

38359

1938

38359

KENYA
C0533/500

FUMIGATION OF THE S.S. "CLEARTON"

~ COMPLAINT AGAINST COST THEREOF

Previous

Mr. Surridge 7/2
Mr. Parker 27
Mr. Dale 30.7
Mr. Passin 21.8

Subsequent

R. 298 11/8
R. 297 12/8
303 15/8
298 17/8
299 21/8

297

4/3/38

297

309

7/3

Mr. Dawe

298

17/3

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21/3

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20/6

309

20.6

303

21.

299

24/6

297

30/6

309

Mr. Smart

5/7

~~297~~
62888

The copy of letter dated 18th February recd. from Messrs R. Chapman & Son regarding fumigation of the S.S. "Clearton" at Mombasa, together with copy of report recd. from Port Captain, Mombasa and letter addressed by the Board to Messrs R. Chapman & Son.

This is a complaint by Messrs. R. Chapman & Son which has been referred to us by the Board of Trade.

Early in February last the Port Captain at Mombasa ordered the fumigation of the bug-infested crew's quarters in one of Messrs. Chapman's ships, the s.s. "Clearton". The fumigation had to be done with cyanide which was obtained from Nairobi and, together with the cost of replacing some infested mattresses, cost the Company altogether £146.

The Company considers this excessive and points out that in Glasgow it would have cost only one-tenth of that amount. They wish to know (a) whether it was necessary in the circumstances to have cyanide brought from Nairobi at a high cost, and (b) under what authority the Port Captain was acting when he ordered the fumigation. The former question obviously requires reference to Kenya, and the latter can also conveniently be referred thither, although it would seem that the powers required for such action are given under

* both attached
* & flagged

* Section 73(d) of Cap 124 of the Revised Edition.
See also the Port Health Rules of 26/2/1923, Nos 18
* et. seq., on p 1159 of the Revised Edition.

Draft to Kenya and interim reply submitted for comment.

Charles White 9/3

Seen
Tommy Brown
10/3/38.

Wm
A. J. Moore
10.3

To Messrs Chapman

17.3.38

DESTROYED UNDER STATUTE

150 (No. 101 except that marked 'C'). Cons. 18/3/38

H. S. Chapman & Co

19.3.38

DESTROYED UNDER STATUTE

(2)

Reg. No. 4

297

W. Gray

24/3/38

No reply has been received to no. 3.

W. Gray

297 20.6.38

Remind LF

W. Maw

20.6

150 - Cons. A/2. 24.6.38

W. Maw

6. Gove up 355

21.6.38

Reply to complaints made by Messrs Chapman & Son, suggests further (cons) should be addressed to the Transport

W. Maw

Before then H. S. & Co the first advice we can give on any legal charge, you will wish to see. The only point raised at the time of the visit to familiarise with cyanide etc. has been removed from 1/35 to

To be in a similar case. In the 2000 series... of the company at B... unknown to...

W. Maw

5/1/38

I understand that in this country the rate for disinfection by cyanide gas would be 1/- per 1000 cu. feet and by sulphur dioxide 6/- per 1000 c.f. This is the Cardiff rate and is low. The reasonability of the rate above would depend on the total area and the cubic capacity of the gunners. The min. for women's labour is 120 c.f. per head.

W. Maw

5/7/38

I do not think that it is worth pursuing the matter further and we need not, I think, bother the Legal Advisers.

Draft reply herewith for consen.

W. Maw

7.7.38

Mr. Dale

You will see that in this letter of the 18th of Feb. Messrs Chapman asked "under what power or authority the Port Capt. purports to act". The answer to

that, in the Gov's dep., is rather
a vigorous, but I suppose
we ought to say something on
the aspect of the matter to Messrs
Clapman, et. son, without
much trouble, in case such
particulars as ~~you may~~
deem desirable in the op.?

J.J. Bean
27/7

So far as I can see they had no authority
whatever for any of this. The Port Captain
orders the Immigration, and said in the bill
he did not say, if you do not agree to Immigration
you will be prosecuted under s. 210 of the
Shipping Act, with the usual that they say.

s. 210 of that Act merely imposes a liability
to prosecution for an offence under it. There is
entirely a Port Officer to take steps for
conducting Immigration. Similarly, Rule 25
under Cap 124. It is true that under Rule 19 (c)
he must order the ~~immigrants~~ to be "decontaminated" or "discharged",
but there is no authority to buy new mattresses.
Rule 31 does not apply here, it deals only with infection
diseases.

However, it is clear from the ~~report~~ that
they are in fact aware of all this!

(W) 28.30.7.

Shaw & Sons with Mr. Paine and
Lester on his visit: with Mr. Doh.
As a large blow.

h. S. S. S.

2/8/38

et. son

To R. Clapman & Son - 11.8.38

if you agree

8 to be transported (1/7) 7/12-19 8 38
(6 Approved)

K

9 Clapman and son
Actors 7.

11/7/38

Let by
R. S.

24.8.38
at all.

K

R. CHAPMAN & SON.

(G. WILLAN)

SHIPOWNERS & SHIPBROKERS

THE CARLTON S.S. CO. LTD
THE CAMBAY S.S. CO. LTD

TELEGRAPHIC ADDRESS CHAPMAN

TELEPHONES NEWCASTLE 21632-4

SCOTT'S, LOEBARD, STANDARD & WATKINS CODES

MARITIME BUILDINGS,

NEWCASTLE UPON TYNE. I

ALSO AT LONDON

15th August 1938.

2/9

The Under Secretary of State,
Colonial Office,
LONDON, S.W.1.

Your Ref: 38359/38.

Sir,

We are much obliged for your letter of the 11th inst. regarding the matter of fumigation of our steamer "CLEARTON" at Kilindini and were pleased to hear some time ago that the Kenya and Uganda Transport Administration had agreed to reduce the charges made.

We thank you for having so promptly taken this matter up on our behalf, and remain,

Yours faithfully,

FOR R. CHAPMAN & SON.



C. O.

For Mr. S. G. H. G.

Mr. Surrudge. *7.7.38.*

38359/38. Kenya.

Mr. *Boyle*
Mr. *San* *2/8* *f.s.*

Sir H. Moore.

Downing Street.

Sir G. Tomlinson.

11th Aug
July, 1938.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Gentlemen,

With reference to ~~the~~ *2000*

DRAFT.

CONSON

(4)

letter No. ~~45233/38~~ *2/4* of the ~~19th~~ *19th* March

MESSRS. R. CHAPMAN & SON,

Maritime Buildings,

Newcastle-upon-Tyne, 1.

~~addressed to you by the Board of~~

~~Trade~~ regarding the s.s. "Clearton",

I am etc. to inform you that a report

has now been received from the

Governor of Kenya on this subject.

2. It appears that the seamen

of the s.s. "Clearton" made their

complaint regarding the condition of the

ship to the Port Captain and the

latter, having heard the complaint,

which was to the effect that the

only available quarters for the

crew's accommodation were uninhabitable

by reason of an infestation of bugs,

~~copy to Mr. J. T. H. F.~~

copy to Mr. G. H. G. Stamp

FURTHER ACTION.

*copy to Mr. G. H. G. for
T. L. F. and
no: 6 per G. H. G.*

inspected

inspected the quarters in question

accompanied by the Port Medical Officer.

After inspection these officers ~~decided~~ ^{came to the conclusion}

that the crew's complaint was genuine

and the Port Captain ~~decided~~ ^{was of the opinion} that if

the ship were to proceed to sea the

crew would ~~neither~~ have had the cubic

space to which they are entitled, nor

would they have had proper protection

from the weather and sea as the ship

would have had to put to sea with the

crew living on the deck of the poop,

which in fact they were doing at the time

of the inspection.

2. The Port Medical Officer ~~was of the~~ ^{was of the}

~~opinion~~ that it was essential for the quarters

effectively to be fumigated before any part

of them could be occupied by the crew.

3. With regard to your inquiry as to

the necessity of sending cyanide from

Nairobi, the Govrnr explains that two

ineffectual

C. O.

Mr.

Mr.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Parly. U.S. of S.

Parly. U.S. of S.

Secretary of State.

ineffectual attempts had been made to

fumigate the ship with sulphur and it

was decided that the only effective manner

of dealing with the infestation was by

cyanide fumigation. As the necessary

apparatus for this latter treatment was

not available at Mombasa it was necessary

to send to Nairobi for it.

~~I am to add that as a result of~~

your representations the charges made

for the fumigation services rendered have

been reduced to £69 as a special case.

~~I am, etc.~~

(4) It is suggested that any further correspondence on this subject should be conducted with the Secretary to the High Comm. for Transvaal, Nairobi, Kenya.

I am or
(Sd) N. Sundar

DRAFT.

(5) As a result to your representations however, the Kenya Kenya and Uganda Administrations have agreed to send

FURTHER ACTION.

AIR MAIL

KENYA

No. 355



GOVERNMENT HOUSE

NAIROBI

KENYA

2/ June, 1950.

Sir,

3 I have the honour to refer to Mr. Oresty's (now Mr. Harlequin's) despatch No. 150 of the 18th March, transmitting a copy of a letter forwarded by the Board of Trade from Messrs. H. Chapman & Son, on the subject of the fumigation on the 4th February of the crew's quarters in the S.S. "Clearton" by order of the Port Captain at Mombasa, and to offer the following observations as to the reply which should be returned to Messrs. Chapman & Son, on the points raised in their letter.

1. The Port Captain, Mombasa, was appointed under Kenya Government Notice No. 402 of the 14th November, 1941, to be an officer by, to, and before whom all things authorised under the merchant shipping Act, 1894, or any amending Act, to be done by, to, or before a British Consular officer may be done. In this case the seamen made their complaint to the Port Captain under section 111 of the merchant shipping Act. The Port Captain, having heard the complaint, which was to the effect that the only available quarters for the crew's accommodation were being prohibited by reason of an infestation of rats, inspected the quarters in question accompanied by the Port Medical Officer. Upon inspection both these officers decided that the crew's complaint was genuine and the Port Captain decided that if the ship were to proceed to

See ...

THE RIGHT HONOURABLE

MALCOLM MACDONALD, M.P.,

SECRETARY OF STATE FOR THE DOMINIONS,

DOWNING STREET,

LONDON, W. C. 2.

sea in what was then her condition the crew would neither have had the cubic space to which they are entitled by section 210 of the Act, nor would they have had the proper protection from the weather and sea that is referred to in the Sixth Schedule to the Act inasmuch as the ship would have had to put to sea with the crew living on the deck of the poop, which in fact they were doing at the time of the inspection. Had the ship put to sea before these circumstances were remedied, the owners would have been liable to a prosecution for an offence against section 210 of the said Act.

The Port Medical Officer, however, was of the opinion that it was essential for the quarters effectively to be fumigated before any part of them should be occupied by the crew; the Port Medical Officer was quite entitled to take up this attitude having regard to rule 23 of the Public Health (Port Health) Rules, Chapter 124 of the revised Subsidiary Legislation.

3. With regard to Messrs. Chapman's enquiry as to the necessity of sending cyanide from Malacca, the position was that two ineffectual attempts had been made to fumigate the ship with sulphur and it was decided that the only effective manner of dealing with the infestation was by cyanide fumigation. As the necessary apparatus for this latter treatment was not available at Ambasa it was necessary to send to Malacca for the required apparatus and operators.

4. The main complaint of Messrs. Chapman & Son appears to be on account of the charges made for fumigation services rendered. These charges were raised by the Transport Administration, which has agreed to reduce them to £69 as a special case.

5. I suggest that any further correspondence on this matter should be addressed to the High Commissioner for Transport. The Secretary to the High Commissioner

is being furnished with copies of this despatch and of
your despatch under reply.

I have the honour to be,

SIR,

Your most obedient, humble servant,

W. A. ...
~~GOVERNOR'S DEPUTY~~

C. O.

O. D.
R 17 MAR
D. 15 4/3

- Mr. C. White
- Mr. D. 10.3
- Mr.
- Sir H. Moore.
- Sir G. Tomkinson.
- Sir C. Bottomley.
- Sir J. Strachburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State

Amos 6

18 March 1928

JH

DRAFT.

Kenya
No 150.
Gov

[enclo] a copy of a letter, which

a copy of a letter, which has been forwarded ^(to the C.O.) by the Board of Trade, from Messrs R Chapman and Son on the subject of the fumigation on the 4th of February of the crew's quarters in ^{the} SS. "CLERTON" by order of the Port Captain at Mombasa.

2. It will be observed that Messrs Chapman consider the cost of the fumigation to have been excessive, and deemed desirable to be informed both why it was necessary to procure Cyanide from Nairobi at a high cost, and under

all ends to (1) except that marked (c)

FURTHER ACTION.

12
Telegrams—“SHIPINDER, PARL, LONDON.”
Telephone—WHITEHALL 5140.

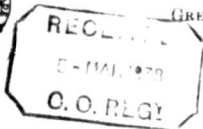
ANY further communication on this subject should be addressed to
The Assistant Secretary
Mercantile Marine Department
(address as opposite)

and the following number quoted

N. 5234/38



MERCANTILE MARINE DEPARTMENT,
BOARD OF TRADE,
GREAT GEORGE STREET,
LONDON, S.W.1.



4th March, 1938.

Sir,

I am directed by the Board of Trade to transmit herewith, to be laid before Mr. Secretary, Crumby here, a copy of a letter dated the 11th February which has been received from Messrs. R. Chapman & Son regarding the immolation of the s.s. "Clearton" at Ambasa by the Port Health Authorities at that port. A copy of the report with relative enclosures which has been received from the Port Captain, Ambasa, in the matter is also enclosed, together with a copy of a letter which has been addressed by the Board to Messrs. R. Chapman & Son.

I have the honour to be,

Sir,

Your obedient Servant,

The Under Secretary of State,
Colonial Office,
Downing Street,
S.W.1.

Copy made (might it be made?) to King's

Maritime Buildings,

Newcastle-upon-Tyne, 1.
also at LONDON.

2/9

16th February 1930.

The Registrar General of Shipping & Seamen,
Tower Hill,
LONDON.

Dear Sir,

Whilst the Steamship "CLEARTON" under our management was at Mombasa at the beginning of this month loading cargo, three members of the vessel's crew (all of foreign nationality) apparently complained to the Port Captain of the presence of bugs in the crew's quarters. We have before us a copy of the Port Captain's letter to you of the 5th inst. and a copy of the enclosures therein referred to. (h)-(j)

We enclose a copy of an Account which we have received from the Agents who attended to the ship's affairs at Mombasa and which you will see amounts to £146-12-6. This to our mind is out of all reason and we cannot understand why it was necessary to incur the expense of obtaining cyanide from Nairobi, a considerable distance from Mombasa, when the Port Captain knew that the vessel was coming to Great Britain to discharge her cargo. As a matter of fact the ship is now on her way to Glasgow. If it were necessary to have the vessel fumigated with cyanide this could have been done at Glasgow at probably a tenth of the cost which has been incurred at Mombasa, whilst the very serious delay in sailing from Mombasa, viz. 22 hours, would have been avoided. (i)

You will of course appreciate that we are not complaining of fumigation when such a course is necessary and we stand second to none as Shipowners in our desire to see that the crew's quarters are kept in proper condition. You will however

we are sure, appreciate that even in the best managed and regulated ships crew's quarters are from time to time subject to bugs especially in hot climates. What we are complaining of in this particular matter is the high cost of fumigation and as to whether in the circumstances it was necessary to have cyanide brought from Nairobi at a high cost.

As the Port Captain has reported fully to you on the matter we assume that you exercise some jurisdiction over his activities and we shall be glad if you will let us know under what power or authority the Port Captain of Mombasa purported to act when he ordered the vessel to be fumigated with cyanide at considerable cost to ourselves.

Thanking you in anticipation,

We are,

Yours faithfully,

(sgd)

COPY.

Mombasa, 5th February, 1958.

The Master & Owners, s.s. "Clearton". Maize Charter (Supplementary)

In account with

Mitchell Cotts & Co. (East Africa) Ltd.,

Mombasa.

SUPPLEMENTARY ACCOUNT FOR FUMIGATION OF CREW'S QUARTERS.

	Shgs.	Cts.	£	s.	d.
To Fumigation Charge Port Authorities complete fumigation of crew's quarters with cyanide gas.	2700	00			
Sulphur for fumigation	25	00			
Cost 122 New Mattresses	110	00			
Sleeping Accommodation at Institute	67	50			
Motor Boat Hire and Lorry Hire for mattresses	30	00			
	<hr/>				
	Shgs. 2932	50.	£146.	12.	6.
	<hr/> <hr/>				

31st January 1938.

P.Z.

The Master,
S.S. "Clearton",
MAGADU RIVER.

Dear Sir,

I have been advised by the Port Medical Officer that in view of the recent fumigation of the crews quarter of your ship, this accommodation will not be suitable for occupation tonight. It will therefore be necessary for you to make suitable arrangements for the men's accommodation for tonight.

I have advised Mr. Davies of Messrs. Mitchell Cotts & Co. of the situation.

Yours faithfully,

(sgd) J.E. Hoggan.

PORT CAPTAIN.

~~MEMORANDUM FOR THE PORT HEALTH OFFICER~~

Port Department Offices,
Kilindini Harbour

Mombasa 26th February, 1930.
Kenya.

Reference P.V.

The Registrar General
of Shipping & Seaman,
Tower Hill,
LONDON

Sir,

S.S. "Oldenburg"

I have to report that on 21.2.30 I received a deputation from the following members of the crew of the above ship:

Number on ship's articles.	Name.	Capacity.	Nationality.
7	H.F. Klopmeja	A B	Dutch
8	H. Reiman	A B	German
*25	H. Neilsen	Fireman & Trimmer	Dutch

who complained that their quarters were bug infested. In consequence I visited these with the Port Health Officer and inspected the quarters, the Master of the ship accompanied us.

In spite of the crews quarters having been twice fumigated with sulphur during her stay in this Port, and also scrubbed with soap and Paraffin by order of the Master; large number of live bugs were still present.

Acting on the advice of the Port Health Officer, I made the necessary arrangements for fumigation with Cyanid, and instructed the Master that the ship would be detained in this Port until this was done to the satisfaction of the Port Health Officer.

During the process of fumigation the crew were accommodated ashore at the Seamen's Institute.

Copies of entries are subjoined which I have caused to be made in the official log, also various communications affecting the case are attached herewith.

"2.2.1938, 10.00 A.M. Mombasa.

As a result of a deputation from the crew of this ship, who complained of Vermin, bugs, in their living accommodation I have in the company of the Port Medical Officer examined the accommodation and find very definite infestation.

Sgd. C.B. Hoggan
for PORT CAPTAIN. 2.2.1938.

Sgd. R.E. Wiseman
PORT HEALTH OFFICER MOMBASA
2.2.38.

2.2.1938. Mombasa. 2.2.38.
10.15 A.M.

Facilities do not exist at this port for fumigation of vessels. An effort has been made on two occasions to eradicate the infestation by Sulphur fumigation but this has proved unsuccessful. I am of the opinion that fumigation by Cyanide would be the only satisfactory method to adopt and I have notified the Port Captain to this effect and the latter is endeavouring to obtain equipment at present to have this done.

Sgd. R.E. Wiseman
PORT HEALTH OFFICER,
MOMBASA.
February 2, 1938.

5.2.1938 Mombasa. 5.2.1938.

The crews quarters of this vessel were fumigated with Cyanide. Fumigation commenced at 17.30, 4.2.1938 and the space was opened up for ventilation at 06.00 5.2.1.38.

These quarters are not to be occupied for sleeping purposes until 08.00 on 6.2.1938."

SD/- A.C. ANDERSON
SANITARY INSPECTOR.

Sgd. C.B. HOGGAN
for PORT CAPTAIN. "

I have the honour to be,
Sir,
Your obedient Servant,

(srd) C.B. Hoggan.
PORT CAPTAIN.

Enclos:
/CS.

COPY.

(11)
13

No. 8/108/38.
PORT HEALTH OFFICE,
MOMBASA, KENYA.
31st January, 1938.

The Port Captain,
KILINDINI.

RE: S.S. 'MOLAKANI'.

Confirming our telephone conversation of today I have to advise you that the above mentioned vessel is being fumigated under supervision of this department and any part of the sleeping quarters being so treated should not be occupied by the crew to-night. Messrs. Mitchell Cotts & Co., Ltd., have been advised accordingly by telephone.

SD/- R.H. WISMAN
PORT HEALTH OFFICER.

COPY/CS.

2nd February 1938.

The Port Captain,

KILINDINI.RE: S.S. "OLINDA" -

Confirming our joint visit to-day at 10 a.m. to the above mentioned vessel I have to advise you that I found the accommodation of the crew to be very definitely bug infested.

2. An attempt has been made on two occasions to fumigate with sulphur but this has proved unsuccessful. I am of the opinion that the only satisfactory method of dealing with the situation is by cyanide fumigation but the necessary equipment and personnel for this work do not exist at this port. I would suggest that these might be obtained from the Railway Authorities.

3. I would further advise that the mattresses at present in use be destroyed by burning and fresh mattresses issued to the crew after the quarters have been fumigated and before re-occupation of the quarters.

R. H. WISMAN

PORT HEALTH OFFICER.

Kenya and Uganda Railways and Harbours

Port Department Offices
Kilindini Harbour

MOMBASA 3rd February 1936.

P.Z.

The Master,
S.S. "Clearton",
MAGADI JETTY.

Dear Sir,

As a result of a deputation consisting of three members of your crew who complained of the presence of bugs in the crews quarters, I visited your ship accompanied by the Port Medical Officer at 10.00 A.M. yesterday.

We inspected the quarters concerned and found a definite infestation. In regard to this please find here enclosed two copies of the Port Health Officer's letter to me.

You are hereby instructed that upon completion of loading, your vessel will be moved to an anchorage and detained until the crews quarters have been fumigated to the satisfaction of the Port Medical Officer. During the process of fumigation your crew are to be accommodated ashore and are not to re-inhabit the accommodation until permission to do so has been obtained from the Port Medical Officer.

All costs in connection therewith are to be borne by your ship.

I have arranged for the fumigation to commence on Friday 4th February, 1936.

Yours faithfully,

(sgd) C.B. Hoggan
PORT CAPTAIN.Copy to the Registrar General
of Shipping and Seamen,
Tower Hill,
London. S.W.1.(sgd) C.B. Hoggan.
PORT CAPTAIN.

/cs.

COPY.

(vii)

5th February 1933.

P. 2.

The Port Captain,
Kilindini Harbour.

S.S. "CLERTON"

I hereby certify that the crews quarters which are in the poop of the above ship have been fumigated with HYDROCYANIDE ACID GAS, CLEPHI METHOD. The quarters are now free from Vermin and the ship may now proceed.

(sgd) A.C. Anderson.

Sanitary Inspector.

Copy to the Registrar General
of Shipping & Seamen,
LONDON, S.W.1.

The Port Captain,
Mombasa.

Before giving sailing permission to the Master of the s.s. "Clearton" will you please inform him that the crew are to sleep on deck tonight and not in the recently fumigated quarters.

(sgd) A.C. Anderson

S.I.
5.2.38.

COPY.

(ix)¹³

5th February 1938

The Master,
S.S. "Olepton"
Kilindini Harbour.

Dear Sir,

I am advised by the Sanitary Inspector
who fumigated the crews quarters etc. of your ship
that the crew are to sleep on deck tonight and not in
the recently fumigated quarters.

Yours faithfully,

(sgd) C.S. Roggan.

ROGGAN

CS.

CONF.

24
CEWD

Mercantile Marine Department,
Board of Trade,
Great George Street,
Westminster, S.W. 1.

M. 5233/38

4th March, 1938.

Gentlemen,

With reference to your letter of the 18th February (2/9) addressed to the Registrar General of Shipping and Seamen regarding the s.s. "Clearton", I am directed by the Board of Trade to state that the question raised in the last paragraph of your letter is one for the consideration of the Colonial Office, to whom a copy of your letter has been sent.

I am, Gentlemen,

Your obedient Servant,

Messrs. R. Chapman & Son,
Maritime Buildings,
Newcastle-on-Tyne, 1.