

EAST AFR. PROT

7044
REC.
REG. 12 FEB 11

3/12
47

7044

Gov's. Depy 3
Bowring

1915

4th January

MR W. HALL'S AND MR H. WOOD'S FARMS
SHORTAGE IN AREAS

Last previous Paper.

Report as to actions brought against Government in which Courts awarded compensation amounting to £488,1.4. Was compelled to sanction payment which will be met from General Savings. Regrets matter was not reported at time.

119 copy 26x
767 copy at Oct 18 11

to Mr. H. W. Wood Mr. H. W. Wood Mr. J. Anderson

James the Leader of 722 14 - see p. 18

The purchase price for R1 an acre, but the purchaser has got Rs 75 an acre for the deficiency. This is stated in 7045 to be based on the market price at the time of the breach - i.e., apparently, not at the time of the original transaction (1906), but when in 1913, the option of purchase was exercised, the purchase price fully paid, & the conveyance demarcated. But even so the value of the non-vested land appears (from the figures given by the Government in evidence) to have been determined by the Court as if it had been developed.

To the lay mind this seems rather odd, and the proposal has been given to the Govt.

Next subsequent Paper
7045

Genl. was satisfied.

Fortunately under the new system of
sale by auction, moderate losses in value
of a future suffer from (a) one or more persons
in selling land at a price much below current
value & (b) ^{accused} ~~consequent~~ of value during the
period before the conveyance is due.

? Incl. & approval of action taken & let
ask whether there was any of recovery
from Genl. Gairly & Roberts

13/4/15

See also 7045

? so placed
H.N.
H. S.R.

I am willing for it but to approve the
Action taken here

With regard to the recovery from Genl.
Gairly & Roberts the question might be asked,
~~has~~ as there may be some objection in the case,
that might have some effect on the answer, which
does not appear on these papers.

From para 4 of the Land Officer's letter it
would however appear that Nelson G & R's survey
was resurveyed, perhaps somewhat superficially,
on behalf of the Government and it is more
than probable that the agreement was based
on this later survey, just as much as on the
Contract survey.

On the whole and having regard to the more
altered arrangements in disposing of land I am
of opinion that it is doubtful whether the
Govt. would be successful in recovering from
Nelson G & R. and that it would be as well
to leave the matter where it is.

To W. S.S.C.

[Signature]
16/11/15

H. S.R. 16/11/15

No. This refers to the
official resurvey
1913 when the
contract was
revised

I agree, but
the Govt.
I agree
16/11/15

EAST AFRICA PROTECTORATENo. 3

GOVERNMENT HOUSE,
 NAIROBI,
 BRITISH EAST AFRICA

January 4th 1915.

Sir,

I have the honour to report that in February last Mr. W. Hall, owner of a farm in the Limoru District, brought an action against the Government on the grounds that on a resurvey of the original area, which was supposed to be 642 acres, a deficit of 60 acres had been shown.

From Land Officer
 28. 12. 14

2. The Court held that this deficit could not be considered to be covered by the words "or thereabouts" in the agreement between the plaintiff and the Crown, and ordered the payment of compensation at the rate of £5 per acre. The total sum, including costs, amounted to Rs. 5,041.

3. I have reported in another despatch a similar case in which Mr. H. Wood claimed and obtained from the Government a sum of £152 in compensation. The total loss to the Government in these two instances is therefore £488. 1. 4 and

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W.

I was compelled to sanction the payment, which will be met from General Savings. I regret that the matter was not reported to you at the time.

4. The original survey was completed in 1905 under the direction of the Land and Survey Office of the time. It was undertaken by the firm of Messrs. Gailey and Roberts, but the actual compiler of the plan is not known, vide attached letter from the Land Officer.

5. I would refer you to the "Leader" of the 7th of February last for a full description of the case.

I have the honour to be,

Sir,

Your humble, obedient servant,



GOVERNOR *Deputy*

7044

7888 L/O

25th December 1914.

Sir,

W. Hall Versus Attorney General.

In reply to your No. 7148 of the 19th instant, I have the honour to say that

The original area was 642 acres.

The resurveyed area is 582 "

Deficit 60 acres.

2. The original plan of survey is signed by Messrs. Galley & Roberts, but whether either of the members of the firm actually made the survey, superintended the survey, or in any way checked it is not known. In any case if they employed an assistant and allowed him to do the whole of the work and prepare the plans they are responsible as they contracted to do the work at the schedule rate of fees then in force.

3. However plans of a survey would not have been accepted if signed by an unregistered surveyor, according to the regulations then in force.

4. The farm was resurveyed by Mr. Ramsey a Junior Staff Surveyor and certain field checks put on by Mr. Gilbert a District Surveyor and carefully checked in the office in the usual manner.

5. A full report of the case appeared in the

Leader

The Hon'ble the Chief Secretary,

NAIROBI.

(8)
The Hon. Chief Secretary.

MAHARAJA,

26

Leader of the Opposition, Bombay 7th 1914; if you
have no copy in your office I shall be happy to
forward my file in which a copy is pasted.

I have the honour to be,

SIR,

Your obedient servant,

P. B. Wright
Land Officer.

Gov. 7044/1915
E.A.P.

27

S.D.V.

19 February 1915 -

Sir,

I have the honour to
acknowledge the receipt of
your despatch, No 3,
of the 27th of January and
to inform you that I
approve of your action
in sanctioning the
payment to Mr W. Hall
of the sum of Rs 5041
in respect of his claim
for compensation for
the shortage in the
area of the land
conveyed to him by

Remind Gov 2

DRAFT

No. 119

for Sir W. Belfield

MINUTE

Mr Harper 17/2/15

Mr Bottomley 17/2/15

Mr.

Mr.

Sir G. Fisher

Sir H. Just

Sir J. Anderson

Lord Islington

Mr Harcourt

Remind Gov 28 (to be done)

h. h.

19/2/15

atonce

44
7045

P.P.

the government.

I have to
enquire whether there
is no way ~~any~~ of
recovering the loss or
any part of it
from Messrs Fairley
and Roberts.

I