

E. AFRICA  
H. 8628

DEC 17 1914

Smith A J R

1914

30 Nov.

Previous Page  
No 9  
43523

Estate of late J D Burgess es

killed in action on 8 Apr. 25 1914

Request remission of Estate Duty under  
Act 11 of Finance that 1900 & Sect 1 of Death  
- Duties (killed in war) Act 1914 (Amended)

Mr B. Attorney

Sec. 1 of Finance Act 1900 provides for  
- the remission (partial or total) of death duties  
- on estates of persons killed in war  
- by sea or in the air - subject to the Naval  
- Discipline Act - subject to military law  
- whether an officer or soldier - under Part  
- E of Army Act (copy annexed).

By the Lord's proclamation in Gazette of  
5 August 14 (annexed) the Islanders are  
definitely subject to the Army Act, and  
sec 1 of the Army Act provides that the Act  
may be applicable from and in a Colony  
(by a Law of the Colony).

Under sec 10(a) of the Death Duties  
(Killed

Copy in case of Mr  
Burgess and 14 parts. 14-25-15

Subsequent P's  
B  
49237

Killed on the Oct. 1914 complete description  
is attached in a case of "Stratford" in here  
the value of the estate is under £5000.

Under sec. 14 (c) of the Finance Act 1900,  
a recommendation to the Treasury from  
the S. of S. (the War) or the Admiralty  
is required. This is what the

letter asks. Although the intention  
of sec. 14 seems to be that the recommenda-

tion must come from the S. of S. War,  
I suppose that in the present circumstances  
a recommendation from us would suffice.

The question of the name of the deceased  
has been cleared up by the Gov's let. of 14 Nov  
amended (Gov/5022/14) showing that he  
was John Donald Bengers and held the  
rank of Trooper.

Send copy of this letter to Treasury  
say that the person referred to has been  
ascertained to be John Donald Bengers  
a Trooper in the S.A. Volunteer Force.

Send a copy of the Declaration No 18  
showing that the Volunteer is subject  
to the Army's control and ask whether our  
letter will suffice for the recommendation

required under sec. 14 of the Finance Act 1900  
in this and similar cases.

(2) and? ask next and say that it has  
been ascertained that the name of  
the Bengers was John Donald and  
that he is communicating with  
the Treasury and promise a  
further communication.

The Columbus Reserve Order seems to have been ignored, and a new one formed by Proclamation)

W. S. Peck  
Two Thompson  
his Rec.

9. L.D. 15.12.14 5.28

? So proceed. I take it that there is no doubt that the Gov's Proclamation was a law of the "Colony" sufficiently for § 177 of the Army Reserve Act.

S.A.

15.12.14

I take it proclamation No 18 merely comes out of the ~~the~~ <sup>the</sup> Volunteer Reserve order (XXI-1510)

The expression "The S. of S." strictly speaking means "one of His principal S. of S. State" see s. 150 (1) of Army Act & s. 12 of Interpretation Act 1909.

I think therefore that we can safely give the recommendations.

cb

15.12.14

daerue JSA 16/12/14

of the  
S. of S.  
H. 16/12/14

*North Eastern Railway*  
*Solicitors Office*  
*York*



30th November 1914

aps 3  
 Sir,

re J. D. BURGESS decd.

I shall be much obliged if you will let me have a recommendation under section 14 of the Finance Act 1900 for the remission of the Estate Duty payable on the death of Mr. John Donald Burgess, who was killed in action in British East Africa on the 25th September last.

In the official list of casualties his initials appear as A. J. D. Burgess, but I have a letter from the Colonial Office in which it is stated that there is no doubt that the person referred to in the list of casualties is Mr. John Donald Burgess.

I am preparing the papers for the taking out of Letters of Administration of his estate by his widow, and the gross value of the property in the United Kingdom and in British East Africa is, I understand, less than £320.

I am, Sir,

Your obedient servant,

*A. J. D. Burgess*

The Secretary of State for War  
 War Office

London.

Transferred to  
 Col. Office

Any further communication on this subject should be addressed to—

The Secretary,

War Office,  
London.

and the following number quoted—

48628

DEC 14 1914

WAR OFFICE,

LONDON, S.W.

*See* 1914

121/B/6

The application for admission of *Estelle Barty* under Sec 14 of the *Finance Act 1900*, and Sec 1 of the *Death Duties (Widow in War) Act, 1914*

The communication herewith enclosed, which has been received at the War Office, but which appears to be intended for

the *Colonial Office*

is transmitted with the compliments of the Secretary of the

War Office.

Under Secretary of State for the Colonies,

*Colonial Office,*

*S.W.*

S 48628/1914  
Africa

501

DRAFT

7 December 1914.

W.D. Smith Esq.

Sir,

I am etc. to acknowledge  
the receipt of your letter, of the

30<sup>th</sup> of November, ~~and~~  
addressed to the War Office,  
to inform you that it

has been <sup>definitely</sup> ~~settled~~ ascertained  
by communication with the Gov<sup>ts</sup> of the

Emp<sup>ire</sup> that the Christian names  
of the late Mr Burgess

were John Donald

& Mr Harcourt in a

communication with the

Treasury regarding the

remission of the late

debt payable, and a

further communication

16/12/1914  
Bottomley 16.12.14

(drafts)

509

The subject will  
be addressed to you  
in due course.

1

S 48628/1914

532

Adfrica

17 December 1914

Ansod 1425/15

Sir,

DRAFT

The Secretary  
to the  
Treasury

MINUTE

- Mr. Harper
- Mr. Bottomley
- Mr.
- Mr.
- Sir G. Fiddes
- Sir H. Just.
- Sir J. Anderson.
- Lord Salisbury.
- Mr. Harcourt.

I am to transmit  
to you for the consideration  
of the L. C. of the Treas.  
the accompanying copy  
of a letter from Mr  
A. J. D. Smith requesting  
for a recommendation  
under section 14 of the  
Finance Act 1900 for the  
remission of the estate  
duty payable on the  
death of Mr. John Donald  
Burgess, who was killed in

Capl

123



to the Office on the 25<sup>th</sup>  
Sept.

The name of the deceased, who  
~~I had been informed~~

~~that the person referred to is~~

John Donald Burgess, a  
trooper in the East African  
Volunteer Force, has been notified by  
communication with the Government.

3. I am also to enclose

a copy of Proclam<sup>n</sup> No. 18

by the Gov. of the East showing

that the Volunteer Force is  
subject to the Army Act.

4. Mr. Starcourt will be  
glad if the remission

is granted in this and

similar cases.

J.

For the