



SECOND SUPPLEMENT

TO THE

VICTORIA

GOVERNMENT GAZETTE

OF FRIDAY DECEMBER 12, 1879,

Published by Authority.

No. 122.]

WEDNESDAY, DECEMBER 17.

[1879.

ACTS OF PARLIAMENT.

PROCLAMATION

By His Excellency The Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

I, THE Governor of Victoria, do hereby declare that I have this day assented, in Her Majesty's name, to the Bills passed by the Parliament of Victoria, the titles whereof are hereinafter set forth, that is to say:—

An Act for granting certain Stamp Duties and to provide for the management and collection thereof.

An Act for granting to Her Majesty certain Duties of Customs, for repealing and altering certain other Duties, and for other purposes.

Given under my Hand and the Seal of the Colony, at Melbourne, this seventeenth day of December, in the year of our Lord One thousand eight hundred and seventy-nine, and in the forty-third year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,
GRAHAM BERRY,
Chief Secretary.

GOD SAVE THE QUEEN!

THE STAMP DUTIES ACT 1879.

THE subjoined schedule to *The Stamp Duties Act 1879* is published for general information.

GRAHAM BERRY,
Chief Secretary.

Chief Secretary's Office,
Melbourne, 17th December 1879.

FIRST SCHEDULE.

On and after the eighteenth day of December One thousand eight hundred and seventy-nine there shall be charged and paid for the use of Her Majesty her heirs and successors upon and for

No. 122.—DECEMBER 17, 1879.—1.

the several instruments hereinafter specified the several stamp duties hereinafter specified:—

I. BILLS OF EXCHANGE AND PROMISSORY NOTES— £ s. d.

Bill of Exchange payable on demand (*cheque*, &c.) 0 0 1

BILLS 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 endorsed or in any manner negotiated in Victoria:

Where the amount or value of the money for which the bill or note is drawn does not exceed £25	0 0 6
Exceeds £25 and does not exceed £50	0 1 0
Exceeds £50 and does not exceed £75	0 1 6
Exceeds £75 and does not exceed £100	0 2 0
Exceeds £100, then for every £50 of the amount or value, and also for any fractional part of £50 of such amount or value	0 1 0

Provided that the maximum duty chargeable on any Bill of Exchange or Promissory Note, whatever be its amount or value, shall be £10.

Exemptions—

- (1.) Draft or order drawn by any banker in Victoria upon any other banker in Victoria not payable to bearer or to order, and used solely for the purpose of settling or clearing any account between such bankers.
- (2.) Letter written by a banker in Victoria to any other banker in Victoria 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 Victoria authorizing drafts to be drawn out of Victoria payable in Victoria.
- (4.) Cheque drawn by any public officer on any Public, Government, or Departmental Account.
- (5.) Draft or instrument effecting the transmission of money by to or on behalf of Her Majesty or any Public Department.
- (6.) Draft, order, or demand for money in any Post-office or other Savings Bank established in pursuance of any Act.
- (7.) Cheque drawn by any officer of any Charitable Institution, or of any registered Building or Friendly Society on the banking account of any such institution or society.
- (8.) Any Government or Municipal debenture.

II. RECEIPT or DISCHARGE given for or upon payment of money amounting to £5 or upwards ... £ s. d. 0 0 1

Exemptions—

- (1.) Every instrument for effecting the payment of money or for acknowledging any payment or receipt by to or on behalf of Her Majesty or any Public Department, or any payment for Municipal Rates.
- (2.) Receipt indorsed upon any instrument duly stamped under this Act acknowledging the receipt of the consideration money therein expressed.
- (3.) Receipt for money deposited in any bank in current account and not as a fixed deposit for any period.
- (4.) Receipt for money paid into any Charitable Institution or into any registered Building or Friendly Society or into any Fire Life Fidelity Guarantee or Marine Insurance or Assurance Company or into any Post-office or other Savings Bank established in pursuance of any Act.

III. (A).—CONVEYANCE OR TRANSFER ON SALE OF ANY REAL PROPERTY—

For every £50 beyond the sum of £50 and also for any fractional part of £50 over the first or any other £50 of the amount or value of the consideration for the sale ... 0 5 0

Exemptions—

- (1.) Any grant from the Crown of Crown lands in Victoria.
- (2.) Every instrument for the conveyance of any property or any interest therein to Her Majesty or to the Board of Land and Works or to any Public Department or to any person on behalf of any of the same.
- (3.) Any instrument dedicating a free and perpetual right of way to the use of the public and not containing any provision by which such instrument could otherwise become liable to duty.
- (4.) Any marriage settlement, any conveyance of property to or in trust for any registered Friendly Society and any corporation or body of persons associated for religious charitable or educational purposes, and any instrument for declaring or defining the trust or for appointing new trustees in respect of the property so conveyed.

III. (B).—LAND TRANSFER—Under "The Transfer of Land Statute" and any Acts amending the same—

- (1.) In the matter of an application to bring land under the Statute lodged on and after the 18th December 1879 upon every direction for the certificate of title to issue to any person other than the applicant on a sale of the land mentioned or referred to in any such direction ...
- (2.) Upon every consent to an application lodged on and after the 18th December 1879 whereby the consenting party relinquishes any estate or interest for valuable consideration ... For every £50 beyond the sum of £50, and also for any fractional part of £50 over the first or any other £50 of the amount or value of the consideration for the sale, a stamp duty of 5s.
- (3.) Upon every 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 unless such conveyance or transfer thereof to him has been actually executed before the 18th December 1879 ...
- (4.) Upon every transfer of land on a sale thereof which transfer has been lodged on and after 18th December 1879 ...

Exemptions—

The same exemptions as on conveyance or transfer on sale of any real property.

IV. ANNUAL LICENSE—

To be taken out by any company person or firm of persons whether corporate or unincorporate who carry on in Victoria any Fire Fidelity Guarantee or Marine Assurance or Insurance business whatever, and whether the head office or principal place of business of such company person or firm of persons is in Victoria or elsewhere

30s. for every £100 or part of £100 of premiums of any kind whatsoever received or in any manner charged in account by any such company person or firm or by his or their agents during the twelve months preceding the year for which such license may be taken out. Such premiums shall be the gross premiums and be counted so as to include any commission or discount, but to exclude any portion of such gross premiums actually paid away by way of re-insurance effected in Victoria with any other such company person or firm, and the duty in respect of any one license shall not in any case be less than £50.

Exemptions—

- (1.) Any private guarantee fidelity insurance scheme promoted amongst and sustained solely for the benefit of the officers and servants of any one particular public department company firm or person, and not extended either directly or indirectly beyond such officers and servants; or
- (2.) Any such scheme promoted amongst and sustained solely for the benefit of the officers and members of any registered friendly society or branch, and not extended either directly or indirectly beyond such officers and members.

REGULATIONS UNDER "THE STAMP DUTIES ACT 1879."

WHEREAS by *The Stamp Duties Act 1879*, No. 645, power is given to the Governor in Council from time to time to make regulations respecting the allowance to be made for spoiled duty stamps, and as to the manner in which the opinion of the Comptroller of Stamps may be obtained as to whether any instrument is chargeable with duty, or as to what duty is chargeable on any instrument: Now therefore His Excellency the Governor, by and with the advice of the Executive Council, in pursuance of such powers, doth hereby make the following Regulations:—

REGULATIONS RESPECTING ALLOWANCES FOR SPOILED DUTY STAMPS UNDER "THE STAMP DUTIES ACT 1879."

1. All applications for the allowance of spoiled stamps must be lodged at the General Post Office, Melbourne, accompanied by an affidavit duly sworn according to the form A in the Appendix hereto, and a receipt for such stamps will be given by the stamp clerk in the form B in the said Appendix.

2. Every receipt for spoiled stamps must be presented within one calendar month from the date thereof, at the General Post Office, Melbourne, or the stamps left for allowance will be forfeited.

3. If, after examination of such stamps, the application for allowance is granted, either impressed or adhesive stamps (or money in the discretion of the Postmaster-General), but not a portion of each, will be issued in exchange to the person entitled thereto to the amount so allowed; after deducting therefrom commission at the rate of 2½ per cent.; and such person will thereupon receive an allowance ticket, in the form C in the Appendix hereto, stating the amount (and whether in stamps or money) which he is entitled to receive; and such allowance ticket must be presented at the office within one calendar month from the date thereof or such allowance ticket will be of no avail.

4. All spoiled stamps (if not allowed) will be marked with the word "Disallowed," and the date when so disallowed, and, together with the parchment or paper on which the same are affixed or impressed, will be returned to the person leaving the same for allowance; but the receipt given at the time of the same being left for allowance must be given up to the stamp clerk.

APPENDIX.

Form A.

Affidavit or Affirmation to be made to obtain allowance of Spoiled Stamps.

In the matter of the application of _____ for allowance of spoiled stamps.

Deponent must state here his name, address, and description.

Where affirmation made, this form can be altered.

of _____ mak _____ oath and sa _____ that the several duty stamps hereinafter specified and described, that is to say:—

Number of Stamps.	Value of Each.			Description of Instrument.	Total Value.	
	£	s.	d.		£	d.

are the property of the deponent _____ and were purchased by _____ or for _____ use, and that _____ paid or now stand indebted for and _____ really and truly liable to pay the full amount or value thereof.

Here state cause for rendering the stamps spoiled.

Note.—This form is to be filled up so as to suit the circumstances affecting each particular case, and in terms of the regulations.

Parchment or paper not written upon. And with regard to such of the skins, sheets, or pieces of parchment or paper on which the said stamps are affixed or impressed as are not written upon, the deponent sa that the same have been inadvertently and undesignedly spoiled and rendered unfit for use within the six months now last past.

Instruments executed. And with regard to bearing date the and which appears to have been signed by (the duplicate or instrument in lieu of which is now produced and exhibited) the deponent sa that the same was spoiled in consequence of and that since the same was so signed no addition or other alteration whatever has been made therein or thereto, but that the same is now in the same state and condition as when the same was so signed, and that the same was *bona fide* prepared and signed for the purpose of carrying into effect the transaction appearing upon the face thereof between the parties, and upon the terms and conditions therein set forth, and that the same was so signed within six calendar months preceding the date hereof, and that no action has been brought or suit commenced in which the instrument could or would have been given or offered in evidence. And with regard to such other of the skins, sheets, or pieces of parchment or paper on which the said stamps are affixed or impressed as are written upon, the deponent sa that the same have been inadvertently and undesignedly spoiled, or have become useless within the six months now last past, and that the writing on any of the said skins, sheets, or pieces of parchment or paper hath not been signed by any party, or otherwise completed as a legal instrument, and hath not had any operation or effect whatsoever. And with regard to the several bills of exchange and promissory notes written on the paper whereon the said stamps are affixed or impressed, the same have been inadvertently obliterated or spoiled, or are unfit for the purpose intended, by reason of a mistake therein (or of their being written on wrong stamps, or are become useless through accidental or unforeseen circumstances), and that, although the said bills of exchange and promissory notes are signed by or on behalf of the deponent [affirmant] as the drawer thereof, the same or any of them have not been delivered out of hands to the payees therein named, or any person on behalf, nor been deposited with any person as a security for the payment of money, nor been in any way negotiated, issued, or put in circulation, nor been made use of in any other manner whatsoever, and that the said bills of exchange have not been accepted by the drawees, or tendered for such acceptance; or and with regard to the several bills of exchange and promissory notes (the duplicates or instruments in lieu of which are now produced and exhibited) written on the paper whereon the said stamps are affixed or impressed, although the said bills of exchange have been signed by or on behalf of the drawer thereof, and have been presented for acceptance, or have been accepted and endorsed, and the said promissory notes have been signed by or on behalf of the drawer, and have been delivered to the payee, the said bills of exchange and promissory notes, and the stamps thereon, are useless, on account of (omission or error); and that such of the said bills and notes as are not dated were signed within the period of six calendar months preceding the date hereof.

E.g. And the deponent further sa that ha not in any way been reimbursed or paid the value of the said duty stamps, or any part thereof, by any other person or persons, and that, if the value shall be allowed by the Postmaster-General, he will not ask or receive any compensation for the same, or any part thereof, from any other person or persons, or charge the same, or any part thereof, in account or otherwise, to any other person or persons, either generally or particularly, so as to be again paid or compensated for the same, or any part thereof, directly or indirectly, in any manner whatsoever, and that the application made by for an allowance for the value of the said stamps is without any fraudulent intention or collusion whatever.

Sworn at this day of 18, before

Form B.

Folio

Receipt for Spoiled Stamps.

Stamp Office,

18

I certify that of has this day deposited at this office the stamp particularized below for allowance, accompanied with an affidavit duly sworn setting forth how the same w rendered useless.

Stamp Clerk.

The stamp clerk must particularize at the foot of this receipt the number and denomination of stamps left for allowance on application for an allowance ticket.

If the allowance is granted, the party who holds this receipt must particularize on the back hereof the number and denomination of stamps, or amount in cash, he wishes to obtain; this receipt must be exchanged for an allowance ticket, entitling the party holding the same to obtain stamps of the same or any other denomination or money amounting in the whole to the like value (after deducting therefrom commission at the rate of 2½ per cent.) as those left for allowance within one calendar month from the above date, or the stamp or stamps will be forfeited.

This receipt is not transferable.

Form C.

Folio

No.

Allowance Ticket.

Name of party making affidavit for allowance of spoiled stamps. A. B., of colony of Victoria, is entitled to obtain from the Postmaster-General the number and denomination of stamps, or the amount in cash particularized below, within one month from this date.

Dated this day of 18

For the Postmaster-General,

Comptroller of Stamps.

The Comptroller of Stamps must particularize at the foot of the allowance ticket the number and denomination of stamps, or the amount in cash which are or is to be given to the holder of the allowance ticket.

The party who holds this ticket must particularize on the back hereof the number and denomination of stamps left for allowance, and must produce this ticket to the Postmaster-General, and leave the same, together with the instrument substituted for the one (if any) on which the spoiled stamps were (where such substituted instrument is required by the *Stamp Duties Act 1879* to be produced) to have the stamp or stamps affixed or impressed thereon, or otherwise must produce his ticket to the Postmaster-General, and leave the same in exchange for the stamps or money which he is authorized to receive at the Stamp Office, within the period of one calendar month from the date hereof, or this ticket will be of no avail.

This ticket is not transferable.

REGULATIONS RESPECTING THE MANNER IN WHICH THE OPINION OF THE COMPTROLLER OF STAMPS MAY BE OBTAINED AS TO WHETHER ANY INSTRUMENT IS CHARGEABLE WITH DUTY, OR AS TO WHAT DUTY IS CHARGEABLE ON ANY INSTRUMENT.

1. Any person who is a party to, or who has a direct monetary interest in, or who is solicitor, attorney, or duly appointed agent to some person being a party to or having direct monetary interest in any instrument, and who may be in doubt as to whether such instrument is chargeable with duty, or as to what amount of duty is chargeable thereon, may proceed to obtain and the Comptroller of Stamps shall give his opinion thereon in the manner and subject to the Regulations hereinafter contained.

2. Any such person wishing to obtain the opinion of the Comptroller of Stamps as to whether any duty is chargeable, or as to the amount of duty chargeable on any instrument, shall make application in the form following, and shall forward such application by post, together with the instrument in respect of which the application is made (and if the duty with which such instrument is chargeable depends in any manner upon the duty paid upon another instrument, then together with such other instrument); in an envelope or wrapper addressed to the Comptroller of Stamps, General Post Office, Melbourne:—

Form of application for opinion of Comptroller of Stamps.

(1) Christian and surname and address in full of applicant. I (1) of am desirous of ascertaining from the Comptroller of Stamps (2) on the instrument hereinafter described (3) which instrument (4)

(2) the amount of duty chargeable or whether any, and, if any, what amount of duty is chargeable.

(3) to or in.

(4) I am a party and have a direct monetary interest, or I have a direct monetary interest, or (course of interest) for whom I am acting as his duly appointed (agent, solicitor, or attorney), is a party, or has a direct monetary interest.

(5) Applicant's name. (Signed) (5)

Description of Instrument.

Nature of Instrument.	Date.	Date when due, if any.	Names of Parties.	Consideration Money or Amount.

If duty depends in any manner upon duty paid upon another instrument, insert description of such other instrument.

3. The Comptroller of Stamps shall, as soon as conveniently may be after receiving such an application in proper form, proceed to consider the same, and shall return an answer containing a statement of his opinion as to whether the instrument respecting which the application is made is chargeable or not with duty, or as to the amount of duty (and penalty if any) chargeable on such instrument as the case may be.

4. The Comptroller of Stamps, in case any such instrument in respect of which such an application is made shall not in his opinion be chargeable with any duty, cause to be placed thereon a particular stamp denoting that such instrument is not chargeable with any duty, and such instrument shall thereupon be returned to the person making such application: Or in case any such instrument in respect of which such application is made shall in his opinion be chargeable with any duty, or with any duty and penalty, then the Comptroller of Stamps shall, on receipt, within one calendar month of the date of his answer declaring the same to the person making the application, of a

sum of money from such person, equal to the duty, or duty and penalty, chargeable on such instrument, cause to be placed thereon duty stamps to such amount together with a particular stamp denoting that such instrument is duly stamped; and in case one calendar month shall elapse from the date of such answer of the Comptroller of Stamps to the person making such application without the Comptroller of Stamps receiving from such person a sum of money sufficient to pay the duty, or duty and penalty as the case may be, chargeable on such instrument, or in case before the expiration of such period of one calendar month he be requested by the person making the application so to do, the Comptroller of Stamps shall return such instrument unstamped.

5. When any duty stamps are affixed to any such instrument of any particular stamps denoting that such instrument is duly stamped, or that such instrument is not chargeable with any duty, the Comptroller of Stamps shall cause such stamps to be so effectually cancelled that they may be rendered incapable of being used for any other instrument.

6. The Comptroller of Stamps shall cause to be kept a register which shall contain the following particulars:—

The names of all persons making application to him to obtain his opinion as to whether any instrument is chargeable or not with duty, or as to the amount of duty chargeable on an instrument.

The date of such application.

A short description of the instrument, and if the duty chargeable upon such instruments depends in any manner upon another instrument, then a description of such other instrument.

The dates on which the department received and returned the same.

A statement whether any duty, or any duty and penalty, and, if so, what amount, was, in the opinion of the Comptroller of Stamps, chargeable thereon.

A memorandum of the number and amount of duty stamps, and description of the particular stamps affixed thereon, and the date of such affixing, and the name or names of the officers of the department affixing the same.

7. The several duties and powers imposed and conferred on the Comptroller of Stamps by these Regulations (respecting the manner in which the opinion of the Comptroller of Stamps may be obtained as to whether an instrument is chargeable with duty, or as to what duty is chargeable on any instrument) issued by the Governor in Council, shall, so far only as relates to instruments by law directed to be registered, recorded, enrolled, filed, entered, or otherwise dealt with, in or to have stamps thereon cancelled in the Office of Titles or in the office of the Registrar-General, be performed and exercised by the Registrar of Titles or the Registrar-General, as the case may be.

For the purposes of this provision the said Regulations shall be read and construed as if, so far as relates to instruments so directed to be registered, recorded, enrolled, filed, entered, or otherwise dealt with in the Office of Titles, the words "Registrar of Titles" were substituted for the words "Comptroller of Stamps," and as if, so far as relates to instruments to be registered, recorded, enrolled, filed, entered, or otherwise dealt with in the office of the Registrar-General, the words "Registrar-General" were substituted for the words "Comptroller of Stamps."

DISCOUNT OR COMMISSION ALLOWED ON SALE OF DUTY STAMPS.

WHEREAS by *The Stamp Duties Act 1879*, No. 645, power is given to the Governor in Council from time to time to direct upon the sale of duty stamps what discount or commission shall be allowed to the purchasers thereof: Now therefore His Excellency the Governor, by and with the advice of the Executive Council, doth direct that the rate of discount or commission to be allowed to such purchasers shall be as follows:—

Regulations as to rate of discount or commission to be allowed on sale of Duty Stamps by the Post Office and Telegraph Department.

A discount or commission of Sixpence in the One pound (such discount or commission to be paid in duty stamps) shall be allowed by the Post Office and Telegraph Department to—

(1.) Such postmasters as are not exclusively in the employment of the Government on each pound's worth of adhesive duty stamps purchased by them from the General Post Office.

(2.) Such managers of banks or banking corporations as may be appointed distributors of duty stamps by the Postmaster-General upon each whole Five pounds and upwards of duty stamps purchased from the Chief Office for Stamps at Melbourne.

(3.) Such persons, corporations, and companies as may be licensed by the Postmaster-General to vend and deal in duty stamps upon each whole Five pounds' worth and upwards of duty stamps purchased by such persons, corporations, or companies from the Chief Office for Stamps at Melbourne.

(4.) Such persons not being distributors of stamps, or persons licensed to vend and deal in duty stamps, upon each whole five pounds' worth and upwards of duty stamps purchased by such persons from the chief office for stamps at Melbourne.

Provided that no discount or commission shall be allowed by the Post Office and Telegraph Department on any fraction of a pound over and above any integral number of pounds' worth of duty stamps.

Approved by the Governor in Council, the 17th December 1879.

ROB. WADSWORTH,
Clerk of the Executive Council.

SUPREME COURT.—SITTINGS IN BANCO.

28 Vic. No. 274, sec. 77.

THIS Court will, on Saturday the twentieth day of December instant, and on Monday the twenty-second day of December instant, and on the two following days, at the hour of Eleven o'clock in the forenoon upon each of the said days, hold Sittings in Banco, for the purpose of delivering judgment in cases in which judgment has been reserved.

Dated this seventeenth day of December in the year of our Lord One thousand eight hundred and seventy-nine.

By the Court,

(L.S.)

JOHN A. PORTER,
Prothonotary