# KENYA

Expenses incurred in transporting shipwrecked museat arabs to Kangibar.

President	dis		2-14			
			-44			
			309	1679		
			An Paskin-	19	and the second district	· · · · · · · · · · · · · · · · · · ·
	. FT 4		m B.gg	11/4	a agranta a managanin	
Subse	quent		m: Bearte	29	San Track	and the second
	114		m: Passin	36		25
		. !	m. R.ye	30/4		
			304		. 45.3	
	2.11	26/7	2 498.	110		
	30%	2917	H. 279.	10/10		
	An Paskin		197	101/10		
	241	4/8	303	12/10		
	, ,	4/8	298	13/10 .		
	Andrawaye	5/4	297	5/		
	11721		* \$	4/11		
	m Banks	8/8.	Milwokin	4-		
	Brys	19/8.	M. Duncan	25/11/30		
	R297.		me Bigg	77		
	100	34/8	11200	8/12		
	An Parkin	-	297.	9/12		
	2. 3		303	12/10		
	Core	8/9	298	14/12		
		12/01	247	-	1	~
FILE A.		107	(1092). Wt. 23,84/89, 5,000, 10/37, N.D.Co. G.892/77c.	- 1		ng
			THE PARTY OF THE PROPERTY OF T	一一 中國中國 以外 多点		1.00

Ct. acabs 1. Govo. dep. 415. Extentes wires in which expenses were incurred or engines to what authority apple should be made for reimbersement to youts of Kempa, Italian Soild. Oman is looked after by the India Office. (M. Symon y the Miles Philical Dift at the 10 in the toped). The chinel for ugent commications between Kenya and Musial is arough Hugh Weightman B 1CS Officiating Political Resident Persian Gulf BAHREIN ain a copy of letters to turn should Major RP Watts HM Consul MUSCAT The soutine channel of minimultion is wa Co LIO.; and the IV. Louis like agnos of all the converte: Sent through the urgent channel. Druft sutrouted. Closely blule W. Sun 3 307/26

The low evidently expects us to get on with veclaiming we money straight away sharpet to IO submitted course

. Clare blute 4/8

got ongre to have gim delices

got ongre to have gim delices

the claim are wound things

proper to art for them. It however

you think the surround. He

dings gums to to surround. As

when It will be surrounded.

981

9 9 Pacum 6/8

Mr Parkin

we con the

experience of this cost of thing. I certainly type with the soul of thing I certainly type with the state that thenya should give details of provible receipts. I imagine their intention was to claim direct or give details then but now that are have the I whole thing had better go through the one, routine,

RBurn 8/8/3

6 4.0. (Mc Nove +2 college A.B) Com 15 10011 3 4/11 C 3203/3053/101 traces Ref 3; claim for refunct of expenses can be made against Gort of Musical Changh J. O. Jaff subanifice Ctory while 1/8/1F 6 1.0. ( 1.1 + 2 melenes in) \_\_\_\_ 7.938 Spoken with Mr Symon (I o) and In Moulgonery (F.O) over the The To how raised with the FO Celeptione. tates that we shipwrecked persons were Musical Arado subjects of the Sultan of Oman. Their Journey began however from to kale when the to position out is not in Owan but in the Hadramant, which is put of the Aven Protectorale. Was it therefore correct to claim morey in comesian who then shipworch fun Oman rather tran Aven? I the auswer to creat greation is Jest, we To Lours still require some buto lo decide furni information before putting hie

case of the outland oman, namely

(1) we we handle by the dhow ; This is stated to be Andrian (end to (2)) in what is to make usequied t belongs to

(2) the nationality a

3) vie humbers of the captain 2 crew.

It was agreed with Mr Montgowing that he with more honds be for us Co Siw out these facts from Kenya to stars attention to we point about Makatha.

draft accordingly herewith. Clarkquelute

A Bigg. m - Alenta

? any observe

I am nor in a portion to add anything lowhatte to have min, but twomen when umable logisthe advise of the By, Who are the refer to on thebying matters, before we take further action. We can tell them what we propon to do I ask efthy have any otherentions boffer

loj Ain

It seems probable that the dhow + the party on board came from Muscat, That called al Mukalla in water Itis houring possible that there is some mistake, that The Ands were not Muscato, but Hadramantis, That started from Makake. In that ease the claim wi touppose, be against the Mukelea South The nead to be submitted to the British Resident Advances at Philades via the Governor of adong but the it woulded that it is a Muscal

In be disposed myself to who back to Konga as in the draft. The Bol T may help but Ish Lave doubles wheter they wil harroand he alle do gwe much fuidance in a bear maller of the int. GwBlanta

It is not clear to me how the God of Kinga is foring to be able to answer they fire also

with it and . per - w info that ofer to be remised. g see in the walnut Tell them that " their have mid, for the think of nu etoway, of the Lugree with mildstine To AT (seft 1 2 3 responds) 4. 5 separato) como To For ( may & informato). NF.

Luya 392 ( 5 % mo mile ). A/1 - 10 . 10. 38.

follows the advice fine 4 the B. AT. in No. 11.

15/11/38 /1. Duncan.

1 days 739 1 + 2 (burne) 600 8 12 38

(. (5) e /2 Big) - /4/238

and on grapher Mr. Costley-White. 41

See minte 1. U-Str H. Moore.

Downing Street.

I have etc. to acknowledge

Sir G. Tomlinson. Sir C. Bottomley.

Sir J. Shuckburgh Permi. U.S. of S.

Party. U.S. of S.

Secretary of State.

Sir,

38382/38.

DRAFT. conson.

(1)

KENYA

GOVERNOR

(2)

the receipt of your despatches No. 415

of the 20th July, and 423 of the 23rd

July, concerning the shipwreck off the coast of Italian Somaliland of a party

of Muscat Arabsin Manh last, and &

the proper treatment of the claims for reimbursement of the expenses incurred

must depend on the nationality of the

deba, of the passengers and possibly

also of the crew. If the damw was a

British ship, that is, was properly

entitled to fly the British flag,

which, in the enclosure to the former

of your two despatches, she is stated to have done, the Merchant Shipping Acts

(%51 350) Wt.19194-17 10.000 6/97 LS. 695 (440-750) 6 1. 728-6; 18000 1/77 LS. 695

FURTHER ACTION.

of this country would apply, and under Sections 41 and 42 of the Act of 1906, the owners of the vesselare responsible for the expenditure so far as it relates to the whole of the crew no matter what their nationality. If the vessel should prove not to have been British, then the owners will still be responsible under British law for the expenditure incurred in respect of any British members of the crew. Merchant Shipping Acts impose no liability on the owners in respect of any passengers. and, so far as the expenditure claimed relates to them, the matter will require to be dealt with, through the Foreign Office or through the authorities for that part of the British Empire to which any of the passengers may have belonged.

The position set out above is that which obtains under the United Kindom, the much legislation Hother parts of the British Enfanc concerned which would the circumstances of the case. In this

SIV H. Moore. Sir G. Tomlinson Sir C. Bottomley. Sir J. Shuckburgh Permi. U.S. of S. Parly. U.S. of S. Secretary of State.

DRAFT

FURTHER ACTION.

connection I have noted from the former of your two despatches/thet the shipwrecked Arabs are subjects of the Sultan of Oman and that It on a voyage from Makalla In the Aden Protectorate that the shipwreck took I should be glad to be informed whether the journey began (whi is extended in the abou Protectorale) at Makalla/or whether that was merely the last port of call in a journey commencing at some point within the Sultanate of Makalla or elsewhere.

4. In view of the fact that Ohow the nationality of the dehw is of such cardinal paramount importance in the case, I request that I may also be supplied with all particulars available as to the ownership and registration of the vessel. Complete details concerning the nationality of the Captain, of the nationality and numbers of the

mer in court to

connection

crew and passengers will also be required. In this connection I would observe that information with which I have been supplied on this latter points is discrepant. In the letter of the 12th May from the Royal Italian Consul-General at Nairobi, it is stated that the passengers and Grew who were conveyed from Italian Someliland to Mombasa altogether numbered 187; in the account of the expenses received from the same source in the letter of the lith July the number of passengers alone is stated to have been 189; and from the former of your two despatches under reference it appears that the total number of persons

I have, etc.

involved is 190.

Any further communication should be

### The Assistant Secretary for Finance,

at the address given opposite.

The following letter and pumber should be quoted: —

F. 4489/38.

Telegraphic Address:
BOARDFUNDS, PARL, LONDON

Telephone No.: Whitehall 5140.



### FINANCE DEPARTMENT

BOARD OF TRADE,

GREAT GEORGE STREET.

LONDON, S.W.1

1.51

and November, 1938.

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

Sir,

In reply to your letter of the 8th October (35382/38) respecting the repatriation of the crew and passengers of the Arabian dhow "Galib" wrecked off the seast of Italian Somaliland, I am directed by the Board of Frade to state for the information of the Secretary, June for the Colonies that the proper treatment or the mains for the reimbursement of the expenses insurred must depend on the nationality of the dhow, of the passengers and possibly of If the dhow was a Builtich and other words was properly entitled to the the is stated to have done, the Merchant Shraw Acts of this country would apply and under Sections 41 and 42 or that of 1900 the owners of the vessel are responsible for the expenditure so far as it relates to the whole of the crew, no matter what their nationality prove not to have been British, then the owners will still

be responsible under British law for the expenditure incurred in respect of any British members of the crew. The Merchant Shipping Acts impose no liability, however, on the owners in respect of any passengers and, so far as the expenditure claimed relates to them, the matter appears to be one for the Foreign Office or for the authorities for that part of the British Empire to which any of the passengers may have belonged. The above position is that which obtains under the law of the United Kingdom or Lumerial law, but there may possibly he legislation of the aden Protectorate or other parts of the British Empire concerned which would be applicable in the circumstances of the case and no doubt this aspect of the matter will receive due consideration. above position the Board agree that the information to be sought in the despatch of which a draft was enclosed with your letter is necessar in the transment Mr. Secretary MacDonald way think at well to explain the general position as set out above to the Government of Kenya and also to ask for information as to the nationality of the passengers. In this connection I am to point out that the numbers given in the various despatches relating to the case are discremant. the original descratch from the Italian Consul General at Mairobi of 10th in , it is stated that the passengers and

the crew who were repatriated from Italian Somaliland to Mombasa numbered 187 together. In the account of the expenses, apparently from the same source and dated 15th July last, the number of passengers alone is 189, while in the despatch from Government House at Nairobi dated 20th July, the total number of persons involved would appear to be 190.

The Board desire me to add that as the question of the nationality of the dhow is of such cardinal importance in the case, they would suggest that all particulars available in regard to its registration and ownership should be sought from the authorities of the British Colony or Dependency in which it may be claimed to have been registered.

I have the honour to be.

Sir,

Your obedient Servant.

E. J Ellis

Set ochober 1938

Mr. Corting While Mr. Parlem

Sir H. Moore.

Sir G. Tomlinson. Sir C. Bottomley.

Permt. U.S. of S Parly. U.S. of S.

Secretary of State

DRAFT.

Seevetary Bon Sp

1 to 19938

12 - Har winder ents

To South haven in South

FURTHER ACTION.

copy to Fo/

If ing.

3/x f. M

Sir I am etc to transmit

forthe course of the Broand of. Trade, copies of deskarrhes

franche Governor of Kenya and of consportance with

we Fo. 10. on the subject of the shipwreik;

in Marth last, of a party of Americal Arabs of the coast of Italian

Somaliland.

2. Tulie Governor's deep oghie 20th of July it is stated had the ship weeked

persons were Muscol-Anales subjects of the Sultan gomen, and that

it was on a wyage from Makaka Chat the ship which Cook place. 4 has been M. MacDonald's attention has been drawn to the fact wat Since Makalla is simated in the Aden Protectorate, and not in the Sultanate of oman, it way be herenay to review the decision in the FO. letter of the 27th of August, Chat a claim for the refund of the expenses in cumed in connexion with the ship week can properly be made against he Gove of Muscal. San I MacDuald has also been informed Grat before making a classes of tuin soit against the got of Mus at, or may stage God; it would be destructe a obtain Justine information as to the hadinality of two vexel and it captain, and as to the that madily and number of it inew

Mr.
Mr.
Sir H. Moore.
Sir G. Tomlinson.
Sir G. Bottemley.
Sir J. Shuckburgh.
Permt. U.S. of S.
Parly, U.S. of S.

## DRAFT.

Secretary of State.

3. It is therefore purposed, subject to the concurrence of the Board of Trade, la conice la live - Gavernor og Kenya as nig hite accompanying draft. M. MacDuald worn se getteful to know whether in the Board's new Evene is any further information which the Gov + Karrya skould be asked to supply. In Macdinaid would also be grateful for any observations which his Board may have to make achie question generally

Pamele

1ga gg Parken.

FURTHER ACTION.

C.O. Mr. Paskin Mr. A. J. Dawe. Sir H. Moure. Sir G. Tomlinson. Sir J. Shuckburgh. Permt. U.S. of S. Parly. U.S. of S. Secretary of State. (1 and 2) DRAFT. duly mourninger. Lo denvitare L ada Protection to

FURTHER ACTION.

Con to F.o.

I.o.

H mj

DOWNING STREET.

C.O.

Mr. Costley-White. 31/2/38.
Mr. Packin. S-8 31/8 15.

Mr.

Mr. A. J. Dawe.

Sir H. Moore.

Sin J. Shuckburgh

Permt U.S. of S

Parly U.S. of S.

Secretary of State.

DRAFT.

- Arrange

THE UNDER SECRETARY OF STATE,

INDIA OFFICE.

\ . .

f am etc. to transmit,

7 SET 1958 ATTORE 1938.

to be laid before the Marquess of

Zetland, a copy of despatches from the Governor of Kenya of the 20th

and 23rd of July, the latter with

s enclosures in original, concerning

the expenses which have been

involved in connection with the

shipwreck off the clast of Italian

Somaliland of a party of Muscat

Arabs in March lest.

:. irovided Lord Zetland

has no objection, Mr. MacDonald

would be grateful if the necessary

It was also classed in the

has an dhow

in

loas registered

ofthe show

Gov.'s despatch No. 415

with enclosures in original (copy need be kept only of the two sheets marked A. and B. in blue.)

## FURTHER ACTION.

Copy without enclosures to F.O. and Gov LFF for inf.

racoverz

recovery from the loveryment or harden

of the sums specified in the Governor's despatches.

despatches have been forwarded to the foreign Office, and that Viscount Halifax has agreed that the claim for a refund of the expenses incurred by the Government of Italian Somaliland can properly be made against the Government of Muscat.

4. A capy of this loting has been sent to the Foreign Office

I am, etc.

Squ. 1. I Fulling

C. O. 1 AUG

Surridge. The 38

W-

Sir H. Moore.

Str G. Tomlinson.

Sir C. Bottomler

Sir J. Shuckburgh. =

Permt. U.S. of S.

Party. U.S. of S.

Secretary of State.

Sir,

THE UNDER SECRETARY OF STATE, FOREIGN OFFICE.

DRAFT.

(1) and enclosure

(2) and first two enclosures.

h ty his his more dapt

FURTHER ACTION.

I am etc. to transmit to

DOWNING STREET.

] , August, 1938.

you, to be laid before Viscount Helifax

38382/38.

copies of despatches from the

Governor of Kenya of the 20th and 23rd of July with enclosures, but

without the original voughers which are being retained in this Department,

concerning the expenses which have

been involved in connection with the

shipwreck off the coast of Italian.

Commaliland of a party of Muscat Arabs

in March last.

2. I am to enquire whether
in Lord Halifax's opinion the claim
by the Government of Italian Somaliland

nan

can properly be made against the

Government of Muscat. If so, it is

proposed to make the claim through the

India Office, together with that submitted

by the Government of Kenya.

I am, etc. Sid N. Sundqu No. 4 23

ching to inverte the transfer of the wrech end

GOVERNMENT HOUSE

23 July, 1938.

Sir,

With reference to Sir Armigel Wade's despatch No.415 of the 20th July regarding expenses incurred in the disposal of a party of Muscat Arabs shipwrecked on the coast of Italian Somaliland in March last, I have the honour to transmit herewith a copy of a further letter, dated the 15th July, from the Royal Italian Consul General, together with a copy of the account referred to therein and original supporting womeners.

The claim of £252.2.10 raised by the Italian Someliland Government is, of course, additional to the £101.2.00 already expended by this Government.

The Consul General has been informed that the matter has been referred to you and that your instructions are awaited.

> I have the honour to be, Sir,

Your most obedient, humble servant.

AIR CHIEF MARSHAL,

allrooke- Pother

THE RIGHT HONOURABLE

MALCOLM MACDONALD, M.P.,

SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,

LONDON, S.W. 1.

CONSOL TO SERENALE D'ITCLI...

No.1521 Som. c.

With the Later July, 1956. VI

Sir.

I make the monour to refer to my letter No.1015-Misc. - dated 12th may regarding the Arabian dnow "malib" (o. mulit) which was wrecked off the benadir coasts on the 20th merch last, and to enclose nerewith the account of the expenses amounting to found sterlings 252.2.10, sustained by the Government of Italian Jamailland in constation with the transport of 189 arab passengers (as per lists attached) from merca to Mombasa, directed by the steamers 'palmatia" and "erritres" respectively on the 15th and 25th april last.

Totall be siliged if you will sindly effect ton remitted to the above sum to this office which will provide to constant to the Jovernment concerned.

I have, etc.

(Signe ) PPULI

moyal Italian colout seneral.

THE JULIANIA and milany,

THE OBURETARIAT,

No. I . W. I.

#### ACCOUNT

of expenses sustained by the Government of Italian Somaliland for the transport of 189 Arab passengers of the Arabian dhow "Galib" (or Kulib) which was wrecked off the Benadir coasts on the 20/3/38.

13/4 By cost of hiring boats for the transport of 135 Arab passengers and 70 packages (luggage) from the shore to the steamer "Dalmatia" It.Lire 555.- © 94,80 Lst.

5.17.01.

30/4 by cost of transport of 155 Arab passengers from Merca to Mombasa by s.s. "Dalmatia" on 13/4/38

> > It Lira 15.458. - 0 94,80-162.17.00

30/4 By seet of transport of 54 Arch passengers from Merca to Mombasa by s.s. "Eritres" on 25/4/38 -

188 full board lickets at the special tariff price of 100 lire each 4.850. - Boarding 1.164.

18.Lire 6.014. - 6 94,80- 63.08.09

Total amount round sterlings

232.02.10

Nairobi - 15th July, 1938. AVIO

The conversion into Pound Sterlings has been effected at the rate of exchange of It. Lire 94,80 to the Pound.



GOVERNMENT HOUSE

NATIONS

KENYA

MENYA

40 July, 1938.

Sir.

I have the honour to transmit the accompanying copy of a letter dated the 12th May from the Royal Italian Consul General regarding a party of Muscat Arabs who left Makalla by dhow about the 20th January last bound for Zanzibar and the Tanganyika Territory either to visit relations or to look for work, and who were shipwrecked on the coast of Italian Somaliland near Merca on the 20th March last.

2. The party, which consisted of men, women and children, were rescued by the Italian authorities and conveyed to Mombasa in Italian steamers in two batches where they were permitted to land. The Zanzibar Government subsequently agreed to permit the entry of 169 of them on the condition that it was not responsible for their passages, and 21 others went, at their own expense, to the Tanganyika Territory.

The expenses incurred by this Government in transporting the party to Zanzibar amounted in all to £101.2.00.

5. These Arabs, none of whom were residents of this Colony, Zanzibar or the Tanganyika Territory, are subjects of the Sultan of Oman and, as such it is understood, enjoy some degree of British protection.

In these circumstances I am in some doubt as to the proper authority to apply for reimbursement

of

THE RIGHT HONOURABLE

MALCOLM MACDONALD, M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET.

LONDON; S. W. 1

of the expenses incurred on their behalf both by this Government and the Government of Italian Somaliland, and I shall be glad if you would advise me on this point.

4. I would add that the account referred to in the last paragraph of the Royal Italian Consul General's letter has not yet been received.

I have the honour to be, Sir,

Your most obedient, humble servant,

Clarkera, DE

GOVERNOR'S DEPUTY.

CONSOLATO GENERALE D'ITALIA.

No.1015 - Misc. -

NAIROBI, 12th May, 1938. XVIO

Sir.

I have the honour to inform you that the Government of Italian Somaliland report that the Arabian dhow "Galib", flying the British flag, bound for Zanzibar, was wrecked on the beach of Merca on the 20th March last, owing to her old age and inability to keep the sea.

The passengers and the crew numbering 187 landed at Merca and were afterwards embarked on the Italian coastal steamer and sent to Mombasa.

Not attached.

I enclose herewith a list of the above passengers and crew who were all coming from Makalla.

The Government of Italian Somaliland state that they will send in due course an account of the expenses sustained which will have to be paid by the British Administration under the control of which those Arabs are placed.

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

(Sd.) ZAPPOLI.

ROYAL ITALIAN CONSUL GENERAL.

THE COLONIAL SECRETARY,

THE SECRETARIAT,

NAIROBI.