

1937

38005/10

CO 533/476
KENYA

38005/10

Land Commission
Registration of Land Titles.

Previous

1935

R309

1/2

In Part

1/3

M. Flood

297

17/3

M342

Subsequent

1938

295

19/1/36

M. Flood

1/9

R. 257

21/2

R. 80

21/2

R. 48

27/2

197

19/3/37

M. Flood

297

In Part

20

M. Flood

297

29/1/4

309

29/1/4

In Part

29/1/4

M. Flood

298

4/1/2

297

10/1/2

LAND.
Nominal. (D)

5. SIR E. DOWSON (S/O TO MR. FLOOD).....15.1.37.
States that he would like to stop at Nairobi for a week to refresh his memory as to their problems and, if approved, suggests a letter might be sent to Kenya by the next air mail.

Sir E. Dowson

? Write to Mr Wade } on in
drafts herewith

C.F. [unclear] with
27/1/37

J.P. [unclear]
20/1.

on mail - 4/6 } 2/6 back

7 }
Dowson
2

10

11.1.37

8. GOV. KENYA.....699.....20.11.37.
Requests that Sir Ernest Dowson be asked to submit at a very early date the provisional report he promised in connexion with his visit to Kenya in 1934.

I see from No 2 that Kanga's name for table in this matter has had to be dropped down. However, that was nearly two years ago. Write to Sir E. Dowson as in J.P. herewith asking what the position is, & ? Tell Kenya when Sir E. Dowson's answer is in.

Clatworthy.
2/11

I have prepared a revised J.P.

J.P. [unclear]
29/11

4/1/38

9 To Sir E. Dowson. — 3.0. Com. 4.12.37

10. Sir E. Dawson. s/o 1937.
Replicate enquiry at No.9 regarding the report on
the Kenya and Coast Province land problem.

What
? Ask Sir (for Mr. Flood's signature), confirming para 4
and saying para 3 will be carried over to Kenya
? Copy to Kenya in Dept asking for discussion
on para 3

Clotby White.
1/2

20.6.

J. P. ...
13/12

11 To Sir E. Dawson (10/11/37) s.o

17.12.37

12 To H. Pilling (9.9.10.11) s.o

DESTROYED UNDER STATUTE

13 To Kenya 1118 - 8 (10/11/37) s.o

DESTROYED UNDER STATUTE

38005/10/37.

17.12.37.

C.O.



S.A. for Mr. Hoover sig.

Mr. Packer 12/30

Mr. Flood 13/36

Mr.

Sir H. Mack

Sir G. Trevelyan

Sir C. Bathurst

Sir J. Sturges

Paras. U.S. of S.

Pres. U.S. of S.

Secretary of State

Dear Sir Ernest,

I have been for some
 letters you 7th of Dec.
 about the large Coast America
 Land Rollers. I quite
 agree with your proposal
 to provide steps of steps
 instead of writing with
 you as in a position to
 produce a correct list
 of steps. I explained a
 week or two ago.
 that the way in
 which you had handled
 the Long & Long's
 job, with admirable results
 and having a copy of
 your letter to Pilling
 & I will send it to
 remember him for
 from which they will

DRAFT.

Sir Ernest Down
 K.B.I.

copy to Pilling 12/30

FURTHER ACTION.

Copy to Pilling
 12/30.

receive your material.

A dep. is also being
to Kenya, explaining that you
hope to wind up your Zang'ata
work ~~by the end of the month~~,
& that you will then turn your
hand to Kenya's problems.

As regards your fee, I
see no necessity for Kenya to
go back - the arrangements
made.

Yours sincerely

Blaker | E. W. FLOOD

RECEIVED
8-DEC-19
G. O. REBY

7 December 1937.

Dear Fred, Kenya Coast Province land problem.

(9) ① With reference to your 38005/10/37 dated the 2nd of this month, I shall clear up my last contribution to the local review of the Zanzibar L.P.D.S. Bill by the end of this month and can then let Zanzibar fall into the background and get on to the Kenya problem.

② I could never have accepted the Kenya job if I had had any idea of how the scope of the Zanzibar one would continue to widen and how, as soon as one urgent fence was negotiated, another would present itself. Will you apologise again in my behalf to Kenya and say how anxious I am of their patience and courtesy?

③ I could also be grateful if you will say I regard myself, however unintentionally, in account of this delay in default in the spirit of the arrangement made, and that I shall consider those arrangements as cancelled in respect of my remuneration. I shall leave this matter entirely to the appreciation of the Government and the CO when the value of any help that I may render can be assessed by them.

④ Provision has already been made, and will no doubt stand, to enable the Crown Agents to meet typing expenses incurred by me in connection with this enquiry.

⑤ I originally intended, and still hope in due course, to make a comprehensive study of the question at issue; but in view of what you say and in the light of conversations at Nairobi last April, this may not be justified now. It will in any case be most useful at first to outline proposals and think out difficulties by memoranda and correspondence progressively in the manner which has proved of the most practical value in dealing with the Zanzibar problem.

Yours sincerely,
Ernest H. Bonyon

Wood 11
Egyle Pilling 12



April 10

38006/x/37.

Mr. Parnin 29/21

Mr. Flood 1/12/37

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bannister.

Sir J. Shackburgh.

Parli. U.S. of S.

Party U.S. of S.

Secretary of State.

For Mr. Flood's sig.

4.12.37

Dear Sir Ernest

We have had a report from
 a meeting whether
 it will be possible for
 to let them have
 an interim report on
 the Coast Protection Land
 problem in the near
 future. They say that
 in the meantime, developments
 at the Coast,
 particularly in regard
 mining, are being held
 up, & that conditions are
 continuously changing, so
 that there is a danger
 that if your Report
 is delayed, some of it
 may no longer be

DRAFT.

Sir Ernest Dawson K.B.C.

Copy to Pilling 12

FURTHER ACTION.

applicable.

I shall be grateful if

you will let me know what
the S. of. ~~is~~ reply to this day.

Yours sincerely

(Signed) J. E. W. FLOOD

KENYA
No. 699



8
GOVERNMENT HOUSE
NAIROBI
KENYA

20th November, 1957

RECEIVED
25 NOV 1957

Sir,

(4) or 23034/3/54
I have the honour to refer to Lord Swinton's despatch No. 612 of the 31st July, 1934, on the subject of Sir Ernest Dowson's visit to Kenya for the purpose of advising on Land Titles in the Coast Province.

2. Sir Ernest completed his investigations on the ground in December, 1934, and has since then been supplied with various memoranda containing information requested by him.

In April last Sir Ernest paid a flying-visit to Nairobi on his way back from Zanzibar and further discussed certain aspects of the problems on which he is to advise.

It was understood that, although he could not undertake to produce his full report in the near future, he would submit as soon as possible after he reached England a tentative statement of the views he had formulated up to that time. This Government has up to the present received no further communication from Sir Ernest.

3. Whilst not unmindful of the considerations advanced by Mr. Flood in his semi-official letter of the 19th February, 1936, addressed to Mr. Logan, I would point out that pending the receipt of Sir Ernest's Report developments at the Coast, particularly in

THE RIGHT HONOURABLE,
W. G. A. GIMSBY-GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1

relation to mining, are being held up, that conditions are continuously changing and that if the Report is much longer delayed some of it may no longer be applicable.

I would, therefore, ask you to bring pressure to bear upon Sir Ernest to submit at a very early date the provisional report he has promised.

I have the honour to be,

Sir,

Your most obedient humble servant,

R Brooker Dopham

AIR CHIEF MARSHAL.
GOVERNOR.

11/25

38005/10/22

C. O.

S.O. for Mr. Flood.

21 JAN 1917

Mr. Parnin. 20/1.

Mr. Flood. 20/1

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Party. U.S. of S.

Secretary of State.

Dear Sir Ernest

I have written a word
 in Kenya to all kind of
 your proposed visit & I
 have taken the opportunity
 to explain that the delay
 in making a start with
 this problem has been
 due to our being
 kept so ^{fully occupied} busy
 with about Zanzibar. Yes,

DRAFT.

Sir Ernest Dawson K.B.E.

Logan has ^{not} been
 successful ^{in this} as Commission
 of lands by one Harding
 who is a very pleasant
 & reasonable fellow
 with very much of
 common sense, and will lead
 on all sides even in Kenya.
 Yours sincerely

is acting as Colonial
 Secretary, and

FURTHER ACTION.

Signed J. E. Flood

C. O.

Mr. Grossmith. *24* 1.37.

38005/10/36.

Mr. *Parkin* 20/1

Mr. *Flood* 20/1

Sir C. Parkinson.

Semi-official for Mr. Flood's signature.

Sir G. Tomlinson.

To go by Air Mail.

Sir C. Bottomley.

Downing Street.

Sir J. Shackleton.

Parlt. U.S. of S.

20 JAN

Parly. U.S. of S.

21

GT2

21

January, 1937.

Secretary of State.

Dear Wade,

DRAFT.

Nearly a year ago I wrote

A. de V. WADE, ESQ., C.M.G., O.B.E. to you to say that Sir Ernest

(See Memo!)

Dowson's report on the Kenya Coast

Belt would be delayed owing to his

being loaded up in connection with

his Zanzibar land proposals. I am

afraid that we have kept him so busy

over time

with discussions on those proposals

and about Zanzibar indebtedness that

he has not had an opportunity to

complete his Kenya report.

It has now been agreed

that he should pay a short visit to

Zanzibar, and he proposes to stop a

week

FURTHER ACTION.

*2 copies
to E. Dowson
with Mr Flood's
Comments*

week in Nairobi on his way home to refresh his memory and learn developments. He leaves London by Imperial Airways ~~now~~ on the 9th of February and will stay about a month in Zambia so that he would be ready to talk with the Lands Department about the middle of March. You will no doubt agree that the course he proposes

- Mr.
- Mr.
- Mr.
- Mr. C. Robinson
- Mr. C. Robinson
- Mr. C. Robinson
- Mr. A. Robinson
- Mr. U.S. of S.
- Mr. U.S. of S.
- Secretary of State

SECRET

~~to be reasonable and~~ will be helpful towards ~~making him to write a statement on his conversation~~ the Kenya report with as little delay as possible *after clearing up his work in Zanzibar.*

~~We should be grateful if you~~
 You will no doubt ~~be~~ *interested* in Lawson's visit. ~~It will not be~~ *anything*

Yours sincerely,

Signed: J. C. ...

BOWYERS FIELD,
WROTHAM,
KENT.

15.1.37

Dear Flood,

Zanzibar debts.

I received your 41067/36 of the 12th January as I was starting for London yesterday and had no opportunity till this morning of comparing the A.G.'s comments with the suggestions made in the Colonial Office telegram. Now that I am going out, perhaps all further consideration of the Bill might await my arrival and a telegram to that effect be sent? A month's moratorium from debt discussion will I imagine be very welcome in Zanzibar and probably conducive to ultimate agreement.

The A.G.'s amendments certainly go a long way towards meeting our minor points: but I suggest that it would be wiser not to crystallize any further until the whole Bill can be reviewed comprehensively on the spot. For example I have so far assumed that the determination of the true character of (possibly) fictitious sales, in connection with the debt settlement, would be entrusted to the same Court as adjudicates on other issues. There may be objections to this: but it would simplify and cheapen operations (both judicial and technical) if the Debt Adjudicating a field organisations could take every form of mortgage in their stride, these claiming that ostensible sales were in fact mortgages having to apply within the same period (4 months) as other debtors (or creditors). This illustrates the point (which has of course not been overlooked either in

Zanzibar

Zanzibar (or here) that the Alienation of Land Decree will require early amendment - or replacement - as a pendant to Debt Settlement.

As regards terminology I have always thought that fictitious sale was used as an indifferent synonym for conditional sale. I understand the A.G. restricts the use of the former to the proceeding described by Sir Alan Pin in Section 15 of his report on the Land and Mortgage Debt. The discrimination seems to me valuable, although the term fictitious sale is not a satisfactory one.

Kenya Coast Belt.

As mentioned in my letter to Bottomley, since I am returning via Nairobi I should like to stop there a week to refresh my memory as to their problems. I have grossly neglected them through pre-occupation with Zanzibar debts, as well as Zanzibar land settlement. It will ~~be~~ if the Colonial Office will take the responsibility for the delay on its shoulders and would write to the Kenya Government explaining the matter and say that with a view to making up for the delay as soon as possible after I get back I should like to stop a week in Nairobi on my way home and refresh my memory as to these problems and learn development since I was there.

I have heard a rumour that Logan may be giving up the Commissionership of Lands and be succeeded by another officer. If there is any truth in this it may facilitate matters appreciably as it was well known that there was not the greatest sympathy between FANNIN and Logan and FANNIN is a good man if grit in the relations between himself and his chief (the
thoughts

rights or wrongs of which I do not pretend to judge) is removed. Gilbert's departure (the late Surveyor General) will also assist as there was even less sympathy between Logan and him: and while Gilbert was an extremely competent and crystally honest person, he was inclined to be pigheaded and difficult.

If you approve of the above proposal and if a letter go to the Kove Government by next Air Mail in that sense, then I shall be free to deal with Logan (or his successor) or Fannia as the case may be.

Yours sincerely,

(Sgd.) Ernest W. Dowson.