

EAST AFR. PROT  
7045

7045

Gov's Depy 4  
Bowring

1915  
4th January

MR H. WOOD'S FARM  
SHORTAGE IN AREA

Last previous Paper  
2004

Reports circumstances in which it was found necessary to pay Mr Wood full in full settlement of claims Mr A. B. Frew, licensed Surveyor seems to be responsible but as he has left for Queensland it does not seem desirable to take any action.

~~Mr Wood~~  
~~Mr Frew~~ Mr J. Anderson

Mr Do 19 Feb 15

As per 2004  
...  
2004 area.  
In this case I think the action taken may be approved. I would not be prepared to advise further action against ... in the circumstances.

Handwritten signature 20/1/15

J.R.

19/2/15

Mr J.R.

19/2/15

W. Wood  
16/2/15

Next subsequent Paper  
2095 15/16

045

RECEIVED  
1915

GOVERNMENT HOUSE  
NAIROBI.  
BRITISH EAST AFRICA

EAST AFRICA PROTECTORATE

No. 4

January 4th 1915.

Sir,

I have the honour to report that in July last I received a communication from the Land Officer informing me that the area of Farm No. 71 Ngara River, originally granted to Mr. R. A. H. Fawkes, and now held by Mr. H. Wood, which was formerly shown as comprising an area of 640 acres, has been found on re-survey to be of 602.06 acres only. The Land Officer requested permission to make up this shortage either by granting Mr. Wood the balance of 37.94 acres elsewhere or by offering him monetary compensation.

10/1/15

2. In the case of Mr. W. Hall versus the Attorney General, which I am reporting in a separate despatch, the Court held that the Government must be held responsible for such shortage in cases where the difference between the area which it was agreed to convey and that which the Government found itself in a position to convey was considerable. It was further held that the measure of damage

THE RIGHT HONOURABLE

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

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S. W.

damage was the market price of the land at the time of the breach. The Attorney General considered that both these contentions were substantially valid, and was of opinion that if Mr. Wood were also to seek remedy in the Courts he would in all probability succeed, as the shortage amounted to nearly 6% of the area which it was agreed to sell. He therefore advised that the Land Officer should make the best bargain he could with Mr. Wood.

3. I ordered action to be taken accordingly and in due course the Land Officer reported that Mr. Wood was not prepared to accept less than £4 per acre. As a few months after purchasing the farm he sold a portion of it at £5 per acre this was considered a reasonable price and I agreed to the payment of £152 in full settlement of his claims. This sum, together with that awarded to Mr. Hall, will be met from General Savings.

4. The farm in question was originally surveyed by a Mr. A. E. Frew, a licensed Surveyor, who left this Protectorate for Queensland some time ago. Under the circumstances the Attorney General advised that the result of any action filed in British East Africa would be of little material benefit, as it was not certain that Mr. Frew would pay or that he had any property which could be attached. I therefore thought it advisable to let the matter drop after issuing instructions to the Director of Surveys to acquaint the Surveyor-General, Queensland, with the facts of the case.

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5. I regret that this report was not submitted to you at an earlier date.

I have the honour to be,

Sir,

Your humble, obedient servant,

  
GOVERNOR *Deputy*

Gov. 7025/1915 E.A.P.

~~2~~

18

19 February 1915 -

Sir,

I have the honour to acknowledge the receipt of your despatch, No. 4, of the 4<sup>th</sup> of Janry and to inform you that I approve of your action in awarding to Mr. Wood the sum of £152 in settlement of his claim in respect of the shortage in the area of the land conveyed to him by the Government.

DRAFT

E.A.P.

No. 120

Gen. Sir W. Belfield.

MINUTE.

Mr. Harper 17/2/15.

Mr. Pittman 17 2 15/2

Mr.

Mr.

Sir G. Fiddes.

Sir H. Just.

Sir J. Anderson.

Lord Islington.

Mr. Harcourt.

copy 7025/15

Govt 7025/915 CAP

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~~SL~~

18

19 February 1915 -

Sir,

I have the honour to acknowledge the receipt of your despatch, No 4, of the 4<sup>th</sup> of Janry, and to inform you that I approve of your action in awarding to Mr Wood the sum of £152 in settlement of his claim in respect of the shortage in the area of the land conveyed to him by the Government

DRAFT

CAP  
No 120

For Sir W. Belfield.

MINUTE

Mr. Harper 17/2/15.

Mr. Galt only 17 2 15 f.

Mr.

Mr.

Sir G. Fildes.

Sir H. Just.

Sir J. Anderson.

Lord Islington.

Mr. Harcourt.

copy 7025/915

PTD

2. I concur in

your view that the  
result of any action  
against Mr. H. B. New  
would be of little  
benefit & that this  
matter may be dropped.

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