

C.S.

WHALING

(Regulations)

1921

SGD/WHA/1 # 25

No. 322/21

Governor

SUBJECT.

1921

13th April

Previous Paper.

Requests that Mr. Hamilton be asked to report what amendments should be made to the different Whaling Regulations now in force.

191/21

MINUTES.

Mr. Hamilton,

For favour of your report please.

H. C. S.

A. C. S. 13/4/21.

Notes. My report on the Whaling Regulations will follow please.

*J. Hamilton
P.M.S. 19-4-21*

H.E. the Governor,

May I be permitted to point out that from the records in the C.S.O., it would appear that no Whaling Licences are issued in regard to whaling operations at South Georgia.

2. It seems to me that in accordance with S:6, of The Whale Fishery Ordinance, (6 of) 1908, that any person who kills or takes any whales without a licence is guilty of an offence, and is liable to a severe penalty.

3. Provision has been made under S:2, of the Ordinance for the granting of Licences by the Colonial Secretary or such other officer as the Governor may appoint.

4. On the other hand it would appear that while no licences are issued in respect of whaling operations at South Georgia, that such operations are being carried on under certain

conditions

Subsequent Paper.

conditions inserted in the Leases which has been granted under The Land Ordinance (9, of) 1903, which last named Ordinance would not appear to have been extended to that Dependency.

5. It therefore seems to me that the whaling operations which are at present being conducted at South Georgia, are not strictly in accordance with the provisions of The Whale Fishery Ordinance nor the regulations made thereunder.

6. I would therefore venture to suggest that either the Whale Fishery Ordinance be amended or that the following be included in the regulations, viz:-

Any person who has by lease from the Crown, an existing right to kill or take whales shall receive annually without any extra payment, a whaling licence to authorize the use of such vessels in taking whales in addition to any store ship or floating factory or factory erected on land, as may be covered by the payment of the annual rental and sanctioned in such lease.

A. C. S. 30/4/21.

A.C.S.

The whale fishery Ord (No 9/1908) is in force in the dependencies under Statute No 17 of 1909. No form of licence is prescribed: such form as Government may direct may be used under Sec 28(d) of Judicial Law (1900). I have not examined any one of these licences but the Ocean whaling Co has a schedule (No 2) in which it is stated expressly that licence is granted for purpose of whale fishing.

2. Records in C.S.O. will show whether Land Ordinance (No 9/1903) is in force in Dependencies. I have been unable to trace a notice declaring it to be in force & in my view it is unsuited to Dependencies. Though I have made search I have not been able to find specific approval of form of licence ~~for land~~ in South Georgia. It is probably covered by Sec: X of Letters Patent of 1892. The embodiment of (by reference)

in the terms of the in S. Georgia of
 conditions which are prescribed by Land
 Ad (no 99 (1903) would Mr effect granting of
 application of the Ordinance to the Dependencies.

8 May 1921.

Report from Mr. Hamilton dated 9th May 1921. Encl (2)

H.E. the Governor,

Submitted.

A. C. S.
 A. C. S. 9/5/21.

H.C.S.

Will you please refer this to Mr Binnie
 on his arrival for his recommendations.

Special

2. Conditions embodied in licenses for South
 stations for 1921-22. 1. 2.2. prohibition
 of killing of sperm right & humpback. Whales and
 production of sperm oil in proportion of 1 barrel
 to 2½ barrels of Mutton oil has been
 now included in Mr Hamilton's draft.

A. C. S.

13 May 1921.

Minute from Governor dated 23/5/21, covering Memo
 from Treasurer dated 16/2/21. Enclosure (3).

Mr. Binnie,

For the favour of your report please.

A. C. S.
 A. C. S. 13/5/21

Hon. Col. Secy.

After conferring with you on the subject of Amending and Consolidating the present Whaling Regulations. I beg to submit the enclosed "Amended and Consolidated Whaling Regulations" with explanatory sheet attached, for the information of His Excellency the Governor.

E. B. Birnie

Ag. Postmaster.
30th. July 1921.

Explanatory Notes.....Encl:(4)

Amended and proposed consolidated regulations..Encl:(5)

H.E.the Governor,

Submitted.

H. Thompson
A. C. S. 2/8/21.

H.P.S.

Please refer to Inspector South Shetland for any observations he may have to offer

H. Thompson
8 August 21

Mr. Hamilton.
(Mag: Sth: Shetlands)

For your observations please, see

Encl:(2) also.

H. Thompson
A. C. S. 9/8/21.

Hon. Col. Sec.

my observations herewith please. (6)

J. H. Hamilton
Stipendiary Magistrate
South Shetland.
18/8/21

H.E.the Governor,

Submitted without comment.

H. Thompson
A. C. S. 18/8/21.

H.C.S.

Revision of regulations can now be
 proceeded with.

24 Aug 1921

Clerk to Councils

Passed by you accordingly

[Signature]
 A.C.S. 23/8/21

H.C.S.

~~Members of Ex. Co. cannot be expected to~~
 consider this subject in its present form.

2. Plans see O'Brien: Considered
 regulations are required + Inajistrals
 of S. Gupta + S. Skelland should advise whether
 there should be separate sets of regulations.

for S. Gupta + S. Skelland a Dist.

3. It is intended eventually when
 regulations are finally made from. Code
 into Norwegian for use of those engaged
 in industry who do not understand
 English.

4. Matters already provided for in laws
 should be omitted.

5. With Mr Binnie & Mr Hamilton
/ share copies + prepare regulations which
can be put before Ex. Co. for consideration.

RB
28 Aug 1921

Mr. Binnie &
Mr. Hamilton,

Passed to you accordingly.

[Signature]
A. C. S. 29/8/21.

Mr. Hamilton
Will you let me know when it will
be convenient for you to discuss this req.
with me?

Edw. B. Binnie
Ag. Postmaster
29/8/21

Ag. Postmaster,

~~Edw. B. Binnie~~, Will you please
let me know when it will be
convenient for you, I have no timed
engagements Sunday next few days.
J. Hamilton

Stipendiary Magistrate
South Shetland
29 Aug 1921.

Hon. Col. Secy.

In accordance with His Excellency's
instruction in paragraph 3 of Minute of 28 Aug 1921
we beg to submit herewith. Whaling Regulation
as annexed by us for His Excellency's consideration (Encl: 7.)

Edw. B. Binnie
Mag. S. Georgia
J. Hamilton 6/9/21.
Stipendiary Magistrate
South Shetland
6 Sept 21

H.E. the Governor

Submitted

W. Thompson

a. c. s. 7/9/21

H.E.S.

The draft regulations were discussed with ^{at length} Mr. Bivini & Mr. Hamilton today. They should be amended ~~in accordance with~~ on lines indicated in course of discussion.

I will give them reference papers to Mr. Bivini & Mr. Hamilton accordingly.

W.

13 Sept 1921.

Mr. Bivini

Mr. Hamilton

Passed by a recording

W. 14/9/21

Hon. Colonial Secretary.

Amended regulations submitted.

Edw. B. Bivini

Mag. So. Georgia

19 Sept. 1921.

J. Hamilton

Sip. Magistrate Liverpool

19 Sept 1921.

C.F.S.

Submitted

2. The 1st Regulation should read

These Regulations may be cited as *Assented.*

"The Whaling Regulations (1921)"

3. I have made a number of slight suggested amendments in pencil marking *Assented.* the places marginally.

Reg. 7 a license may I take it be issued for one factory only. The Regulations provide for not less than two. If a license issues for one only should the fee still be £200?

Yes: efficient two factories are encouraged as being capable of using up more of carcase

Assented
2 Oct 1921

M^r: Binnie

.. Hamilton

Will you please see amendments and submit a fresh copy of the Regulations with any further observations you may wish to make

Assented *2 Oct*

Hon. Col. Secretary.

Amendments seen and fresh copy submitted herewith.

We have no further observations to make.

E. B. Binnie

Mag. South Georgia.
4th. October 1921

J. Hamilton

Mag. South Shetlands
4th, October 1921.

M.P.

Submitted

- These Regulations are now in order for consideration in Executive Council. I have suggested slight alterations to the wording of sec. 20.

H.H.H. 6/12/21

H.P.S.

T.O. Ex. Co.

- The form of licence for additional catches should be attached to the regulations.
- It is intended to have regulations translated into Norwegian. If Mr. Binnie can do this it would be a great assistance. Otherwise Sept will be asked to have translation made.

H.H.

7/12/21

Mr. Binnie

Referent

2. If you could let me have four copies of the Regulations in their final form with the additional licence I would be grateful.

H.H.H. 7/12/21

Hon. Col. Secretary.

Herewith 4 copies of the amended Whaling regulations, with licence attached.

2. I am afraid am unable to translate the regulations to Norwegian, I find it not so easy to

to translate from English to Norwegian as vice versa.

E. B. Binnig

Mag: South Georgia,
10th. October 1921.

J. B.

Submitted.

2. The Chief Clerk has drawn attention to the fact that ^{the} effect of these Regulations is ^{to} cancel any lease ^{apparently} for South Georgia in so far ^{as} the holders of leases of land sites are concerned - unless of course they require a licence for an additional catcher.

3. I think that this is correct and that it will be necessary to ~~strike out the last part of section 3~~ and to number that section ³ ~~4~~ and to insert the following:

3. It shall not be lawful for any person to kill take or hunt or attempt to kill or take any whale in Colonial Waters between the 1st day of June 1921 to 31st of June 1922 in Regulations of the Regulations of the 24th of June 1920

4. It seems curious that leases for land sites for whaling purposes are issued without any reference to the Whale Fishery Ordinance or to the Regulations made thereunder and it is at least questionable as to whether the lessees are bound by these laws.

Vide lease to
Tansley by in
attached file C. 680
Htttt

Htttt 11/2/21

H.C.S.

A section presenting a clear claim is necessary & should be inserted but do not use the words "on a license" to end of section 2 of the Regulations of 24th June 1920 are unnecessary.

2. The question of the application of Regulations to holders of leases of land sites for whaling purposes is difficult. The provision of the lease as provided in section 20 of draft Regulations is ultra vires in view of terms of lease to Tonsburg Co which I understand follows is similar in terms to lease of other land sites.

3. Perhaps correspondence relating to Regulations of 24 June 1920 & to Ordinance 9/1915 may throw some light on question of application. It may, however be necessary to refer Regulations to S.O. in draft form & ask for legal advice as to application.

Sd/-

11 Oct 1921

P.S. The papers which relate to individual applications for licenses in S. Skelton etc may be detached

Sd/-

Y.S.

Submitted

2. I regret that it has not been possible to trace further information than that contained in ref. 1243/15 and 408/20 attached. Ord 9. of 1915 was sent under cov of J. J. D. 162/1915 and G.O. 24/15 attached to G.O. 77/16 with Y.S.

3. The position seems irregular in many respects:

The leases of sites contain no reference to whaling in the body of the lease. The Schedule A condition does not explicitly authorize the capture of whales. A whaling licence ^{must I think} be held to be necessary in which case Govt. could impose conditions. Such licences would presumably be granted for a nominal sum to holders of leases. That is one way out of the imbroglio.

The Whaling Regulations of 1920 appear to be ultra vires as a fine of £100 may under them be imposed for a breach of the Regulations though section 3 of the Principal Ordinance limits the penalty to £10 for the breach of the Regulations. It is even doubtful whether in view of that restriction the additional and far heavier penalty of forfeiture of a licence can be inflicted. However as proviso to issue licence on terms necessarily implies power to revoke I do not think that we need concern ourselves with that.

Vide 29: 30/4/21
Y.S.M.

Y.S.M.

4. I am of opinion that as it could never have been intended that the holders of leases of land sites should fish without any restrictions, other than those on the number of vessels allowed to be attached to the station and the provision of land boilers, and as Whale Fishing is regulated by a special Ordinance, which must be of general application, that whaling licenses must be taken out.
5. I venture to agree with G.S. that the forfeiture of leases by a breach of the Regulation is ultra vires and that Regulation 20 should be amended accordingly.
6. If G.S. concurs that the Reg. of 1920 are ultra vires they should be repealed? And the new Regulations passed with the amendment referred to above and a special nominal fee imposed on lease holders, under the proviso to sec. 2 (2) of the Ordinance the S.O.'s approval would be necessary.
7. In connection with the above para. I have not been able to ascertain why the law limiting the cost of license to £100 has been abrogated. The
 Secy.

SU SL 2(3) of Ordinance
 5/1908.
 Jn.

J. J. 14/1/21

H.P.S.

The Magistrate Salt Gympie may be
authorized under Sec 2(1) of act 5 of 1908.
^{under the immediate regulation}
to issue licences to persons of land sites
for catches authorized by them lease or
by any instructions received by him.

2. To provide for changes for these licences for
catches authorized by lease of land sites:
This is in accordance with provision to Sec 2(2)
of act 5 of 1908.

3. The fee for any additional catches will be
as laid down in regulation 9.

4. Regulation 10 may be omitted.

5. In regulation 20 the words "and to
the immediate forfeiture of his licence and lease"
should be omitted.

6. To be. Co. *SM*
14 Oct 1921.

Extract from minutes of meeting
of Executive Council held on the
17th October 1921.

The regulations were approved.

G. H. Brown
Clerk Executive Council.
17th October 1921

Letter to Magistrate, S. Georgia, 18th October, 1921

Letter from Magistrate S. Georgia
29th October 1921 Encl (10)

Despatch No 19 of 17 Jan'y 1922 Encl (11)

Y.S.
Submitted with despatch for purpose
of inspection

ttttt 17/1/22
H. 18th Jan'y 1922

Hon. Kalmachit,

For your information
or another inf. copies of the Whaling
Regulations have been sent to the
Agents for distribution

182/22

ttttt 12/4/22

Hon. Col. Sec.

Thank you, noted and returned.

J.S. Hamilton,
Government Naturalist.

4/5/22

S of S despatch No 44 of 12 Apr 1922 - Encl (12)

Y.S. Submitted

ttttt 17/5/22

H.C.S.

This paper deals with whaling regulations (1921)
and although Sqs despatch (2) refers
(9) herein it will be better to deal
separately with operations of Southern
Whaling & Sealing Co in South Shetlands
in 1922-23 in a separate paper: for this
purpose will you please advise (2) to
be recommended in a separate paper &
referred to Gov. Memorandum.

2. If Southern Whaling & Sealing Co &
Laborious Co both operate licenses which
have been proposed by Sqs G.N. may
wish to re-consider his recommendation
as to granting license for a 6th Catch to
Hector Co.

AK

17 May 1922

wh. 409/22

DATE 13th April 1921.From Governor to Colonial Secretary.

Will you please ask Mr. Hamilton to report what amendments should be made to the different whaling regulations now in force in order to give effect to recent modifications which have been made in conditions in which whaling industry is carried on. All recent decisions of S of S should be embodied in the regulations.

2. It would be convenient that all existing regulations should be consolidated & that there should be separate regulations for

South Shetlands
 South Georgia
 & possibly South Orkneys.

RM.

13th April 1921.

(2)



Stanley
May 9th 1921.

Sir,

I have the honour to submit here
with a draft for proposed Amended
Regulations for the Whaling Industry,
in accordance with the orders of
His Excellency the Governor.

I am,

Sir

Your obedient servant
J. S. Hamilton

Stipendiary Magistrate
South Shetland.

The
Honourable Colonial Secretary

Stanley



Proposed Amended Regulations for the Whaling Industry 1921.

Section 19
of 5/9/1908.

1. All whaling in the Colony of the Falkland Islands and its Dependencies must be conducted under licence.
2. Licences may be granted
 - a. in relation to a lease of land for whaling purposes without payment additional to the annual rental.
 - b. for ^{one} floating factory ^{with} two whale catches
 - c. for an additional catcher, to work in connection with a land station or floating factory.
3. a. Licences shall not be granted for South Georgia except for the period 16th September to 31st May in each year, both days inclusive
- b. Licences shall not be granted for South Shetland except for the period 1st November to 30th April in each year, both days inclusive
- c. Licences may be granted for South Orkneys or Sandwich Islands for such period in each year as may be fixed by the Governor in Council.

changed

- 4 licences shall be granted only to companies registered in the colony
then add present clause 2.
- 5 present clause 3
- 6 " " 5
- 7 " " 6
- 8 " - but delete word "~~two~~"
before "floating factories" substitute
"one" and alter noun to singular.
9. (floating) factories must produce such
proportion of pressure oil relative to the
amount of blubber oil produced as may
be fixed by the governor (in Council) and
named in their licences.
- 10 present clause 11.
- 11 " " 12.
- 12 " " 13.
- 13 " " 14.
- 14 " " 15.
- 16 " " 17 add "The government
officer in South Shetland may, on being
authorized by the governor to do so,
require any vessel to vacate any moor-
ing ground or harbour within a reason-
able time of the order being given.
- 17 present clause 18

J. D. Hamilton
S.M. S. Shetland.

(3)

Dear Governor,

Would you mind reading the enclosed draft regulations and then compare them with those at present in force, (page 125 of 1913 Gazette, & 58 of 1920 Gazette).

The regulations of page 58 of 1920 Gazette, in para 2, would seem to apply to Licences issued for the purpose of catching whales at Sth: Georgia, during the "Close Season".

I have written in through the G.S.O., drawing attention to "Landing Certificates" being abolished, as the Exportation Bonds, have been done away with by S. of S's despatch No. 139 of 23/12/19, and have pointed out that by the last letter from the Deputy Collector Sth: Georgia, a discrepancy of 2,705 barrels landed in excess of the quantity originally declared to the Customs at the time of shipment, and this is in respect of of but one Company, and for one Season only.

I may say that it is has occurred in nearly every shipment but can only be discovered by "Landing Certificates", In this case 2,705 bbls @ a duty of $3\frac{1}{2}$ d only amounts to £39.9.0, but at the increased rate of 5/s, the amount would have been £676. 5/s., making a considerable loss to Revenue.

I would suggest that the two regulations in the draft attached, numbered 12 & 13, might be added to the present regulations which are in force and are applicable to the Sth: Shetlands, (pages 123-124, of 1913 Gazette).

I venture to think something should be done before the whalers arrive from the South, as Landing Certificates cannot now be required, and they should I think be told before they leave the Colony, what they should do in this respect before coming out again in November next.

W. W. Thompson

Please see Governor Young's despatch N° 21 of 12/3/18.

*H.P.S.
Recommendation contained in para 13 has been given effect to
in Regulation of 10th March 1921.
2. Other recommendations should be considered in connection with the proposed
of Whaling Regulations No. 23rd May 1921.*

DRAFT of

WHALING REGULATIONS SOUTH GEORGIA.

In pursuance of the powers in him vested by section 3 of the Whale Fishery Ordinance, 1908, His Excellency the Governor, by and with the advice of the Executive Council, is pleased to make the following Regulations:-

✓ 1. The period for which Whaling Licences may be issued for South Georgia, shall commence on the 1st day of January and terminated on the 31st day of December, in each year. *(Issue of Lease)?*

✓ 2. Licences shall be issued in the name of the Company, and to only such Company that has, by lease from the Crown or otherwise, an existing right to kill or capture whales, in the territorial waters of South Georgia. *(C.O.D. No 14 of 14/12/12).*

✓ 3. A licensed vessel shall be prohibited from catching whales for a Company other than that mentioned in the Licence. Should the owner or master of a licensed vessel desire for any cause whatever to catch whales for a Company other than that indicated in the Licence, the permission of the Governor in Council must be first *be* obtained.

✓ 4. Every licensed vessel shall be either owned or bona fide chartered by the licensee.

✓ 5. A Licence shall authorized the use of either,

(a) Two whale catchers in conjunction with the existing land factory or floating factory.

(b) A third whale catcher.

✓ 6. No licence authorizing the use of a third catcher shall be issued without the sanction of the Governor in Council.

7. The fee payable for a Licence authorizing the use of two whale catchers in conjunction with the existing factory, shall be £100, and for a Licence authorizing the use of a third whale catcher £100.

8. All applications for permission to use a third whale catcher, must

must be accompanied with particulars of the plant at, or on the existing factory, shewing the equivalent cubic capacity of such plant for dealing with the residue of the carcass after the blubber has been removed, and such further particulars as may be deemed necessary.

1
28/7/13
✓ 9. No licensee shall kill or shoot any whale calf, or any female whale which is accompanied by a calf.

2
24/6/20
✓ 10. No licensee shall kill, or shoot, or attempt to kill or shoot any whale in the territorial waters of South Georgia between the 1st day of June and the 15th day of September, both days inclusive, in any year, which period is hereby declared a "Close Season" for the killing or shooting of whales, and all licences issued, shall be subject to this provision.

2
28/7/13
11. Any dead whale abandoned in the territorial waters of South Georgia or thrown up on the sea shore, is the property of the Crown.

12. ~~Any~~ All licences issued, shall be subject to ^{the} Company named thereon, furnishing to the Stipendiary Magistrate South Georgia, on or before the commencement of the first day of the year, a statement in writing, shewing the number and variety of whales caught, the quantity of oil, guano and whalebone obtained, and produced by the said Company, with the names, nationality and tonnage of the whale catchers or other vessels employed by them, with the number of whales caught by each, during and in respect of the year previous.

13. All such licensees or Leaseholders, shall also be required to furnish the Stipendiary Magistrate, South Georgia, within six calendar months from the date thereof, a landing certificate, signed by an officer of His Majesty's Customs, in the United Kingdom, or by a British Consular Officer abroad, shewing the actual quantity in gallons of oil discharged, in respect of each shipment of oil from South Georgia.

3
28/7/13
24/6/20
14. Any licensee or leaseholder who commits, or allows, or negligently suffers a person employed by him to commit a breach of any of these Regulations shall be liable to a penalty not exceeding £50 for each offence, recoverable in a summary manner before

a Magistrate. And if any person employed by any licensee or leaseholder commits a breach of these Regulations, he shall be liable to the same penalty.

15. These Regulations shall supersede the Whaling Regulations applicable to South Georgia made by the Governor in Council and dated twenty fifth day of July 1913, and the twenty fourth day of June 1920.

16 These Regulations shall apply to the territorial waters of South Georgia, and shall have no application to the South Shetlands, Graham's Land, the South Orkneys, the Sandwich Islands or the Falkland Islands.

Dated at Government House, Stanley this _____ day of _____
1921.

W. S. Thompson
16.2.21.

Explanation of alterations and additions.

No of regulation. Explanation.

- 9 the words "OR STORE SHIP" deleted as no license is necessary for a store ship.

- 10. Left as read, though I think that (9) Pressure boilers might be altered to 12, in order to increase the production of pressure oil. Without knowing the dimensions of the vessels now in use, one is unable to say if there would be room on deck for the extra 3 boilers. ~~now~~ A floating factory cannot be expected to produce pressure oil in comparison with a land station, but in order to arrive at the possible production, it should be taken into consideration that a whale properly used up will give an equal quantity of oil from the carcass, as from the blubber and in many cases the carcass will yield more. A floating factory can use the following parts of the carcass: Head with Jawbones, a portion of the ribs, Inside fat, and that part of the whole carcass from the Vent to the tail. but are not able to deal with the whole of the carcass for lack of facilities. Therefore that part that is not made use of would probably not yield very much oil. If all that part of the carcass that can be used on a floating factory is used, I am of opinion that (9) Pressure boilers cannot keep the vessel clear of accumulated whale matter, according to the number of whales dealt with in the short season. Again, in my opinion a floating factory could produce at least one barrel of pressure oil to every 2 barrels of blubber oil; but as this is a matter beyond the control of a Government officer, it could scarcely be recommended. Rather, state the portions of the carcass to be used.

- 11. Is also left as read for the same reason given in the preceding paragraph.

- 17. Needs no explanation.

- 18. Whale catchers generally begin to catch on arrival of the factory and before the factory is in a position to begin boiling down, if whales are plentifully a great number will accumulate and ~~therefore~~ cause waste by deterioration and otherwise.

- 19..... In order that carcasses will not be left at the buoys for indefinite periods and risk their sinking or being blown to sea, but must be used at once.

- 20..... It is the practice at South Georgia for whale catchers to moor whales in the outer harbours those distant from the station until such time as they may have up to 10-12 whales, then tow them to the station. It has been known that the crew land in the evening and do considerable damage to the Penguins and Sea Elephants. If permission were given to any company to use a certain harbour for mooring whales, it should be stipulated, that no member of the crew should be permitted to land.

PROPOSED AMENDMENT TO THE WHALING REGULATIONS.

1. The period for which Whaling Licences may be issued shall commence on 1st, October of each year, and terminate on the 30th, September of the succeeding year. (1)

*Close to whaling
S. Georgia
Shetland
S. 13*

2. Separate whaling licences shall be issued for and in respect of the following places:- (11)

- (a) The South Shetlands and Grahams Land.
- (b) The South Orkneys.
- (c) The South Sandwich Islands.
- (d) South Georgia.
- (e) The Falkland Islands.

3. Every application for a License shall be made in writing to the the Colonial Secretary, or such other Officer as the Governor may appoint for the purpose, so as to reach such officer not later than the 1st, day of April in each year; and such application shall state the name of the company to whom the license is to be issued and the names of the vessels to be used.

4. Every application for a license shall be registered in a book to be termed THE WHALING REGISTER. (12)

*Separate book?
Register
of applications
what purpose
does it serve?*

5. Licences shall be issued in the name of the company applying for them and shall not be transferable. Licences may only be issued to such companies that have by lease from the Crown or otherwise an existing right to kill or capture whales in the territorial waters of the Colony.

6. A License shall authorize the use of :-

in practice on?

- (a) two floating factories in conjunction with two whale catchers or
- (b) two whale catchers in conjunction with the existing land station or floating factory, or
- (c) a third whale catcher,

7. No license authorising the use of a third whale catcher shall be issued without the sanction of the Governor in Council. (13)

8. The fee payable for a license authorising the use of two floating factories and two whale catchers shall be £200, and for a license authorising the use of a third whale catcher, £100.

9. Any company or person who has by lease from the Crown a right to kill or take whales, shall receive annually without any extra payment a whaling license to authorise the use of such vessels in taking whales in addition to any floating factory or land station, as may be covered by the annual rental and sanctioned in such lease.

Is this in accordance with terms of lease of land station?

10. If permission to use not more than two whale catchers, whether in conjunction with a second floating factory or not, is applied for [?] the vessel or vessels of the applicant shall be required to carry not less than (9) nine pressure boilers, each 10 feet high by 7 feet in diameter, or of equivalent cubic capacity for dealing with the carcass of the whale after the blubber has been removed.

9
Sec 10.
11. If application is made for permission to use a third whale catcher the plant of the applicant shall have to include not less than (12) twelve pressure boilers of the capacity defined in the preceding regulation, or the equivalent cubic capacity for dealing with the residue of the carcass of the whale after the blubber has been removed; all applications for the use of a third whale catcher must be accompanied with full particulars of the plant at, or on the ~~factory~~ land station, or on the floating factories, and must clearly shew the cubic capacity of such plant, with number of steam boilers and amount of steam generated per square inch.

12. A licenced vessel shall be prohibited from catching whales for a company other than that mentioned in the license. Should the owner or Master of a licensed vessel desire from any cause whatever to catch whales for a company other than that indicated on the license the permission of the Governor in Council must first be obtained. *in order to obtain license*

13. No Licencee shall kill, take or hunt, or attempt to kill or take any whales between the first day of June and the following 15th day of September, both days inclusive in any year, which period has been declared a "CLOSE SEASON" for the killing or taking of whales and all licences issued shall be subject to this provision. *see section 1.*

14. No licencee shall kill or take or attempt to kill or take any whale calf or any female whale which is accompanied by a calf. *or three*

15. Any dead whale abandoned in the territorial waters of the Colony or ~~thrown up on the sea shore~~, is the property of the Crown. *the S. of the new provisions by law?*

16. Every licensed vessel shall at the end of the season's whaling operations, proceed direct to a Port of Entry in the Colony and report to the ^{Whaling officer} Collector of Customs, full particulars of the catch including the number and description of whales taken, the number of barrels of oil of various grades, the quantity of Baleen (Right & *what of land & whaling?*)

(Right whale and other) and Guano obtained.

17. The Magistrate or such other Officer as may be authorised by the Governor, may stop any, or all the whale catchers of any company from taking whales, when a sufficient number of whales have been captured and awaiting to be dealt with, when the further catching of whales on that day or days, would in his opinion cause an accumulation of whale matter beyond the working capacity of that company (or: would in his opinion cause an accumulation of whale matter that could not be used up without undue waste).

18. No whale catcher will be permitted to commence operations until such time as the floating factory or Land station, is ready to receive whale matter, or to begin boiling down ~~at one~~, without the sanction of the Magistrate, or such other Officer as may be appointed by the Governor.

where a nuisance?
19. No company will be permitted to have more than (20) twenty whale carcasses stripped of the blubber, awaiting to be dealt with at one and the same time, either at the station, or alongside any vessel or mooring.

Lessee?
20. No company holding any lease from the Crown for the purpose of carrying on whaling operations, shall have any right to the use of any harbour for mooring whales other than the harbour mentioned in their lease, without special permission in writing from the Magistrate or such other Officer as the Governor may appoint.

21. Any whale found buoyed or moored in a harbour not leased and for which the owner of that whale has no permission to use for that purpose, such whale shall be the property of the Crown.

22. The Governor in Council may, ^{from time to time} ~~by proclamation~~, prohibit the taking in any year of one or more of the various species of whales.

(6)

Observations on Proposed
Amended and Consolidated
Whaling Regulations

A. Mr. Binnie's proposals.

1. Commented on by H.E.
2. I agree to this proposal and to.
3. -
4. Commented on by H.E.
5. This would interdict the enterprise of any company or licensee or lessee not possessing rights at present and might therefore be a source of trouble to future industrial development.
6. I disagree with one licence covering two floating factories.
7. I have no observation to make.
8. See comment on no 6.
9. Commented on by H.E. I made a houndulous suggestion in my proposal dated 27 May, Section 1. but should withdraw or modify it if it were considered to be in conflict with existing rights of lessees.
- 10-11. Section 9 of my proposals of 27 May was intended to remove the necessity of government being concerned with the exact number and size of press boilers, ~~by~~ I suggested here that the Governor in Council may fix the proportion of pressure to blubber oil.
for statistical purposes it is desirable that full information as to number and capacity of pressure and open boilers be acquired
a. as they are at the time when the new regulations come into force
b. when any alterations are made in the cooking arrangements.
12. I have no observation to make.
13. I have suggested the periods for licences for South Georgia and South Shetland in my sections 3a and 3b.
14. I have no observation.

15. Provided for in Whall Fishery Ordinance no 5 of 1908, section 12.
16. line 4 - "species" is a more accurate word than "description" and might therefore be substituted for it.
17. Does this leave too much to the discretion of the officer on the spot?
18. The time taken to prepare a land station for work is considerably longer than that required to prepare a floating factory, which can begin trying out almost immediately after it is safely moored.
19. I have not seen as many as 20 plensed carcasses belonging to one ship ^{and} awaiting treatment, in S. Shetland. I presume practice is somewhat different there from what it is in South Georgia.

note. The supply of whales is never steady but fluctuates from day to day depending on the weather and the varying abundance or sometimes almost complete absence of the animals.

This is one of the reasons why the managers desire to have a supply for a time ahead, Hektor's manager last year regarded two days' supply always in hand as the desideratum but he very seldom had it.

20-21. In S. Shetland the practice of moving whales away from the factory is scarcely ever used. There are not places where this can be done except one small harbour in Scholast Channel.

22. Does not 3^a of Ordinance 5 of 1908 obviate the necessity for this?

Mr Binnie's "Explanations".

10. Account might be taken of the fact that it is more profitable to work up the entire carcass of a really fat whale rather than only parts of it and part of the carcass of a lean animal.

I was informed last season that the oil productivity of the soft parts deteriorate with great rapidity, so that it is very low after 5 days.

The process may possibly be one of saponification.

I have no observations on the other Explanations.

Mr W. D. Thomson's
Proposals.

1. This would mean that licences terminate and are renewed in the middle of the season. Is this desirable?
2. Here, as well as in Mr. Binnie's no. 5, activities of other companies or individuals would in the future be interdicted. "might" or "may have" be added after "that has" in line 2?
- 3-4. I have no observations.
5. (a) I am unable to see that the use of catchers is not implied by the granting of a lease for the purpose of whaling. They are the only means by which it can be done.
(b) The wording might be read to mean that 3 was the maximum number of catchers which would be granted, no matter how large the factory.
May I refer to my own proposals and suggest that in section 2c. "each" be substituted for "an" before "additional catcher".
6. The word "third" would require alteration here if altered in 5b.
7. The present scale is ~~£200~~ £200 for two factories and two catchers (S. Shetland) ~~and~~ If the use of two catchers is granted by the lease in South Georgia, is it possible to make a charge for the use?
8. The utility of this paragraph depends on whether oil ratios or boiler cap-

capacity is the basis of control.

9-10. I have no observations.

11. Provided for in Ordinance 5 of 1908.

12. I agree that full returns should be made. It may be necessary to alter the present printed forms when these regulations come in force.

line 4. "species" might be substituted for "varieties"; the latter word is more vague.

Would it not be more convenient for all concerned if the returns suggested in this section were made at the end of each season, not in the middle, otherwise each season cannot be reviewed as a whole without disentangling it from parts of the preceding and succeeding seasons.

In the case of catchers leaving, ^{the colony are} a dependency the required data may be obtained from the clearance papers.

14. No observations.

15-16. I am at present unable to see why one series of regulations cannot be made to apply to the colony as a whole.

J. Hamilton

Shipendary Magistrate

South Shetland.

18/8/21.

(9)
322/21.

18th October,

21.

Sir,

I am directed by the Governor to forward to you a copy of regulations made by the Governor in Council on the 17th of October, 1921, under Section 3 of the Whale Fishery Ordinance No. 5 of 1908.

2. It will be observed that the separate regulations in force for South Georgia and the other Dependencies are repealed and consolidated. The taking out of whaling licences by all persons or companies conducting operations whether from a floating factory or from a land station is obligatory.

3. I am to authorize you to issue licences in the Forms A & B of the Schedule to the regulations to tenants of land sites at South Georgia for using the catchers authorized by their leases or by any instructions received by you. Under the provisions of Section 2 (2) of the Whale Fishery Ordinance, 1908, and subject to the covering sanction of the Secretary of State, no fee will be charged for licences for whale catchers authorized by leases of land sites. The fee for any additional catchers is laid down in regulation No. 9.

The Stipendiary Magistrate,
South Georgia.

4.

4. In view of the inconvenience and difficulty which would doubtless be occasioned to leaseholders at South Georgia by the enforcement of regulation No. 5, compliance with this regulation, in such cases, need not be regarded as essential and applications made by leaseholders at South Georgia to the Magistrate should be treated in the same way as if they had been made at the Colonial Secretary's Office and they may for this season be granted forthwith by you.

5. A supply of printed copies of the regulations and of the licence forms will be sent to you by the first available opportunity. It will in the meantime be necessary for you to issue typewritten licences in the approved form.

6. I am further to inform you that the following officers in South Georgia are appointed Whaling Officers for the purpose of carrying out the provision of the Regulations: namely, the Magistrate, the Deputy Magistrate and the Customs Officer.

I am,

Sir,

Your obedient servant,

H. Henniker Heaton,

Colonial Secretary.



S.G.No.93/21.

The Magistrate's Office,
South Georgia,

29th. October 1921.

Sir,

I have the honour to acknowledge the receipt of your letter No 322/21, of 18th, October covering copy of the whaling regulations of 17th October,

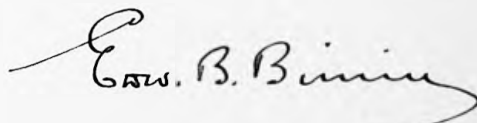
2. I have duly noted the contents of your letter, under reply and will acquaint you when all the licences are issued for this present season.

3. The Officers nominated Whaling officers will be informed accordingly.

I have the honour to be,

Sir,

Your obedient servant,


Magistrate

The Honourable,
The Colonial Secretary,
FALKLAND ISLANDS.

AKLAND ISLANDS.

. 10.

GOVERNMENT HOUSE,

STANLEY,

17th January, 1922.

Sir,

Whaling Regulations,
1921

I have the honour to transmit six copies of whaling regulations made under Section 3 of the Whale Fishery Ordinance, 1908, repealing and consolidating the separate regulations which have hitherto been in force for South Georgia and the other Dependencies.

2. In the revised regulations additional provision is made for the prevention of waste in oil production by requiring the utilization of the less productive parts of whales and by delegating to the whaling officer power to prohibit the further taking of whales in cases where waste would be likely to result from the undue accumulation of whale matter. Mention of the number of pressure boilers with which a licensed factory must be equipped has been omitted, but the applicant for a whaling licence is required under Section 4 (d) and (e) to furnish particulars regarding the equipment and capacity of the vessels to be employed.

3. The taking out of licences by all persons or companies conducting whaling operations whether from a floating factory or from a shore factory has been made obligatory, but under the provisions of Section 2 (2) of the Ordinance no fee will be charged for licences for whale catchers authorized by leases of

THE RIGHT HONOURABLE

land/

W. L. S. CHURCHILL, M.P.,

SECRETARY OF STATE FOR THE COLONIES.

land sites. With a view to avoiding the inconvenience which compliance with Section 5 of the Regulations would doubtless cause leaseholders at South Georgia, the Magistrate has been authorized to deal with such applications in the same way as if they had been made at the Colonial Secretary's Office and to issue the licences. It will be observed that applications for licences for additional catchers need no longer be referred to the Executive Council.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

J. Middleton.