



BY AUTHORITY.

47° VICTORIÆ, A. D. 1884.

CAP. XIX.

An Act respecting Law Stamps.

Sec.	Sec.
1 Executive Government to take charge of fees, &c.	16 Sale and account of Stamps.
2 Meaning of terms.	17 Discount, when allowed.
3 Stamps prepared under order of Governor in Council.	18 By whom and how Stamps may be sold.
4 Governor in Council may direct design and form of.	19 Duty of vendors; penalty for violation of duty.
5 Purpose and use of Stamps.	20 Allowance for spoiled Stamps, how made.
6 Money for fees not to be paid to Clerk, &c.	21 Acting in proceedings not stamped; penalty for.
7 Effect of not stamping under Act.	22 Penalty for not cancelling.
8 How Stamps shall be affixed in certain cases.	23 Penalties, how recovered; to whom paid; proof of offence.
9 Sheriff, &c. not to execute papers not stamped.	24 Governor in Council to make regulations as to affixing and cancelling, &c.
10 Double stamping.	25 Fees in arrear, to whom and when paid; effect of default.
11 Effect of double stamping.	26 Table of Fees.
12 Proceedings when filed not to be void for want of Stamp.	27 Nisi Prius Record to be stamped, &c.
13 Cancellation of Stamps.	28 Act to come into force by Proclamation.
14 Fees not included in Schedule how paid.	
15 Stamps, by whom and how procured.	

Passed 1st April 1884.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Executive Government of this Province shall take charge of the fees and charges hereinafter mentioned or referred to, together with all fees which heretofore have been collectable by the Clerk of the Pleas and Clerk of the Supreme Court in Equity, and, under the provisions of this Act, shall have the absolute control and management thereof, and the same shall be paid to the Receiver General in the manner herein provided.

2. All the said fees and charges shall throughout this Act be comprised in the word fee or fees, and the word Court shall mean both the Supreme Court Pleas Side, and the Supreme Court in Equity.

3. The Lieutenant Governor may from time to time by Order in Council direct Stamps to be prepared for the purpose of this Act, which Stamps shall be of one kind, but of different denominations, as convenience or the amount of the fees and charges hereinafter referred to may from time to time require.

4. The Lieutenant Governor may by Order in Council direct of what design and form, and of what color and colors the said Stamps, and the different denominations thereof, shall be issued, and from time to time, as he finds or considers expedient, may alter or change the same.

5. The said Stamps shall be used in lieu and in payment of the fees and charges payable upon legal proceedings to the Clerk of the Pleas and the Clerk of the Supreme Court in Equity, and by the said Clerk payable to the Receiver General as part of the public moneys of the Province, under and by virtue of Chapter 119 of the Consolidated Statutes, or any other Act or Acts, or any Ordinance, Order in Council or Proclamation now in force, or which shall be made payable hereafter upon any legal proceedings in the said

Courts by virtue of any Act or Acts of Assembly, or Orders in Council, Order of Court, or Proclamation hereafter made or issued by or under the authority of this Act, or any Act to be hereafter passed.

6. No money shall be paid to or received by the Clerk or any officer of the Court for any such fee.

7. No matter or proceeding whatever in the said Courts upon which any fee is due or payable as aforesaid, shall be issued, or shall be received or acted upon by the Court, or Judge, or by any officer of the Court, until a Stamp or Stamps under this Act for the sum corresponding in amount with the amount of the fee so due or payable as aforesaid for, upon or in respect of such matter or proceeding, and in lieu of such sum so due and payable, has or have been attached to or impressed upon the same.

8. In all cases of examining and authenticating office copies of papers made by the Attorney or Solicitor, in cases when signed and sealed writs, summonses, executions, and other processes are required, and in all other cases when it has not been customary to use in reference to any matter or thing, any written or printed document, whereon the Stamp could be stamped or affixed, the party or his Attorney or Solicitor requiring such examined or authenticated office copy, or requiring such signed and sealed writ or process, or requiring such matter or thing so to be done, shall make application for the same by a short note or memorandum in writing, and a Stamp or Stamps to the amount of the fee so payable shall be stamped or affixed to such note or memorandum. And the production of any such examined or authenticated copy of any paper, writ, summons, execution or other process, matter or proceeding issued out of the Clerk's Office, sealed with the Seal of the Court, or signed by the Clerk according to the practice of the Court, shall be *prima facie* evidence that the note or memorandum in this Section referred to has been filed duly stamped; and such examined or authenticated copy of paper, writ, summons, execution or other process, matter or proceeding, shall be received and acted upon by the Court or by any officer of the Court.

9. No Sheriff or other officer or person shall serve or execute any paper, order or proceeding, (other than a signed and sealed writ) or the copy thereof, upon which any fee or charge is due or payable, the original of which is not duly stamped under this Act.

10. Any party to any matter or proceeding in any Court which ought to be but is not so duly stamped, may, when the question of stamping arises, affix Stamps thereon equal to double the fee required by this Act.

11. The fixing of such additional Stamps shall have the same effect as if the said matter or proceeding had been duly stamped in the first instance.

12. Every paper, matter or proceeding, upon which any such fee is due or payable as aforesaid, and which is not so duly stamped shall, after the same has been filed, received or acted upon, be taken and held to have been duly stamped under the terms of this Act; and nothing in this Act contained shall render invalid or void the service or effect of any writ, summons, process, order or other paper or proceeding, by reason of the same not being duly stamped as required by this Act.

13. In every case in which a Stamp or Stamps has or have under this Act been attached to or impressed upon any matter or proceeding, it shall be the duty of the officer who