

KENYA
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RECD
DEC 18 AM

ESTON, R. J.

1921
In JANUARY

previous Paper.

54678/20

CAPT A. FITZ GIBBON'S CLAIM

In circumstances stated submits his client is justly entitled to compensation.

- Mr. Batterbee
- Mr. Bythe
- Mr. Bottanley

Shew
a
Review
disturb
KD

A does not seem to me to affect the matter very much, except that it ~~submits~~ clearly shows that there was no intention of misrepresentation on the part of the Govt.

As this letter does not contain any fresh matter which would make a further refer. to Gov. worth while

? Reply that on reconsideration in view of the Sgt. is satisfied from the Gov's report, and it is also clear from the facts stated in their letter

Copy comes for Conf 22 Feb 21 a 7/1683/21

sequent Paper.

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that the local authorities were anxious to do all in their power to repair the mistake in the ~~initial~~ description of the farm by allotting another farm; that while the farm offered in substitution was another farm was offered to him, which was ~~also~~ refused; that it is clear ^{therefore} that the negotiations were broken off by Capt. FitzGibbon, & not by the local Govt.; & that in these circumstances the J.G.S. is unable to admit that there is a claim for compensation.

C.J.J. 19.1.21

J.P.S.

19.1.21

If only I felt assured (1) that the other farm offered & refused was not also a dry farm, or that the Govt. could or would have offered him a farm which was not dry or (2) that a dry farm is NOT wholly worthless, I should feel happier about the justice as a part from the law of the matter.

From the Public & Civil Offices I think we had been led by that from a report from the Govt. it appears that the Govt. were ready & willing to compromise with the suitable

farm in the place of B but that he elected to rescind the contract or the Govt. is unable to admit that there is any claim for compensation.

A.P.B. 19/1/21

as the Public proposes?
W.C.S. 20.1.21.

Home
G. J. H.
20/1/21

M. J. Jones

C. O.
2663
REC'D
18 JAN 21

R. J. PRESTON, LL.D.
Solicitor.

7, BEDFORD ROW,
LONDON, W. C. 1.
17th January 1921

Telephone No. 2098
The Under Secretary of State,
Colonial Office,

Sir,

14578/1920
Capt. Arthur Fitz Gibbon's claim.

I am instructed in this matter and your letter to my client dated 1st December last is before me.

I presume from your reply that you are not aware that Capt. Fitz Gibbon was informed on his arrival at Nairobi by the local Commissioner of Lands (Mr. Martin) that Farm 761B was a "dry farm" and it would be a waste of time and money for my client to go up and inspect it, as a mistake had been made in including it among the farms allotted under the East Africa Settlement scheme. Mr. Martin also informed my client that they were endeavouring to find a suitable farm for him in the place of the one so allotted to him.

It is true that the local authorities offered Capt. Fitz Gibbon another farm (764), which he inspected but found was also a "dry" farm and could only be irrigated from the Pesi swamp by ditches carried ^{through} ~~over~~ lands of adjoining owners. That would have necessitated the obtaining of the consents of several persons, some of whom were not accessible and, in view of that difficulty, Capt. Fitz Gibbon declined to further consider the Commissioner's offer. I may add that my client is, by profession, a hydraulic engineer and has had very wide

The Under Secretary of State, (contd)

17/1/30

experience of irrigation works in various parts of the world and if it had been feasible to irrigate ^{from 1864} he would certainly have accepted it. I submit therefore that my client is justly entitled to the compensation claimed *and request your consideration of his claim.*

I am Sir,

Your obedient Servant,

R. Martin

P/2663/21

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Kenya

Sir,

SC
26 Jan. 1921

DRAFT.

Preston Eq. L.L.D.

Sir,

I am ... to ack.

the receipt of your letter

of the 17th of Jan.,

regarding Capt. A.

Fitz Gibbon's claim for

compensation in respect

of the farm allotted

to him under the E.A.

Land Settlement Scheme

2. From a report

received from the

Gov. of Kenya, it appears

that

MINUTE.

Mr. Jeffries 20.1.21

Mr. Batterbee 26/1/21

Mr. Grindle

Sir H. Lambert

Sir H. Read

Sir G. Fildes

Col. Amery

Lord Milner

Received
6/2/21
Copy for Conf 22 Feb 21

that the Colonial Govt
will readily and willingly
to provide Capt. Pitt Rivers
with a suitable farm
in the place of Farm
761 B which was originally
allotted to him, with the
to be directed to record the
Contract to these rules.
and unless ~~regards~~ ~~about~~
he is unable to admit
that there is any claim
for compensation.

I am,

(Signed) H. J. REARD