

Messrs. A. M. JEEVANJEE & CO.

File No.....

634

PRINT PRESS, NAIROBI.

SUBJECT.

REFERENCE TO
OUR
CORRESPONDENCE.

Report on Town Hall Plot

REPORT OF A. M. JEEVANJEE ON FACTS RELATING TO GRANT OF
A LEASE OF THE " TOWN HALL PLOT" NAIROBI.

The Town Hall was built in the year 1904 by me at the request of the Government on the understanding that I should obtain a 50 years lease with a nominal rent for the 1st ten years. There was considerable discussion as to the terms upon which the building should be leased to the Municipality and nothing definite was arranged until February 1905.

Two Draft Agreements with the Municipal Committee were prepared in 1904 copies of which are attached hereto and marked "1" and "2" - Neither of these drafts agreed- was agreed upon as is shown by a letter dated the 29th December 1904 from the then Town Clerk to my firm (Copy letter attached marked "3"). My representative replied on the 11th January 1905. Various interviews took place and eventually a form of lease was agreed upon and executed by my agent on the 1st February 1905 and witnessed by Mr. Sadderson (The Town Clerk) and Mr. E. Hargreaves (Assistant Town Clerk). I attach a copy of the deed marked "4".

This document was executed on foolscap and appears to be in Mr. Hargreaves' writing. My firm wrote on the 3rd August 1905 for issue of a Lease from Government and Mr. John Ainsworth recommended the issue of a Lease (vide copy letter dated 5th August 1905 marked "5") - In the following month it would appear that some representative of the firm of Tonks and Allen who formerly acted for me saw Mr. Ainsworth and wrote a letter dated the 20th September 1905 (copy attached marked "6"). This letter does not correctly state the facts and I never authorised such a letter being written. The arrangements re the Town Hall were made with the Municipal Authorities direct without the intervention of any Lawyers and Messrs Tonks and Allen, when called upon, could not produce any letter written to them re the Town Hall by me or my firm nor could they produce any entry of ^{my} attendance on

on them in reference to the matter prior to writing the letter of the 20th September 1905 and I have not been charged for any such interview - That they were not instructed in reference to the Town Hall is further evidenced by Mr. B. G. Allen's letter dated 2nd February 1915. (Copy attached marked "7"). The letter of the 20th September 1905 was obviously written without reference to me or my firm (notwithstanding the words " our clients' states") and in ignorance of the existence of the Lease executed on the 1st February 1905. I had erected certain residential buildings on the basis of a ten years agreement with option of purchase at contract price in lieu of granting a 50 years Lease but no such agreement was contemplated in the case of the Town Hall. I attach a copy of one of my agreements of this nature marked "8" which is obviously of quite a different nature from the document executed on 1st February 1905.

On the 28th April 1910 an attempt to settle matters by interview with the Land Officer was made; I refer to a copy of a minute of the interview made by the Land Officer marked "9". I have already said that Messrs Tonks and Allen had no authority to write the letter of the 20th September 1905 and my offer was to accept another equally valuable plot ~~the~~ exchange- in exchange leaving the question of selection of site to the Government.

In spite of my request no lease has been granted- ever been granted and to my surprise my firm received a letter from the Town Clerk on the 29th March 1913 stating that the Municipality intended purchasing the plot and building for Rs.14,750. They base their claim on the letter of the 20th September 1905 from Tonks and Allen above referred to and a memorandum of Mr. John Ainsworth (copy attached and marked "10").

The concluding paragraph of Mr. Ainsworth's memorandum shows that he was not very sure of his recollection and, while I have no doubt whatever of the genuineness of Mr. Ainsworth's

Mr. Ainsworth's statement, his recollection is not in accordance with the facts as is clearly shown from the drawing of 3 draft agreements in 1904 and 1905. I am informed that a Town Clerk subsequently refused to show the draft agreement- agreement to the Land Officer and am quite sure that Mr. Ainsworth had not got them before him when he wrote his- memorandum. I

I attach a copy of a memorandum of Col. Montgomerie (late Commissioner of Lands) dealing with the Town Clerk-Hall (marked "11") which shows that he recognised my right to a lease of the Town Hall Plot or a Lease of a Plot of equivalent value.

Being of opinion that the Land Officer had not the full facts before him my Lawyers offered to supply him with copies of relevant documents (vide copy letter 18th March 1915 marked "12") and received a reply dated 20th March 1915 (marked "13") showing that he had not the most important documents before him - My Lawyers sent him copies of the documents on the 25th March 1915 and I referred to letters marked "14" "15" and "16", "17", "18" to show the manner in which the matter was dealt with by the Town Clerk.

In view of the unsatisfactory position ~~of~~ my Lawyers wrote to the Chief Secretary on the 17th May 1915 (copy marked " 19 ") and received a reply on the 5th June (copy marked " 20 ") - The Land Officer would not alter his decision and my Lawyers wrote the Chief Secretary on the 29th June 1915 (copy marked "21") expressing my intention of placing the matter before the Colonial Office.

As in the case of the Market Lease this matter was held over pending the termination of the War.

The remarks in my report as to the Market Lease also apply as to ~~the~~ efforts to settle this matter in East Africa but the Government have refused to recognise that I have any right to the Town Hall Plot and have not replied to my proposal for grant of another plot in exchange.

I trust that on considering the facts as shown in the

4.

in the correspondence you will see your way to giving directions that a lease may be granted to me.

sd. A. M. Jeevanjee.

693

Enclosures of



