument is in fact insufficiently stamped.

77. An instrument chargeable with *ad valorem* duty as a settlement in respect of any money, stock, or security is not to be charged with any further duty by reason of containing provision for the payment or transfer of the money, stock, or security, or by reason of containing, where the money, stock, or security is in reversion or is not paid or transferred upon the execution of the instrument, provision for the payment, by the person entitled in possession to the interest or dividends of the money, stock, or security, during the continuance of such

Settlements when not to be charged as securities.

possession, of any annuity or yearly sum not exceeding interest at the rate of four per centum per annum upon the amount or value of the money, stock, or security.

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

78. (1) Where several instruments are executed for effecting the settlement of the same property, and the *ad valorem* duty chargeable in respect of the settlement of the property exceeds \$2.40, one only of the instruments is to be charged with the *ad valorem* duty.

(2) Where a settlement is made in pursuance of a previous agreement upon which *ad valorem* settlement duty exceeding \$2.40 has been paid in respect of any property, the settlement is not to be charged with *ad valorem* duty in respect of the same property.

(3) In each of the aforesaid cases the instruments not chargeable with *ad valorem* duty are to be charged with the duty of \$2.40.

Share warrants.

Issuing share warrant not duly stamped.

79. If a share warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall incur a penalty of two hundred and forty dollars.

Stock certificates to bearer.

Penalty for issuing stock certificate unstamped.

80. (1) Where the holder of a stock certificate to bearer has been entered on the register of the local authority as the owner of the share of stock described in the certificate, the certificate shall be forthwith cancelled so as to be incapable of being re-issued to any person.

(2) Every person by whom a stock certificate to bearer is issued without being duly stamped shall incur a penalty of two hundred and forty dollars.

Miscellaneous.

Conditions and agreements as to duty void.

81. Every condition of sale framed with the view of precluding objection or requisition upon the ground of absence or insuffi-

ciency of stamp upon any instrument, and every contract, arrangement, or undertaking for assuming the liability on account of absence or insufficiency of stamp upon any such instrument or indemnifying against such liability, absence, or insufficiency, shall be void.

82. (1) No assignment of a policy of life insurance shall confer on the assignee therein named, his executors, administrators, or assigns, any right to sue for the moneys assured or secured thereby, or to give a valid discharge for the same, or any part thereof, unless the assignment is duly stamped, and no payment shall be made to any person claiming under any such assignment unless the same is duly stamped.

Assignment of life policy to be stamped before payment of sum assured.

(2) If any payment is made in contravention of this section, the stamp duty not paid upon the assignment, together with the penalty payable on stamping the same, shall be a debt due to His Majesty from the person by whom the payment is made.

PART III.

OFFENCES RELATING TO STAMPS.

83. Every person who does, or causes or procures to be done, or knowingly aids, abets, or assists in doing, any of the acts following, that is to say,—

Criminal offences relating to stamps.

(a) fraudulently prints or makes an impression upon any material from a genuine die,

(b) fraudulently cuts, tears, or in any way removes from any material any stamp, with intent that any use should be made of such stamp or of any part thereof,

(c) fraudulently mutilates any stamp, with intent that any use should be made of any part of such stamp,

(d) fraudulently fixes or places upon any material or upon any stamp, any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any way removed from any other material, or out of or from any other stamp,

(e) fraudulently erases or otherwise either really or apparently removes 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,

(f) knowingly sells or exposes for sale or utters or uses any stamp which has been fraudulently printed or impressed from a genuine die,

(g) knowingly and without lawful excuse (the proof whereof shall lie on the person accused), has in his possession any stamp which has been fraudulently printed or impressed from a genuine die, or any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise 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,

shall be guilty of felony, and, on conviction on indictment, shall be liable to be imprisoned for two years.

Proceedings
for the
detection of
offences.

84. On information given before any Magistrate upon oath that there is just cause to suspect any person of being guilty of any of the offences mentioned in the last preceding section, such Magistrate may, by a warrant under his hand, cause any dwelling-house, room, shop, 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 machinery, implements, or utensils applicable to the commission of any such offence, to be searched, and if upon such search any of the said several matters and things are found, the same may be seized and carried away, in order that they may be produced in evidence against any offender, and shall afterwards, whether produced in evidence or not, by order of the court or Judge before whom such offender is tried, or in case there is no such trial, by order of a Magistrate, be delivered over to the Treasurer, to be defaced or destroyed or otherwise disposed of as he may think fit.

Frauds in
relation to
adhesive
stamps.

85. (1) If any person—

(a) fraudulently removes or causes to be removed from any instrument any adhesive stamp, or affixes to any other instrument or uses for any postal purpose any adhesive stamp which has been so removed, with intent that the stamp may be used again, or

(b) 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,

he shall in addition to any other fine or penalty to which he may be liable, incur a penalty of two hundred and forty dollars.

(2) The expression "instrument" in this section includes any postal packet as defined by the Post Office Ordinance and the cover of any postal packet.

86. Every person who, by any writing, in any manner defaces any adhesive stamp before it is used shall incur a penalty of twenty-four dollars: Provided that any person may, with the express sanction of the Treasurer, and in the manner and in conformity with the conditions which he may prescribe, write upon an adhesive stamp before it is used for the purpose of identification thereof.

Defacing adhesive stamps.

87. Any person who practises or is concerned in any fraudulent act, contrivance, or device, not specially provided for by law, with intent to defraud His Majesty of any stamp duty, shall incur a penalty of two hundred and forty dollars.

Fraud not specially provided for.

88. (1) Any Justice having jurisdiction in the place where any stamps are known or supposed to be concealed or deposited, may, upon reasonable suspicion that the same have been stolen or fraudulently obtained, issue his warrant for the seizure thereof, and for apprehending and bringing before any Magistrate the person in whose possession or custody such stamps may be found, to be dealt with according to law.

Proceedings for the detection of stamps stolen or obtained fraudulently.

(2) If such person omits or refuses to account for the possession of such stamps, or is unable satisfactorily to account for the possession thereof, or if it does not appear that the same were purchased by him from the Treasurer or the Postmaster General, or from some person duly appointed to sell and distribute stamps or duly licensed to deal in stamps, such stamps shall be forfeited to His Majesty, and shall be accordingly condemned by such Magistrate and delivered over to the Treasurer; and any stamps so condemned shall be kept by the Treasurer for the space of six months and afterwards cancelled and destroyed or disposed of as the Treasurer thinks fit.

(3) Provided that if at any time within six months after such condemnation any person makes out to the satisfaction of the Treasurer that any stamps so condemned were stolen or otherwise fraudulently obtained from him, and that the same were purchased by him from the Treasurer or the Postmaster General, or from some person duly appointed to sell and distribute stamps, or duly licensed to deal in stamps, such stamps may be delivered up to him.

Possession
of forged
stamps.

89. If any forged stamps are found in the possession of any person appointed to sell and distribute stamps, or being or having been licensed to deal in stamps, such person shall be deemed and taken, unless the contrary is satisfactorily proved, to have had the same in his possession knowing them to be forged and with intent to sell, use, or utter them, and shall be liable to all penalties and punishments imposed or inflicted by law upon persons selling, using, uttering, or having in possession forged stamps knowing the same to be forged.

Search
warrant for
forged
stamps.

90. (1) Upon information given upon oath before any Justice that there is reasonable cause to suspect that any person appointed to sell and distribute stamps, or, being or having been licensed to deal in stamps, has in his possession any forged stamps, the Justice may, by warrant under his hand, authorise any person deputed by the Treasurer to enter between the hours of seven o'clock in the morning and six o'clock in the evening into any dwelling-house, room, shop, warehouse, outhouse, or other building of or belonging to any such suspected person, and if on demand of admittance, and notice of such warrant, the door of any such dwelling-house, room, shop, warehouse, outhouse, or other building, or any inner door thereof, is not opened, then such authorised person may break open the same and search for and seize any stamps that may be found in any such place as aforesaid or elsewhere in the custody or possession of such suspected person.

(2) Any person who—

(a) refuses to permit any such search or seizure to be made as aforesaid, or

(b) assaults, opposes, 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, shall incur a penalty of two hundred and forty dollars.

91. (1) The person who is entrusted 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. Execution of
warrant.

(2) If the person in whose custody or possession any stamps are so found and seized is or has been a licensed dealer in stamps, he shall be entitled to claim and receive in money from the Treasurer the amount of such of the stamps so seized as may be found to be genuine, deducting therefrom the proper discount, or, if the Governor thinks 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, with such reasonable amends as the Governor may think fit to award.

92. (1) Any penalty under this Ordinance—

Recovery of
penalties.

(a) if it does not exceed two hundred and forty dollars, may be recovered on summary conviction before a Magistrate; and

(b) if it exceeds two hundred and forty dollars, may be sued for by information in the Supreme Court in the name of the Attorney General, and may be recovered with full costs of suit.

(2) The Governor may mitigate or remit any penalty payable on stamping, or stay or compound proceedings for any penalty, and reward any person who may inform the Treasurer of any offence against this Ordinance, or assist in the recovery of any penalty.

(3) Proceedings for penalties not exceeding two hundred and forty dollars may be taken at any time within twelve months from the time when the cause of complaint arose. Such proceedings may be conducted on behalf of the Treasurer by any person authorised in that behalf by writing under the hand of the Treasurer.

Ord. 8—1937,
s. 10.

[SCHEDULE.]

(Section 3.)

*Amended
by Sec. 29
8/41.*

SCHEDULE.

Stamp Duties on Instruments.

	DUTY.
	\$ c.
ADMISSION of any person as a Solicitor in the Supreme Court ... And see section 33.	120 00
AGREEMENT, or any memorandum of an Agreement, under hand only, and not otherwise specifically charged with any duty, whether the same be only evidence of a contract, or obligatory upon the parties from its being a written instrument, not made by a public officer officially And see sections 34 and 35.	12

EXEMPTIONS.

1. Agreement or Memorandum the subject matter whereof is not of the value of \$24.
2. Agreement or Memorandum for the hire of any labourer, artificer, or menial servant.
3. Agreement, Letter, or Memorandum made for or relating to the sale of any goods, wares, or merchandise.
4. Agreement or Memorandum made between the master and mariners of any ship or vessel for wages on any voyage coastwise.
5. Agreement under the Agricultural Contracts Ordinance.
6. Advance Note under the Farmers Advances Ordinance.
7. Agreement as to travelling expenses of workmen under the Labour Bureau Ordinance.

APPOINTMENT of a new Trustee, and appointment in execution of a power of any property, or of any use, share, or interest in any property, by any instrument not being a Will	2 40
---	------

EXEMPTION.

Appointments under the Post Office Savings Bank Ordinance.

APPRAISEMENT or valuation of any property, or of any interest therein, or of the annual value thereof, or of any dilapidations, or of any repairs wanted, or of the materials and labour used or to be used in any building, or of any artificer's work whatsoever:

Where the amount of the appraisal or valuation does not exceed \$24	06
Exceeds \$24 and does not exceed \$48... ..	12
Do. \$48 do. \$96... ..	24
Do. \$96 do. \$144... ..	36
Do. \$144 do. \$192... ..	48
Do. \$192 do. \$240... ..	60
Do. \$240 do. \$480... ..	1 20
Do. \$480 do. \$960... ..	2 40
Do. \$960 do. \$2,400... ..	3 60
Do. \$2,400	4 80

And see section 36.

		DUTY.
		\$ c.
EXEMPTIONS.		
1. Appraisalment or valuation made for, and for the information of, one party only, and not being in any manner obligatory as between parties either by agreement or operation of law.		
2. Appraisalment or valuation of any property made for the purpose of ascertaining the estate or succession duty payable in respect thereof.		
3. Appraisalment or valuation by assessors or valuers nominated under the Land Acquisition Ordinance.		
ARTICLES OF CLERKSHIP, whereby any person first becomes bound to serve as a clerk in order to his admission as a Solicitor in the Supreme Court	384 00
ARTICLES OF CLERKSHIP, whereby any person having been before bound to serve as a clerk in order to his admission in the Supreme Court and not having completed his service so as to be entitled to such admission, becomes bound afresh for the same purpose	2 40
AWARD—Where the amount or value of the matter in dispute does not exceed \$24	04
Exceeds \$24 and does not exceed \$48	12
Do. \$48 do. \$96	24
Do. \$96 do. \$144	36
Do. \$144 do. \$192	48
Do. \$192 do. \$240	60
Do. \$240 do. \$480	1 20
Do. \$480 do. \$960	2 40
Do. \$960 do. \$2,400	3 60
Do. \$2,400 do. \$3,600	4 80
Do. \$3,600 do. \$4,800	5 52
And where it exceeds \$4,800	9 60
BILL OF EXCHANGE, Cheque, or Order, payable on demand or at sight, or on presentation, or within three days after date or sight	04

see section 2 of Ordce: 23/1945 for addition to list of exemptions

EXEMPTION.

Cheques issued by the Treasurer or a Sub-Treasurer.

BILL OF EXCHANGE of any other kind whatsoever (except a Bank Note) and Promissory Note of any kind whatsoever (except a Bank Note)—drawn or expressed to be payable or actually paid or indorsed, or in any manner negotiated in the Colony:		
Where the amount or value of the money for which the Bill or note is drawn or made does not exceed \$48	04
Exceeds \$48 but does not exceed \$96	08
Do. \$96 do. \$240	12
Do. \$240 do. \$480	24
Do. \$480, for every \$480, and also for every fractional part of \$480, of such amount or value	24

And see sections 37—43.

EXEMPTIONS.		DUTY.
		\$ c.
1. Letter of credit granted in the Colony authorising drafts to be drawn out of the Colony payable in the Colony.		
2. Coupon or warrant for interest attached to and issued with any security.		
3. Order for the transmission of money through the Post Office.		
4. Draft or Order or Receipt given by or to a Registered Friendly Society or branch in respect of money payable by virtue of its rules or of the Friendly Societies Ordinance.		
BILL OF HEALTH in the case of vessels under 60 tons net register...		24
BILL OF HEALTH in the case of vessels over 60 tons net register... And see section 44.		1 20
BILL OF LADING of or for goods, merchandise, or effects to be exported And see section 45.		12
BOND, Covenant, or Instrument of any kind whatsoever, whether by way of principal or collateral security for the payment of money, where the total value of the amount secured either payable in one sum or in instalments does not exceed \$480 ...		24
Where it exceeds \$480, for every additional \$240 or part of \$240		18
Where the payment is to continue for a term of life or any other indefinite period, for every \$48 and for every fractional part of \$48 of the annuity or sum annually payable		12
BOND for obtaining Letters of Administration		1 20
BOND with a penalty for the performance of any obligation other than specifically herein provided for	{ The same <i>ad</i> <i>valorem</i> duty as a bond for the amount of the penalty.	
BOND given pursuant to the directions of any Ordinance, or by the direction of the Treasurer or the Comptroller of Customs and Excise, or any of their officers, for or in respect of any of the duties of Customs or Excise, or for preventing frauds or evasions thereof, or for any other matter or thing relating thereto:		
Where the penalty of the bond does not exceed \$960... ..	{ The same <i>ad</i> <i>valorem</i> duty as a bond for the amount of the penalty.	
And in any other case		1 20

	DUTY.	
	\$	c.
BOND of any kind whatsoever not specifically charged with any duty	2	40

EXEMPTION.

- Bond by public officer in respect of the execution of his duty.
- Bond given to or on account of a registered Friendly Society, or by the treasurer or other officer thereof.
- Bond given for the payment of estate or succession duty.

CHARTER PARTY, or any agreement or contract for the charter of any ship or vessel	1	20
--	---	----

And see sections 46—48.

CONVEYANCE or transfer of any stock or funded debt or shares of any company or corporation:

(a) On sale—

Where the amount or value of the consideration for the sale does not exceed \$24	06
Exceeds \$24 and does not exceed \$48	12
Do. \$48 do. \$120	30
Do. \$120 do. \$240	60
Do. \$240 do. \$480	1 20
For every additional \$480 or part thereof	1 20

(b) By way of security: the same rates of duty as on a mortgage.

(c) By way of gift: the same rate of duty as on a conveyance or transfer on sale.

(d) To a residuary legatee when the stock, funded debt or shares form part of the residue divisible under a will, or to a beneficiary under a will of a specific legacy, or being the property of a person dying intestate, to the party or parties entitled 24

(e) In any other case not hereinbefore described 1 20

CONVEYANCE or transfer on sale of any property:

Where the amount or value of the consideration for the sale does not exceed \$48	48
Exceeds \$48 and does not exceed \$96... ..	84
Do. \$96 do. \$240... ..	2 40
Do. \$240 do. \$480... ..	4 80
Do. \$480 do. \$720... ..	7 20
Do. \$720 do. \$960... ..	9 60
Do. \$960 do. \$1,200... ..	12 00
Do. \$1,200 do. \$1,440... ..	14 40
Do. \$1,440 for every \$240, and also for any fractional part of \$240, of such amount or value	2 40

Provided that only half the above rates of duty shall be payable where the amount or value of the consideration for the sale does not exceed one thousand four hundred and

DUTY.
\$ c.

forty dollars and the instrument contains a statement to be made by the conveyancer certifying that the transaction thereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds one thousand four hundred and forty dollars.

And see sections 49—55.

EXEMPTION.

Crown Grant of land.

CONVEYANCE or transfer operating as a voluntary disposition *inter vivos*. { The same duty as a conveyance on a sale, the value of the property conveyed or transferred being taken as the amount of the consideration.

COVENANT.—Any separate deed of covenant (not being an instrument chargeable with *ad valorem* duty as a conveyance on sale or mortgage) made on the sale or mortgage of any property, and relating solely to the conveyance or enjoyment of, or the title to, the property sold or mortgaged, or the production of the muniments of title relating thereto, or to all or any of the matters aforesaid:

Where the *ad valorem* duty in respect of the consideration or mortgage money does not exceed two dollars and forty cents { A duty equal to the amount of such *ad valorem* duty.

In any other case: 2 40

DEEDS of any kind whatsoever not otherwise mentioned in this Schedule 2 40

DUPLICATE or counterpart of any instrument chargeable with any duty { The same duty as the original instrument.

And see section 56.

EXCHANGE, PARTITION, OR DIVISION.—

Instrument effecting, if not otherwise charged by this Ordinance 2 40

And see section 57.

LEASE—(1) For any definite term or for any indefinite term—
Of any lands or hereditaments.

Where the consideration, or any part of the consideration, moving either to the lessor or any other person, consists of money, stock, or security, not being by way of rent.

In respect of such consideration { The same duty as a conveyance on a sale for the same consideration.

Where the consideration, or any part of the consideration, is any rent. DUTY.
\$ c.

In respect of such consideration:

If the rent, whether reserved as a yearly rent or otherwise, is at a rate or average rate:

	If the term does not exceed 35 years, or is indefinite.	If the term exceeds 35 years but does not exceed 100 years.	If the term exceeds 100 years.
	\$ c.	\$ c.	\$ c.
Not exceeding \$24 per annum... ..	24	1 44	2 88
Exceeding \$24 and not exceeding \$48	48	2 88	5 76
Do. \$48 do. \$72	72	4 32	8 64
Do. \$72 do. \$96	96	5 76	11 52
Do. \$96 do. \$120	1 20	7 20	14 40
Do. \$120 do. \$240	2 40	14 40	28 80
Do. \$240 do. \$360	3 60	21 60	43 20
Do. \$360 do. \$480	4 80	28 80	57 60
Exceeding \$480, for every full sum of \$240 and also for any fractional part of \$240 thereof	2 40	14 40	28 80

(2) Of any other kind whatsoever not hereinbefore described... 4 80

EXEMPTIONS.

Leases for any definite term less than a year:

1. Of any dwelling-house or tenement or part of a dwelling-house or tenement at a rent not exceeding the rate of \$48 per annum.
2. Of any furnished dwelling-house or apartments.

And see sections 58—61.

LETTER or Power of Attorney, Mandate, or other instrument in the nature thereof—

- (1) For the sole purpose of authorising the payment of money at the Treasury by the Treasurer 24
- (2) For the sole purpose of authorising the payment or receipt of money other than by the Treasurer ... 60
- (3) For the sole purpose of appointing or authorising a proxy to vote at any one meeting at which votes may be given by proxy, whether the number of persons named in such instrument be one or more... 02
- (4) In any other case 2 40

EXEMPTIONS.

1. Letter of Attorney authorising the receipt of money deposited in the Post Office Savings Bank.

- | | DUTY.
\$ c. |
|--|----------------|
| 2. Letter of Attorney authorising the receipt of any sum of money not exceeding nine dollars and sixty cents. | |
| 3. Letter or Power of Attorney granted by any person as Trustee for the transfer of any money of a Registered Friendly Society or branch invested in his name in Public funds. | |
| 4. Letter signed by a master, importer, exporter or ship's agent authorising some other person to sign any form required by the Customs laws and make declarations before the Comptroller of Customs and Excise on his behalf. | |

And see section 72.

2nd 47/1951

~~LICENCE to practise as a Solicitor and Conveyancer~~ ~~19-20~~

MORTGAGE, Bond, Debenture, Covenant, Bill of Sale, or Warrant of Attorney to confess and enter up judgment:

(1) Being the only or principal or primary security for the payment or repayment of money not exceeding \$120	12
Exceeding \$120 and not exceeding \$240	30
Do. \$240 do. \$480	60
Do. \$480 do. \$720	90
Do. \$720 do. \$960	1 20
Do. \$960 do. \$1,200	1 50
Do. \$1,200 do. \$1,440	1 80
Do. \$1,440, for every \$240, and also for every fractional part of \$240, of such amount	30

(2) Being a collateral, or auxiliary, or additional, or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped:
 For every \$480, and also for any fractional part of \$480, of the amount secured 12

Provided that the whole amount of duty payable under or by reference to this paragraph shall not exceed \$2.40.

(3) Transfer or assignment of a mortgage, bond, debenture, or covenant, or of any money or stock secured by such instrument, or by any Warrant of Attorney to enter up judgment, or by any judgment:
 For every \$480, and also for any fractional part of \$480, of the amount transferred or assigned 12

And also where any further money is added to the money already secured... } The same duty as a principal security for such further money.

(4) Re-conveyance, Release, Discharge, Surrender, Warrant to vacate, or Renunciation of any such security as

	DUTY.
	\$ c.
aforesaid, or of the benefit thereof, or of the money thereby secured:	
For every \$480, and also for any fractional part of \$480, of the total amount or value of the money at any time secured	12
And see sections 62—64.	
EXEMPTIONS.	
Debenture or certificate for drawback of customs duty.	
NOTARIAL Act of any kind, not being a protest	24
And see section 65.	
NOTICE of exportation under a general bond for drawback of customs duty by virtue of or in relation to any such notice:	
For every \$4.80 or part thereof	06
PARTITION, DIVISION, OR EXCHANGE—	
See Exchange.	
PERMIT for the removal of Gunpowder	02
POLICY OF INSURANCE—	
Upon any life or lives, or upon any event or contingency relating to or depending upon any life or lives:	
Where the sum insured does not exceed \$48	02
Exceeds \$48 but does not exceed \$120	06
Exceeds \$120 but does not exceed \$2,400:	
For every full sum of \$240, and also for any fractional part of \$240 of the amount insured	12
Exceeds \$2,400 but does not exceed \$4,800:	
For every full sum of \$480, and also for any fractional part of \$480, of the amount insured	24
Exceeds \$4,800:	
For every full sum of \$4,800, and also for any fractional part of \$4,800, of the amount insured	2 40
Against loss or damage by fire	24
And see section 66.	
POLICY OF SEA INSURANCE—	
For or upon any voyage:	
In respect of every full sum of \$480, and in respect of any fractional part of \$480	06
For time—	
In respect of every full sum of \$480, and in respect of any fractional part of \$480	
Where the insurance is made for any time not exceeding six months	06

	DUTY.
	\$ c.
Where the insurance is made for any time exceeding six months and not exceeding 12 months	12
But if the separate and distinct interest of two or more persons are insured by one policy for a voyage or for a time, then the duty of six cents or the duty of six cents or twelve cents as the case may require shall be charged thereon in respect of every full sum of \$480 and every fractional part of \$480 thereby insured upon any separate or distinct interest.	

EXEMPTIONS.

1. POLICY OF INSURANCE against accident and Policy of Insurance for any payment agreed to be made during the sickness of any person or his incapacity from personal injury.
2. POLICY OF INSURANCE or appointment or revocation of appointment of agent, or other document required or authorised by the Friendly Societies Ordinance or by rules of a registered Friendly Society or branch.

And see sections 67—71.

PROTEST of any Bill of Exchange or Promissory Note:

Where the duty on the Bill or Note does not exceed 24 cents	{ The same duty as the Bill or Note.
In any other case	24

RECEIPT given for, or upon the payment of, money amounting to \$9.60 or upwards	04
--	----

EXEMPTIONS.

1. Receipt given for money deposited in any bank or with any banker, to be accounted for and expressed to be received of the person to whom the same is to be accounted for.
2. Acknowledgment by any banker of the receipt of any Bill of Exchange or Promissory Note for the purpose of being presented for acceptance or repayment.
3. Receipt for any money deposited in or withdrawn from the Post Office Savings Bank.
4. Receipt given for or upon the payment of any Taxes, Duties, Dues, or other moneys to or for the use of His Majesty or of the Port-of-Spain City Council or of any Municipal Corporation or of any other Local Authority.
5. Receipt given for the Return of any Duties of Customs upon certificates of over-payment of Duty.
6. Receipt given by an officer of any public department in the Colony for money paid where he derives no benefit therefrom.

	DUTY.
	\$ c.
7. Receipt for money paid into any Court of Justice under the provisions of any Ordinance or rule.	
8. Receipt for any money paid into or withdrawn from the Crown Lands Department or Post Office.	
9. Receipt given by any Bank on any lodgment by the Treasurer to the credit of a Local Road Board or to any Government department.	
10. Receipts given by or to a registered Friendly Society by virtue of its rules.	
11. Receipt given for or on account of any salary, pay or wages, or for or on account of any other like payment made to or for the account or benefit of any person being the holder of an office or an employee, in respect of his office or employment, or for or on account of money paid in respect of any pension, superannuation allowance, compassionate allowance, or other like allowance.	

And see sections 74 and 75.

RE-GRANT of forfeited lands under the Lands and Buildings Taxes Ordinance, or of lands escheated to the Crown, or of any beneficial interest in lands re-conveyed by the Crown:

If made for valuable consideration, the amount or value whereof exceeds \$480	}	The same duty as a conveyance on a sale for the same consideration.	
And in all other cases			1 20

SHARE WARRANT or stock certificate of any public company:

For \$48 or any part of \$48			06
------------------------------	--------	--	--	----

And see sections 79 and 80.

SETTLEMENT.—Any instrument, whether voluntary or upon any good or valuable consideration, other than a *bonâ fide* pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on lands or other hereditaments or not, or to be laid out in the purchase of lands or other hereditaments or not), or any definite and certain amount of stock, or any security, is settled or agreed to be settled in any manner whatsoever:

For every \$480, and also for any fractional part of \$480, of the amount or value of the property settled or agreed to be settled			1 20
--	--------	--	--	------

EXEMPTION.

Instrument of appointment relating to any property in favour of persons specially named or described as the objects of a power of appointment, created by a previous settlement stamped with *ad valorem* duty in respect of the same

property or by will, where duty has been paid on the same property in respect of its devolution by the death of the testator.

DUTY.
\$ c.

And *see* sections 76—78.

VOTING PAPER.—Any instrument for the purpose of voting by any person entitled to vote at any meeting of any body exercising a public trust, or of the shareholders, or members, contributors to the funds of any company, society or institution

02

Provided that on a poll being taken at any such meeting a paper used to record a vote by a person present at that meeting shall not be liable to duty.

GENERAL EXEMPTIONS FROM ALL STAMP DUTIES.

BANK NOTES and Currency Notes issued under the Bankers Licences and Bank Notes Ordinance and the Government Currency Notes Ordinance respectively.

Bond given to the Marshal or any other person upon the replevy of any goods or chattels, and assignments of such bond.

Debentures issued in the Colony by the Government or by a Municipal Corporation, and instruments for sale or transfer of such debentures.

Instruments for sale, transfer, or other disposition either absolutely or by way of mortgage, or otherwise, of any ship or vessel, or any part, interest, share, or property of or in any ship or vessel.

Postal or Money Orders of any description issued or paid by the Postmaster General.