

FALKLAND ISLANDS,

No. 84

Governor's Office.

Date of Receipt.



From		SUBJECT.
Secretary of State for the Colonies.		Buoying Whales Use of unlicensed vessels for.
No.	Date	
34	29 th March 1915.	

Colonial Secretary's Record No.	MINUTES.
Registered Number of last Despatch.	<p>Dept-ord sent to Printer</p> <p>Ordinance passed. 12^o 9 of 1915.</p> <p>Transmitted to Sec of State in Desp 12^o 162 of 6. Dec 1915.</p> <p style="text-align: right;">ASJ 5-12-15</p> <p>Minute to Col Sec to ask Magistrate South Georgia to report end of 1916 whether in practice new restriction under the Ordinance has had effect of reducing the number of whales taken.</p> <p style="text-align: right;">ASJ 7.12.15 SW</p>
No. next Despatch.	
77/16	

FALKLAND ISLANDSNO. 34

DOWNING STREET.

29th March, 1915.

Sir,

I have the honour to acknowledge the receipt of your despatch No.7 of the 4th January regarding the use of unlicensed whalers for the purpose of buoying whales.

2. In view of Mr Binnie's strongly expressed views and of the opinion of many of the managers of whaling companies in South Georgia that the practice is unnecessary, I caused Mr Innes Wilson to be consulted in the matter and I enclose copies of the letters exchanged with him. You will observe that Mr Wilson does not consider that it would be impracticable to enforce a prohibition or that its enforcement would interfere with the legitimate use by the Companies of their unlicensed vessels for other purposes. I am advised however that neither of the amendments which he suggests would be free from objection since they both imply the assumption of the right of direct control of the operations of the licensees on the high seas by the colonial legislature. This would be beyond the competence of that legislature. Again, as you are aware, it has been the uniform policy of His Majesty's Government to maintain that national Governments

possess

GOVERNOR

W.L. ALLARDYCE, ESQ., C.M.G.

&c. &c. &c.

possess no such right of interference with foreign subjects on the high seas, and it is consequently of importance to avoid any such appearance of inconsistency with this principle as would be suggested by either of the amendments proposed by Mr Wilson.

3. A form of amendment which would be free from the above objection might be adopted on the lines of the suggestion contained in paragraph 2 of my despatch No. 152 of the 10th December 1913, i.e. by adding to section 2 of Ordinance No. 5 of 1912 a further subsection forbidding licensed vessels, or vessels the use of which is authorised by lease, to tow, buoy or manufacture within territorial waters carcasses of whales taken, towed or buoyed outside territorial waters by vessels unlicensed or not authorised as aforesaid. I request that steps may be taken accordingly for the amendment of the Ordinance No. 5 of 1912. The opportunity might be taken at the same time to amend section 2, subsection (d) of that ordinance by the insertion after the word "towing" of the words "or buoying", if it is considered that there is any possibility of an attempt to use unlicensed vessels for this purpose within the territorial waters of the Colony or of its Dependencies.

4. I should be glad to receive a report in due course as to whether in practice the new restriction contemplated has the effect of reducing
the

the number of whales taken.

I have the honour to be,,

Sir,

Your most obedient,
humble servant,

L. Sturcovek.

Falkland Islands
ENCLOSURE TO DESPATCH
No. 34. OF 29th March 1915.

6627/1915.

DOWNING STREET.

4th March, 1915.

Sir,

I am directed by Mr Secretary Harcourt to transmit to you the accompanying copy of a report by Mr E.B. Binnie, Acting Stipendiary Magistrate at South Georgia, upon the question of the use of unlicensed vessels for buoying whales. A copy also is enclosed for convenience of reference, of the Falkland Islands Ordinance No.5 of 1912, which deals with the towing of whales.

2. Mr Harcourt would be glad if you would consider whether you can suggest any amendment of the law which it would be practicable to enforce sufficiently to stop the practice or at least to make it difficult to carry on without detection. At the same time you should consider how far any suggested amendment might interfere with the use by the Whaling Companies of unlicensed vessels for the carriage of letters and supplies.

3. I am to acknowledge the receipt of your letter of the 23rd February, and to say that there is not at present any other matter in which your assistance is desired.

I am etc.

(Sd) H.J. READ

For the Under Secretary of State.

J. INNES WILSON ESQ.

Yehan Cottage,

Ellon, Aberdeenshire.

5 March, 1915.

Sir,

I have the honour to acknowledge the receipt of your letter No.6627/1915 of yesterday's date, together with enclosures, on the subject of the use of unlicensed vessels for buoying whales.

2. In my letter to the Colonial Secretary Falkland Islands of the 18th February 1914 (S.G.7/14) I disapproved of the practice, and suggested an amendment of Section 2 (d) of the Whale Fishery Amendment Ordinance 1912. The suggested amendment then made, as near as I can remember, was as follows:-

Suggested amendment I.

Offence by holder of licence or persons employed by him.

"Employs any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of buoying bringing or towing such whale to or towards any factory or station for manufacture,"

instead of:-

"Employs any vessel for the purpose of towing the body of any whale in Colonial Waters unless he shall have been expressly authorised by licence or otherwise to do so."

Ord 5/12
(d)

Suggested amendment II.

"Employs any vessel, other than a licensed whaling vessel, for the purpose of assisting in any way whatsoever either in the towing, buoying or capturing of any whale."

I believe that either of the two foregoing proposed amendments (preferably the latter) would be quite practicable to enforce sufficiently to stop the practice, and could not in any way interfere with the use of the whaling companies of unlicensed vessels for the carriage of letters and supplies.

3. I am returning herewith the Falkland Islands Ordinance No.5 of 1912.

I have etc.

(Sd.) J. INNES WILSON.

FALKLAND ISLANDS.

No.

162

Government House, Stanley.

15
7 December, 1953.

Sir,

With reference to Mr. Secretary's Harcourts despatch No. 34, of the 29th March, I have the honour to submit herewith for the signification of His Majesty's pleasure, two duly authenticated copies of Falkland Islands Ordinance No. 9 of 1953, entitled "An Ordinance to amend the Whale Fishery Ordinance 1908.

2. Under the provisions of The Dependencies Ordinance, 1908, I have declared this Ordinance to be in force in the Dependencies of the Colony.

I have the honour to be,

Sirs

Your most obedient,
humble servant,

Douglas Young
Governor.

THE RIGHT HONOURABLE

THE SECRETARY OF STATE FOR THE COLONIES.

12 extra copies

[SEAL]

I ASSENT

DOUGLAS YOUNG,
Governor.

2nd December, 1915.

No. 9,



1915.

FALKLAND ISLANDS.

(2nd December, 1915.)

An Ordinance

To amend the Whale Fishery Ordinance, 1908.

BE IT ENACTED by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Whale Fishery Amendment Ordinance, 1915”, and shall be read and construed as one with The Whale Fishery Ordinance, 1908.

Short Title.

2. Section 6 of “The Whale Fishery Ordinance, 1908” is hereby amended as follows:—

Amendment of Sec. 6 of Ordinance No. 5 of 1908.

In the 2nd line of subsection (d) after the word “towing” the words “or buoying” shall be inserted.

After subsection (d) the following shall be added as subsection (e)

(e) Employs any licensed vessel, or any vessel the use of which is authorized by lease, to tow, buoy or manufacture within the territorial waters of the Colony carcasses of whales taken, towed or buoyed outside the territorial waters of the Colony by any vessel unlicensed or not authorized as aforesaid.

Passed the Legislative Council this 29th day of November 1915.

T. N. GODDARD,
Clerk of the Council.

Assented to by the Governor and given under the Public Seal of the Colony this 2nd day of December 1915.

C. F. CONDELL,
Colonial Secretary.