

recognizing the Bank's
claim.

? Party out

2/2/20

(as was I think to my
regret to a large extent
of the Southern bank)

Good night

I believe there is a
possibility of increasing the
share of the 1000 shares we have
to move them in the report
of the bank is not correct & that
it is not a bank thing.

7/5

7

7

This would be of course
difficult to consider against
him. How do you think?

with 7/2

at once

W.R.

7/5/20

KENYA
NO. 665.



31066

J. 80
GOVERNMENT HOUSE,
NAIROBI,
KENYA.

19th May, 1924.

400
1130
RESPOND-
261
Sir,

With reference to Kenya despatch No. 135 of January 20th last and previous correspondence on the subject of British East Africa Disabled Officers Colony, I have the honour to inform you that the suit - Commissioner of Lands versus British East Africa Disabled Officers Colony - was duly heard in the Supreme Court and that an order dismissing the action was entered by the Judge as the Municipal Bank of South Africa, Limited, pursuant to an arrangement which it made with the liquidator, paid into Court the full amount due in respect of rent and survey fees viz: Shs:21588/60.

2. The Acting Attorney General who conducted the case for Government reported that he was unable to resist this order in view of the terms of Clause (6) of the Crown Lands Ordinance, 1913, that "in exercising the power of granting relief a sicut foreclosure under this section the Court shall be guided by the principles of English Law and the doctrine of Equity;" and that the principles which govern relief for non-payment of rent are the payment of arrears and costs. London v. Bristle & Thompson 29 L.T. 30 and it is not a matter of principle - Hamptreys versus Martley (1806) 1 Ca. 739.

3. On the advice of my Executive Council I have agreed to release the title under which the British East Africa

RIGHT RECEIVABLE

J. M. HUGHES, F.C.S.,

SECRETARY OF STATE FOR THE COLONIES

DOMINION OFFICE, LONDON, W.C.2.

KENYA
NO. 565.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

19th May, 1924.

SIR,

400
11/30

RECORD-
51

With reference to Kenya despatch No. 135 of January 28th last and previous correspondence on the subject of British East Africa Disabled Officers Colony, I have the honour to inform you that the suit - Commissioner of Lands versus British East Africa Disabled Officers Colony - was duly heard in the Supreme Court and that an order dismissing the action was entered by the Judge as the National Bank of South Africa, Limited, pursuant to an arrangement which it made with the liquidator, paid into Court the full amount due in respect of rent and survey fees viz: Shs:21500/00.

2. The Acting Attorney General who conducted the case for Government reported that he was unable to resist this order in view of the terms of Clause 66 of the Crown Lands Ordinance, 1912, that "in exercising the power of granting relief a magistrate under this section, the Courts shall be guided by the principles of English Law and the doctrine of Equity." and that the principles which govern relief for non-payment of rent are the payment of arrears and costs. London v. East Africa Mortgage Co Ltd. 30 and it is not a matter of principle. Humphreys versus Mottley (1906) 1 Ch. 739.

3. On the advice of my Executive Council I have agreed to release the title under which the British East

RIGHT HONOURABLE

J. M. THOMAS, Esq., M.P.

SECRETARY OF STATE FOR THE COLONIES

DELIVERED BY POST

(2)

Africa Disabled Officers Colony held their land from the restrictions contained in Clause 2 of the principal indenture. These include the appointment and functions of trustees, prohibition against mortgage, direction for joint banking account, erection of strong boxes and keeping books of account which can obviously not be applied in the future. This property is now vested by order of Court in the Liquidator and a Supplemental Deed will be issued giving lease from these Special Governmental extending up to April 13th, 1949, the period within which the development conditions of the original grant must be completed; improvements which have already been effected will (if maintained) be allowed to count towards the fulfilment of the development conditions. It is understood that, upon the completion of this Deed, the National Bank of South Africa, Limited, intend to discharge the Lien in their favour which is at present registered against the title and to register a charge.

4. There is but one outstanding matter i.e. the collection of the sum of £2500 which was paid by Government to a creditor earlier in these negotiations and was secured on a Bill of Sale for £2,000 and on an undertaking of the Liquidator for £50/- I am advised by the Attorney General that it is hoped this sum will be recovered shortly: In this regard I would refer to Kenya despatch No. 1513 of November 3rd, 1942, and attach copies of correspondence between the Liquidator and the Attorney General.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R. J. Cousins

GOVERNOR

(2)

Africa Disabled Officers Colony held their land from the restrictions contained in Clause 2 of the principal indenture. These include the appointment and functions of trustees, prohibition against mortgage, direction for joint banking account, erection of strong boxes and keeping books of account which can obviously not be applied in the future. This property is now vested by order of Court in the Liquidator and a Supplemental Deed will be issued giving lease from these Special Governmental Lands extending up to April 1946, 1949, the period within which the development conditions of the original grant must be completed. Improvements which have already been effected will (if maintained) be allowed to count towards the fulfilment of the development conditions. It is understood that, upon the completion of this Deed, the National Bank of South Africa, Limited, will be discharged the Lien in their favour which is at present registered against the title and to register a charge.

4. There is but one outstanding matter i.e. the collection of the sum of £2000 which was paid by Government to 4 creditors earlier in these negotiations and was secured on a Bill of Sale for £2,000 and on an undertaking of the Liquidator for £50/- I am advised by the Attorney General that it is hoped this sum will be recovered shortly. In this regard I would refer to Kenya despatch No. 1513 of November 3rd, 1932, and attach copies of correspondence between the Liquidator and the Attorney General.

I have the honour to be,

Sir,

Your most obedient, humble servant,

R. J. Cousins

GOVERNOR

W. & Johnsons

P. O. Box No. 92,

Nairobi,

16th April, 1944.

The Honourable,

The Attorney General,

Nairobi.

Dear Sir,

Beadeo Limited (In Liquidation)

In reply to your enquiry as to the progress of the realization of the assets charged to the Government under Bill of Sale, I have to report as follows:-

Flax Straw. So far 26 tons of seed, 27 tons Flax and 30 tons of tow have been shipped. The factory has been closed down the last two or three months, during the dry spell during which it has been impossible to rett the straw. However operations have just recommenced and it is expected we will get a further 30 tons of flax and 30 tons of tow. Some of the shipments already made have been settled and the proceeds used to pay the expenses of shipments the proceeds of which have still to be received.

Livestock. 24 sales have been made, but the numbers are decreased by a few deaths.

There appears to be not the slightest doubt but what the assets charged will be sufficient to pay the £2000. I am waiting for further proceeds of flax sales, and when received, I expect I will be in a position to pay £1000 on account.

I am sure it is granted that when you have received the £2000 you will not want any statement of accounts showing my transactions. In that case if receipts and payments will be included in my accounts as liquidator in the ordinary way.

Yours faithfully,

G. M. G. Gell

Official Liquidator.

INCLOSURES

(Dated 19. 5. 1944) 62

Mill & Johnsons

P. O. Box No. 92,

Nairobi,

28th April, 1944

The Honourable,

The Attorney General,

N A I R O B I .

Dear Sir,

Heads Limited (In Liquidation)

In reply to your enquiry as to the progress of the realization of the assets charged to the Government under Bill of Sale, I have to report as follows:-

Flax Straw. So far 26 tons of weed, 27 tons flax and 30 tons of tow have been shipped. The factory has been closed down the last two or three months, during the dry spell during which it has been impossible to rett the straw. However operations have just recommenced and it is expected we will get a further 30 tons of flax and 30 tons of tow. Some of the shipments already made have been settled and the proceeds used to pay the expenses of shipments the proceeds of which have still to be received.

Livestock. No sales have been made, but the numbers are increased by a few deaths.

There appears to be not the slightest doubt that the assets charged will be sufficient to pay the £2000. I am waiting for further proceeds of flax sales and when received, I expect I will be in a position to pay £1000 on account.

I am taking it for granted that when you have received the £2000 you will not want any statement of accounts showing my transactions. In that case my receipts and payments will be included in my accounts as liquidator in the ordinary way.

Yours faithfully,

G. R. De Gail,

Official Liquidator.

ENCLOSURE

Document No. 4487 19. 3. 1962 62

Mill & Johnson

P. O. Box No. 93.

Nairobi.

28th April, 1964.

The Honourable,
The Attorney General,
Nairobi.

Dear Sir,

Beadeo Limited (In Liquidation)

In reply to your enquiry as to the progress of the realization of the assets charged to the Government under Bill of Sale, I have to report as follows:-

Flax Straw. So far 26 tons of seed, 27 tons flax and 36 tons of tow have been shipped. The factory has been closed down the last two or three months, during the dry spell during which it has been impossible to rett the straw. However operations have just recommenced and it is expected we will get a further 30 tons of flax and 30 tons of tow. Some of the shipments already made have been settled and the proceeds used to pay the expenses of shipments the proceeds of which have still to be received.

Livestock. 26 sales have been made, but the numbers are decreased by a few deaths.

There appears to be not the slightest doubt but what the assets charged will be sufficient to pay the £2000. I am waiting for further proceeds of flax sales and when received, I expect I will be in a position to pay £1000 on account.

I am taking it for granted that when you have received the £2000 you will not want any statement of accounts showing my transactions. In that case my receipts and payments will be included in my accounts as liquidator in the ordinary way.

Yours faithfully,
G. S. M. Gill,
Official Liquidator.

ATTORNEY GENERAL'S OFFICE,
Nairobi,
29th April, 1924.

Sir,

re: Messrs Limited (In Liquidation)

I have the honour to acknowledge your letter of the 28th instant, contents of which are duly noted.

With reference to the fourth paragraph of your letter, I would mention that the amount advanced by Government is £2,050 and not £2,000/-

I have the honour to be,

SIR,

Your obedient servant,

Sd. C. F. LAW.

Ag. Solicitor General.

F. Gill, Esq.,
Official Liquidator,
P. O. Box No. 92,
Nairobi.