

C.S.

INDUSTRIES

(Wool)

1923

No. 881/23

Manager,
Falkland Islands Co.,

SUBJECT.

192 3

Question of Tax on Wool baled
baled before 1st, January, 1924.

19th November

Previous Paper.

120/23

MINUTES.

Letter from Manager P. 9. 80 of 19th Nov 1923 — Encl ①

Hon Treasurer.

In favour of your observations.

*W.H. 13
Di C/Sec
20 Nov 1923*

Hon:Col:Sec;

Under the provisions of S;51 of the Customs Ordinance 1903, the Exporter of any goods has to deliver to the Collector an export Entry, before clearance outward of the exporting vessel, and in accordance with S;10 of the Tariff Ordinance 1900, no vessel shall receive a clearance until such time as the export duties leviabale under S;7, of the same Ordinance has been paid or secured.

2. At the last meeting of the Legislative Council on the 26th instant, a Bill was passed in which the Third Schedule to the Tariff Ordinance No.1 of 1900 was repealed and replaced by a new schedule in which an export tax on Wool was levied, as from the 1st January 1924, at the rate of One Shilling for every 25, lbs, or part thereof.

3. Under the provisions of S: 5 of Ordinance No.1 of

Subsequent Paper.

1900, the Governor in Council has power to remit from time to time, subject to the approval of the Secretary of State, either the whole or a part of the Customs Duties levied on goods imported into the Colony, but no mention is made in either of the two above mentioned Ordinances, as regards remission of any Export Duties.

4. Under the circumstances it seems to me that in the absence of any legislation in the matter that an export tax at the rate of One Shilling for every 25, Lbs, will be leviable on all Wool shipped after the 31st December next from this Colony.

5. If I remember correctly, I suggested in connection with Ordinance No. 4 of 1921, when the question was first raised in regard to refunds of Export Duties, that it might be preferable to amend S;5 of the Tariff Ordinance 1900, and therein make provision for the refund of Export Duties similar to refunds of Customs Import Duties.

Arthur

Colonial Treasurer.

21st November 1923.

M P 628/21

V.E.
Submitted with M. P 628/21.

There seems scarcely sufficient grounds for the G.S. to assume that baled wool awaiting shipment on the 1st January 1924 would not be taxed. Wool awaiting shipment on the 1st January 1919 was not taxed although shown prior to the repeal of the export tax on wool.

GRh. 13
Di/see
23 Nov 1923

Draft paper put up - Copy to Treasurer, please

H.H.H. 25 Nov. 23

Letter to managers F. I. Co., 27/11/23 (2)
Copy sent to Hon. Treasurer, 27/11/23.

Letter from manager F. I. Co
of 30th November 1923 - Enc (3)

V.P. Submitted.
G.M. 17
Oic/Sec
3 Dec 1923

Circulate plan for F. I. Co.

4 December 1923

Hon Treasurer.
Hon Col. Surgeon
Hon M. C. Craigie-Kalhatt

Circulated.
G.M. 17
Oic/Sec
5 Dec 1923

Col: Surgeon
Passed. 8.4.23.
K. Thompson
Dr: 6.12/23

Hon Craigie Kalhatt.

Passed to you please.

J. W. Meane

7/12/23. Colonel Surgeon

Hon. Col. Sec

Noted
M. Traiger Harkness

18. XII. 23

~~Letter to Manager of I. Co. 22/12/23. (4)~~

Extract from minutes of meeting of
Executive Council held on the
19th December 1923

It was agreed that the applicants
should be informed that duty
would require to be paid in
accordance with the law but
that consideration would be
given later to the representations
contained in his letter.

G. L. Brown
Clerk of the Ex. Council.

~~Letter to Manager of I. Co. 22 Dec 1923 (4)~~

V.P.
Submitted

G.L.B.

Dir/Sec

22 Dec 1923

24 Dec. 23

Y.S.
Submitted.

There is some force in the appeal but there appears to be good ground for refusing assent: —

- (1) The wording of the law
- (2) The practice of interpreting revenue laws strictly
- (3) Analogies in customs duties imposed in the U.K. Goods in warehouse subject to new taxation although no notice is given

(4) We know that in the past it has frequently been the practice for part of a clip to be held over from shipment for better prices or other reasons. Without any suggestion of that kind in respect of the lot appealed for there may be other bales in sheds which may be produced and ~~produced~~ ^{produced} claimed at any date if the present application is granted

Stutt 12 May '24

H.C.S.

In view of ^{terms of} Minute of Ex. Co. of 19 Dec 1923
This can go back to Ex. Co. of 30 May 1924

Extract from minutes of meeting of the Executive Council, held on the 9th of July, 1924.

It was agreed that no remission of export duty could be made.

W. H. Wood

Clerk of the Executive Council.
9th July, 1924.

Letter to Manager F. I. Co. 10 July 1924 (5)

Letter from Manager F. I. Co of 14th Aug 1924 - Encl (6)

Statement of Wool baled & ready for shipment - " (6A)

" " " " by Mr. J. E. Boths - " (6B)

" " " " Mr. J. Hansen - " (6C)

" " " " Mr. J. Hansen - " (6D)

" " " " Mr. R. E. Pole Evans - " (6E)

" " " " Mr. T. G. Slaughter - " (6F)

Letter from Mr. S. Miller, jun of
7th August 1924 " (6G)

Y.S.

Submitted.

If any arguments were required to justify the decision of the Executive Council they appear to be contained in the letter and enclosure from the F. I. Co.

A draft reply is submitted for consideration

H.C.S. Agree: letter to go on.

H.C.S.

21 August 1924

Letter to Manager F. I. Co. 23 Aug. 1924 (7)

Letter from Manager F. I. Co.
of 26 August 1924 — Encl (8)

Y.S.

submitted

It will be sufficient to
acknowledge the letter?

~~with~~ 30 Aug 24
M.
31 August 1924

Letter to the Manager F. I. Co. 2nd Sept
1924 (9)

The FALKLAND ISLANDS COMPANY, LIMITED.

STANLEY. 19th November, 1923.

①

Sir,

With reference to the Export Tax which comes into force on the 1st January next, I assume that it is the intention to commence taxing wool which is the result of the coming shearing, and that it is not proposed that wool baled up beforehand, and which is awaiting shipment, should be liable to duty.

2. I shall be obliged if you will inform me whether my view is correct, and, if so, whether the Collector will accept Declarations made by us on behalf of our clients, as to the number of bales pertaining to last season's working.

I am,

Sir,

Your obedient servant,

W. R. Gresham

Manager.

The Honourable

The COLONIAL SECRETARY.

STANLEY.

2.

881/23.

27th November,

23

Sir,

I am directed by the Acting Governor to acknowledge the receipt of your letter of the 24th instant relative to the export tax on wool exported from the Colony.

2. I am to inform you in reply that it was the intention of the Legislature that the tax should be on the wool exported, and not on the wool shorn, in each year. The amount of the tax was based on the average exports over a number of years and His Excellency is not aware of any grounds for a remission of any part of the tax.

3. It is assumed that a portion of the wool baled during 1924 will not be exported in that year and will not be taxed until the following year. The Acting Governor is informed that wool awaiting shipment on the 1st of January, 1919, was not taxed although shorn and baled prior to the repeal of the Schedule to the Tariff Ordinance which imposed a tax on wool exported.

I am, Sir,

Your obedient servant,

The Manager,

Falkland Islands Co., Ltd.,

Stanley.

G. R. L. Brown.

for Colonial Secretary.

The Falkland Islands Company, Limited,
Stanley,

30th November, 1923.

881/23.

Sir,

I beg to acknowledge the receipt of your letter of the 27th instant and shall be obliged if His Excellency the Acting Governor will give further consideration to the view contained in mine of the 19th instant, viz; that wool baled and ready for shipment prior to this season's shearing should be exempted from Export Tax.

2. With reference to para. 2 of your letter it is quite understood that it was the intention of the Legislature to tax the wool exported every year, and not the amount shorn annually. I would submit, however, that as the Government have received the full Land Tax for the year 1923 the Export Tax should come into force commencing with this season's clip, otherwise tax is virtually paid twice on wool which it has not been found possible to ship this year.

3. Whilst it is agreed that a few bales of wool shorn in 1924 may be shipped the following year, this cannot effect next year's revenue to any appreciable extent and I contend that the instance given in your concluding paragraph cannot be considered as a parallel case with that under consideration. The Land Tax imposed in 1919 more than doubled the then existing Export Tax and therefore ample provision was made for taxation on wool awaiting shipment prior to the repeal of the Schedule to the Tariff Ordinance..

4. In conclusion I may say that my letter of the 19th

The Honourable
The Colonial Secretary,
Stanley.

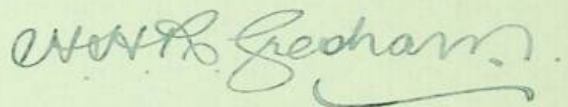
instant was written on behalf of our clients, Messrs Holmsted, Blake & Co, Ltd, and the owners of Pebble Island who have 26 and 14 bales of wool respectively still awaiting shipment.

In view of the foregoing I therefore ask that His Excellency will reconsider the question from the point of view that the two stations mentioned should not be taxed twice owing to their being unable to get their wool away by the last opportunity.

I am,

Sir,

Your obedient servant,

A handwritten signature in cursive script, appearing to read "W. R. Graham". The signature is written in dark ink and is positioned above the typed name "Manager".

Manager.

(4)

881/23.

22nd December, 23.

Sir,

I am directed by the Acting Governor to acknowledge the receipt of your letter of the 30th of November relating to the payment of export duty on wool awaiting shipment on the 1st of January, 1924, and to inform you that in accordance with the law, duty will require to be paid on all wool shipped after that date. Consideration will, however, be given later to the representations contained in your letter, and in the event of a decision being given in favour of exempting from duty wool ready for shipment prior to this season's shearing, a refund of the duty paid in respect of such shipments will be made.

I am,

Sir,

Your obedient servant,

G. R. L. Brown.

for Colonial Secretary.

The Manager,
Falkland Islands Company, Limited,
Stanley.

5

881/23.

10th July, 24.

Sir,

In continuation of the letter from this office, dated the 22nd of December, 1923, relating to your representations regarding the taxation, under Ordinance No. 5 of 1923, of wool baled and awaiting shipment on the 1st of January, 1924, I am directed by the Governor to inform you that the matter has now received full consideration, and that it is regretted that no remission of export duty can be made.

I am,

Sir,

Your obedient servant,

H. Henniker-Heaton,

Colonial Secretary.

The Manager

The Falkland Islands Company, Ltd.,

Stanley.

(6)

The Falkland Islands Company, Limited.

Stanley. 14th August, 1924.

No. 331/23.

Sir,

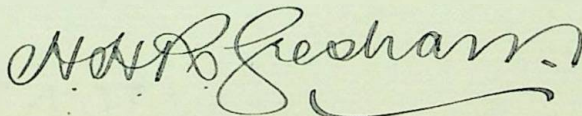
At the request of the farmers mentioned in the accompanying statement I again beg to refer you to my letter of the 30th November last, with reference to a refund of Export Duty being made to them, in respect of wool ready for shipment prior to the 1922/3 Shearing.

2. Full particulars of amounts of wool so awaiting shipment have only just reached me, and, in forwarding these, I have the honour to make a further appeal to His Excellency the Governor to reconsider the decision conveyed in your letter of the 10th ultimo.

I am,

Sir,

Your obedient servant,



Manager.

The Honourable

The Colonial Secretary.

STANLEY.

6A

Statement of wool baled and ready for shipment prior to
the 1923 Shearing.

<u>Station.</u>	<u>Amount of wool.</u>	<u>Duty.</u>
Carcass Island.	13,234 lbs.	£36.10. 0.
Falkland Islands Co.	10,672 lbs.	21. 7. 0.
Holmsted Blake & Co.	1,369 lbs.	3.15. 0.
J.L.Waldron,Ltd.	2,323.lbs	4.14. 0.
Pebble Island.	9,956 lbs.	19.19. 0.
	<hr/>	<hr/>
	<u>43,059 lbs.</u>	<u>£36. 5. 0.</u>

Pelicle Island.

6B

I HEREBY CERTIFY THAT THE WOOL AS STATED BELOW WAS BALED UP AND READY FOR SHIPMENT FROM MY STATION PREVIOUS TO THE COMMENCEMENT OF THE 1923/4 SHEARING AND THEREFORE REQUEST THAT EXPORT DUTY ON SAME MAY BE REFUNDED.

<u>Mark.</u>	<u>No. of bales.</u>	<u>Nett pounds.</u>
J. H. D.	15	636.
☒	16	655.
	17	556.
	18	669.
	19	701.
	20	720.
	21	697.
	22	708.
	23	629.
	24	734.
	25	787.
	26	744.
	27	769.
	28	<u>951.</u>
		<u><u>9956.</u></u>

The above 14 bales wool were baled the 13th March, 1923. and shipped to Stanley per S/S "Falkland" the 23rd January, 1924.

Signature *J. C. Betts*
Manager.

21st July, 1924.

to heavy weight that the wool as packed below was packed up
and ready for shipment from my station previous to the
commencement of the 1923/24 shearing and therefore request
that export duty on the same may be refunded.

March	Wool	Nett pounds	Wool	Nett pounds
(H)	1	2 37	19	295
	2	2 79	20	271
	3	2 57	21	262
	4	2 77	22	355
	5	4 70	23	297
	6	2 74	24	289
	7	2 87	25	247
	8	3 11	26	456
	9	2 67	27	309
	10	2 63	28	271
	11	2 62	29	275
	12	2 71	30	262
	13	2 78	31	282
	14	2 79	32	637
	15	3 34	33	440
	16	3 66	34	591
	17	2 95	35	507
	18	2 96		

11,349

Jason Hansen

60

5303

11,349

Hansen
Caracas

60

I HEREBY CERTIFY THAT THE WOOL AS STATED BELOW WAS BALED UP
AND READY FOR SHIPMENT FROM MY STATION PREVIOUS TO THE
COMMENCEMENT OF THE 1923/4 SHEARING AND THEREFORE REQUEST THAT
EXPORT DUTY ON SAME MAY BE REFUNDED.

<u>Mark.</u>	<u>No. of bales.</u>	<u>Nett pounds.</u>
◇ H	1	3 59
	2	2 95
	3	2 87
	4	2 62
	5	3 45
	6	2 85
	7	3 27
	8	3 54
	9	3 90
	10	2 92
	11	2 78
	12	3 28
	13	2 99
	14	2 68
	15	3 90
	16	3 00
	20	3 00
	21	2 82
	22	3 54
	23	3 33
	24	2 79
	25	2 75

Signature..... J. Hansen 6885
6885

J.L.W.

6 E

I HEREBY CERTIFY THAT THE WOOL AS STATED BELOW WAS BALED UP AND READY FOR SHIPMENT FROM MY STATION PREVIOUS TO THE COMMENCEMENT OF THE 1928/4 SHEARING AND THEREFORE REQUEST THAT EXPORT DUTY ON SAME MAY BE REFUNDED.

<u>Mark.</u>	<u>No. of bales.</u>	<u>Nett pounds.</u>
H.B. J.L.W.	No. 1.	784 lbs.
H.B. J.L.W.	No. 2.	788 lbs.
H.B. J.L.W.	No. 3.	756 lbs.
<i>Total</i>		<u>2328 lbs.</u>

JAMES LOVEGROVE WALDRON, LE

J.L.W.
Signature.....

6 F

I HEREBY CERTIFY THAT THE WOOL AS STATED BELOW WAS Baled UP AND READY FOR SHIPMENT FROM MY STATION PREVIOUS TO THE COMMENCEMENT OF THE 1923/4 SHEARING AND THEREFORE REQUEST THAT EXPORT DUTY ON SAME MAY BE REFUNDED.

<u>Mark.</u>	<u>No. of bales.</u>	<u>cut</u>	<u>gns</u>	<u>lb</u>	<u>Nett pounds.</u>
DH.	no 1	C.D.S	6	0 20	
	" 2	Mixed	5	2 24	
	" 3	2 nd Camp	5	1 8	
	" 4	1 st "	5	1 10	
	" 5	2 nd "	5	2 4	
	" 6	" "	5	2 6	
	" 7	" "	4	2 24	
	" 8	" "	5	1 4	
			43	2 16 =	4888 lbs.
					less tare 144
					4744 nett
W.C.	no 1	Camp	5	3 0	
	2	"	5	3 14	
	3	"	5	1 26	
	4	"	5	0 0	
			22	0 12 =	2476 lbs
					less tare 42 "
					2404 - nett
S. (Fitzroy)	no 167	Camp	5	1 18	
	" 302	"	4	3 23	
	" 310	Mixed	5	0 6	
	" 1	Camp	5	1 0	
			20	2 19 =	2315 lbs
					less 72
					1243 nett

N.A. 4 Bales Camp 20 1 13 nett 2281 lbs.

Total 10.672 lbs

Signature.....J.G. Slaughter

FALKLAND ISLANDS, Aug 7th 1924

Dear Sir,

In reply to your letter of June 17th re the Great Island Wool, I may say that I can let you know the weights of the wool etc, but I did not feel justified in filling in the form enclosed as the wool was not baled up until January & hence not previous to the commencement of the 1923/4 shearing season. The wool as you know was left on Great Island for nearly 12 months & brought to Hill Cove last November. I hope with this information you will be able to open up the subject again with the Government with success.

yours faithfully

Sydney Miller jr
for manager.

Mark.	No. Bales	Net Pounds
H & B	1	992 lbs.
JLW	1	877 lbs.

881/23

23rd August,

24.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 14th of August, containing a further application on behalf of certain farmers for a refund of Export Duty on wool shorn prior to the commencement of the 1923-1924 shearing season.

2. I am to state in reply that His Excellency is unable to reconsider the decision conveyed in my letter of the 10th of July.

3. I am directed to point out that your previous letters referred only to a few bales of wool from two stations belonging to Messrs. Dean and Messrs. Holmsted and Blake. It now appears that applications are being made in respect of five stations and over one hundred bales of wool, including twenty belonging to your own Company. It is further clear that the principle of exempting wool shorn before the 1923 - 1924 season would necessarily cover wool that had not been baled, as well as wool in bales. It would not be possible to exercise any control over such claims.

The Manager of the

Falkland Islands Company, Limited,

Stanley.

4.

4. The Governor desires me to state in conclusion that there is no executive power to remit duty on exports. Amending legislation would be necessary to enable any refund to be made. Especial care was taken to make early notification of the proposal to substitute a tax on wool for the Land Tax by legislation, and ample opportunity was thereby afforded for representations to be made in the matter either before the Bill was submitted to the Legislative Council or at the meeting of the Council at which the Ordinance was passed.

I am,

Sir,

Your obedient servant,

H. Henniker-Heaton,

Colonial Secretary.

8

The Falkland Islands 'Co.Ltd

Stanley.

26th August 1924

Reference No.881/23

23rd Aug.1924

Sir,

I have to acknowledge the receipt of your letter of the 23rd inst., informing me that His Excellency the Governor is unable to reconsider his decision that no refund of Export Duty can be made in respect of wool shorn prior to the 1923/4 Shearing. Your letter refers, however, to matters on which I beg to make a few observations.

2. With reference to paragraph 3, I should like to assure you that at the time of my letter of 30th November last, I was unaware that any Stations other than Hill Cove and Pebble would have wool awaiting shipment at the end of the year. As regards the question of the exercise of control over such claims as have been submitted for His Excellency's consideration, it would be necessary that the certified statements of the Station Managers should be accepted, in the same way that their specifications were accepted prior to the inception of the Wool Landing Certificates at the commencement of this year.

3. I may say that I have been acting as regards this matter on your letter of the 22nd December last, which states that in the event of a favourable decision being given, a refund would be made; whereas it now appears that one of the obstacles to a refund is the necessity for passing amending legislation in order to effect this.

4. I would also respectfully observe, that whilst it is true that ample notice was given that a tax on wool was about to be substituted for the Land Tax, it was not known to me that certain Stations would have wool

2.

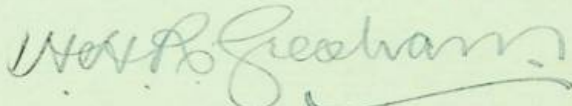
baled and unshipped at the end of 1923, and, would also add that there was no unofficial Member representing the sheep-farming industry present at the meeting of the Legislative Council to which you refer.

5. The opinion of my Company and our Clients who are affected is as stated in my letter of the 30th November 1923, that they were taxed under the Land Tax for 1923 and subsequently had to pay further taxation for wool produced and shorn during that year.

I am,

Sir,

Your obedient servant,



Manager.

The Honorable,

The Colonial Secretary,

Stanley

9

881/23.

2nd September,

24.

Sir,

I am directed by the Governor to acknowledge the receipt of your letter of the 26th of August, relating to the payment of export duty on wool shorn prior to the 1923-1924 shearing season.

I am,

Sir,

Your obedient servant,

H. Hemiker-Heaton,

Colonial Secretary.

The Manager of the
Falkland Islands Company, Limited,
Stanley.