



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SEXTO
VICTORIÆ REGINÆ.

No. VI.

AN ACT to repeal "The Stamp Act, 1881,"
and to re-enact the provisions thereof with
amendments.

[Assented to, 21st September, 1882.]

WHEREAS it is expedient to amend "The Stamp Act, 1881,"
and to retain the law relating to Stamp Duties in one
enactment: Be it enacted by His Excellency the Governor of
Western Australia and its Dependencies, by and with the advice
and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited for all purposes as "The Stamp Short Title.
Act, 1882."

2. "THE Stamp Act, 1881," is hereby repealed from and after
the 30th day of September, 1882, but such repeal shall not affect any
duty which shall have been payable thereunder before the repeal
thereof, nor any penalty nor forfeiture incurred in respect of the
non-payment of any such duty, nor shall such repeal affect the
validity of any proclamation, order, or license heretofore made or
granted under the provisions of sections six, seven, and nineteen
of the said Act of 1881.

3.

The Stamp Act, 1882.

Interpretation.	3. THE following words and expressions used in this Act shall, unless there be something in the context repugnant thereto, have the following meanings:—
“Paper.”	“Paper” means and includes every sort of material upon which words or figures can be expressed:
“Write,” “written,” “writing.”	“Write,” “written,” and “writing,” include every mode in which words or figures can be expressed upon paper:
“Bank Note.”	“Bank Note” shall mean all bills of exchange or promissory notes for the payment of money issued or made by any person, company, or co-partnership, carrying on business as bankers, payable to the bearer on demand:
“Banker.”	“Banker” means and includes any corporation, society, partnership, or branch thereof, and any person or persons carrying on the business of banking in Western Australia:
“Instrument.”	“Instrument” means and includes every written document, and any matter or thing enumerated or set forth in the Schedule A to this Act annexed:
“Stamp.”	“Stamp” means as well a stamp impressed by means of a die as an adhesive stamp, and not being a postage stamp within the meaning of “The Postage Stamp Ordinance, 1854:”
“Stamped.”	“Stamped,” with reference to instruments and paper, applies as well to instruments and paper impressed with stamps by means of a die, as to instruments and paper having adhesive stamps affixed thereto:
“Executed” and “execution.”	“Executed” and “execution,” with reference to instruments not under seal, mean “signed” and “signature:”
“Money.”	“Money” includes all sums expressed in British or in any Foreign or Colonial currency:
“Stock.”	“Stock” means and includes any share in the stocks or funds of Western Australia or of any Foreign or Colonial State or Government, or in the capital stock or funded debt of any company, corporation, or society in Western Australia, or of any foreign or colonial company, corporation, or society:
“Marketable Security.”	“Marketable Security” means a security of such a description as to be capable of being sold in Western Australia:
“Person.”	“Person” includes company, corporation, and society:
	“Die”

The Stamp Act, 1882.

“Die” means and includes any plate, type, tool, or implement whatever prescribed by or used under the direction of the Governor for expressing or denoting any duty, or the fact that any duty or penalty or fine has been paid, or that an instrument is duly stamped, or is not chargeable with any duty, and also any part of any such plate, type, tool, or implement:

“Die.”

“Forge” and “Forged” mean and include counterfeit and counterfeited:

“Forge,” “forged.”

“Duty” and “duties” mean the stamp duty and stamp duties from time to time chargeable by law by virtue of this Act.

“Duty,” “duties.”

4. THIS Act shall commence and take effect on the first day of October, 1882.

Date of operation.

5. ON and after the commencement of this Act, and subject to the exemptions contained in the Schedule A to this Act, there shall be charged for the use of Her Majesty, her heirs and successors, for the public uses of the said Colony, upon the several instruments specified in the said Schedule to this Act, the several duties in the said Schedule specified, and no other duties.

Stamp Duties.

6. (1.) ALL stamp duties which may from time to time be chargeable by law upon any instruments are to be paid and denoted according to the general and special regulations in this Act contained.

How duties are to be paid.

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

Schedules to be part of the Act.

GENERAL REGULATIONS.

7. (1.) PAYMENT of any stamp duty required by this Act to be paid in respect of any instrument shall be made (until the Governor shall by Proclamation, to be inserted in the *Government Gazette*, otherwise prescribe) by affixing on the face of the instrument an adhesive stamp or stamps denoting the amount of such duty, and duly cancelling the same in manner herein prescribed; and every instrument required by law to be stamped is to be so stamped that the stamp may appear on the face of the instrument, and cannot be used for or applied to any other instrument written upon the same piece of paper.

Stamps used in payment to be cancelled.

How instruments are to be stamped.

(2.)

The Stamp Act, 1832.

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

Governor to prescribe stamps, dies, &c.

8. IT shall be lawful for the Governor, from time to time, by writing under his hand, to prescribe the form, size, and material of the stamps and dies to be used, and the mode and place of impressing, affixing, or denoting thereupon the value of the same under the provisions of this Act.

Colonial Treasurer to issue stamps.

9. THE Colonial Treasurer for the time being shall be the only person authorised in the first instance to issue, on the part of Her Majesty, to any person, stamps, on payment of the stamp duty duly denoted by the same.

General direction as to the cancellation of adhesive stamps.

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

Penalty for neglect or refusal.

(2.) Every person who, being required by law to cancel an adhesive stamp, wilfully neglects or refuses duly and effectually to do so in manner aforesaid, shall, unless otherwise herein specially provided, forfeit a sum not exceeding Ten pounds.

Cancellation of adhesive stamps.

Proviso.

11. EXCEPT where otherwise specifically provided by this Act, the adhesive stamp upon any instrument shall be cancelled by the person by whom such instrument is first executed. Provided that if any solicitor of the Supreme Court or any notary public of the Colony shall, at the time of such execution by such person as aforesaid, write his name on or across any stamp affixed to the instrument together with the true date of his so writing, and words or letters to denote that he has written his name as a solicitor or notary public as aforesaid, as the case may be, such stamp shall be deemed to be duly and effectually cancelled to all intents and purposes.

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

12. ALL the facts and circumstances affecting the liability of any instrument to *ad valorem* duty, or the amount of the *ad valorem* duty

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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 Her Majesty, her heirs or successors,—

1. Executes any instrument in which all the said facts and circumstances are not fully and truly set forth:
2. Being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances:

shall forfeit a sum not exceeding Ten pounds.

Penalty not exceeding Ten Pounds.

13. EXCEPT as otherwise provided by this Act, no instrument executed in Western Australia, or relating, wheresoever executed, to any property situate or to any matter or thing done or to be done in Western Australia, shall, except in criminal proceedings, be pleaded or given in evidence or admitted to be good, useful, or available in law or equity, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

Instruments not duly stamped inadmissible except in criminal proceedings.

14. (1.) IF any instrument required by law to be stamped, not being a bill of exchange or receipt for money, shall have been executed in Western Australia without being duly or sufficiently stamped, the Colonial Treasurer or any Sub-collector of Revenue may affix the proper stamp thereto, and himself cancel the same as follows:—

Instrument executed without being stamped.

(2.) If such instrument be produced to the Colonial Treasurer or any such Sub-collector within one week from the time of its execution, on payment of a fine of One pound, or double the amount of proper stamp duty if that amount does not exceed One pound.

One week.

(3.) If produced after one week but within six weeks, a fine of Two pounds, or three times the amount of proper stamp duty if that amount does not exceed Two pounds.

Under six weeks.

(4.) If produced after six weeks but within four months, a fine of Four pounds, or four times the amount of proper stamp duty if that amount does not exceed Four pounds.

Within four months.

(5.) If produced after four months, a fine of Eight pounds, or ten times the amount of proper stamp duty if that amount does not exceed Eight pounds.

After four months.

15. IT shall be the duty of the Colonial Treasurer or any such Sub-collector to determine whether any instrument falling under the last

Colonial Treasurer or Sub-collector to determine

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whether instrument may be stamped. last preceding section shall be properly stamped, and as to the amount of stamp duty.

Colonial Treasurer or Sub-collector may remit fines under sec. 14. 16. IF the Colonial Treasurer or any Sub-collector of Revenue be satisfied that the omission or neglect to stamp or sufficiently stamp any instrument did not arise from any intention to evade payment of the proper stamp duty, he shall remit the fines prescribed by section fourteen of this Act. Provided that such instrument be produced to the Colonial Treasurer or Sub-collector within twelve months after it was first executed. And any unstamped or insufficiently stamped instrument, not otherwise herein provided for, which has been first executed at any place out of Western Australia may be stamped at any time within four months after it has been first received in Western Australia on payment of the unpaid duty only, and the stamp cancelled by the Colonial Treasurer or any such Sub-collector of Revenue.

As to instruments executed abroad.

Treasurer or Sub-collector may cancel stamp on instrument not duly cancelled. 17. UPON production to the Colonial Treasurer or any Sub-collector of Revenue of an instrument sufficiently stamped but the stamps whereon are not duly cancelled according to law, the Colonial Treasurer or such Sub-collector may himself cancel the same on payment of a fee of two shillings and sixpence. Provided always, that such instrument be so produced within two months after it has been first executed.

Civil Court may direct proper stamp to be affixed on payment of proper fine. 18. (1.) IN any case in which a stamp might be affixed under section fourteen of this Act, any Civil Court may receive in evidence any instrument not bearing the stamp prescribed by the Schedule "A," on payment into Court of the proper amount of stamp duty and fine to be determined by the Court, whose decision on the point shall be final.

How payment into Court to be dealt with. (2.) An entry of such payment, setting forth the amount thereof, shall be made in a book to be kept by the Master or other officer of the Court, and shall also be endorsed on the instrument, and shall be signed by such officer, who shall at the end of every month make a return to the Colonial Treasurer of the money (if any) which he has so received, distinguishing between the sums received by way of fine and the sums received by way of duty, stating the title of the suit and the name of the party from whom such money was received, and the date, if any, and the description of the instrument, for the purpose of identifying the same, and he shall pay over the money so received to the Colonial Treasurer, or to such person as he may appoint to receive the same. The said Master

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Master or other officer shall, on receipt of the said stamp duty and fine (unless the fine be remitted), affix the proper stamp to the said instrument, and cancel the same, and endorse on the said instrument a receipt for the payment of the fine, if any. Provided that any fine incurred under this section may be remitted by the Court in its discretion.

Master or other officer to affix proper stamp.

Court may remit fines.

19. NO instrument executed without being sufficiently stamped shall be stamped at any time after the execution thereof, except as herein provided, or with the sanction of the Governor.

How unstamped or insufficiently stamped instrument to be stamped after execution.

20. WHEN in any case, other than the cases provided for in sections fourteen and eighteen of this Act, any person shall entertain any doubt respecting the proper amount of stamp duty for any instrument, he may apply to the Colonial Treasurer for an adjudication with a view to remove such doubt, and shall at the same time pay a fee of one shilling, and thereupon the Colonial Treasurer shall determine the amount of stamp which such instrument should bear, and on payment thereof shall cause such instrument to be stamped accordingly, and an additional stamp for one shilling to be affixed, with the words "adjudication fee" written across it and signed by the Colonial Treasurer, denoting that such adjudication fee has been paid. An instrument so stamped shall be received as properly stamped in evidence in any Court of Justice.

Persons having doubts, except in cases under secs. 14 and 18, as to amount of Stamp Duty may apply to Colonial Treasurer for adjudication.

Fee.

Colonial Treasurer to stamp.

Instrument so stamped to be received in evidence.

21. THE Governor may, by writing under his hand, countersigned by the Colonial Secretary, license vendors of stamps, and may direct how and under what conditions stamps may be issued to such vendors for sale and what accounts of such stamps shall be kept by them. The license may be for any time, and may at any time be revoked by the Governor, and its issue and revocation shall be notified in the *Government Gazette*.

Governor may license vendors of stamps.

License.

22. EVERY person who shall deal in stamps without having duly obtained a license in that behalf under this Act or the said repealed Act shall, upon conviction, be liable to a fine not exceeding Twenty pounds.

Unlicensed persons selling stamps.

23. IF any stamp, after having been issued in the manner allowed by this Act or the said repealed Act, shall have become damaged, spoiled, or unfit for use from any of the following causes:—

Spoiled stamps.

1. If the same shall have been affixed to any instrument in which any accident or error has occurred rendering the same of no avail;

By error in instrument.

2.

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| By death or refusal to execute. | 2. Or when by reason of the death or refusal of the party whose signature may be necessary to effect the transaction intended by such instrument, such instrument remains incomplete and of no avail ; |
| By failure of consideration. | 3. Or when by reason of failure of consideration the transaction intended by such instrument cannot be effected, or such transaction has been effected by some other instrument duly stamped ; |
| By not being brought into use. | 4. Or in the case of a bill of exchange, if the same is never brought into use ; |
| By non-presentment of a Bill of Exchange. | 5. Or in the case of a bill of exchange other than a bill drawn in sets as provided in this Act, if it shall not have been presented for acceptance ; |

Shall be delivered to Colonial Treasurer, who shall exchange the same.

In any such case the Colonial Treasurer shall, upon application being made to him, and upon delivery to him of the stamped paper, damaged, spoiled, or rendered unfit for use, or unnecessary, cause a similar stamp or stamps of equal value to be delivered to the owner of such stamped paper so damaged or spoiled or rendered unfit for use or unnecessary, or to his representatives. Provided, always, that the Colonial Treasurer shall not be obliged to exchange any such stamps unless application for the same be made within two months of the period when the stamps shall have become damaged, spoiled, or rendered unfit for use, or unnecessary.

Within two months.

Sec. 23 not to extend to Bills of Exchange, &c., drawn in a set, if one of such set delivered to drawee or payee.

24. THE provisions of section twenty-three shall not extend to any bill of exchange or other instrument drawn in a set, if any one of such set shall have been delivered to the drawee or payee.

Stamped duplicate, or counterpart of a stamped instrument to be produced to Colonial Treasurer or Sub-collector.

25. WHEN an instrument shall have been duly stamped, and a duplicate or counterpart thereof certified under the hand of any person duly admitted to practise the law, or any notary public in Western Australia to be such duplicate or counterpart, shall be produced to the Colonial Treasurer or any Sub-collector of Revenue with a stamp affixed thereto of like value to that on the original when such stamp does not exceed one penny, of half the value when the stamp does not exceed ten shillings, and of the value of five shillings in all other cases, it shall be lawful for the Colonial Treasurer or Sub-collector to cancel the stamp affixed to such duplicate or counterpart, by writing on or across it the word "duplicate" and signing his name thereto, and thereupon such duplicate

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duplicate or counterpart shall be deemed to be duly stamped to all intents and purposes.

26. NO person whose office it is to enrol, register, or enter in, or upon any rolls, books, or records, any instrument chargeable with any duty, shall enrol, register, or enter any such instrument unless the same be duly stamped.

Registrar not to register unstamped instrument.

27. ALL penalties and forfeitures imposed by this Act may be recovered in a summary manner before two Justices of the Peace.

Penalties.

28. SECTIONS A, D, F, G, and H of "The Shortening Ordinance, 1853," are hereby incorporated with and shall be deemed to form part of this Act.

Shortening Ordinance, 16th Vict., No. 11.

29. IF any party shall feel aggrieved by any determination or adjudication of any Justice or Justices with respect to any penalty or forfeiture under the provisions of this Act, such party may appeal from such determination or adjudication to the Supreme Court. Provided always that notice of such appeal shall be given to the convicting Justice or Justices within three weeks, and that such appeal shall be entered for hearing within two months after such determination or adjudication.

Appeal.

SPECIAL REGULATIONS.

30. EVERY writing relating to the service or tuition of any apprentice, clerk, or servant placed with any master to learn any profession, trade, or employment, except articles of clerkship which are hereby specifically charged with duty, is to be deemed an instrument of apprenticeship.

As to instruments of apprenticeship.

31. NO person, company, corporation, or partnership, shall, unless he holds a license so to do from the Colonial Treasurer, which license the said Treasurer is hereby required to issue on application being made for the same by such person, company, corporation, or partnership, in the form in the Schedule B to this Act annexed, issue any bank note without affixing thereto the stamp by this Act required to be affixed to promissory notes; and if any person, company, corporation, or partnership, issues any such note unstamped without such license, such person, company, corporation, or partnership, shall forfeit and pay a penalty of not more than Fifty pounds for each such offence; and if any person receives or takes any such bank note in payment or as a security, knowing the same

License for the issue of bank notes.

to

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to have been issued unstamped contrary to law, he shall forfeit the sum of Twenty pounds.

32. EVERY person, company, corporation, or partnership, carrying on the business of banker in the Colony, who shall be licensed under the provisions of this Act or the said repealed Act to issue and re-issue bank notes without affixing thereto the stamp by this Act required to be affixed to promissory notes, shall prepare and return into the office of the Colonial Secretary the quarterly statements of their assets and liabilities as heretofore, and shall pay or cause to be paid to the Colonial Treasurer every quarter the sum of ten shillings for every One hundred pounds in value of all 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, corporation, or partnership, as declared in the quarterly returns made as aforesaid, that is to say,—on the average amount shown in the return for the quarters ending on the 31st March, the 30th of June, the 30th of September, and the 31st of December in each and every year, which payment shall be made to the Colonial Treasurer upon such day after the termination of every such quarter as the said Treasurer may appoint; and if any such person, company, corporation, or partnership, neglect or refuse to render any such account or statement of his liabilities and assets, or at any time render or cause to be rendered a false account, or shall at any time refuse to pay or cause to be paid to the Colonial Treasurer such sum of money as may be due from him and at such times as required by this Act, such person, company, corporation, or partnership shall forfeit the sum of Five hundred pounds.

Parties licensed to render account of notes in circulation.

Amount to be paid thereon in lieu of stamp duty.

33. EVERY order or note for the payment of money being in the nature of a bank note and issued by any person, company, corporation, or partnership not being licensed to issue bank notes, shall, if re-issued by such person, company, corporation, or partnership, from time to time, bear a fresh stamp for every such re-issue; and such stamp shall be of the same value as such order or note was subject to upon the first issue thereof; and if any such person, company, corporation, or partnership re-issue any such order or note without such fresh stamp for every re-issue, such person, company, corporation, or partnership shall forfeit and pay a penalty of not more than Fifty pounds for each such offence; and if any person receives or takes any such order or note in payment or as a security, knowing the same to have been issued or re-issued contrary to law, he shall forfeit the sum of Twenty pounds.

Order for payment of money issued by a person not licensed to issue bank notes, must be stamped upon every fresh issue thereof.

Penalty.

The Stamp Act, 1882.

34. (1.) THE words "bill of exchange," for the purposes of this Act, include also, draft, order, cheque, and letter of credit, and any document or writing (except a bank note issued under license), entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money therein mentioned.

"Bill of Exchange."

(2.) An order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed for the purposes of this Act a bill of exchange for the payment of money on demand.

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

35. (1.) THE term "promissory note" means and includes any document in writing (except a bank note issued under license) containing a promise to pay any sum of money.

"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 for the purposes of this Act a promissory note for the said sum of money.

36. NO bill of exchange or promissory note actually drawn or made before the commencement of the said repealed Act shall be liable to duty.

Bills, &c., drawn before commencement of "The Stamp Act, 1881" not liable to duty.

37. THE fixed duty of one penny on a bill of exchange for the payment of money on demand may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the bill is signed when he delivers it out of his hands, custody, or power.

The fixed duty may be denoted by an adhesive stamp.

38. (1.) THE *ad valorem* duties upon bills of exchange and promissory notes drawn or made out of Western Australia are to be denoted by adhesive stamps.

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

(2.)

The Stamp Act, 1882.

(2.) Every person into whose hands such bill or note comes in Western Australia before it is stamped shall, before he presents for payment, or endorses, transfers, or in any manner negotiates or pays such bill or note, affix thereto a proper adhesive stamp or proper adhesive stamps of sufficient amount, and cancel every stamp affixed thereto.

Provisoos for the protection of *bonâ fide* holders.

(3.) Provided as follows:—

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

Not to relieve any person.

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

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

39. A BILL of exchange or promissory note purporting to be drawn or made out of Western Australia is, for the purposes of this Act, to be deemed to have been so drawn or made, although in fact it may have been drawn or made within Western Australia.

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

40. (1.) EVERY person who draws, makes, issues, endorses, transfers, negotiates, presents for payment, or pays any bill of exchange or promissory note liable to duty and not being duly stamped, shall forfeit a sum not exceeding Ten pounds, and the person who takes or receives from any other person any such bill or note not being duly stamped either in payment, or as a security, or by purchase or otherwise, shall not be entitled to recover thereon or to make the same available for any purpose whatever.

(2.)

The Stamp Act, 1882.

(2.) Provided that if any bill of exchange for the payment of money on demand, liable only to the duty of one penny, is presented for payment unstamped, the person to whom it is so presented may affix thereto a proper adhesive stamp, and cancel the same, as if he had been the drawer of the bill, and may, upon so doing, pay the sum in the bill mentioned and charge the duty in account against the person by whom the bill was drawn or deduct such duty from the said sum, and such bill is, so far as respects the duty, to be deemed good and valid.

Proviso as to the fixed duty.

(3.) Every banker into whose hands any bill of exchange or promissory note, other than a bill of exchange or promissory note payable upon demand, comes before it is stamped, may, before he pays or negotiates such bill or note, affix thereto a proper adhesive stamp or stamps of sufficient amount, and cancel every stamp affixed thereto, and may, upon so doing, pay the sum in such bill or note mentioned and charge the duty in account against the person from whom he receives such bill or note, or deduct such duty from the said sum, and such bill or note shall, so far as respects the duty, be deemed good and valid.

(4.) But neither of the foregoing provisos is to relieve any person from any penalty he may have incurred in relation to such bill or note.

Not to relieve from penalty.

(5.) Provided also that if at the time when any bill of exchange or promissory note comes into the hands of any *bonâ fide* holder thereof, there shall be affixed thereto a proper adhesive stamp or stamps of sufficient amount effectually obliterated and purporting and appearing to be duly cancelled, such bill of exchange or promissory note shall, so far as relates to such holder, be deemed to be duly stamped:

A bill of exchange bearing sufficient stamps, in the hands of a *bonâ fide* holder, to be deemed duly stamped.

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

41. NOTWITHSTANDING anything to the contrary in this Act contained, the stamp or stamps upon any bill of exchange or promissory note shall be deemed to be duly cancelled if such stamp or stamps shall be cancelled in the manner prescribed by this Act, by any party or parties to such bill or note.

Stamp upon a bill of exchange may be cancelled by any party thereto.

42. WHEN an instrument 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

One bill only out of a set need be stamped.

The Stamp Act, 1882.

negotiated apart from such duly stamped instrument, be exempt from duty; and upon proof of the loss or destruction of a duly stamped instrument forming one of a set, any other instrument of the set which has not been issued or in any manner negotiated apart from such lost or destroyed instrument may, although unstamped, be admitted as evidence to prove the contents of such lost or destroyed instrument.

Bills of lading.

43. (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 forfeit a sum not exceeding Twenty-five pounds.

Bills of sale.

44. A COPY of a bill of sale shall not be filed in the Supreme Court unless the original, duly stamped, is produced to the proper officer.

As to conveyances on sale.
Interpretation of term.

45. THE term "conveyance on sale" includes every instrument, and every decree or order of any court or of the Commissioner of Titles, whereby any property upon the sale thereof is legally or equitably transferred to or vested in the purchaser or any other person on his behalf or by his direction: and also a transfer or assignment of a lease of any lands.

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

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

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

How considerations, consisting of periodical payments, to be charged.

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

(2.) Where the consideration or any part of the consideration for a conveyance on sale consists of money payable periodically in perpetuity or for any indefinite period not terminable with life, such conveyance

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

(3.) Where the consideration or any part of the consideration for a conveyance on sale consists of money payable periodically during any life or lives, such conveyance is to be charged in respect of such consideration with *ad valorem* duty on the amount which will or may according to the terms of sale be payable during the period of twelve years next after the day of the date of such instrument.

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

48. 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 is chargeable with *ad valorem* duty.

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

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

Direction as to duty in certain cases.

(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

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ad valorem duty in respect of the distinct part of the consideration therein specified.

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

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

(5.) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the consideration moving from him, and is duly stamped accordingly, any conveyance to be afterwards made to him of the said property by the original seller shall be exempt from the said *ad valorem* duty, and chargeable only with the duty to which it may be liable under any general description, but such last-mentioned duty shall not exceed the *ad valorem* duty.

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

50. 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 all purposes of this Act to be deemed an instrument of conveyance on sale.

Where several instruments the principal instrument only is to be charged with *ad valorem* duty.

51. WHERE there are several instruments of conveyance for completing the purchaser's title to the 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 such last-mentioned duty shall not exceed the *ad valorem* duty payable in respect of the principal

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principal instrument. And in all cases the parties may determine for themselves which of several instruments is to be deemed the principal instrument, and may pay the *ad valorem* duty thereon accordingly.

52. EVERY instrument, and every decree or order of any court or of the Commissioner of Titles, whereby any property on any occasion, except a sale or mortgage, is transferred to or vested in any person is chargeable with duty as a conveyance or transfer of property; Provided that a conveyance or transfer made for effectuating the appointment of a new trustee is not to be charged with any higher duty than ten shillings.

As to conveyances on any occasion, except sale or mortgage.

53. (1.) AN agreement for a lease, or with respect to the letting of any lands or tenements for any term, is to be charged with the same duty as if it were an actual lease made for the term and consideration mentioned in the agreement.

Leases.

Agreement for any lease to be charged as a lease.

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

54. (1.) WHERE the consideration or any part of the consideration for which any lease is granted or agreed to be granted does not consist of money, but consists of any produce or other goods, the value of such produce or goods is to be deemed a consideration in respect of which the lease or agreement is chargeable with *ad valorem* duty. And where it is stipulated that the value of such 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 such produce or goods is, for the purpose of assessing the *ad valorem* duty, to be estimated at such given sum or according to such permanent rate.

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

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

Effect of statement of value.

55. (1.) A LEASE or agreement for a lease, 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

Directions as to duty in certain cases.

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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 or agreement of or relating to the same subject matter.

(2.) No lease made for any consideration or considerations 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 to be charged with any duty in respect of such further consideration.

As to letters of allotment, scrip certificates, and scrip.

56. EVERY person who executes, grants, issues, or delivers out, any document chargeable with duty, as a letter of allotment, or scrip certificate, or scrip, before the same is duly stamped, shall forfeit a sum not exceeding Twenty pounds.

As to mortgages, &c.

57. THE term "mortgage" means a security by way of mortgage for the payment of any definite and certain sum of money advanced and 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

Interpretation of term.

Any conveyance of 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 such 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.

Also any defeasance, declaration, or other instrument for defeating or making redeemable or explaining or qualifying any conveyance or disposition of any lands, estate, or property whatsoever, apparently absolute but intended only as a security.

Also any agreement, contract, or bond accompanied with a deposit of title deeds for making a mortgage, or any such other security or conveyance as aforesaid of any lands, estate, or property comprised in such title deeds, or for pledging or charging the same as a security.

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58. 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 such stock; and a transfer or assignment of any such security and a reconveyance, release, discharge, or surrender of any such security shall 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 such stock.

Security for stock, how to be charged.

59. (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 denoted thereon extends to cover.

(3.) Provided that no money to be advanced for the insurance of any property comprised in any such security against damage by fire, shall be reckoned as forming part of the amount in respect whereof the security is chargeable with *ad valorem* duty.

60. A SECURITY for the payment of any rentcharge, annuity, or periodical payment, 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.

Security for repayment by periodical payments, how to be charged.

61. NO transfer of a duly stamped security, and no security by way of further charge for money or stock added to money or stock previously secured by a duly stamped instrument, is to be charged with any duty, by reason of 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.

As to transfers and further charges.

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

As to mortgage with conveyance of equity of redemption.

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Interpretation of term
"foreign security."

63. THE term "foreign security" means and includes every security for money by or on behalf of any foreign or colonial state, government, municipal body, corporation, or company, except an instrument chargeable with duty, as a bill of exchange or promissory note,

- (1.) Which is made or issued in Western Australia ;
- (2.) Upon which any interest is payable in Western Australia ;
- (3.) Which is assigned, transferred, or in any manner negotiated in Western Australia.

Penalty for issuing, &c.,
any foreign security not
duly stamped

64. EVERY person who in Western Australia makes, issues, assigns, transfers, or negotiates, or pays any interest upon any foreign security, not being duly stamped, shall forfeit a sum not exceeding Twenty pounds.

Foreign securities may be
stamped without penalty.

65. THE Colonial Treasurer may at any time, without reference to the date thereof, allow any foreign security to be stamped without the payment of any penalty, upon being satisfied in any manner that he may think proper that it was not made or issued and has not been transferred, assigned, or negotiated within Western Australia, and that no interest has been paid thereon in Western Australia.

Notarial acts

66. THE stamp upon a notarial act, and upon the protest by a notary public of a bill of exchange or promissory note, shall be cancelled by the notary.

Policies of insurance.

67. THE word "insurance" includes "assurance," and the word "policy" includes any instrument whereby any contract of insurance is made or agreed to be made, or is evidenced.

No policy of insurance to
be for more than twelve
months.

68. NO policy of insurance liable to duty on any vessel, nor on any goods or property on board, nor upon the freight of any vessel, nor upon any other interest relating thereto, nor upon any voyage, shall be made for any time exceeding twelve months ; and every such policy which shall be made for any time exceeding twelve months shall be null and void to all intents and purposes.

Penalty for not making out
policy.

69. EVERY person who—

1. Receives or takes credit for any premium or consideration for any contract of insurance, and does not, within three months

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months after receiving or taking credit for such premium or consideration, make out and execute a duly stamped policy of such insurance ;

2. Makes, executes, or delivers out, or pays or allows in account, or agrees to pay or allow in account, any money upon or in respect of any policy which is not duly stamped ;

shall forfeit the sum of Twenty pounds.

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

Receipt.
Interpretation.

71. THE stamp upon a receipt or coupon or warrant for interest shall be cancelled by the person by whom the receipt is given or the coupon or warrant is presented for payment before he delivers it out of his hands.

Stamp on receipt or coupon shall be cancelled by the person giving or presenting same.

72. A RECEIPT, given without being stamped may be subsequently stamped by the Colonial Treasurer or a Sub-collector of Revenue, upon the terms following :—

Terms on which receipt may be stamped after execution.

1. Within fourteen days after it has been given, on payment of the duty and a penalty not exceeding Five pounds ;
2. After fourteen days but within one month after it has been given, on payment of the duty and a penalty not exceeding Ten pounds ;

and shall not in any other case be subsequently stamped.

73. IF any person—

1. Gives any receipt liable to duty and not duly stamped ;
2. In any case where a receipt would be liable to duty refuses to give a receipt duly stamped ;

Penalty for offences.

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3. Upon a payment to the amount of Two pounds or upwards gives a receipt for a sum not amounting to Two pounds, or separates or divides the amount paid with intent to evade the duty; he shall forfeit a sum not exceeding Ten pounds.

Admission of Barrister or Practitioner in Supreme Court.

74. THE duty payable under this Act upon an admission is to be denoted on the instrument of admission delivered to the person admitted, if there be any such instrument, or, if not, on the register, entry, or memorandum of the admission in the rolls, books, or records of the Supreme Court; and in cases in which no instrument of admission is delivered, and no register, entry, or memorandum is made, on the fiat, rescript, or warrant for admission.

Penalty on unstamped instrument or entry of admission.

75. IF any person whose office it is to prepare or deliver out any instrument of admission chargeable with any duty, or to register, enter, or make any memorandum of any admission in respect of which no instrument of admission is delivered to the person admitted, neglects or refuses within one month after the admission to prepare a duly stamped instrument of admission, or to make a proper and duly stamped register, entry, or memorandum of the admission as the case may require, he shall forfeit and pay a sum not exceeding Ten pounds.

MISCELLANEOUS.

Criminal offences relating to stamps.

76. ANY 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;

1. Forging a die or stamp prescribed by the Governor for the purposes of stamp duty;
2. Making an impression upon paper with a forged die;
3. Fraudulently cutting, tearing, or in any way removing from any paper or material any stamp with the intent that any use should be made of such stamp or any part thereof;
4. Fraudulently mutilating any stamp with intent that any use should be made of any part of such stamp;
5. Fraudulently fixing or placing upon any paper or 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 paper or material, or out of or from any other stamp;

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6. Fraudulently erasing or otherwise either really or apparently removing from any stamped paper or 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 paper or material ;
7. Knowingly selling or exposing for sale, or uttering or using any forged stamp ;
8. Knowingly, and without lawful excuse (the proof of which lawful excuse lies on the person accused), having in possession any forged die or stamp, or any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any paper or material, or any stamp which has been fraudulently mutilated, or any stamped paper or material out of which any name, sum, date, or other matter or thing has been fraudulently erased, or otherwise either really or apparently removed ;

is guilty of felony, and upon being convicted shall be liable to penal servitude for the term of his natural life, or for any term not less than five years, or to be imprisoned with or without hard labor for any term not exceeding three years.

77. ON information given before any Justice of the Peace upon oath that there is just cause to suspect any person of being guilty of any of the offences aforesaid, such Justice may, by a warrant under his hand, cause every ship, boat, vessel, vehicle, dwelling house, room, workshop, outhouse, or other building or place, or anything belonging to or occupied by the suspected person, or where he is suspected of being or having been in any way engaged or concerned in the commission of any such offence, or of secreting any forged die or stamp, or any machinery, 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 shall be no such trial by order of some Justice of the Peace, be delivered over to the Colonial Treasurer, to be defaced or destroyed or otherwise disposed of as he may think fit.

Proceeding for the detection of forged dies.

78. (1.) UPON information given to any Justice of the Peace that there is reasonable cause to suspect that any person licensed

Further proceedings for the detection of forged stamps.

or

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or having been licensed to sell stamps has in his possession any forged stamps, such Justice may by warrant under his hand authorise any person to enter at any hour of the night or day into any place, ship, boat, vessel, or vehicle, of or belonging to or in the real or apparent occupation of any such suspected person, and to break open such place, and search for and seize any stamps that may be found there or elsewhere in the custody, possession, or control of such suspected person.

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

(3.) Any person who.

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

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

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

Mode of proceeding when stamps are seized.

79. (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.

(2.) If the person in whose custody or possession any stamps are so found and seized is or has been a person licensed to sell stamps, he shall be entitled to claim and receive in money from the Colonial Treasurer the amount of such of the stamps so seized as may be found to be genuine (deducting therefrom the proper discount), and also to receive the value of the paper or material whereon the same may be impressed or to which the same may be affixed, according to the rates at which paper or material of the like quality and description is sold by the Colonial Treasurer, or, if the said Treasurer 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 said Colonial Treasurer shall think fit to award.

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80. IF any forged stamps are found in the possession of any person licensed or having been licensed to sell, or authorised or having been authorised to issue 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 have been 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.

Licensed person in possession of forged stamps to be deemed guilty until contrary is shown.

81. (1.) ANY Justice of the Peace may, upon reasonable suspicion that any stamped paper or any stamps have been stolen or fraudulently obtained, issue his warrant for the seizing thereof, and for apprehending and bringing before himself or any other Justice the person in whose possession or custody the same 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 stamped paper or stamps, or is unable satisfactorily to account for the possession thereof, or if it does not appear that the same were purchased by him at the Colonial Treasury, or from some person duly appointed to sell stamps, such stamped paper and stamps of which no account or no satisfactory account is given, or which do not appear to have been so purchased as aforesaid, shall be forfeited to Her Majesty, and shall be accordingly condemned by such Justice and delivered over to the Colonial Treasurer; and any stamped paper or stamps so condemned shall be kept by the Colonial Treasurer for the space of six months, and afterwards cancelled, destroyed, or disposed of as the Colonial 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 Colonial Treasurer that any such stamped paper or stamps so condemned were stolen or otherwise fraudulently obtained from him, and that the same were purchased by him at the Colonial Treasury, or from some person duly licensed to sell stamps, such stamps may be delivered up to him.

In the name and on behalf of the Queen I hereby assent to this Act.

WILLIAM C. F. ROBINSON, Governor.

SCHEDULES.

SCHEDULES.

Schedule A (Section 5.)

NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.
	£ s. d.
AGREEMENT of the value of £5 and upwards	0 2 6
(NOTE.—Where letters are produced in Court to prove an agreement it will be sufficient for one of them to be then and there stamped with a duty of 5s., and such stamp may be cancelled by any officer of the Court).	
<i>Exemptions.</i>	
(1.) Agreement or memorandum the matter whereof is not of the value of £5.	
(2.) Agreement or memorandum for the hire of any labourer, artificer, manufacturer, 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 from port to port in the Colony of Western Australia.	
(5.) Memorandums or agreements made necessary by the 9 Geo. IV. c. 14 (Lord Bentinck's Act), for rendering a written memorandum necessary to the validity of certain promises and engagements, &c., s. 8.	
ARTICLES OF CLERKSHIP whereby any person becomes bound to serve as a Clerk in order to his admission as a Practitioner of the Supreme Court	10 0 0
ADMISSION OF ANY PERSON to act as a Barrister or general Practitioner in the Supreme Court <i>See sections 74 and 75.</i>	10 0 0
AWARD for a sum exceeding £10 and under £50	0 5 0
For a sum exceeding £50	0 10 0
APPRENTICESHIP, instrument of	0 5 0
<i>Exemption.</i>	
Instrument relating to any child apprenticed under "The Industrial Schools Act, 1874."	

BILL

The Stamp Act, 1882.

NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.
	£ s. d.
BILL OF EXCHANGE OR NOTE payable on demand or at sight; or any cheque drawn on any Banker payable either to order or to bearer on demand; or any order for the payment of money or for the payment of goods, such payment being in lieu of the payment of money, drawn on any person other than a Banker and payable on demand	0 0 1
<i>Exemption.</i>	
Any order for the delivery of goods for the use and on behalf of the maker of the order.	
BILL OF EXCHANGE of any other kind whatsoever, and PROMISSORY NOTE of any other kind whatsoever drawn or expressed to be payable, or actually paid or endorsed, or in any manner negotiated within the Colony:	
Where the amount or value of the money for which the same is made or drawn does not exceed £5	0 0 1
Exceeds £5 and does not exceed £25	0 0 3
" £25 " " £50 	0 0 6
" £50 " " £100 	0 1 0
For every additional £50 and also for any fractional part of £50	0 0 6
And see sections 34-42.	
And see NOTARIAL ACT.	
<i>Exemptions.</i>	
(1.) Draft or order drawn by any banker in Western Australia upon any other banker in Western Australia not payable to bearer or order, and used solely for the purpose of settling or clearing any account between such bankers.	
(2.) Letter written by a banker in Western Australia to any other banker in Western Australia directing the payment of any sum of money, the same not being payable to bearer or to order, and such letter not being sent or delivered to the person to whom payment is to be made or to any person on his behalf.	
(3.) Letter of credit granted in Western Australia authorising drafts to be drawn out of Western Australia payable in Western Australia.	
BILL OF LADING of or for any goods, merchandise, or effects to be exported	0 1 0
Receipt of the master or mate taken in lieu of the bill of lading	0 0 6
Bill of lading coastwise	0 0 6
Receipt of master or mate coastwise in lieu of bill of lading:	
If over half a ton weight or measurement	0 0 3
If under half a ton weight or measurement	0 0 1
	BILL

The Stamp Act, 1882.

NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.
	£ s. d.
BILL OF SALE—	
Absolute. <i>See</i> CONVEYANCE ON SALE.	
By way of security. <i>See</i> MORTGAGE, &c.	
And <i>see</i> section 44.	
BOND FOR ADMINISTRATION of estate of a deceased person	0 10 0
<i>Exemption.</i>	
Bond given by any person where the estate to be administered does not exceed £100 in value.	
CHEQUE OR ORDER payable on demand	0 0 1
<i>Exemptions.</i>	
Treasury Cheques marked "On Public Service, only."	
<i>See</i> section 34, and BILL OF EXCHANGE.	
CONVEYANCE OR TRANSFER on sale of any real estate in lieu of any other duty on such transfer howsoever otherwise imposed, or any Bill of Sale purporting to absolutely transfer any personal property without any proviso providing for the re-transfer of such property to the maker ...	
LAND TRANSFER. —Under "The Transfer of Land Act, 1874," and any Acts amending the same	
(1.) In the case of a consent to an application lodged on and after the commencement of this Act, whereby the consenting party relinquishes any estate or interest for valuable consideration	For every £5 and also for any fractional part of £5 of the amount or value of the consideration, 6d.
(2.) In the case of an application to bring land under the Act by any person who has purchased such land without having paid the duty in respect of a conveyance or transfer thereof to him	
(3.) In the case of a transfer of land on a sale thereof which transfer has been executed after the first day of November, 1881	
CONVEYANCE OR TRANSFER of any kind not herein-before described	0 10 0
<i>See</i> section 52.	
COUNTERPART. <i>See</i> section 25.	
COUPON OR WARRANT for interest attached to or issued with any security, when presented for payment	0 0 1
<i>See</i> section 71.	
CUSTOMS FORMS—	
For every perfect printed form contained in Schedules D, F, I, J, O, P, Q, to "The Customs Ordinance, 1860"	0 0 1
For every perfect form contained in Schedule D to the same Ordinance, when the goods are entered duty free	0 0 2
In every case when any of the above forms are issued in sets of more than one, only one form shall bear the stamp.	
DEED	

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NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.		
	£	s.	d.
DEED of any kind whatever, not otherwise charged with duty	0	10	0
<i>Exemptions.</i>			
(1.) Grants of the fee simple or other less estate in lands from Her Majesty.			
(2.) Conveyances, transfers, surrenders, or leases of the fee simple or other less estate in land to Her Majesty or for her use.			
DRAFT. See section 34.			
DUPLICATE. See section 25.			
GUARANTEE of any kind	0	2	6
HYPOTHECATION OF BILLS OF LADING, Letters of, or Agreement by way of	0	2	6
LEASE—			
Any lease made in perpetuity, or for a term of years, or for a period determinable with one or more lives, or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent	A stamp equal in amount to the transfer duty payable on the sale of land for a sum equal to the amount of the consideration.		
A lease of any lands or tenements at a rent without any payment of any sum of money by way of fine or premium:—	When the lease is for a period not exceeding one year.	When the lease is for a period exceeding one year and not exceeding three years.	When the lease is for a period exceeding three years.
When the rent, calculated for a whole year, shall not exceed in value £5	£ 0 0 3	£ 0 0 6	£ 0 0 9
Above £5 and not exceeding £10	0 0 6	0 1 0	0 1 6
" £10 " £15	0 0 9	0 1 6	0 2 3
" £15 " £20	0 1 0	0 2 0	0 3 0
" £20 " £25	0 1 3	0 2 6	0 3 9
" £25 " £50	0 2 6	0 5 0	0 7 6
" £50 " £75	0 3 9	0 7 6	0 11 3
" £75 " £100	0 5 0	0 10 0	0 15 0
" £100—for every further sum of £50, and also for any fractional part of £50 thereof	0 2 6	0 5 0	0 7 6
Lease of any lands or tenements at a rent for an indefinite term, and without any payment of any sum of money by way of fine or premium	The same stamp as a lease at a like rent for a period exceeding one year.		
Lease of any lands or tenements stipulating for a rent granted in consideration of a fine or premium	A stamp equal to the joint value of the transfer duty payable on a conveyance in consideration of the fine and a lease for the rent.		

Lease

The Stamp Act, 1882.

NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.
	£ s. d.
Lease of any other kind whatsoever not hereinbefore described	0 10 0
<i>Exemptions.</i>	
All leases or agreements for leases to or for the use of Her Majesty, or from Her Majesty under the ordinary Crown Land Regulations.	
And see sections 53-55.	
Transfer or assignment of a lease of any lands	...
<i>Exemption.</i>	
Transfer or assignment of any lease of land issued under the Crown Land Regulations, in any case in which the amount or value of the consideration for such transfer or assignment does not exceed £100.	
See Section 45.	
LETTER OF ALLOTMENT or any other document having the effect of a letter of allotment:	
(1.) Of any share of any company or proposed company	
(2.) In respect of any loan raised or proposed to be raised by any company or proposed company, or by any municipal body or corporation	
(3.) Issued or delivered in Western Australia of any share of any foreign company, or in respect of any loan raised or proposed to be raised by or on behalf of any foreign municipal body, corporation, or company	0 0 1
AND SHARE CERTIFICATES, SCRIP, or other document:	
(1.) Entitling any person to become the proprietor of any share of any company or proposed company	
(2.) Issued or delivered in Western Australia, and entitling any person to become the proprietor of any share of any foreign company or proposed company	
(3.) Denoting or intended to denote the right of any person as a subscriber in respect of any loan raised or proposed to be raised by any company or proposed company, or by any municipal body or corporation	0 0 1
(4.) Issued or delivered in Western Australia, and denoting or intended to denote the right of any person as a subscriber in respect of any loan raised or proposed to be raised by or on behalf of any foreign municipal body, corporation, or company	
And every transfer of any such document	
And see sections 56 and 58.	LIEY

For every £5 and also for any fractional part of £5 of the amount or value of the consideration over £100, 6d.

The Stamp Act, 1882.

NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.		
	£	s.	d.
LIEN ON WOOL, for every £100 of the consideration or fractional part thereof	0	1	0
MORTGAGE, BOND, DEBENTURE, COVENANT, WARRANT OF ATTORNEY to confess and enter up judgment and FOREIGN SECURITY of any kind:			
(1.) Being the only or principal or primary security for the payment or repayment of money—			
Not exceeding £50	0	1	3
Exceeding £50 and not exceeding £100	0	2	6
" £100 " " £150	0	3	9
" £150 " " £200	0	5	0
" £200 " " £250	0	6	3
" £250 " " £300	0	7	6
" £300: for every £100 and also for any fractional part of £100 of such amount	0	2	6

And see BOND.

- (2.) TRANSFER OR ASSIGNMENT of any mortgage, bond, debenture, covenant, or foreign security, 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 £100 and also for any fractional part of £100 of the amount transferred as aforesaid 0 1 0
- And also where any further money is added to the money already secured { The same duty as a principal security for such further money.

Exemption from (1) and (2).

Every 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.

- (3.) RECONVEYANCE, RELEASE, CERTIFICATE OF SATISFACTION, OR DISCHARGE of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured:
- For every £100, and also for any fractional part of £100, of the total amount or value of the money at any time secured 0 1 0

- (4.) Provided that where there is more than one instrument for securing any sum of money the reconveyance, release, certificate of satisfaction or discharge of the principal or primary security shall

The Stamp Act, 1882.

NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.	
	£ s. d.	
shall only be charged with <i>ad valorem</i> duty, and the release of the collateral or additional security shall be charged with a duty of 1s. only.		
(5.) Provided also, that where by any reconveyance, release, certificate of satisfaction or discharge a part only of the money secured is released, the duty shall be payable only in respect of the amount so released.		
(6.) RECEIPT OR DISCHARGE given on the repayment of money secured by bill of sale of personal chattels	0	1 0
<i>Exemption.</i>		
Any instrument whereby any part of the property comprised in any security as aforesaid is released, the whole of the money still remaining secured.		
And see sections 57-65.		
NOTARIAL ACT of any kind whatsoever (except a protest of or noting a Bill of Exchange)	0	2 6
Noting Bill of Exchange... ..	0	1 0
Protesting Bill of Exchange	0	1 0
See section 66.		
POLICY OF INSURANCE of any vessel or of any goods or property on board, or upon the freight of any vessel, or upon any other interest relating thereto, or upon any voyage :—		
	If executed singly.	If executed in duplicate, each
	£ s. d.	£ s. d.
For every sum of £50 or part thereof ...	0 0 6	0 0 3
Every renewal or receipt by way of renewal of such policy originally issued for the term of one year.	(The same duty as the original policy.)	
And see sections 67-69.		
POLICY OF ASSURANCE OR INSURANCE by whatever name called and whether issued in or out of this Colony, whereby any sum of money is contracted to be paid upon loss or damage by fire where such sum insured to be paid does not exceed £100	0	0 6
For every £100 and every part thereof exceeding £100 so insured, additional	0	0 6
Every renewal of such policy originally issued for the term of a year	0	0 1
<i>Exemption.</i>		
Policy of Insurance on Life.		
		POWER

The Stamp Act, 1882.

NATURE OF INSTRUMENT.	STAMP DUTY PAYABLE.
	£ s. d.
POWER OF ATTORNEY, or other instrument in the nature thereof:	
(1.) For the receipt of the dividend on any stock or shares: Where made for the receipt of one payment only	0 1 0
In any other case	0 5 0
(2.) For the receipt of any sum of money, or any bill of exchange, or promissory note for any sum of money not exceeding £50, or any periodical payments not exceeding the annual sum of £10 (not being dividends on stock or shares) ...	0 5 0
(3.) Of any kind whatsoever, not hereinbefore described	0 10 0

Exemption.

Any instrument for the sole purpose of appointing or authorising any one person to vote as a proxy at any meeting at which votes may be given by proxy.

PROMISSORY NOTE. *See* section 35.

PROTEST. *See* NOTARIAL ACT.

And *see* section 66.

RECEIPT given for, or upon the payment of, money amounting to £2 or upwards	0 0 1
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Exemptions.

- (1.) Receipt given for any 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 for payment.
- (3.) Receipt given for the payment of any money to or for the use of or from Her Majesty.
- (4.) Receipt given by the collector for any municipality or road board for any sum paid by way of assessment or fees for licenses.
- (5.) Receipt written upon a bill of exchange or promissory note duly stamped.
- (6.) Receipt endorsed or otherwise written upon or contained in any instrument liable to stamp duty and duly stamped, acknowledging the receipt of the consideration money therein expressed or the receipt of any principal money, interest, or annuity thereby secured or therein mentioned.

(7.)

The Stamp Act, 1882.

- (7.) Receipts for sums paid upon Post Office Money Orders.
 (8.) Receipt given by any registered Friendly Society for any money paid to such society by any of its members.
 And see sections 70-73.

General Exemption from all Stamp Duties.

WILLS AND TESTAMENTARY WRITINGS.

Schedule B (Section 31).

BANKER'S LICENSE TO ISSUE PROMISSORY NOTES.

Under and by virtue of the provisions of "The Stamp Act, 1882," I do hereby license A.B., of _____, Western Australia, (or, and C.D., of _____, Western Australia,) (*if more than two set out names and addresses fully*) Banker (or Bankers, or the Company or Co-partnership carrying on the business of Bankers, at _____ Western Australia aforesaid, under the style or firm of _____) to issue any bank note for the payment of any sum not less than One pound and payable on demand, without affixing thereto the stamp provided by "The Stamp Act, 1882," to be affixed to any promissory note.

Colonial Treasurer.