

CONFIDENTIAL.

1928.

~~1924.~~

No. C/8/1928.

Secretary of State.

SUBJECT.

1928.

23rd April.

PROPOSED EXTENSION TO 30th SEPTEMBER, 1933,
OF ALL EXISTING WHALING CONCESSIONS IN THE
DEPENDENCIES.

Previous Paper.

D/23/32

MINUTES.

- 1* Telegram from Secretary of State, of 23rd April, 1928.
- 2* Telegram to Secretary of State, of 24th April, 1928.

*Hon. Treasurer
at Gt. Clerk of Admiralty.*

To see.

Jules

1.5.28.

Hon. Col. Sec.

Seen.

Hon. Grainger Harkness

Treasurer

9.5.28

J.P. 17.

Subsequent Paper.

- 3. Cutting from "The Scotsman" of 10 May 1928.
Off'ce. Sec.*

Hon. T. at C. at C. might like to see the cutting.

J.P.

10.4.28.

Hon. Treasurer.

To you accordingly

K.S. for C.S. 11.7.28

Hon. Secy. Secretary

Thank you, seen

H. Chen

Ag. Treas.

11/7/28

Govt Despatch No. 109 of 14th July, 1928.

H-4.

Off. Secy.

1. view of para 2 of

rd 7 I do not think that

any immediate action is necessary on

the part of this Government in regard

to the Working License at Gencus -

actually issued.

2. When the time comes

to issue License for a further season

or to renew a lease the appropriate

endorsement should be included.

3. Nayabada, South Jorjia,

at Whaly Office, South Jorjia,

at South Sandwich, if any should

6/8/28

1/2 furnish with a copy of

with 7-4 for information at

justice. Any shall be instructed

at once to report any irregularity

which may come to their notice.

4. Draft Ordinance

fixing the duty on chocolate at

2/- for 1928-1929 season. Please

M.P. 373/28. See this sheet in the new 1/1.

with the relevant extract from

with 7 at 6 at intervals to

the above of Sec 6.

1/2. 16.9.28.

Minutes to Magistrate, South Georgia
to Whaling Officer, South Shetlands, and
Whaling Officer, South Sandwich Islands
of 25th September, 1928.

- 9 Telegram from Sof A 25/1/29
- 10 " " to whaling offices South Shetlands 26/1/29
- 11 Telegram from whaling offices South Shetlands 30/1/29
- 12 Telegram to whaling offices S. Shetlands 31/1/29
- 13 " " Magistrate. S.S. 31/1/29
- 14 Telegram from whaling offices S. Shetlands 1/2/29
- 15 " " Magistrate S.S. 1/2/29
- 16 " " to whaling offices South Shetlands 4/2/29
- 17 " " from " " " 7/2/29
- 18 " " to Sof A 9/2/29
- 19 " " from whaling offices S.S. 14/2/29

y. e. Schult. for information of the
 Director of Customs for
 reference please.
 19. 2. 29

14th C.S

2220. M.

(1927)
2

1/2 21/2

- 20 Telegram from Sof A 20/2/29
- 21 " " to " " 21/2/29

y. e. Schult.

19 21. 2. 29

14th C.S

2220. M.

M

(2227)
2

1/2 21/2

Page 23. 3. 29

Soft Despatch No 30. 5/3/29. 22-23-24

Y.E. Submitted. Is action necessary?

SRLB
Ag. CS.
5. VI. 29

Soft Despatch No 47. 24/4/29 25-27.

Y.E. Submitted. Is action necessary?

SRLB
Ag. CS.
20. VI. 29.

Hon. C.S.
no. 21.
21/29
6

Soft. Despatch No 76. 29/6/29 28-35

Y.E. Submitted. Is action?

SRLB
Ag. CS.
2. IX. 29.

Hon. C.S.
Hon. Ch. Treasurer to me.
22/29
7

Hon. Treasurer.

To me
SRLB
Ag. CS.
4. IX. 29.

Hon. Sol. Sec.

Thank you - seen.
W. Prayag Halhota

5.9.29. News.

C.S.O. No. 9/8/28

Inside Minute Paper.

Sheet No. 4

37-43 Soft Despatch No 126. 16/10/29

2. Submitted. No action?

File B
Ag CS
12-11-29

14m C.S.

G. D. D. H.

(13/29
12)

CODE.

c/8/28.

(11)

TELEGRAM.

From The Secretary of State for the Colonies.

To His Excellency the Governor.

Despatched: 23rd April, 1928. *Time:*

Received: 24th April, 1928. *Time:*

GOVERNOR,
PORTSTANLEY.

Confidential on account of risks some whaling companies now licenced for whaling may abandon licence and resort to unlicensed whaling unless they can obtain greater security of tenure. I should be glad to receive your observations on proposals that all existing whaling concessions in Dependencies should be extended to 30th September 1933. Opportunity would be taken for securing certain improvements in management and possible readjustment of financial terms. Early desision appears desirable.

SECRETARY OF STATE.

CODE.

C/8/28.

(2)

TELEGRAM.

From His Excellency the Governor,

To The Secretary of State for the Colonies.

Despatched: 24th April, 1928. Time: 15.00

Received: 192 Time:

CHAPBLAINS,
LONDON.

Res I.

Confidential. Your telegram 23rd April confidential entirely concur in proposed extension whaling concessions to 30th September, 1933. Beg to suggest furthermore that every encouragement should be given to establish and maintain land stations as opposed to floating factories e.g. by grant of permission to use spare catchers for towing whales see my despatch No. 90 of the 29th of February. Have now personally thorough knowledge of problems connected with industry and shall be therefore able to discuss them fully with you on my arrival.

*Res 6 to 127
in M.P. D/6/28*

GOVERNOR.

Col. Rec.

Telephone: HOLBORN 3120.

Telegrams { BOOKSTALLS,
ESTRAND, LONDON.

W. H. SMITH & SON,
Strand House, London, W.C.2.

PRESS-CUTTING DEPARTMENT.

Advertisements may be inserted in all Newspapers and Periodicals
at Home and Abroad through any Branch of W. H. SMITH & SON.

Cutting from *Northman*

Issue dated *10.5.28* (*Edinburgh*)

**GREAT BRITAIN AND NORWEGIAN
WHALERS.**

Ostø, May 9.—The Norwegian Whalers' Association has issued the following statement:—"The British Secretary for the Colonies, Mr Amery, has informed Professor Hjort—who is in London for some time on behalf of the Norwegian whaling companies—that he wished to continue the co-operation which has been going on for many years between the Colonial Office and Norwegian whalers who possess concessions within the Falkland Dependency, and that he consequently has decided to renew all those concessions until the 30th September 1933. The conditions will be considered and discussed in detail in the course of future negotiations."—Reuter.

DUPLICATE

FALKLAND ISLANDS.

NO. 109



Downing Street.

14 July, 1928.

Sir,

I have the honour to transmit to you the enclosed copy of a statement embodying the terms and conditions upon which I have decided to extend the existing whaling licences and leases in the Dependencies of the Falkland Islands.

2. The Companies concerned have been informed accordingly.

I have the honour to be,

Sir,

Your most obedient

humble servant,

(Sd.) L. S. AMERY

OFFICER ADMINISTERING
THE GOVERNMENT OF
FALKLAND ISLANDS

Statement

89
M.

Statement of terms and conditions of the extension of whaling licenses and leases in the Dependencies of the Falkland Islands.

1. The Government of the Falkland Islands agree to extend or renew existing leases or licences for whaling during the period of 5 years from the 1st October, 1928 to the 30th September, 1933, upon the following conditions:

This assurance does not apply to any licences that may have been granted specially and temporarily for the season 1927-8.

In the event of any infringement of the conditions the Government reserves the right to cancel or to decline to renew any particular lease or licence either absolutely or pending the payment of such penalty as the Government may deem fit.

2. The Government agree to fix the export duty upon whale oil at 2/- per barrel for the season 1928-9 and not to increase the duty above 2/6 per barrel during the period of 5 years. The Government also agree not to increase the duty beyond 2/- so long as the average receipts from the duty are not less than £75,000 a year. Such average receipts shall be calculated upon the actual receipts for 1927-8 and such subsequent years as may be available.

3. In the absence of special permission from the Government, companies holding a lease or licence for one Dependency shall not fish within the following distances of the other Dependencies:

- South Georgia, 100 miles.
- South Shetlands and Graham Land, South Orkneys, South Sandwich, 50 miles each.

The

Spiele
M.P. 373/28

The floating factory now licensed for South Georgia shall not work within the stated distance of that Dependency except when in Scott Hall Harbour. The Government agrees not to increase the stated distances during the period but reserves the right to decrease them.

4. The Government will require medical inspection of floating factories and other vessels employed in whaling. The Government will consider how far it can regard its requirements as having been met by the steps which the Norwegian Government may have taken to insure compliance with its own regulations.

5. The Colonial Government will require that a manager shall be employed at every shore station and upon every floating factory who shall be responsible for the management of the station or factory, and of the whale catchers attached thereto and for the due observance of the whaling law, the whaling regulations, and the conditions of leases or licences.

Such manager shall not himself shoot whales, except after obtaining the permission of the Colonial Government, which will only be given in very special circumstances, and he shall normally be found at the shore station or upon the floating factory; but, subject to any special directions of the Government, he shall not be precluded from embarking occasionally upon a whale catcher for purposes of reconnaissance or navigation.

Contracts made prior to the 3rd May 1928, for the employment of the same individual as garner and manager during not more than two seasons will be allowed to stand. Such contracts should be notified promptly to the Colonial Office.

6. The Government accepts the existing method of calculation of the bonus for gunners as regards season 1928/9 but reserves the right to require alterations in subsequent seasons if it should be advised that such alterations are desirable.

7. The Government requires that the Companies concerned shall conduct their whaling operations throughout the whole of the area defined by the Letters Patent of the 23rd March, 1917 whether within or without the territorial waters, as if the law regulations and conditions of leases and licences applicable within the territorial waters applied throughout the whole area.

8. These arrangements do not extend beyond the 30th September, 1933.

No..C/8/1928.

COLONIAL SECRETARY'S OFFICE,

STANLEY,

25th..September,....19.28.

The Magistrate,.....The Whaling Officers, South
South Georgia. Shetlands and South Sandwich.

I am directed by the Governor to attach herewith for **for your information**
and guidance

the papers noted below on the subject of **the extension of the existing**
whaling licences and leases in the Dependencies of the
Falkland Islands and to request you to report immediately
any irregularity which may come to your notice.

for Colonial Secretary.

Date	Description
14th July, 1928.	Copy of despatch from S. of S. with accompanying statement.

CODE.

9/1/29 (9)
TELEGRAM.

From..... SECRETARY OF STATE FOR THE COLONIES.

To..... GOVERNOR. STANLEY.

Despatched : 25th January. 1929. *Time* : 1340.

Received : 26th January. 1929. *Time* : 1054.

25th January.

Report has reached me that Licenced Company is employing unlicenced expedition within Falkland Islands Sector. Probably Ernesto Tornquist is intended. Such a proceeding must be regarded as contrary to Paragraph Seven of the conditions of the extasion of Lease enclosed in my Despatch of the 14th July 1909.

SECRETARY OF STATE FOR THE COLONIES.

URGENT.

Hon. C.S.

For fuller report in due course.

(Itld) A.H.
26/1/29

CODE.

TELEGRAM.

From WHALING OFFICER. SOUTH SHEPHERD ISLANDS.

To COLONIAL SECRETARY: STANLEY.

Despatched: 30th January. 1929. Time: 0015.

Received: 31st January. 1929. Time: 1027.

Your telegram of 28th approximate position of Tomquist

Latitude 59, Longitude 187 Production 24000.

At South Georgia undergoing boiler repairs

WHALING OFFICER.

DECODE.

TELEGRAM.

From COLONIAL SECRETARY. STANLEY.

To WHALING OFFICER. SOUTHERN EMPRESS.

Despatched: 31st January. 192 9. *Time:* 1445.

Received: 192 *Time:*

URGENT.

Your telegram 30th January please repeat longitude of Tornquist stating whether East or West.

SECRETARY

DECODE.

TELEGRAM.

From COLONIAL SECRETARY. STANLEY.

To MAGISTRATE. SOUTH GEORGIA.

Despatched: 31st January. 192 9. *Time:* 1445.

Received: 192 *Time:*

URGENT

Please telegraph information available regarding Frango. Is she or has she been working either as auxiliary factory with Solstrief or as independent factory and in what area.

SECRETARY

DECODE.

TELEGRAM.

From.....MAGISTRATE SOUTH GEORGIA.

To.....COLONIAL SECRETARY. SPANBY.

Despatched : 1st February. 1929. Time : 1600.

Received : 2nd February 1929. Time : 1042.

Your telegram, dated 31st January I have made enquiries and find Franco is operating in the ice in a pelagic capacity and not in conjunction with Solstrief.

MAGISTRATE.

Original
Filed in
Dm/28

DECODE.

TELEGRAM.

From.....~~COLONIAL SECRETARY.~~ STANLEY.

To WHALING OFFICER. SCOTT SHEPHERD.

<i>Despatched :</i>	4th February.	192	<i>Time :</i>
		9.	1110.
<i>Received :</i>		192	<i>Time :</i>

Urgent.

Magistrate South Georgia reports Frango now operating in ice as Pelagic Factory. Please telegraph longitude and latitude of present position also of that of Southern Express.

SECRETARY.

*Original
Filed in
524/78.*

DECODE.

TELEGRAM.

From.....WHALING OFFICER.....SOUTH SHEPHERDS.

To.....COLONIAL SECRETARY.....STANLEY.

Despatched : 7th February. 1929. Time : 0215.

Received : 7th February. 1929. Time : 1039.

Your telegram of 3rd February February 3rd Southern
Queen 60 degrees 6 minutes South 33 degrees 6 minutes
West .

Franco has not been heard of since leaving South
Georgia but known to be Eastward I will telegraph
immediately on obtaining more definite information.

WHALING OFFICER.

DECODE.

TELEGRAM.

From GOVERNOR. STANLEY.

To SECRETARY OF STATE FOR THE COLONIES.

Despatched : 9th February. 1929. Time : 1500.

Received : 192 Time :

Your telegram of 25th January from report by Whaling Officer South Shetlands it appears that both Ernesto Jounquist and Frango see my telegram of 13th October are operating pelagically without license in the Falkland Islands Sector.

Grateful for instructions as to what action if any I should take in regard to breach if established of Paragraph 7 of conditions referred to

GOVERNOR

DECODE.

TELEGRAM.

From.....WHALING OFFICER. SOUTHERN EXPRESS.

To.....COLONIAL SECRETARY. STANLEY.

Despatched : 14th February. 1929. Time : 0015.
 Received : 15th February. 1929. Time : 1112.

Referring to my telegram of the 6th February position of Frango 15th 59 degrees 8 South 42 degrees West Production unobtainable .

Southern Queen and other Factories moving towards South Shetlands.

WHALING OFFICER.

DECODE.

TELEGRAM.

From ~~SECRETARY OF STATE FOR THE COLONIES.~~

To ~~H.E. THE GOVERNOR. STANLEY.~~

<i>Despatched :</i>	20th February.	192	9.	<i>Time :</i>	1310.
<i>Received :</i>	21st February.	192	9.	<i>Time :</i>	1047.

20th February.

Your telegram 9th February I am communicating with London Agents of Compania Argentina de Pesca regarding proceedings of Ernesto Tornquist. As Frango does not appear to be owned by a licenced company no action will be possible regarding vessel.

SECRETARY OF STATE.

DECODE.

TELEGRAM.

From COLONIAL SECRETARY. STANLEY.

To SECRETARY OF STATE FOR THE COLONIES.

Despatched: 21st February. 192 9. *Time:* 1505.

Received: 192 *Time:*

February 21st.

Your telegram February 20th Frango would appear to have been hired for current season by Norge Whaling Company owners of licenced floating ~~whaling~~ Factory Solstrief see their letter to Crown Agents of 25th July, 1928, referred to in my telegram of October 15th and also my telegram of February 19th.

GOVERNOR.

(21)

Reference to previous correspondence:-
Secretary of State's Despatch No. 109. of the 14/7/28
~~Governor's~~

A
1

.....19.....

FALKLAND ISLANDS.

No. 30.
.....

DOWNING STREET,
5th March. 29.
.....19.....

Sir,

I have the honour to transmit to you the papers
noted below on the subject of the renewal of Whaling
Licences.

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

THE OFFICER ADMINISTERING
THE GOVERNMENT OF THE FALKLAND ISLANDS.

L. S. ALERY.

Date.	Description.
1929.	
29th Jan.	From Messrs J. Rasmussen & Co.
28th Feb.	To --- do-----

ENCLOSURE TO DESPATCH

COPY. No 30 OF 5 MAR 1929

(23)

JOHAN RASMUSSEN & CO.

SANDEFJORD, 29th January 1929.

NORGE.

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

Sir,

With reference to the agreement made last year by which the license for the Southern Whaling Company was renewed up to 30th December 1928, we take it for granted that it is unnecessary now to apply for annual license as we did in previous years. We shall however be obliged to receive your confirmation that our assumption is correct.

We are, etc.,

JOHAN RASMUSSEN & CO.

(Signed) Johan Rasmussen.

February 9

20

56862/28

Gentlemen,

I am directed by Mr. Secretary Amery to acknowledge the receipt of your letter of the 29th January and to state, in reply, that although under the terms agreed with the Whaling Companies in July 1928 the Government of the Falkland Islands undertook to renew existing licences for a period of five years, Mr. Amery thinks it desirable that annual application for such renewal should continue to be made as heretofore.

I am,

Gentlemen,

Your obedient servant,

(Signed) R. DARNLEY.

JOHAN RASMUSSEN AND COMPANY.

ENCLOSURE TO DESPATCH
No. 47 OF 22 APR 1929

Copy

56925/28

DOWNING STREET,

19th March, 1929.

Gentlemen,

I am directed by Mr. Secretary Amery to inform you that the Governor of the Falkland Islands has reported that the s.s. Frango has been operating pelagically without a licence within the sector defined by the Falkland Islands Letters Patent of the 28th of March, 1917.

2. The Secretary of State has been informed that this vessel has been hired by your Company to operate during the current season, and if so such a proceeding is not in accord with the 7th paragraph of the arrangement recently concluded with the whaling companies, under which your lease has been extended for five years.

3. I am accordingly to invite your Company's observations and explanations.

I am, etc.,

(Sgd) L.B. Freeston

THE NORGE WHALING COMPANY.

CHR.NIELSEN & COMPANY A/S

Larvik, the 25/3.1929.

E:LST.

Your Ref.56925/28

Norway.

The Under Secretary of State,

Colonial Office,

London, S.W.1.

Sir,

In receipt of your esteemed favour of the 19th March we beg to state that the s.s."Frango" has been operating pelagically entirely for his owners - Mr.Haldor Virik,Sandefjord - account, we only having contracted for tankspace for 20.000 barrels whale oil, which was transhipped from our s.s."Solstreif" in the open sea.

As you will readily understand, we had to secure tonnage to relieve "Solstreif" of the some of the production, as her catch now is far exceeding what she herself can carry, and we hope that it must be considered immaterial to the government of Falkland Islands as well as the Colonial Office, whether we charter such tonnage or contract for space onboard of another factory.

We are etc.,

CHR.NIELSEN & CO A/S

(Sgd) Ray Nielsen.

34

● Copy.

No. 66754/29.

Downing Street,

20th February, 1929.

Gentlemen,

I am directed by Mr. Secretary Amery to inform you that the Governor of the Falkland Islands has reported that the S.S. "Ernesto Tornquist" has been operating pelagically without a licence within the sector defined by the Falkland Islands Letters Patent of the 28th March, 1917.

2. The Secretary of State has been informed that this vessel is owned by the Compania Argentina de Pesca, and if so such a proceeding is not in accord with the 7th paragraph of the arrangement recently concluded with the whaling companies, under which the lease of the Compania Argentina de Pesca has been extended for five years.

3. I am accordingly to invite the Company's observations and explanations.

I am, etc.,

(Signed) R. DARNLEY.

MESSRS. WILLIAM BRANDT SONS & COMPANY.

Copy.

36, Fenchurch Street,

G/B.

Your ref. 66754/29.

London, E.C.3.

21st February, 1929.

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

Sir,

We are in possession of your communication of the 20th instant, in respect to the operations of the S.S. "Ernesto Tornquist".

We personally have no knowledge whatever as to the movements of the "Ernesto Tornquist", but are communicating with our Principals and will in due time return to the subject.

We are, etc.,

(Signed) W. BRANDT'S.

34

Copy.

G/N.

36, Fenchurch Street,

London, E.C.3.

Your Ref. 66754/29.

23rd February, 1929.

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

Sir,

We beg to refer to your communication of the 20th instant, and to our reply of the 21st idem., with respect to the operations of the S.S. "Ernesto Tornquist".

In reply to a telegram which we despatched to Messrs. the Compania Argentina de Pesca S.A., Buenos Aires, giving them the text of your above communication, we have this morning received from them a cable in which they request us to express their regret if the S.S. "Ernesto Tornquist" has encroached upon the area of the Falkland Islands sector and state they are unaware that this has been done.

They further request us to assure you that they will give an explanation after they have had an opportunity of consulting with the Captain of the S.S. "Ernesto Tornquist" and that, if the report is right, steps will be taken to render a repetition in the future impossible.

As soon as we receive any further information from our Principals on the subject we will immediately communicate with you.

We are, etc.,

(Signed) W. BRANDT'S.

Copy.

G/B.

Your Ref. 66754/29.

36, Fenchurch Street,
London, E.C.3.

26th March, 1929.

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

Sir,

S.S. "Ernesto Tornquist".

We beg to refer to your communication of the 20th February and to our reply of the 23rd idem.

Our Principals, the Cia. Argentina de Pesca, in confirming their telegrams to which we referred in our above mentioned letter, write us under date of Buenos Aires 23rd February, as per copy attached hereto.

We shall not fail to communicate with you again as soon as the promised further information comes to hand.

We are, etc.,

(Signed) W.BRANDT'S.

● Copy.

EXTRACT FROM LETTER RECEIVED FROM

THE COMPANIA ARGENTINA DE PESCA, S.A.,

dated BUENOS AIRES February 23rd, 1929.

"S.S. "Ernesto Tornquist" - We regret very much to learn from your telegram of 21st instant, that according to report from the Governor of the Falkland Islands, the S.S. "Ernesto Tornquist" during her whaling operations should have exceeded the limits of the Falkland Sector. We have no information which enables us to establish whether this is right or not, but as soon as we have a chance to consult the Captain we shall take the matter up with him. In the meantime we ask you to kindly inform the Colonial Office that we are perfectly willing to give explanation and assure them that, if it should prove correct that the ship has been operating within the limits of the Sector, this is a quite involuntary mistake and that steps will be taken to avoid any repetition in the future.

In the absence of any details we are unable to say anything more at present but we wish the Colonial Office to rest assured that we are, as we have always been during all the years we have been working at South Georgia, doing our best to comply with the existing regulations. After having gone into the question with the Captain we shall write you again and we hope that this will be satisfactory to the Colonial Office."

Copy.

36, Fenchurch Street,

G/B.

London, E.C.3.

Your Ref. 66754/29.

18th June, 1929.

To

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

Sir,

We beg to refer to our letter of the 29th April, relative to the pelagic operations of the S.S. "Ernesto Tornquist".

From a communication received from our Principals we understand that owing to the short call of the "Ernesto Tornquist" at Montevideo, it was not possible for them to fully discuss the matter with the Master.

They however learned with regret that as a result of a misunderstanding the "Ernesto Tornquist" had been fishing inside the Falkland Islands Sector.

Our Principals are extremely sorry that the report has proved to be correct, but they request us to assure you that it has in no way been done intentionally and is entirely due to a misunderstanding. They point out that there was absolutely no necessity to trespass the limits of the sector, as plenty of whales could have been found further East.

Our Principals are sure you will realise that such an act, if done deliberately, would be absolutely contrary to the policy along which they have been working during all the years since whaling first started

at

(14)

at South Georgia, which has been to comply always with the existing conditions to the best of their ability. They trust this fact will contribute strongly towards convincing you that the trespass in question is indeed the result of a mistake and they request us to offer their apology for the deflection.

Messrs. Pesca state that they have instructed the Captain to render a written statement in the matter which they will forward to us as soon as received.

We shall not fail to communicate with you further directly the statement referred to comes to hand.

We are, etc.,

(Signed) W. BRANDT'S.

23 June, 1909

66754/29.

Gentlemen,

I am directed by Lord Passfield to acknowledge the receipt of your letter of the 18th June relative to the pelagic operations of the S.S. "Ernesto Tornquist".

2. The Secretary of State notes that a statement from the Captain of the vessel has been called for, and it is assumed that steps will be taken to prevent a repetition of the occurrence in question.

I am,

Gentlemen,

Your obedient servant,

(Signed) L. E. FREESTON

MESSRS. WILLIAM BRANDT'S SONS & COMPANY.

COPY.

44

M. BRANDT'S SONS & CO.

36, Fenchurch Street,

LONDON, E.C.3.

30th September, 1929

Your Reference: 66754/29.

G/B.

To

The Under Secretary of State,

Colonial Office,

L O N D O N, S.W.1.

Sir,

We beg to revert to our letter of the 3rd July regarding the pelagic operations of Messrs. The Compania Argentina de Pesca's floating factory, the "ERNESTO TORNQUIST".

We have now heard from the Captain of the "ERNESTO TORNQUIST" in connection with his fishing within the limits of the Falkland Sector. He admits that he was shown the Agreement in question but states that when in the Southern Waters he had in mind the international law which permits of anyone to carry on legal activities without restriction outside the 3 or 4 miles limit of any country, and greatly regrets that owing to his misinterpretation of paragraphs 3 and 7 of the Agreement, he was not conscious that he was doing wrong.

The Captain adds that he had no intention of violating any agreement and had no interest in so doing as he could have fished further East with just as good or even better results than were

(11)

obtained inside the Sector. He apologizes sincerely and hopes that his unintentional offence will not prejudice Messrs. Pesca's interests.

We trust the explanation of the Captain, whom our Principals state is a very reliable and trustworthy man, will satisfy you that the infringement of the Agreement was entirely due to a mis-understanding on his part and would once more call your attention to Messrs. Pesca's assurance that they have taken steps to obviate any repetition of the incident.

In writing to us on the above subject, Messrs. Pesca express again their disappointment at the failure of their recent application for a licence and refer to the handicap they are under compared with their competitors in working their business on equally advantageous lines. In this connection we beg to enclose an extract of the letter received by us.

We are, etc.

(sgd.) W. BRANDT.

(40)

EXTRACT FROM LETTER RECEIVED BY WM. BRANDT'S SONS & CO.
FROM THE COMPANIA ARGENTINA DE PESCA, S.A., BUENOS AIRES.

"It might be convenient on this occasion to mention something to the Colonial Office about all the services we have rendered the Government during the years we have been working at South Georgia, the importance of which is considerable. - It is a fact that owing to our efforts and assistance it has been possible for the Government's men to be comfortable at the island and for the Government to keep them there at a very low cost. - When they first came to South Georgia they brought with them nothing and we were called upon to build a house for them of our own materials and with our own men, where they lived until they could get a house from Europe which was also put together by us. During about two years we supplied them with provisions - all the aforesaid without charge or compensation - and ever since the very first moment we have taken care of them in many ways, always considering it a pleasant duty to be of assistance to them. - In view of the fact that the Authorities' Head Quarters are at Grytviken it is natural that in the first place they have always depended upon us when anything was required.-

During the first years the only way of communication the Government had with South Georgia was by means of our ships running between Montevideo, Buenos Aires and South Georgia but we have never during all the years up to the present date charged any freight for stores, etc. shipped on board our vessels for account of the Government.- Besides these few examples we could mention many other cases in which we have demonstrated our wish to assist the Authorities and we do not hesitate in saying that we have done so to a larger extent than any other whaling Company at South Georgia.

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It could however lead too far to go into details in this connection, but we should like to add that we are now sending the m/v. "TIJUCA" via Port Stanley on her voyages to Grytviken, thus complying with one more of the Government's wishes.- That this arrangement is of great importance to the Colony is evident, and His Excellency, the Governor appreciates this fact.- The "TIJUCA" carries mail and we also ship fruits, vegetables and other stores for account of dealers at Port Stanley who are thus enabled to sell same at lower prices than if they had to take shipment from Bahia Blanca, Montevideo, or other ports.- It is evident, besides, that such stores are of great need in such an isolated Colony as the Falkland Islands.

We need hardly mention that this call of the m/v "TIJUCA" at Port Stanley means loss of time for the ship and a considerable expense to the company.-

As we have mentioned previously, nearly all the Norwegian companies have obtained facilities and additional licenses in the South - we note now again the Hektor Co. has obtained another license, - but so far our efforts to secure equal terms have failed and we are unable to think of any reason which might have induced the Colonial Office to deal with our interests in a different way.- Although it can be argued that for instance in the case of the s.s. "ERNESTO TORNGUIST" there is no necessity for her catching in waters where a license is required, it cannot be denied that a license would be a facility, and the mere fact that our application has been refused demonstrates, it seems to us, that the Colonial Office assumes a different attitude towards our company

company from the one observed towards others.-

Looking at the situation today we find that all the companies holding licenses for South Shetland have got permit to catch in the ice and inside the Sector and it is beyond doubt that the activities of these floating factories so near South Georgia will be detrimental to the interests of those who have land stations there, as the affluency of whales will be reduced.- That the Government is aware of this fact seems to be confirmed by their permitting an additional whale catcher to be employed, but in our opinion more consideration ought to have been taken to the land stations at South Georgia where large investments have been made in factories which will be useless if the whales disappear in that zone, and where everything is elaborated according to the regulations. The floating factories operating in the open sea always have the advantage that they can follow the whales wherever they go, - and besides, they do not utilize the whole whale carcass.-

All the South Georgia companies (excepting Pesca) or the men who control them also hold licenses at South Shetland and owing to their permit to use the floating factories in the ice and inside the Sector, they are in a position to recuperate in this way what they lose at South Georgia on account of reduced quantity of whales, and as we have only the South Georgia license we will work under inferior conditions.- It is interesting to note that the floating factory "THOR I", stationed at South Georgia also got permit to catch pelagically.-

In spite of all and after having spent so much money

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on our factory as we have done during the last years which would justly call for some guarantee, we have obtained nothing in the way of a compensation of any kind, and we shall be obliged to you for considering the question carefully to see if it should not be possible in any way to bring about some change.-"

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16 October 9

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Gentlemen,

I am directed by Lord Passfield to acknowledge the receipt of your letter of the 30th of September, and to inform you that he accepts the explanation furnished by the Captain of the S.S. "Ernesto Tornquist" regarding the pelagic operations of that vessel.

I am,

Gentlemen,

Your obedient Servant,

(SIGNED) G. BRISTON

MESSRS. WILLIAM BRANDTS SONS & COMPANY.