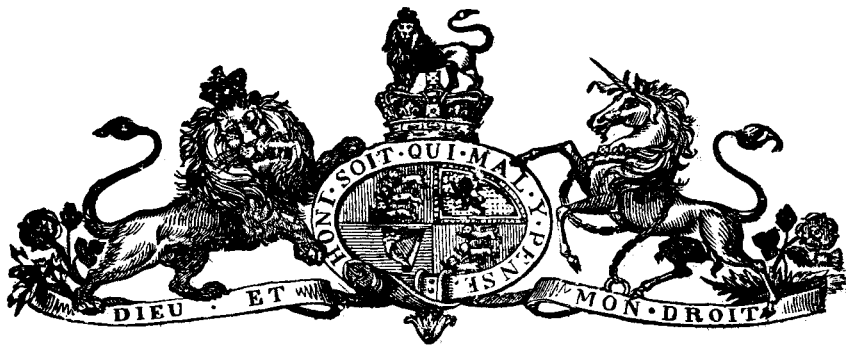


T A S M A N I A.



1 8 8 0.

ANNO QUADRAGESIMO-TERTIO
VICTORIÆ REGINÆ,
No. 14.



AN ACT to amend "The Stamp Duties Act, 1870." A.D. 1880.
[11 March, 1880.]

WHEREAS it is expedient to amend "The Stamp Duties Act, 1870:" **PREAMBLE.**
Be it therefore enacted by His Excellency the Governor of *Tasmania*, 34 Vict. No. 2.
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:—

1 On and after a day to be fixed by the Governor in Council, and proclaimed in the *Gazette*, it shall not be lawful for any person to use for the purposes of "The Stamp Duties Act, 1870," Stamps made and sold under the provisions of any Act relating to the Post Office, anything in "The Stamp Duties Act, 1870," to the contrary notwithstanding. **Post Office Stamps not to be used for Stamp Duties.**

2 The Duty payable under the said Act upon every Transfer for value of any Share in any Company shall be payable:— **Duty payable upon Transfer of Shares.**

1. Upon every request or authority to the proper Officer of any Company to enter or register any transfer of any one or more share or shares, or part of a share, in such Company, or any notice to such Officer of any such transfer:

2. Upon every instrument whatsoever which affects or purports to transfer, or which is apparently intended to transfer any one or more share or shares or part of a share in any Company.

3 Every request, authority, and instrument for the transfer of any one or more share or shares or part of a share in any company which is liable to duty under the said Act or this Act shall be in writing, and shall truly set forth the full amount of the pecuniary consideration for the sale of each of such share or shares or part of a share, and every such **Instrument of transfer to set forth consideration for same.**

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request, authority, and instrument which shall not truly set forth the full amount of such consideration for each of such share or shares or part of a share shall be null and void.

Officers of Companies not to register transfers of shares unless Duty paid.

4 It shall not be lawful for the Manager, Accountant, or other officer, or any Director, of any Company, to receive or register any request, authority, or instrument for the transfer of any one or more share or shares, or part of a share, in any such Company, or to transfer any one or more such share or shares, or part of a share, unless the full Duty payable thereon under the said Act or this Act has been duly paid; and every person who acts in contravention of this Section shall be liable to a penalty not exceeding Fifty Pounds.

Bankers may issue and re-issue unstamped Notes on rendering Accounts and paying composition.

5 All Persons and every Company or Copartnership carrying on the business of Bankers in this Colony, who shall be licensed under the provisions of the said Act to issue and re-issue Bank Notes without affixing thereto the Stamp by the said Act required to be affixed to Promissory Notes, shall deliver to the Colonial Treasurer within Fourteen days after the last *Monday* in each quarter ending on the Thirty-first day of *March*, the Thirtieth day of *June*, the Thirtieth day of *September*, and the Thirty-first day of *December*, in every year, a just and true Account, in the form in the Schedule (1) to this Act, verified by the signature of the manager or accountant of the Bank or some branch thereof established by such Person, Company, or Copartnership, of the amount or value of all their Bank Notes in circulation on *Monday* in every week for the space of one quarter of a year prior to the quarter-day immediately preceding the delivery of such Account, together with the average amount or value thereof according to such Account; and also shall pay or cause to be paid to the Colonial Treasurer the sum of Ten Shillings for every One hundred Pounds and also for the fractional part of One hundred Pounds in value of such Bank Notes, being at the rate of Two Pounds per centum per annum upon the average amount or value of the Bank Notes circulated by any such Person, Company, or Copartnership, according to the true intent and meaning of the said Act and this Act; and it shall be lawful for the Colonial Treasurer to fix the time or times of making such payment; and if any such Person, Company, or Copartnership neglect or refuse to render any such Account in the form and at the time required by this Act, or at any time render or cause to be rendered a false Account, such Person, Company, or Copartnership shall forfeit the sum of One hundred Pounds.

Punishment of neglect or refusal to render Account, or rendering false Account.

How Duty to be charged where consideration for conveyance consists of money payable during a life or lives.

6 Where the consideration or any part of the consideration for a conveyance or sale consists of money payable periodically during any life or lives, such conveyance shall be charged in respect of such consideration with *ad valorem* duty under the said Act 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 such instrument.

Where property conveyed in consideration of a debt or subject to payment or transfer of money or stock, same to be deemed the consideration in respect of which Duty payable.

7 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 incumbrance upon the property or not, such 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 shall be chargeable with *ad valorem* duty under the said Act.

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- 8** For and in respect of the several instruments, matters, and things described and mentioned in the Schedule (2) there shall be raised, levied, and paid the several Duties set down in figures against the same respectively, and such Duties shall be paid by the persons named in the Third column of the said Schedule; anything contained in the said Act or the Schedule (1) thereto to the contrary notwithstanding. A.D. 1880.
Duties in respect of certain instruments.
- 9** Every person liable by the said Act or this Act to stamp any instrument who delivers any such instrument unstamped, or insufficiently stamped, shall for every such offence forfeit and pay a penalty not exceeding Twenty Pounds; and, upon the trial of any information for this offence, it shall be sufficient to prove that such person delivered any such instrument unstamped or insufficiently stamped, and the onus of proving that such person was not liable to stamp any such instrument, or was otherwise exempted from the operation of any penalty imposed by this Section, shall in all such cases rest upon the defendant, who shall upon such trial be competent, but not compellable, to give evidence, anything contained in any law or practice to the contrary notwithstanding. Wilful delivery of unstamped instrument.
Onus of proof upon defendant, who shall be competent but not compellable to give evidence.
- 10** Sections Twenty-two and Twenty-five of the said Act, and the form in the Schedule (4) to the said Act, are hereby repealed, but such repeal shall not affect anything duly done thereunder, or the recovery of any penalty incurred in respect of any offence committed before the commencement of this Act. Repeal.
- 11** This Act and "The Stamp Duties Act, 1870," shall, as amended by this Act, be read together as one Act. Acts to be read together.
- 12** This Act may be cited as "The Stamp Duties Amendment Act, 1880." Short title.

SCHEDULE.

(1.)

Name and title as set forth in Licence— (Bank.)
 Name of the firm— (Firm.)
 Insert office or principal place of issue— (Place.)

An Account, pursuant to "The Stamp Duties Act, 1870," and "The Stamp Duties Amendment Act, 1880," of the amount or value of the notes of the said Bank in circulation on every *Monday* from *Monday*, the day of 18
 to *Monday*, the day of 18 .

On *Monday*, the day of £
 On *Monday*, the day of £

And of the average amount in circulation during the quarter ending *Monday*, the
 day of 18 £

I, being a Manager [*or* Accountant] of the Bank established by *A.B.* [*or* "*The Commercial Bank*"] at , do hereby certify that the above is a true account of the amount or value of notes in circulation by the above-named *A.B.* [*or* "*The Commercial Bank*"] during the periods above named.

Dated day of 18

[*Signature.*]

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(2.)

<i>Instruments.</i>	<i>Duty.</i>	<i>By whom paid.</i>
	£ s. d.	
CERTIFICATE OF SATISFACTION of any Mortgage—		
If the Mortgage and Interest does not exceed £100.....	0 2 6	} By the Mortgagor.
Exceeding £100 and under £250.....	0 5 0	
£250 and under £500.....	0 7 6	
£500 and under £1000.....	0 10 0	
£1000 and upwards.....	1 0 0	
RECONVEYANCE, Release, or Discharge of any Mortgage charge, registered lien or judgment—		
If the Mortgage and Interest does not exceed £100.....	0 2 6	} By the person obtaining the same.
Exceeding £100 and under £250.....	0 5 0	
£250 and under £500.....	0 7 6	
£500 and under £1000.....	0 10 0	
£1000 and upwards.....	1 0 0	