

Emil Husby

The Regulation of Whaling in the Falkland Islands Dependencies, 1904-1915

Master's thesis in history
Supervisor: Pål Thonstad Sandvik
Trondheim, May 2018

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1. Introduction

On November 16th, 1904 a small whaling expedition anchored up in Cumberland Bay on the island of South Georgia, deep in Antarctic waters off the southern tip of America. The expedition had come a long way – in fact, all the way from Norway, close to the other end of the Earth. It consisted of two transports, and the whale catcher “Fortuna”, which was special built for the harsh conditions of the southern seas. The captain of the expedition, the Norwegian whaler Carl Anton Larsen, had been to the area before. On his earlier visits, the waters around South Georgia had been plentiful with whales, and, according to his biographer Sigurd Risting, Larsen was certain that it was possible to run a profitable whaling business there. He would prove to be right, and on Christmas Eve, he and his crew caught their first whale.¹

There was a snag, however, as Larsen and his backers soon would discover. South Georgia was considered British territory, at least by the British, and the British wanted a say in who could catch whales in their territorial waters. They initiated negotiations with Larsen, and a deal was soon reached between his company and the Colonial Office in London. As the news of Larsen’s success reached Europe, ever more whaling expeditions started arriving, and the need for a more elaborate regulatory policy became clear to the British. Soon a whole regulatory system was in place: If you wanted to whale in British waters, you needed a license; if you wanted to establish quarters and factories on land, you needed a lease; if you wanted whale blubber for oil, you had to commit yourself to processing the rest of the whale as well.

Even though there is a wealth of literature on the Antarctic whaling period, there has been no thorough examination of the regulatory system which was developed in the colony from 1904. Consequently, there are still a number of questions about this regulatory policy which beg further investigation. Why the need to regulate the whale fishery at all? Who were the policy’s architects? How did it transform and develop in the years leading up to the first world war? Who received licenses, and on what basis? And what did the licensees think of it all?

This thesis will aim to provide just such an examination. The following pages will present a detailed and thorough overview of the earliest years of this regulatory system, covering both its emergence and its early development, as well as the main aims and motives behind it. The above questions, and several others, will be answered. These answers will in turn be relevant in

¹ Sigurd Risting, *Kaptein C. A. Larsen* (Oslo: J. W. Cappelens Forlag, 1929), 87.

connection not only with the history of whaling, but also more generally with the history of the British Empire, and with the history of the regulation and exploitation of natural resources. In the end, it is my hope that this thesis will help place the regulatory system in its proper context, and in this way contribute to these important fields of study.

1.1. Research topic and delimitation

The subject of this thesis is the British regulation of the whaling industry in the Antarctic between 1904 and 1915. The thesis is a primary source-oriented, critical examination of this regulatory policy situated within the context of the extant research on modern whaling history. Central to the thesis is a thorough description of the regulatory system in question. In this regard, it is my aim to provide the first systematic, detailed overview of exactly how the regulatory system worked, and what regulatory measures it was composed of. As a part of this discussion, it is also necessary to discuss the British motives behind the regulation of the whaling industry – in other words, why was regulation needed, and what did the British hope to gain from it? Also pertinent to such a discussion is the question of how the policy was designed. In this connection the thesis examines who the policy's main architects were, and whether the policy was a result solely of the initiative of these architects, or rather a consequence of a wider legislative and regulatory process within the British governmental bureaucracy. This discussion also illuminates the role played by the whalers themselves, as well as that of foreign Governments, in the construction and development of the regulatory policy.

Before moving on to the examination itself, however, there are three aspects of this research topic which beg further explanation: The contents of the term “regulation”, the geographical extent of the whaling regulations, and the delimitation in time of the period to be examined. In order to crystallize the nature and scope of this investigation in the mind of the reader as clearly as possible, these three aspects will be presented in turn. For the rest of the chapter, we will then move on to separate discussions of the previous research on the subject, of the primary source material used, and of important definitions relevant to the thesis.

Throughout this thesis, the term “regulation” will refer to any intervention and interference from the public authorities which in some way curtails or restricts the leeway of the whaling companies in deciding how to run their operation, along with any officially sanctioned legislation relating to these interventions and restrictions. In the context of the period of Antarctic whaling

here under investigation, this includes restrictions on who were allowed to whale in British-controlled areas, through a concession system based on the issuance of licenses and leases of land. It also includes stipulations regarding how those whalers were allowed to operate, in the shape of restrictions on the number of whaling ships allowed for each company, on where whaling companies were allowed to whale, and on how the catch was to be utilized and worked up. And finally, it also includes taxation on the sale of whale products.

These whaling regulations were in the years before the first world war applicable to an area known as the Falkland Islands Dependencies (FID). These were, as the name implies, a series of islands and territories – so-called Dependencies – which were administered as a part of the colony of the Falkland Islands. Accordingly, it was the administration located on the Falkland Islands which was directly responsible for overseeing and regulating the whaling industry in the area. The exact contents of the geographical designation “Falkland Islands Dependencies” was, confusingly, not always clear in the early years of the 20th century, when the whaling industry was starting to emerge – not even to the British Government itself (see chapter 1.5. for a more detailed definition of the term “Falkland Islands Dependencies”). In this thesis, the focus will be restricted to the following areas, which were all regulated from the Falkland Islands, and which would all in time become part of the FID: The island of South Georgia, the South Shetland Islands, the South Orkney Islands, the South Sandwich Islands, and Graham’s Land (i.e. the Antarctic Peninsula), in addition to the Falkland Islands themselves. For a more general introduction to these areas, see chapter 2.1.

As mentioned, the whaling in all the areas listed above was regulated and overseen by the Falkland Islands colonial administration. The leader of this administration was the colony’s Governor, a man named William Lamond Allardyce. Allardyce arrived at the Falkland Islands in 1904, almost simultaneously with the first whalers, and he stayed on until April 1915, just after the outbreak of the first world war. It therefore fell to Allardyce to design, implement and develop a regulatory policy for the nascent whaling industry, and then oversee and administer it for the first ten years of its existence. In the historiography of whaling, Allardyce has often been emphasized as a central figure in the development of the whaling industry in the FID. Chapter 6 will seek to demonstrate that Allardyce was neither as important nor as indispensable to the regulatory policy as past historians often have made him out to be. It is nevertheless the case, however, that the regulatory policy has been and continues to be closely associated with Governor Allardyce. In light

of this, it seems prudent for three reasons to end the examination in 1915, at the end of Allardyce's term as Governor:

1. First, while the policy underwent great changes under Allardyce, it had by 1915 found the shape it would retain for the coming years. Though coming Governors would tweak and adjust it, no significant changes were made to its core provisions (with the exception of provisional changes made during the first world war). Accordingly, Allardyce's Governorship can be seen as both the birth and coming of age of the whaling policy. The end of his tenure as Governor therefore seems to indicate a natural ending point for this thesis.
2. Second, Allardyce left the Falkland Islands just a few months after the outbreak of the first world war. The war naturally had a great impact on the southern whaling industry, and this was also reflected in the whaling regulations. It has been common in modern history, almost regardless of subject, to single out the first world war as a major turning point. The war constitutes such a turning point also for the history of southern whaling, and so it is natural to end this examination at the time of the outbreak of the war.
3. And finally, a more practical concern. The source material relating to the FID whaling industry is well kept and plentiful. Familiarizing oneself with it all is a big task, and so – given the practical limitations of this thesis – going much further beyond the year 1915 would be to sacrifice detail and thoroughness for scope. Such an approach would quickly result in a broad overview which, while not uninteresting, would add little of value to the extant research on southern whaling history.

The decision to begin the examination in the year 1904 is easier to explain: 1904 was the year when the first modern whaling station was established in the FID. This event has normally been accentuated by historians as the starting point for modern whaling in the Antarctic. Before that year, the activities of whalers in the FID had been restricted to reconnaissance and exploratory expeditions. Though the roots of the regulatory policy can and will be traced further back than 1904 throughout the text, that year is designated as the starting point for this inquiry.

In short, then, the aim of this thesis is to examine the regulation of whaling as it was implemented and developed in the Falkland Islands Dependencies in the years 1904-1915. Before

doing so, however, we will briefly consider the previous research on the subject, the relevant primary source material, and some important definitions and naming conventions pertinent to the main examination, as well as an overview of the most important findings and arguments of this thesis.

1.2. Previous research

As mentioned previously, the literature on the southern whaling industry after 1900 is plentiful and varied. Given this plethora of texts on modern whaling history, however, it might seem presumptuous on my part to add to it. In order to situate this thesis within the wider context of whaling historiography, it might therefore be of use to give a brief introduction to the most important literature on the subject. This will further serve to make explicit the dues I owe previous researchers whose shoulders I have stood on in the work with this thesis.

The standard work dealing with whaling in the southern oceans – and modern whaling history in general – is the magisterial four-volume treatment written by Arne Odd Johnsen and Johan Nicolay Tønnessen, *Den moderne hvalfangsts historie*, published between 1959 and 1970.² This account covers whaling in its modern configuration, starting with the escapades of Svend Foyn along the northern Norwegian coast in the second half of the 1800s, and concluding in 1969. Of particular interest in connection with this thesis is volume two and three, which were written by Tønnessen. These books are unfortunately not available for English speakers, but a condensed, one-volume version has been published in English under the title *The History of Modern Whaling*.³ With *Den moderne hvalfangsts historie*, Johnsen and Tønnessen in effect updated and expanded upon the two prior standard works on modern whaling history, written by Sigurd Risting in 1922 and by Hans Bogen in 1933.⁴ As Johnsen and Tønnessen's account is both more thorough, more accurate, and more up to date, Risting's and Bogen's narratives will be consulted only sparingly throughout this thesis.

² Arne Odd Johnsen and Johan Nicolay Tønnessen, *Den moderne hvalfangsts historie*, 4 vols. (Oslo and Sandefjord: H. Aschehoug & Co. (W. Nygaard) & Norges Hvalfangstforbund, 1959-1970).

³ Arne Odd Johnsen and Johan Nicolay Tønnessen, *The History of Modern Whaling* (London: C. Hurst & Company, 1982).

⁴ Hans Bogen, *Linjer i den norske hvalfangsts historie* (Oslo: H. Aschehoug & Co, 1933); Sigurd Risting, *Av hvalfangstens historie* (Kristiania: Kommandør Chr. Christensens Hvalfangstmuseum, 1922).

Den moderne hvalfangsts historie is without a doubt the most comprehensive analysis of modern whaling history, and modern historians have more than once lamented that Johnsen and Tønnessen left nothing more for them to do.⁵ There are, however, at least two reasons that younger generations of historians should not just wash their hands of the subject and conclude that the job of writing the history of modern whaling is over and done with. First, *Den moderne hvalfangsts historie* was a commissioned job, published and paid for by a collection of nine whaling companies with the assistance of the International Association of Whaling Companies.⁶ Together, they provided funds, covered travel expenses, and allowed insight into archival material for the two authors. Accordingly, they also had the final say on potential changes made to the manuscripts before they were published. Though the books in general provide a balanced and critical account of modern whaling, they are not completely unbiased – Tønnessen himself admits as much in the foreword to volume two: “At some points, he [the author] has nevertheless had to yield to the stated wishes of the editorial committee”.⁷ As a consequence of this, the authors can also be charged with giving preference to the perspective of the whaling companies, sometimes at the expense of those of the industrial workers, scientific researchers and government regulators. They have also been admonished by later authors for not being sufficiently critical of the whaling industry as an industrialized, commercial endeavor.⁸ The other reason why historians should not shy away from further examining whaling history is the simple fact that no matter how comprehensive an account is, it is impossible to include everything. In *Den moderne hvalfangsts historie*, as in all other books, there are lacunae and holes to be filled.

If the above discussion gives the impression that whaling history consists of nothing but Johnsen and Tønnessen’s treatment, however, that is far from the case. Other scholars have explored whaling history both before and since, and naturally some of them have broached the

⁵ Jan Erik Ringstad, "Who Owns the History of Whaling? The Norwegian Whaling Industry and the Writing of Modern Whaling History," in *Whaling and History III*, ed. Jan Erik Ringstad (Sandefjord: Kommandør Chr. Christensens Hvalfangstmuseum, 2010), 11; Bjørn Basberg, "In the Wake of Tønnessen and Johnsen: Trends in Whaling History Research after 1970," in *Whaling and History II*, ed. Jan Erik Ringstad (Sandefjord: Kommandør Chr. Christensens Hvalfangstmuseum, 2006), 11.

⁶ Ringstad, "Who Owns the History of Whaling?," 11.

⁷ My translation. In the original Norwegian, the quote reads as follows: “På enkelte punkter har han [Tønnessen] dog måttet ta hensyn til uttalte ønsker fra bokkomitéen». Johan Nicolay Tønnessen, *Den moderne hvalfangsts historie*, 4 vols., vol. vol 2 (Sandefjord: Norges Hvalfangstforbund, 1967), xi.

⁸ Morten Haugdahl, "Fornuft og følelser? Forståelser og forvaltning av hval og hvalfangst" (Norges teknisk-naturvitenskapelige universitet, 2013), 14.

subject of whaling regulations in the Antarctic before the first world war. Chief among them is Ian Hart, who, in his book *Whaling in the Falkland Islands Dependencies* provides a general overview of the whaling industry in the Falkland Islands Dependencies between 1904 and 1931.⁹ As the book is concerned with all aspects of FID whaling, it naturally touches upon the regulatory policy on several occasions. For the historian, however, following Hart can be difficult, as he generally does not cite the primary source material he makes use of, though an extensive bibliography is included. As this bibliography indicates, Hart has the benefit of having had access to archival material from the Falkland Islands, which functioned as the administrative center for the southern whaling industry – material which Johnsen and Tønnessen did not have access to when producing their account. Another author who has had the benefit of having had access to the Falkland Islands archives is Stephen Palmer, who has dedicated a chapter of his PhD dissertation, “*Far From Moderate*”, to the British regulation of whaling in the Antarctic.¹⁰ A part of this chapter is centered on the period relevant to this thesis. Palmer’s dissertation is concerned with the ways in which humans have interacted with and affected the natural environment of the FID area, and so he naturally bestows a lot of attention on the regulation of whales and other maritime resources. Accordingly, he goes further than Johnsen and Tønnessen in describing the regulatory policy as seen from the perspective of the Falkland Islands administration. Together with Hart, Palmer is the researcher who has given the most thorough discussion of the regulatory policy since *Den moderne hvalfangsts historie*.

In a few words, there are three ways in which this thesis proposes to add to Hart and Palmer’s contributions: First, this thesis will aim to be more detailed, in the sense that it will present the regulatory policy more comprehensively, and as a subject in and of itself, rather than as a corollary to discussions of other topics. Second, it will be more complete, covering aspects of the regulatory policy which is bypassed or treated only transitorily in Hart and Palmer’s accounts. Among these are the role of the Colonial Office in designing and developing the regulatory policy, and the posting of government magistrates to South Georgia and the South Shetlands to oversee the industry. And third, this thesis is to a large extent based on archival material retrieved from the

⁹ Ian B. Hart, *Whaling in the Falkland Islands Dependencies, 1904-1931: A History of Shore and Bay-based Whaling in the Antarctic* (Newton St. Margarets: Pequena, 2006).

¹⁰ Stephen Palmer, ““Far From Moderate”: An account and appraisal of some aspects of the human involvement with the natural environment of the Falkland Islands and South Georgia” (University of Portsmouth, 2004).

records of the Colonial Office at the National Archives in London, as well as the papers left by the South Georgia magistrate, available at the Scott Polar Research Institute in Cambridge (see chapter 1.3.). While Hart and Palmer have had access to archival material unavailable for this thesis (primarily from the Falkland Islands archives), neither of them seems to have consulted the National Archives or the South Georgia magistrate papers in connection with the regulatory policy before 1915. This makes it possible for this thesis to provide both new information and a fresh perspective on whaling regulation in the FID.

The aims with this thesis, from a historiographical perspective, is twofold: First, to fill the lacunae created by the lack of systematic research on the regulatory policy in the British Antarctic. All the authors mentioned above have written concisely on this policy, and they have added details whenever their wider narrative required it. The regulatory policy has, however, never been treated independently and systematically. One aim of this thesis is accordingly to give the first comprehensive account of this regulatory policy in which the policy itself is the main subject. And second, this text will seek to provide a treatment of this policy not only from the perspective of the whaling companies, but also from that of the British authorities responsible for regulating the whaling industry. In so doing, it is my hope that this thesis will constitute a valuable contribution to the study of modern Antarctic whaling.

Other publications have also been useful in writing this thesis. These generally, but with many exceptions, fall into three categories. First is literature concerning the history of specific whaling companies.¹¹ The second category consists of literature relevant to the history of the areas where the whaling in the Antarctic before the first world war took place. Most prominent are histories of the Falkland Islands,¹² but it also includes literature on South Georgia and the other island groups in the south Atlantic.¹³ And finally, the third category consists of books generally

¹¹ Among the most useful of these books are histories of the companies Salvesen (Wray Vamplew, *Salvesen of Leith* (Edinburgh: Scottish Academic Press, 1975); Gerald Elliot, *A Whaling Enterprise: Salvesen in the Antarctic* (Wilby, Norwich: Michael Russel, 1998).), A/S Ørnen (Hans Bogen, *Aktieselskapet "Ørnen": 50 års hvalfangst* (Sandefjord: Kommandør Chr. Christensens Hvalfangstmuseum, 1953).), Compañía Argentina de Pesca (Ian B. Hart, *Pesca: The History of Compañía Argentina de Pesca Sociedad Anónima of Buenos Aires* (Devon: Aidan Ellis, 2001).), and Sandefjords Hvalfangerselskab (Odd Galteland, *Hvalfangst på Syd-Georgia: A/S Sandefjords Hvalfangerselskab/A/S Vestfolds fangst fra landstasjonen Strømnes 1906-1931* (Sandar historielag, 2009).).

¹² R. Reginald and Jeffrey M. Elliot, *Tempest in a Teapot: The Falkland Islands War* (San Bernardino, California: The Borgo Press, 1983); Ian J. Strange, *The Falkland Islands* (Newton Abbot, Devon: David & Charles Limited, 1972); Mary Cawkell, *The History of the Falkland Islands* (Owetry, England: Anthony Nelson, 2001).

¹³ Most importantly Robert Headland, *The Island of South Georgia* (Cambridge: Cambridge University Press, 1984).

concerned with the broader history of whaling.¹⁴ All these books have been used extensively throughout the work with this thesis. This should not, however, be taken as an exhaustive list. Readers with a further interest in the topics discussed in this thesis are therefore referred to the bibliography.

1.3. Primary source material

When I first started collecting primary source material for this thesis in early 2017, I travelled to the Scott Polar Research Institute in Cambridge to visit their archives. I sat down at one of the two desks in their small reading room and started to peruse the catalogues. Opposite from me, at the other desk, sat an older lady who, by the way she was handling the documents, looked like she was familiar with the archives. We got to talking at one point, and when I told her that I was working on whaling history, she looked at me and exclaimed “Oh, you poor man!” By the time I had finished my work in the archives, I had started to understand what she meant. The extant source material relating to whaling history is immense, and much of it is unsorted and generally difficult to navigate. With some exceptions, the main challenges with writing this thesis have not been ones of source scarcity, but rather the opposite. Accordingly, it might be helpful here to provide a brief overview of the available source material I have made use of.

The material used for this thesis can be divided into three broad bodies of documents, which mainly has been gathered from three separate archival institutions. The relevant documents collected from these archives will be introduced in turn, and the most important advantages, challenges and pitfalls relating to them will be discussed. In this way, it is my hope to provide a general overview of the nature of the source material used for this thesis, and to give the reader a sense of the limitations these documents place on the researcher.

The first set of documents has been gathered from the National Archives in London. These documents have been used extensively by Tønnessen, but neither Hart nor Palmer seems to have made use of them in their discussions of the regulation of FID whaling before 1915 (though Palmer has examined material from the National Archives in connection with other periods of FID whaling). They consist mostly of letters sent from the Governor of the Falkland Islands – who was

¹⁴ Most important are Richard Ellis, *Men & Whales* (London: Robert Hale, 1992); Eric Jay Dolin, *Leviathan: The History of Whaling in America* (New York: W. W. Norton & Company, 2007), and Daniel Francis, *A History of World Whaling* (Ontario: Viking, 1990).

responsible for the regulation of the Antarctic whaling industry in British territory – to the Colonial Office in London. The Governor was thorough in his reports, and he seems to have been intent on keeping the Colonial Office up to speed on the whaling industry as it developed in his colony. The Colonial Office expressed a great deal of interest in the development of this industry, and so they most likely instructed the Governor to keep them abreast of events. This was probably in the interest of the Governor as well: Relative to the size of his colony, the local whaling industry grew to a considerable magnitude, so it would not have been unnatural for the Governor to wish to involve the Colonial Office in managing it. Consequently, these letters are of great use to the researcher, and taken together they constitute the most important body of source material used for this thesis. But while they are useful, they also come with their own sets of pitfalls:

1. The most important challenge presented by these letters come from the fact that extant in the National Archives are only incoming letters, going from the Falkland Islands to the Colonial Office. Copies of the letters sent back to the Falklands are not available in the National Archives, and so we are left with one half of the conversation. While this allows us a great deal of insight into the goings on at the Falkland Islands, it makes it difficult to examine the exact nature of the Colonial Office's involvement in the colony. In cases when the Governor received specific instructions, for example, or when the Colonial Office made decisions on behalf of the colony, this has to be gleaned from the Governor's responses to the letters from London.
2. The whaling in the colony was spread over an enormous area, and the colonial coffers did not allow for properly patrolling the whaling grounds. Consequently, most catch numbers and other statistics reported by the Governor would have been taken from the end-of-season reports delivered by the whaling companies themselves. With some exceptions, the Falkland Islands Government had no means of ensuring that the numbers were not inflated or deflated. This got better after official magistrates were stationed on South Georgia and the South Shetlands in 1909 and 1912, but the information they provided remained less than fully reliable. Consequently, we should be wary of taking all the contents of the Governor's reports at face value.
3. It is important to note that this series of letters is not complete. Not all letters were kept – some were destroyed on purpose, and some were lost or mislaid. In other letters, some or

all of the enclosures are missing. Occasionally, letters are torn or damaged, or separate pages are missing. This is not in itself a great concern. The Colonial Office Index of Correspondence shows that most letters were diligently sorted and kept, while only a relative few were not.¹⁵ When letters are missing, it is usually possible to discern the contents from later letters on the same subject.

4. And finally, it should be remembered that these were letters from an employee to his boss. Though we can expect that the Governor refrained from outright lies in his reports, we should not assume that he never left things out or slightly adjusted details in order to give a better impression. This was especially true toward the end of his Governorship of the Falklands, when he was angling both for a pay raise and for a posting to a warmer climate.¹⁶

The second set of sources also consists of letters, this time sent from the Government magistrate stationed at the island of South Georgia (which for a long time was the main hub of whaling activity in the FID) to the Falkland Islands Governor. These are available at the Scott Polar Research Institute (SPRI) in Cambridge, England. Neither Tønnessen, Hart or Palmer seem to have made any use of these documents in their publications on whaling, and so they seem to be more or less virgin land for those doing research on whaling history.¹⁷ The magistrate was in closer contact with the actual whaling grounds than the Governor, and so his reports were often more detailed than those of his boss. They accordingly give us access to information on some of the minutiae of whaling regulation which the Governor left out of his reports to London. The challenges related to these letters are in large part the same as for the letters going from the Governor to the Colonial Office: We still have only one side of the correspondence, not all the letters were kept, and they were also essentially sent from an employee to his boss. And while the magistrate came into far greater contact with the whalers themselves than the Governor did, he was greatly handicapped in his job on South Georgia: He had no ship of his own, and so, if he wanted to visit the whaling

¹⁵ Falkland Islands Index of Correspondence, February 23rd, 1904-1909 (National Archives CO 339/7), 1910-1914 (National Archives CO 339/8), and 1915-1917 (National Archives CO 339/9).

¹⁶ D. Graham Burnett, *The Sounding of the Whale* (Chicago: The University of Chicago Press, 2012), 20.

¹⁷ They are not, however, fully unexplored, as economic historian Bjørn Basberg made use of them in connection with his paper on shore station whaling in the FID: Bjørn Basberg, "Survival Against all Odds? Shore Station Whaling at South Georgia in the Pelagic Era, 1925-1960," in *Whaling & History: Perspectives on the Evolution of the Industry*, ed. Bjørn Lorens Basberg, Jan Erik Ringstad, and Einar Wexelsen (Sandefjord: Kommandør Chr. Christensens Hvalfangstmuseum, 1993).

stations scattered about the island, he had to request a lift from the whalers nearby. In other words, we cannot rely fully on the accuracy of his accounts to the Falkland Islands.

The final category of archival source material consists of collections relating to the activities of individual whaling companies. Most of these are available in Vestfoldarkivet, located in Sandefjord, Norway (excepting non-Norwegian companies). These collections are often quite large, and they consist of a great variety of letters, accounts, legal documents and more. Most of them are well known to seasoned whaling historians – especially Tønnessen, who has drawn heavily from them. Of particular interest to this thesis is company correspondence with British authorities relating to whaling licenses and regulatory measures. Much of this correspondence was conducted in the very early years of the whaling companies' existence, and so much of it has sadly been lost. What does still exist, however, constitutes a useful supplement to the sets of letters previously described. Among other things, they provide another perspective on the regulation of the whaling industry than that of the British Government. Available in the company archives are also some copies of circulars and regulatory decrees issued by the Falkland Islands Government which are not available in the National Archives or the Scott Polar Research Institute.

In the above paragraphs, it has been my aim to outline the various challenges posed by the primary source material used for this thesis. As previously mentioned, many of these documents come with their own unique pitfalls, and navigating these pitfalls is the historian's greatest challenge and most important skill. At the close of this brief discussion on primary source material, however, it should be mentioned that the work of interpreting and synthesizing these sources into a coherent academic text comes with its own problems and challenges. The most important among these lie not with the source material, but rather with the historian himself. He might go awry, among other things, by failing to approach the sources with a critical mindset, by piecing them together in the wrong way, or by making errors of emphasis. Like a detective, he must be alert, curious and diligent. In my work with this thesis, I have done my best to exhibit those traits. Hopefully, I have managed to avoid most of the pitfalls – both those mentioned here and the many others.

1.4. The structure of the text and scientific findings

The first chapter – this chapter – is aimed toward giving the reader the necessary context for understanding the project underlying this thesis, as well as its limitations. This means, besides

introducing and explaining the research topic, both situating this examination within the broader field of whaling history and explaining the conditions and limitations the extant primary source material places on the project. Chapter two will then provide further background information regarding whaling history and the Falkland Islands Dependencies.

Well-armed with this background information, the reader will be prepared for chapter three and four, which will give a detailed overview of the regulatory policy, including the many changes it underwent in the years leading up to 1915. These chapters will demonstrate, among other things, that this regulatory policy did not appear out of thin air: There were previous examples of regulation of both whaling and other industries which informed Allardyce and the British Government in their attempts to secure a sustainable whaling industry in the FID. As will be seen, the earliest of these attempts were not very successful, and the policy was initially implemented in a haphazard and uncoordinated manner. This led to a major reworking of the policy in 1908, just two years after it was first introduced. These chapters will also show that the policy not always worked as well in reality as on paper: The FID government had little means of patrolling and inspecting the industry, and so whalers found ways to circumvent at least some of the regulations. And finally, chapter four will demonstrate that the regulatory policy deliberately was designed in order to provide for and support a long-term, sustainable whaling industry in the FID. This helps, among other things, to explain why the fees for licenses and leases were so low relative to the profits of the whaling companies.

Chapter five will examine the motives of the British regulators in implementing a regulatory policy for whaling in the FID – i.e. the *why* of the policy. It will argue that three considerations were of particular importance: Securing revenue for the colony of the Falkland Islands; ensuring a stable, long-term whaling industry by ensuring a sustainable exploitation of the whale stock; and firmly establishing British sovereignty over the territories constituting the FID. Even though Governor Allardyce has been hailed as a pioneering maritime conservationist, this chapter will also show that there are few indications in the source material that Allardyce's focus on sustainable whaling was motivated by ecological concerns or an interest in animal welfare.

Chapter six investigates *how* the whaling policy was developed. It will argue that Governor Allardyce was granted a remarkable degree of leeway when the policy first was designed, and that he consequently can be described as the main architect of the initial policy. This would however change in 1908, when the policy was redesigned by the Colonial Office, in large part against

Allardyce's wishes. From that point, the Colonial Office would gradually supplant Allardyce as the chief authority in the further development of the policy. Accordingly, Allardyce took on a comparatively much less important role in FID whaling towards the end of his Governorship. The chapter will also demonstrate that whaling companies and foreign governments had a clear ability to influence the regulation of the whaling industry. An essential aspect of this final point is that while the whalers at times disagreed with the Falkland Islands administration on the particulars of whaling regulation, the sources make it clear that many of them actively supported the Britain's attempts at regulation.

Chapter seven will then provide a summary of the thesis, along with final thoughts and conclusions. A bibliography will be found in chapter eight.

1.5. Definitions

As previously mentioned, the early Antarctic whaling took place in an administrative unit known as the Falkland Islands Dependencies (FID). As the name implies, this area includes not only the Falkland Islands themselves, but also a series of territories scattered about the southern seas in the general vicinity of the Falklands. These disparate territories were included as so-called "Dependencies" of the colony of the Falkland Islands when that colony was established in 1843. This in effect meant that they were placed under the administration of the Falkland Islands Governor. The trouble arises, however, from the fact that no formal definition of exactly which territories were included in the Falkland Islands Dependencies was given by the British before 1887, when South Georgia specifically was mentioned as one of them.¹⁸ A final clarification was then given through Letters Patent in 1908.¹⁹ At this point, the following territories were formally listed as Dependencies of the Falkland Islands: South Georgia, the South Shetlands, the South Orkneys, the South Sandwich Islands, and Graham's Land (today referred to as the Antarctic Peninsula). Before 1908, not even the Falkland Islands Governor himself was entirely clear on which areas were part of his bailiwick. Consequently, using the term "Falkland Islands Dependencies" about the period before 1908 will often be misleading, and sometimes slightly anachronistic. Nevertheless, for the sake of simplicity, the term will throughout this thesis be meant

¹⁸ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 326.

¹⁹ "British Letters Patent of 1908 and 1917 constituting the Falkland Islands Dependencies," *Polar Record* 5, no. 35-36 (1948): 241.

to refer to the series of territories listed above. The reader should remember, however, that the phrase “Falkland Islands Dependencies” would have been a more nebulous concept to whalers and administrators before 1908, than it was after that date.

Several of the areas examined in this thesis – including some of those listed above – were and still are referred to by different names. The example most relevant to this thesis is that of the Antarctic Peninsula, which was at the time known alternately as Graham’s Land (to the British), and Palmer Peninsula (to the Americans). Both sides balked at adopting the name used by the other, and so a compromise was reached in 1964 when the area formally was renamed “the Antarctic Peninsula”.²⁰ This name is generally accepted today, except by Chile, which still prefers their own name: O’Higgins Land. This thesis will make use of the terms “Antarctic Peninsula” and “Graham’s Land” – the first because it is the name most commonly known to today’s readers, and the latter because it better reflects the naming convention used in the source material.

²⁰ Elliot, *A Whaling Enterprise: Salvesen in the Antarctic*, 15.

2. Historical background

Before diving into the main object of study of this thesis, some background information on whaling in the Falkland Islands Dependencies (FID) might be useful in helping the reader orient himself in the subject matter. This chapter will seek to accomplish this in two ways. First, we will look at the history of the geographical area of interest for this thesis, that is, the Falkland Islands and its Dependencies. Then, we will trace the history of modern whaling and its shift from the Finnmark coast in northern Norway to the southern seas. By the end of this chapter, it is my aim that the reader should be equipped with the necessary knowledge needed to follow along as we turn to consider the FID regulatory policy.

2.1. The history of the Falkland Islands Dependencies

A history of the Falkland Islands must naturally begin with an account of their discovery. It has, however, proven to be somewhat difficult to ascertain who first laid eyes on the islands. Mary Cawkell, along with numerous other British historians, maintain that they were first discovered by the British captain John Davis, who was part of an expedition led by Thomas Cavendish in 1592.²¹ Argentine authors tend to highlight the expeditions of Amerigo Vespucci (1501/1502) and Magellan (1520).²² Meanwhile, third party researchers attempting to untangle the matter have concluded variably either that the question is unanswerable,²³ or that nothing can really be known before the year 1598, which is the date of the first confirmed sighting of the islands by a Dutch explorer.²⁴

Somewhat less intractable is the issue of who first settled on the islands. First out, in quick succession, were the French and the British, respectively in 1764 and 1765.²⁵ The Spanish then purchased the French interests in the islands in 1766, not knowing that the English had established themselves there some years previous.²⁶ Harsh words were interchanged between the two countries,

²¹ Mary Cawkell, *The Falkland Story 1592-1982* (Owesity, England: Anthony Nelson, 1983), 1; Strange, *The Falkland Islands*, 47.

²² Laurio H. Destefani, *The Malvinas, the South Georgias and the South Sandwich Islands: The Conflict with Britain* (Buenos Aires: Edipressa S. A., 1982), 38-41.

²³ Reginald and Elliot, *Tempest in a Teapot*, 18.

²⁴ Roberto Laver, *The Falklands/Malvinas Case: Breaking the Deadlock in the Anglo-Argentine Sovereignty Dispute* (The Hague: Martinus Nijhoff Publishers, 2001), 20f.

²⁵ Cawkell, *The History of the Falkland Islands*, 24, 28.

²⁶ *Ibid.*, 26.

but war was narrowly averted by a treaty whereby the British promised to evacuate the islands, which they did in 1774.²⁷ The islands were then under Spanish rule until 1810, when their administration was taken over by the newly independent Argentina. The Argentines thereafter provided for an off-and-on, noncommittal governance of the islands until they were ousted by Britain in 1833.²⁸ The Falklands were consequently administered by the British military, until a civil administration was provided for the islands through Letters Patent in 1843, with Lieutenant Richard Moody installed as Governor.²⁹ Moody was incidentally already back then conscious of the potential the colony had for whaling, commenting “[That] a profitable livelihood might be possible for settlers in the islands from a whale fishery”.³⁰ The colonial capital was located at Port Stanley, on the far eastern edge of the islands group. From that point on – except for a brief period during the Falklands War in 1982 – the Falkland Islands would be governed by Britain.

This course of events begs the question why Britain decided to repossess the islands after so long. The islands have a frigid, subantarctic climate, with summer temperatures hovering around 9°C (49°F) on average, and they are known to be harried by strong winds.³¹ The islands were also poor resource wise, with peat being the only natural resource of consequence (aside from fish and other maritime resources).³² In short, the islands were never very attractive economically before whaling was established as an important industry in the early 1900s. Consequently, the reasons for the British re-entry were geographical, rather than economical. It was argued that a British watering and coaling station on the Falklands would make the Cape Horn-route back home from the Pacific both cheaper and shorter, as ships would no longer have to stop at Montevideo or in Rio. Such a station could also be of military importance, with the Falklands serving as a “Gibraltar of the South”.³³ Additionally, the idea was floated that the islands could replace Australia as a convict settlement for the British Empire.³⁴ The ensuing settlement would never become the burgeoning military camp many people envisioned, however. Instead, the colony proved to be simply small, poor, and isolated. In 1905, in the very earliest years of the southern whaling industry, the

²⁷ Cawkell, *The Falkland Story*, 25.

²⁸ Reginald and Elliot, *Tempest in a Teapot*, 24f.

²⁹ Headland, *The Island of South Georgia*, 45.

³⁰ Palmer, “Far From Moderate,” 40.

³¹ Strange, *The Falkland Islands*, 17f.

³² *Ibid.*, 31.

³³ Cawkell, *The History of the Falkland Islands*, 58.

³⁴ *Ibid.*

population of the colony was just 2009.³⁵ Most of these inhabitants were engaged in sheep farming, though sealing and penguinning were also industries of some consequence.³⁶

The Falkland Islands were the only part of the colony which had a settled population and an established administration. The extent of the colony of the Falkland Islands, however, reached farther than the Falklands themselves. There were also a series of islands and island groups scattered about the Southern Ocean which were included under the jurisdiction of the Falkland Islands as so-called “Dependencies”. This arrangement had been in place ever since the Falklands were first established as a British colony – the very first Letters Patent of 1843 used the term “the Falkland Islands and their Dependencies”.³⁷ It has become commonplace among researchers to refer to this area as the “Falkland Islands Dependencies” – or the FID in short. Curiously, though, those Letters Patent did not specify which areas were included as Dependencies of the Falkland Islands. This did not happen before 1908³⁸, when a new set of Letters Patent formally defined the Dependencies as the island of South Georgia, the island groups of the South Shetland Islands, the South Orkneys, and the South Sandwich Islands, as well as Graham’s Land, which was the name used at the time for the Antarctic Peninsula.³⁹ It is not a coincidence that the Letters Patent formally defining the FID were issued at the same time as the whaling industry started to take off in the area. Almost all of the whaling would be based in these Dependencies, rather than the Falklands themselves. Accordingly, when the whalers started arriving, it very quickly became very important for the British to secure sovereignty over the whaling grounds. As these Dependencies were so important, both to the British and to the whalers themselves, a brief introduction of them is in order.

South Georgia:

South Georgia is a mountainous, crescent-shaped island, approximately 170 km long, located about 1450 km from Port Stanley (the capital of the Falkland Islands).⁴⁰ The island is barren, with little vegetation, and a cold polar climate. Captain Cook described it unsympathetically as “savage and

³⁵ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 309.

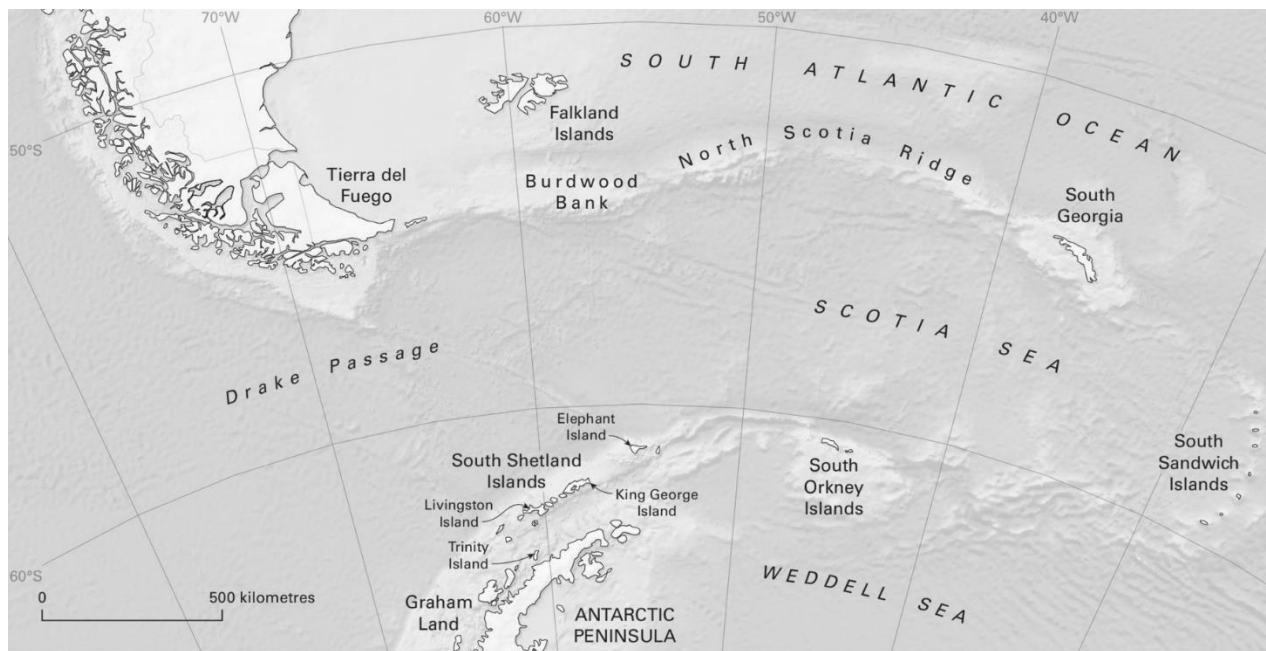
³⁶ Strange, *The Falkland Islands*, 81.

³⁷ Charter for the Government of the Falkland Islands, Letters Patent dated June 23rd, 1843. (Retrieved January 17th, 2018 from <http://www.fig.gov.fk/archives/index.php/online-collections/government/laws-ordinances>).

³⁸ Though South Georgia was specifically mentioned as a Dependency of the Falkland Islands in Letters Patent of 1887 (Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 326.).

³⁹ "British Letters Patent of 1908 and 1917 constituting the Falkland Islands Dependencies."

⁴⁰ Headland, *The Island of South Georgia*, 1.



Map showing the Falkland Islands Dependencies (FID). Source: P. Stone and J. Faithful, "The Mineral Prospecting Expeditions to the South Atlantic Islands and Antarctic Peninsula Region Made by the Scottish Geologist David Ferguson, 1912-1914," *Scottish Journal of Geology* 49, no. 1 (2013).

harsh".⁴¹ For whalers, though, the island would prove to be a haven from which they could effectively hunt the abundance of whales surrounding the waters of the island. Two main reasons for this is the island's relative accessibility and its many good harbors, which were essential in the early years of Antarctic whaling.⁴² Accordingly, South Georgia would become the very center of the whaling industry which emerged in the FID in the early 1900s, and the most economically important of Britain's possessions in the area.

The South Shetlands & Graham's Land:

The South Shetlands was another area which, along with South Georgia, was of prime importance to the whaling industry in the colony. Unlike South Georgia, however, the South Shetlands have few good harbors (though it should be mentioned that one of the few they do have, on Deception Island, is probably the best harbor in the FID).⁴³ Nevertheless, the islands were still attractive to the whalers, again due to their relative accessibility and the abundance of whales nearby. Due to

⁴¹ Alan Moorehead, *The Fatal Impact: The Invasion of the South Pacific 1767-1840* (London: Hamish Hamilton, 1966), 224.

⁴² Per Fuglum, *Norge i støpesjeen, 1884-1920*, ed. Knut Mykland, 15 vols., vol. 12, Norges historie (Drammen: J. W. Cappelens forlag A.S., 1978), 256f.

⁴³ The Interdepartmental Committee, "Report of the the Interdepartmental Committee on Research and Development in the Dependencies of the Falkland Islands," (London: His Majesty's Stationery Office, 1920), 2.

the lack of good harbors, the whaling at the South Shetlands would for the most part consist of expeditions utilizing floating factory ships, rather than the land stations which were common on South Georgia.

For the purposes of whaling regulation, the South Shetlands and Graham’s Land were treated as one unit. A license for whaling in the South Shetlands would therefore be applicable to Graham’s Land, and vice versa.

The South Orkneys:

The South Orkneys consist of two main islands – Coronation Island and Laurie Island – which are surrounded by a number of smaller islets and atolls. Like the South Shetlands, they have few good harbors, and they are inaccessible for a great part of the year, as they are covered by the ice sheet which stretches over the Weddell Sea every winter.⁴⁴ Consequently, the whaling season at the South Orkneys is shorter than at South Georgia and the South Shetlands.

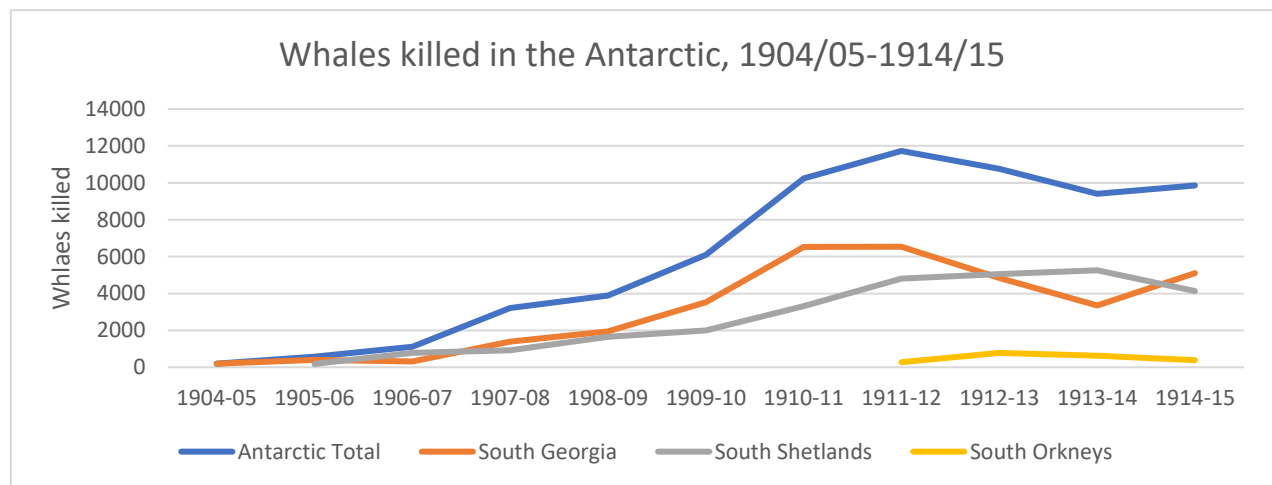


Table showing the relative importance of the various Dependencies by catch numbers. Exact statistics for the South Sandwich Islands are not available, but the numbers are lower than those of South Orkney. Some whales were also caught from areas which are not represented in the graph, mainly the island Kerguelen and the Falkland Islands themselves. Source: The Committee for Whaling Statistics, “International Whaling Statistics XVI,” (Oslo: Det norske hvalråd, 1942): 17

⁴⁴ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 390.

The South Sandwich Islands:

The South Sandwich Islands do not form an island group in the same sense as the South Orkneys, which are relatively concentrated. Rather, the South Sandwich Islands are made up of a series of small, volcanic islands strung out in a wide bow stretching from north to south.⁴⁵ They have only one good harbor, at Southern Thule, but it is icebound for most of the year.⁴⁶ To quote captain Cook again, they are “the most horrible coast in the world”.⁴⁷ Most of the whaling in the FID has been concentrated around South Georgia and the South Shetlands, with companies taking up whaling at the South Orkneys and the South Sandwich Islands only rarely, usually when no more concessions were forthcoming from the British Government for the other two Dependencies.

2.2. A brief history of whaling

When the whalers arrived in the FID in the early 1900s, they were part of a whaling tradition which stretched all the way back at least to the 1500s. As was natural, however, whaling had come far since that time, and all parts of the whaling endeavor had undergone great changes. Most notable in this regard were the technological changes, which effected both how whales were hunted, how they were processed, and how the whale oil subsequently was used. Accordingly, the whaling which took place in the FID was different in nature from most earlier whaling. This is not the place to give a full treatment of the development of whaling and whaling technology throughout history, but it seems prudent to briefly touch on it, in order to clearly delineate exactly what separated the Antarctic whaling this thesis is concerned with, from that which came before it.

Historian Arne Odd Johnsen has divided whaling history into three phases.⁴⁸ First came what he terms the old European whaling. This phase is generally taken to have started with the Basques, which initiated whaling in the Bay of Biscay in the early 1500s.⁴⁹ They were succeeded by the Dutch and the British, who expanded whaling to polar waters – first to Spitsbergen (which today generally is known under the name “Svalbard”), and then to the west coast of Greenland, and to Baffin Bay and Hudson Bay in Canada.⁵⁰ The second phase was the American whaling, which

⁴⁵ Ibid., 397.

⁴⁶ The Interdepartmental Committee, "Report of the the Interdepartmental Committee," 3.

⁴⁷ Moorehead, *The Fatal Impact*, 224.

⁴⁸ Arne Odd Johnsen, *Den moderne hvalfangsts historie*, 4 vols., vol. vol 1 (Sandefjord: H. Aschehoug & Co. (W. Nygaard), 1959), 13.

⁴⁹ Ellis, *Men & Whales*, 42ff.

⁵⁰ Ibid., 51, 57f.

got going in the latter half of the 1700s. For about 100 years, the Americans dominated the whaling industry, which under their auspices expanded throughout both the Atlantic and the Pacific.⁵¹ The glory days of American whaling were more or less over by the time of the American civil war in the 1860s. Around that time, the transition into the third phase – which Johnsen called modern whaling – had begun. Unlike the two other phases, the emergence of the modern whaling phase is closely associated with the name of one man: Svend Foyn.⁵² Foyn started out as a sealer but decided to transition into whaling when the pressure from competing sealing companies became too great.⁵³ During the 1860s and the 1870s, he spent most of his time and great parts of his fortune in attempts to establish a viable whaling industry along the Finnmark coast in northern Norway. He set himself the challenge of finding a way to catch the group of whales known as rorquals, which were faster and thinner than the whales which had traditionally been hunted until that point. In addition, rorquals would normally sink when they were killed. Thus, catching these whales necessitated new developments both in whaling techniques and in whaling technology. Foyn eventually succeeded in refining these techniques, and in improving the existing technology, to such an extent that he was able to initiate a profitable whaling business.

Foyn was eventually granted a patent for his system, which in effect gave him a monopoly on whaling in Norway.⁵⁴ When the patent expired, however, other companies rapidly descended on the whaling grounds Foyn had opened, and it did not take long until there were too many catchers for the Finnmark coast to sustain. Accordingly, the various whaling companies started looking for new whaling fields to which they could expand their activities. This expansion initially led them to commence whaling in other parts of European waters, but a combination of increased competition, a drastic thinning of the whale stock, and finally a ten-year ban on whaling along Norway's northern coast in 1904, soon led the whalers to start looking even further afield.⁵⁵ This resulted in an expansion of the whaling industry across the globe, to Newfoundland, Alaska, Japan, Australia and Africa.⁵⁶ And in 1904, modern whaling also reached the FID.

⁵¹ Dolin, *Leviathan*, 205f.

⁵² For Svend Foyn's career as a whaler, see Johnsen, *Den moderne hvalfangsts historie*, vol 1. For his ventures in sealing, see the biography of Foyn written by Alf R. Jacobsen, *Svend Foyn: Fangstpioner og nasjonsbygger* (Oslo: Aschehoug, 2008).

⁵³ Jacobsen, *Svend Foyn*, 144.

⁵⁴ Johnsen, *Den moderne hvalfangsts historie*, vol 1, 221f.

⁵⁵ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 12.

⁵⁶ Francis, *A History of World Whaling*, 178f.

Before we examine the whaling industry as it emerged in the FID in that year, however, it might be helpful to further delineate just what separated modern whaling from its predecessors. Tønnessen has helpfully given this question thorough consideration in volume two of *Den moderne hvalfangsts historie*. He lays out three defining traits:⁵⁷ First, new technological developments brought whaling into the industrial era. Of particular importance were innovations such as coal driven ships, mounted harpoon guns, and, at a later point, rear slips which could be used to haul whale carcasses on deck for processing. Second, these technological developments enabled the whalers to effectively catch whale species which had up to that point been outside their reach. These new species included the abovementioned rorquals, of which the most famous members are the Blue whale, the Fin whale and the Sei whale. And third, technological innovations allowed for the use of whale oil in a whole array of new products, including margarine, cosmetics, paint, and explosives. Accordingly, not only the catching of the whale was brought into the industrial era – the processing of it was as well, leading to a great increase in the refinement ratio of whale carcasses.

This, in other words, was the whaling industry which reached the FID in 1904. In that year, Captain Carl Anton Larsen established a whaling station on South Georgia on behalf of an Argentine company. The very next year, in 1905, Captain Alexander Lange turned up with the first floating factory to be used in the Antarctic. While Larsen processed his catch on land at his whaling station, Lange relied on his floating factory to do the same job. Over the coming years, several more companies would arrive in the FID. Many of them followed Larsen's lead and established whaling stations, mostly on South Georgia. Others utilized floating factories in the vein of Lange. The latter were mostly centered around South Shetlands, and – when the number of available concessions for the South Shetlands were exhausted – the South Orkneys and the South Sandwich Islands.

The industry they build up in the FID over the coming years would eventually establish the Antarctic as the premier whaling ground on the globe. In the years before world war one, however, this outcome was not at all clear. Other whaling grounds, such as those around Africa and Newfoundland, seemed just as profitable as the Antarctic, and whalers congregated in those areas in much the same way as they did in the FID. As it turned out, however, the whaling in Africa and Newfoundland proved to be intense but short – after a few years, the whale stock started to decline

⁵⁷ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 4f.

so rapidly that both areas were summarily abandoned.⁵⁸ The FID saw no such dramatic decline, however. After the end of the first world war, it consequently seemed clear that the Antarctic would remain the main hub of modern whaling for the foreseeable future.

Another feature of the whaling in the FID before the first world war was that it was almost completely dominated by Norwegians.⁵⁹ Aside from Norwegians, whaling companies in the FID in those days flew the flags of Great Britain, Chile, and Argentina, but those companies were in a clear minority. Additionally, they all mostly employed Norwegians in all the key positions, and most of their specialized whaling equipment was purchased in Norway. Most of the Norwegian companies furthermore stemmed from a single area in Norway centered around the towns of Sandefjord, Tønsberg and Larvik. These whaling companies brought home immense profits from their southern ventures, making these cities some of the richest in the country.

Their activities were also of benefit to the colony of the Falkland Islands, which saw its income increase by close to 50% in the years immediately preceding the world war.⁶⁰ This increase in income was due mostly to license fees, sales of provisions to whalers, port duties, and taxes on the export of whale oil and guano (fertilizer). For the Falkland Islands, which had been quite poor before the advent of whaling, this increase in revenue came as blessing, and it allowed the colony, among other things, to construct a longed-for telegraphy station and to expand its administrative apparatus.⁶¹ These proceeds from whaling would subsequently increase even further after the first world war, when the fee for exporting whale oil was more than quintupled.⁶²

Though this thesis is concerned with the period leading up to 1915, the whaling industry in the FID lasted beyond the first world war. The years immediately succeeding the Great War were however grim for the whaling companies. Low spending power after years of fighting, combined with cheap access to various forms of vegetable oil, lead to an immense fall in the price of whale oil, the whalers' primary export commodity.⁶³ After the 1922/23 season, however, the industry started to recover, and the whalers spent the rest of the 1920s rebuilding their whaling fleets, which had been thoroughly reduced since 1914. By the early 1930s, though, technological advances had

⁵⁸ Ibid., 119f, 451f.

⁵⁹ Gordon Jackson, *The British Whaling Trade* (London: Adam & Charles Black, 1978), 161f.

⁶⁰ The Interdepartmental Committee, "Report of the the Interdepartmental Committee," 52.

⁶¹ Johan Nicolay Tønnessen, *Den moderne hvalfangsts historie*, 4 vols., vol. vol 3 (Sandefjord: Norges Hvalfangstforbund, 1969), 256.

⁶² Ibid., 160.

⁶³ Ibid., 179.

led to the construction of the first specialized factory ships, which were able to (almost) fully process whales without the need for proximity to land. Consequently, the whalers no longer needed to restrict their operations to areas where good harbors could be found. The open seas, where no British license official were to be found, soon beckoned. Up until that point, all whaling in the Antarctic had taken place within the confines of the FID. Afterwards, whaling would expand across the Antarctic ocean. Ian Hart has defined 1931 as the year when the final nail was hammered into the coffin of FID whaling.⁶⁴ The previous year, the whale oil market had collapsed completely due to immense over production. Simultaneously, the great economic depression of the 1930s had set in. And, as we have seen, developments in whaling technology had started enabling whaling companies to escape the regulatory impositions of the FID. Operating in the FID was simply no longer profitable, and so, after 1931, only a select few companies did. Whaling, of course, survived, though in a different form, and in different areas. Whalers would in the future operate mostly on the open seas, in what has commonly been called the era of pelagic whaling.

⁶⁴ Hart, *Whaling in the Falkland Islands Dependencies*, 261f.

3. The Falkland Islands Dependencies regulatory system 1904-1906

In 1906, the Falkland Islands administration produced two documents of great importance to the history of whaling regulation in the Falkland Islands Dependencies (FID): The first whaling ordinance – in essence a localized law governing the whaling industry – and the first lease contract for a whaling station on South Georgia. Together, these two documents denote the start of the regulation of whaling in the colony.⁶⁵ They did not, however, emerge out of thin air. First off, they were both inspired and influenced by similar regulatory documents from other areas and earlier times. And second, they were a result both of internal processes within the British government, and of negotiations and conferences with specific whaling companies. This chapter will examine the precedents behind, and the processes leading up to, the formal establishment of the FID whaling policy in 1906. Through an investigation of these precedents and processes, the chapter will seek to make clear why the regulatory policy was initiated when it was, and why it took the shape it did. The next chapter will then provide a more thorough description of the regulatory policy as it was instituted in 1906, and then trace the policy through its various changes up to the year 1915.

We will begin, however, with an introduction of the policy's main architect, Governor William Lamond Allardyce. Governor Allardyce was both the main initiator behind the policy, as well as the government official most directly responsible for it, and so some background information is in order. We will then take a closer look at two regulatory regimes which preceded the one in the FID, and from which we can reasonably assume that Allardyce lifted elements for his own policy: The regulation of whaling in Newfoundland which began in 1902, and the regulation of sealing in the FID before Allardyce's time as Governor. Thereafter, we will turn to the two incidents which initiated the whaling adventure in the southern oceans: The establishment by the company *Compañía Argentina de Pesca* of a land station on the island of South Georgia in 1904, and the arrival of the first floating factory to the FID, led by captain Alexander Lange, in 1905. These two incidents provided the impetus for the processes which eventually led to both the first land contract for whaling in the FID, and to the first whaling ordinance.

⁶⁵ Åsa Elstad maintains that the first whaling regulations were initiated in 1910, when the FID administration decided to limit the number of whaling concessions to be granted (Åsa Elstad, "Den første norske oljealderen," in *Norsk Polarhistorie*, ed. Einar-Arne Drivenes and Harald Dag Jølle (Oslo: Gyldendal, 2004).). There were, however, several regulatory measures introduced before that date which limited the activities of the whalers in similar ways, most notably by placing restrictions on the number of ships which could be used. This author consequently prefers accentuating 1906 as the starting point of whaling regulation in the FID.

3.1. Governor William Lamond Allardyce

The emergence and development of Antarctic whaling corresponds nicely with the tenure of the Scotsman William Lamond Allardyce as Governor of the Falkland Islands.⁶⁶ He took up his post in 1904, just before the first land station on South Georgia was established, and he stayed on as



William Lamond Allardyce, Governor of the Falkland Islands 1904-1915. Source: https://www.falklandsbiographies.org/biographies/allardyce_sir [Retrieved 27/4-2018]

Governor until 1915. He quickly grasped the potential of the rapidly growing whaling industry, and, sensing both the danger of over-fishing and a potential revenue stream for the colony, he set to work drafting a policy to regulate the whaling around the Falklands. Thus, he has become a central figure in early 20th century whaling history, and as he accordingly will take center stage in this discussion of whaling regulation, a brief introduction is in order.

Allardyce was born in India in 1861 and entered the colonial service at age 18 after receiving his education in Scotland. He was posted to Fiji, where he spent the next 25 years learning the ins and outs of colonial administration. Allardyce displayed an interest both for administrative tasks as well as the culture, fauna, and natural history of whatever remote outpost where he happened to find himself.

During his stay in Fiji, for example, he authored several papers on the Fijian language⁶⁷, and while Governor of the Falklands he managed to find the time to write and publish a short history of the Falkland Islands.⁶⁸ He furthermore spent his spare time building and organizing a collection of

⁶⁶ The following account is based on Stephen Palmer, "Sir William Lamond Allardyce," in *The Dictionary of Falklands Biography*, ed. David Tatham (Ledbury: ABC Print, 2008). and Henry R. Heyburn, "William Lamond Allardyce, 1861-1930: Pioneer Antarctic Conservationist," *Polar Record* 20, no. 124 (1980).

⁶⁷ Palmer, "Sir William Lamond Allardyce," 37.

⁶⁸ William Lamond Allardyce, *The Story of the Falkland Islands, being an Account of their Discovery and Early History 1500-1842* (London: The Government Printing Office, 1909).

portraits of well-known Antarctic explorers. For the purpose of this collection he even solicited the help of former US President Theodore Roosevelt.⁶⁹

During his 12 years as Governor of the Falklands, he spent his time overseeing such diverse projects as the opening of a new hospital and schoolhouse, the construction of a new telegraphy station, and of course the emergence of the Antarctic whaling industry. He is perhaps best known for his efforts to conserve the fauna of the Dependencies, enacting regulation not only to preserve whales, but also penguins, seals, and bird wildlife. He also succeeded in getting the colony's finances on a sound footing, mainly due to the proceeds from whaling.⁷⁰

In 1916, after leaving the Falkland Islands, he was knighted for his efforts for the colony,⁷¹ and thereafter he spent the rest of his career as Governor of the Bahamas, Tasmania, and Newfoundland, before retiring back to Britain in 1928. He died shortly thereafter, in 1930.

As of yet, no thorough biographical treatment of Allardyce has been produced. He has, however, figured in several prominent publications on whaling history, and he has intermittently been presented both in a favorable and a more critical light. Some authors, such as Stephen Palmer and Henry Heyburn,⁷² laud him as a pioneering conservationist and a capable administrator. D. Graham Burnett, meanwhile, describes him as vain and proud, and suggests that he claimed far more credit than was his due for the emergence of whaling in the FID.⁷³ Other authors, however, are more differentiated in their description of him. Johan Tønnessen, for example, concludes that Allardyce was farsighted in his initial decision to regulate the whaling industry,⁷⁴ while at the same time criticizing him for not seeing the full scope of the challenges these regulations posed.⁷⁵ Any final assessment of the value of his contributions to whale preservation, however, is a complex task which at least partly lies outside the purview of the historian. In the following I will therefore refrain from passing final judgement on Allardyce, and rather seek to give a description of the regulatory regime he instituted.

⁶⁹ Letter from Allardyce to Theodore Roosevelt, dated February 17th, 1913 (SPRI MS 1212/6/1-4;D).

⁷⁰ Heyburn, "Allardyce: Pioneer Antarctic Conservationist," 41.

⁷¹ Palmer, "Sir William Lamond Allardyce," 42.

⁷² Palmer, "'Far From Moderate,'" 198; Heyburn, "Allardyce: Pioneer Antarctic Conservationist," 39.

⁷³ Burnett, *The Sounding of the Whale*, 19-21.

⁷⁴ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 300, 39.

⁷⁵ Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 256f.

3.2. Regulatory precedents in the modern age

When Allardyce and his staff began formulating a set of more permanent guidelines for whaling in the colony and its Dependencies, they did not start completely from scratch. The expansion in the whaling industry which started in the 1890s introduced modern whaling methods not only to the Antarctic, but also to Africa, Canada, Svalbard, and European waters. Accordingly, Allardyce, was not the only one who had to grapple with these issues.

The first comprehensive regulatory system to be introduced in the era of modern whaling was introduced in Newfoundland in April 1902.⁷⁶ The so-called “Act to Regulate the Whaling Industry” stipulated that companies wishing to erect a whaling station in Newfoundland had to apply to the government for a ten-year license for the price of \$1,500. Each company was restricted to one whale catcher, they were not allowed to use separate ships to tow whale carcasses, and they had to catch all their whales in a fifty-mile radius from their station. Each station had to be equipped with the necessary equipment to process the whole of the whale carcass – not just the blubber. In practice, this meant that the licensees committed themselves to producing whale meal (so-called guano). The stations were also to be manned by British subjects, or by workers who had lived in Newfoundland for at least two years – though Norwegians were still allowed to work the actual whaling ships.

The regulations in Newfoundland were instituted for two reasons.⁷⁷ First, it was feared that, if left unregulated, the industry would burn itself out and deplete the whale stocks in few years, similar to what had happened in Finnmark in northern Norway in the second half of the 20th century. And second, there was a wish to ensure local control of the industry (i.e. protect it from the Norwegians). In the first aspect, these regulations were strikingly similar to those in the FID. The central components, such as the need to take out a license, limitations on the number of ships to be allowed, and the requirement that the whole of the carcass be utilized, would also form the core of Allardyce’s policy. It should be mentioned, however, that the Newfoundlanders demanded full carcass utilization not in an attempt to make the industry more sustainable, as Allardyce did, but

⁷⁶ Descriptions of the Newfoundland whaling regulations can be found in Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 112f. and Anthony Dickinson and Chesley Sanger, "Modern shore-based Whaling in Newfoundland and Labrador: Expansion and Consolidation, 1898-1902," *International Journal of Maritime History* 2, no. 1 (1990): 109-16.

⁷⁷ Dickinson and Sanger, "Modern shore-based Whaling in Newfoundland and Labrador," 110.

rather in order to reduce environmental pollution.⁷⁸ In some other respects, however, the regulatory systems of Newfoundland and the FID were quite different. Unlike in Newfoundland, for example, Allardyce made no attempt to stop foreign workers and investment from entering the local whaling industry (though he did work to firmly secure British regulatory control over it). Neither did the Newfoundland act make any provisions for the regulation of whaling with floating factories, as such floating factories were just about to enter the scene. The similarities between the two regulatory regimes are, however, far more striking than the differences. Both Tønnessen and Dickinson & Sanger argue that Allardyce clearly was inspired by the Newfoundland Whaling Act when designing his own regulatory policy.⁷⁹ Neither of them present any evidence for this claim, but it certainly seems plausible that Allardyce would at some point have been made aware of the regulations instituted just a few years earlier in another part of the British Empire. As an aside, Allardyce would himself end up as Governor of Newfoundland later in his career.⁸⁰

Another set of whaling regulations, which clearly also seem to be inspired by the Newfoundland act, was laid before the British parliament in 1905.⁸¹ Just like the Newfoundland acts, it ordained that whalers needed to take out a license, and it restricted the number of vessels whalers could use. These new regulations would be applicable to Scotland, rather than the British Isles as a whole. Though the bill did not pass that year (a modified version was passed in 1907), it is not unthinkable that Allardyce, being both a Scotsman and the Governor of a colony with abundant whale resources, might have heard of it.⁸²

Furthermore, there were already precedents in Falkland Islands law when Allardyce started considering regulation of the local whaling industry. It had since the very beginning of British governance of the Falkland Islands been common practice to regulate the colony's resources through licensing systems. The first one was instituted by the very first British Governor of the colony, Richard Moody, who in 1847 started issuing licenses for the right to graze cattle on Government lands.⁸³ The most significant example of earlier resource regulation in the FID before Allardyce, however, was that of sealing.

⁷⁸ Ibid., 114.

⁷⁹ Ibid., 115. And Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 112f.

⁸⁰ Palmer, "Sir William Lamond Allardyce," 42.

⁸¹ A Bill Entitled "An Act to regulate Whale Fisheries in Scotland", 1905 (Vestfoldarkivet, Norrøna AS - VEMU/ARS-A/1013/Y/L0001)

⁸² Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 65f.

⁸³ Reginald and Elliot, *Tempest in a Teapot*, 28.

South Georgia had practically from its very discovery been subject to the whims of sealers, who by 1900 had almost completely eradicated the seal population of the island.⁸⁴ There was no sealing regulation in place before an ordinance was proclaimed in 1881, but as it turned out to have little effect on the industry in South Georgia, a new one was issued in 1899. The 1899 ordinance constituted the first step toward a more rational exploitation of the island's resources.⁸⁵ It limited the sealing season, stipulated the need for licenses to catch seals (for the price of £10 per license), and put in place strict requirements to furnish the Falkland Islands government with accurate reports of the number of seals taken. It also granted the Governor broad powers to issue further regulations to protect specified groups of seals, such as females, the young, and certain species.

Between the Newfoundland whaling regulations, the developments in Scottish regulation, and the Seal Fishery Ordinance of 1899, it is clear the Allardyce must have had plenty of examples to draw on when designing his own regulatory policy. As we shall see, many of the components of this policy is clearly informed by those earlier regulatory initiatives.

3.3. Two whaling regimes: The first leases and licenses

Allardyce barely had time to settle down in his new job as Governor of the Falkland Islands in 1904 before the issue of whaling and whaling regulation landed on his desk. From the very beginning, the matter presented itself in two distinct ways. The first is represented by the Argentine company *Compañía Argentina de Pesca* (hereafter referred to simply as *Pesca*), which in November 1904 had established a whaling station in Grytviken Bay on South Georgia.⁸⁶ The manager of *Pesca* was the Norwegian Carl Anton Larsen, who went ahead with this enterprise without thinking it necessary to inform the British Government of his plans. This was an issue for Allardyce and his staff, as Great Britain saw South Georgia as their territory. Then, in December 1905, an expedition lead by the Norwegian whaler Alexander Lange arrived in Stanley (the capital of the Falkland Islands) requesting permission to whale in the South Shetland Islands. Allardyce replied that no permission was needed, as the South Shetlands were not British territory, and with that he sent Lange on his way.⁸⁷ The arrival of this expedition represented the second way in which the whaling

⁸⁴ Headland, *The Island of South Georgia*, 48f.

⁸⁵ An Ordinance to regulate the Seal Fishery in the Colony of the Falkland Islands, 1899 (National Archives CO 79/2).

⁸⁶ Hart, *Pesca*, 44.

⁸⁷ Heyburn, "Allardyce: Pioneer Antarctic Conservationist," 39.

matter presented itself to Allardyce, as Lange's plans were quite different from Larsen's: Pesca intended to initiate whaling on South Georgia on the model of the companies operating along the Finnmark coast in northern Norway, which was at that time coming to an end. This involved establishing a whaling station on land, where whales would be towed for processing after they were killed. Lange, on the other hand, brought with him one of the first factory ships, which enabled him to flense and process his catch entirely at sea. He still needed access to a good harbor where he could seek shelter in bad weather and refill his water stores, but he had no need for an established whaling station. His approach to whaling was, in other words, quite different from Larsen's.

Both of these approaches to whaling in the Falkland Islands Dependencies would prove to be productive as well as economically sustainable: Over the years, several more whaling stations would be constructed on South Georgia and elsewhere. Simultaneously, the amount of factory ships present in the FID would steadily increase. Economic historian Bjørn Basberg has described these approaches to whaling as two different whaling strategies, each with its own pitfalls and benefits.⁸⁸ Elsewhere, he similarly talks about two separate "technological regimes" and two "branches" in Antarctic whaling.⁸⁹ As Allardyce gradually came to realize how great the opportunity was which presented itself with the advent of southern whaling, he had to ensure that the regulations which were put in place were adapted to both of these strategies. The result would be a solution in two parts: He negotiated an agreement with Pesca, giving the company a lease of land for 21 years, and he instituted a system whereby companies wanting to whale in the Dependencies without a permanent whaling station had to take out whaling licenses for one season at a time. Alongside each of these agreements were attached a series of stipulations regarding how the whaling could and could not proceed. In other words, in order to deal with the two whaling strategies represented by Pesca and Lange, Allardyce developed two corresponding regulatory strategies: One for the land station-dominated South Georgia, and one for the other Dependencies where the floating factories reigned. In the following, we will examine the very first regulatory measures as they applied to these two separate whaling strategies.

⁸⁸ Bjørn Basberg, "To hvalfangstentreprenører – to strategier?," in *I det lange løp: Essays i økonomisk historie tilegnet Fritz Hodne*, ed. Bjørn Lorens Basberg, Helge W. Nordvik, and Gudmund Stang (Bergen: Fagbokforlaget, 1997), 315.

⁸⁹ Bjørn Basberg, "Productivity in the 20th century Antarctic pelagic and shore station whaling: Growth and stagnation in two technological regimes," *TØH-serien* 1995, no. 4 (1995): 2.

3.3.1. *The first lease of the Compañía Argentina de Pesca*

Though the Compañía Argentina de Pesca (translated as the “Argentine Fishing Company”) was floated almost exclusively with Argentine capital, and its ships flew the Argentine flag, the venture was solely the initiative of the Norwegian C. A. Larsen.⁹⁰ Larsen had spent the years between 1895 and 1901 as the manager of a whaling station in Finnmark in Norway,⁹¹ and after having visited the island of South Georgia several times as captain of various exploratory expeditions, he had come to the conclusion that he wanted to try establishing a whaling station on the island. With the help of his Argentine backers, he ordered ships and equipment from Norway, and hired an almost fully Norwegian crew.⁹² Larsen had prepared well: He had already picked out the site for the whaling station on a previous trip to the South Atlantic, and though the price of whale oil in 1904 was at its lowest point in more than twenty years,⁹³ he was certain of success. Thus, the company was founded in February 1904,⁹⁴ and by December 22nd that year, Pesca had established itself at South Georgia and started cooking blubber.⁹⁵



The British administration on the Falkland Islands was made aware of Pesca’s activities on South Georgia through an extract from the Argentine Newspaper *La Nación* which was forwarded to Governor Allardyce by the British minister in Buenos Aires in March 1905.⁹⁶ Pesca’s whaling station on South

Captain Carl Anton Larsen, manager of Compañía Argentina de Pesca, 1904-1914. Source: https://nbl.snI.no/C_A_Larsen [Retrieved 27/4-2018]

Georgia was a problem for the British Government for two reasons: First, they saw South Georgia as British territory. Allowing Pesca to settle on the island without permission could not be countenanced, as it would set a terrible precedent. Pesca protested that it was completely unknown

⁹⁰ Hart, *Pesca*, 39.

⁹¹ Risting, *Kaptein C. A. Larsen*, 44.

⁹² Hart, *Pesca*, 42-43.

⁹³ Basberg, "To hvalfangstentreprenører – to strategier?," figure 1, 321.

⁹⁴ Hart, *Pesca*, 39.

⁹⁵ D. W. H. Walton, "The First South Georgia Leases: Compañía Argentina de Pesca and the South Georgia Exploring Company Limited," *Polar Record* 21, no. 132 (1982): 234.

⁹⁶ Letter from the British Minister in Buenos Aires to Allardyce, dated March 12th, 1905. Enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated April 18th, 1905 (National Archives CO 78/105).

to them that South Georgia was claimed by Britain,⁹⁷ but Ian Hart has convincingly argued that Larsen was aware of South Georgia's status as early as 1896.⁹⁸ Allardyce, for his part, seems to have suspected that Pesca was at least partly embellishing the truth when they claimed to be unaware that South Georgia was under British control.⁹⁹

Historian Roald Berg mentions that Pesca allegedly approached the British ministry in Buenos Aires before launching the company, asking for permission to settle on South Georgia.¹⁰⁰ In support of this statement, Berg refers to the second volume of *Den moderne hvalfangsts historie*, where Johan Tønnessen remarks on a meeting between two board directors of Pesca and the British minister.¹⁰¹ The meeting is not dated in Tønnessens narrative. Earlier in the same book, however, Tønnessen explicitly states that Pesca made no attempt to contact the British authorities before leaving for South Georgia.¹⁰² It is probable that the meeting Tønnessen refers to is one which took place on November 2nd, 1905, well after Pesca's arrival on South Georgia, which involved the same two Pesca directors.¹⁰³ The contention that Pesca secured permission from the British before launching their venture can in other words probably be dismissed.

The second reason the British authorities viewed Pesca's establishment on South Georgia as a problem was because the whole island had already been rented out to a company under the name of the South Georgia Exploration Company (the name is alternately given as "South Georgia Exploring Company" – hereafter it will be referred to by the acronym SGEC), which intended to use the island for sheep farming. When the company organized a reconnaissance trip to South Georgia 1905, however, the manager was surprised to stumble across Pesca already fully employed with whaling.¹⁰⁴ Then, in the autumn of 1905, Allardyce in quick succession received first a letter from the SGEC manager demanding that Pesca should be evicted from South Georgia, and then a

⁹⁷ Walton, "The First South Georgia Leases," 237.

⁹⁸ Hart, *Pesca*, 64.

⁹⁹ Letter from Allardyce to the Secretary of State for the Colonies, dated November 28th, 1905 (National Archives CO 78/106).

¹⁰⁰ Roald Berg, *Norge på egen hånd 1905-1920*, 6 vols., vol. vol 2, Norsk utenrikspolitikk historie (Oslo: Universitetsforlaget, 1995), 147.

¹⁰¹ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 327.

¹⁰² *Ibid.*, 294f.

¹⁰³ Hart, *Pesca*, 69.

¹⁰⁴ Walton, "The First South Georgia Leases," 235-37.

complaint from Pesca's board of directors (via the embassy in Buenos Aires), who had received a notice to quit from the SGEC.¹⁰⁵ In the latter, Pesca offered to take out a lease as a possible solution.

The contract the Falkland Islands Administration had granted the SGEC gave the company full rights to South Georgia for two years for an annual fee of 1£ for purposes of exploration and reconnaissance.¹⁰⁶ The company further agreed to pay 1,5% of their net profits to the Falkland Islands administration. This stipulation was for the most part symbolic, however, as the company did not intend to commence operations on the island at that point. If the SGEC, after the two-year lease was up, deemed it prudent to do so, they agreed that a new lease for a period of minimum 21 years would be negotiated. In the meantime, the company hoped to recover some of their expenses through sealing at South Georgia, for which they agreed to take out annual sealing licenses. They further paid a £60 deposit as insurance that the stipulations of the sealing license would be adhered to. And, finally, they agreed that all meteorological and geographical data produced during the company's exploration of South Georgia should be shared with the Falkland Islands Government. Allardyce was especially particular about this point, as he had great hopes that the contract would generate reliable new information about the island.

As it happened, the activities of the SGEC on South Georgia ended with their initial reconnaissance trip in 1905. The company's contract required final approval by the Colonial Office to be valid. When it was discovered that Pesca already was engaged in an illegal but seemingly profitable whaling venture on the island, the Colonial Office decided to withhold final approval until the situation had been straightened out. When it was all over, a lease had been granted to Pesca, while that of the SGEC was rendered null and void. The company later took up a second lease in order to start a whaling business of their own, but as it turned out, they lacked both the necessary capital and industry experience, and so they shortly sold their lease to another company.¹⁰⁷ Several authors have commented on the irony that even though the SGEC went through all the right channels and did everything by the book, they were still out-manuevered by Pesca, who simply snuck in while nobody was looking.¹⁰⁸ Ian Hart explains this pliant and

¹⁰⁵ *Ibid.*, 237.

¹⁰⁶ Lease contract between the South Georgia Exploration Company and the Falkland Islands Government, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated July 27th, 1905 (National Archives CO 78/105).

¹⁰⁷ Hart, *Pesca*, 91-93.

¹⁰⁸ *Ibid.*, 91; Walton, "The First South Georgia Leases," 239.

remarkably amenable way in which the Colonial Office dealt with Pesca as a result of a conscious wish on the British Government's part of avoiding a diplomatic incident with Argentina.¹⁰⁹ As we will see later, Governor Allardyce was also at this point concerned with securing international recognition of British sovereignty over South Georgia. Having an Argentinian company accede to a lease contract with the British authorities would undoubtedly have strengthened the British claim, and so it would clearly have been in Governor Allardyce's interests to reach an accommodation with Pesca.

When Allardyce received the dual complaints from the SGEC and Pesca in the autumn of 1905, he and the Colonial Office realized that they needed to act quickly to sort out the situation. The Colonial Office felt it necessary, however, to conduct a proper investigation into Pesca's activities on South Georgia before concluding the matter, and so the British navy ship HMS Sappho was sent to the island.¹¹⁰ After the Commander of the Sappho, M. H. Hodges, reported favorably on what he had seen at Pesca's whaling station in Grytviken, Allardyce invited representatives of the company to Stanley in order to formally commence negotiations. They arrived on February 14th, and by February 24th a contract had been finalized.¹¹¹

The lease which eventually was granted to Pesca is of particular importance, as it would in effect constitute a template for how all lease contracts would be framed in the coming years. As such, the negotiations with Pesca determined not only the terms on which that company was permitted to whale in the FID, but also the terms of all future indentures with other companies. The final lease granted Pesca 500 acres of land, for an annual payment of £250, to be used for the purpose of whaling.¹¹² The contract committed Pesca to keeping strict meteorological records to be transmitted to the Falkland Islands administration, and to keep a stock of coal, water and provisions to sell to passing ships. Furthermore, the company had to produce an annual report for the Governor detailing their activities and results. When the practice of issuing whaling licenses to expeditions without their own stations later became commonplace, it was further confirmed by the

¹⁰⁹ Hart, *Pesca*, 71.

¹¹⁰ *Ibid.*, 75.

¹¹¹ Walton, "The First South Georgia Leases," 239.

¹¹² Lease contract between Compañía Argentina de Pesca and the Falkland Islands Government, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated February 24th, 1906 (National Archives, CO 78/108).

Colonial Office that lessees of land in the Dependencies were exempted from the need to pay for a license.¹¹³

Allardyce had initially suggested that in lieu of the annual rent of £250, Pesca should commit themselves to the payment of a specified percentage of the company's net profits. This had indeed been the Governor's approach to the question of renting out land on South Georgia until that point: The SGEC's contract specified that 1,5% of all profits accrued to the Falkland Islands Government, for example. Pesca, however, protested this stipulation, and so the annual rent of £250 was agreed upon instead.¹¹⁴ This agreement signified a clear departure from the SGEC indenture – a departure which was of crucial importance, as the acceptance of Allardyce's initial suggestion would have ensured that the colonial coffers would have continued to grow in proportion to the ever-increasing profits from the whaling industry. Johan Tønnessen has calculated that if Pesca were to have paid 1,5% of their profits, such as the SGEC committed itself to, they would have had to pay seven to eight times as much in rent as they did over the next 21 years.¹¹⁵

With the lease granted to Pesca a model for renting out land in the Dependencies had been established. Several more companies would approach Allardyce over the coming years wishing to establish whaling stations at South Georgia, and those which received permission were granted terms similar to those of Pesca. With that, Allardyce and the Colonial Office established a precedent for renting out land in the FID and constructed a legal basis for a land station-based whaling industry on South Georgia. The rapid progress in whaling technology development being what it was, however, not all whalers had need of land stations anymore, and so another set of problems would present themselves when Alexander Lange arrived at the Falklands in December 1905.

¹¹³ Letter from Allardyce to the Secretary of State for the Colonies, dated October 6th, 1906 (National Archives, CO 78/108).

¹¹⁴ Letter from the British Minister in Buenos Aires to Allardyce, dated December 30th, 1905. Enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated January 27th, 1906 (National Archives, Co 78/108).

¹¹⁵ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 300.

3.3.2. *A/S Ørnen, Alexander Lange, and the first whaling licenses*

When the whaling expedition of Alexander Lange arrived at the Falkland Islands toward the end of 1905, Allardyce and his staff were in the middle of the Pesca-affair. The Governor was initially unwilling to grant Lange permission to whale in the FID until the negotiations with Pesca had been concluded, but after some back and forth, he agreed to make an exception for Lange's expedition. The deal which was concluded with Lange allowed him to conduct whaling operations off the coast of the Falkland Islands themselves for a fee amounting to ½% of the net profits of his activities there. He also had to agree to embark and remunerate (at a rate of 7 shilling a day) a customs officer from the local colonial administration which would join the expedition, and to pay a £12 clearance fee each time he called at Stanley. Finally, Lange committed himself to providing the Falkland Islands administration with a report detailing his activities at the end of the season.¹¹⁶



Alexander Lange, leader of the first whaling expedition to the FID with a floating factory. Source: Lars Holskjær, *Kamper uten tall: Fra Sandefjords historie* (Larvik: Forglemmegei Forlag, 2017): 28

According to Tønnessen, the Governor insisted that terms for whaling at South Georgia could not be decided on before the negotiations with Pesca were concluded.¹¹⁷ Tønnessen is right in this, but it should also be mentioned that Allardyce explicitly stated that Lange did receive permission to whale at the island.¹¹⁸ What this entailed for Lange in practice is not entirely clear, as a page from Allardyce's letter to Lange accepting his application sadly is missing from the archives. Lange, in his diary, simply wrote that he "obtained permission to hunt at South Georgia".¹¹⁹ In any case, Lange never went to South Georgia during the 1905/1906 season, and so the question turned out to be moot.

Importantly, when Lange inquired what the conditions would be for whaling at the South Shetlands, the reply he received basically amounted to an admission that the island group was outside British authority.¹²⁰ While it was clear for Allardyce that South Georgia was claimed by

¹¹⁶ Bogen, *Aktieselskapet "Ørnen"*, 31.

¹¹⁷ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 308.

¹¹⁸ Letter from Allardyce to the Secretary of State for the Colonies, dated December 26th, 1905 (National Archives, CO 78/106).

¹¹⁹ Susan Adie and Bjørn Basberg, "The first Antarctic whaling season of *Admiralen* (1905-1906): The diary of Alexander Lange," *Polar Record* 45, no. 234 (2009): 246f.

¹²⁰ Lange himself wrote in his diary that the Governor specifically stated that the South Shetlands were not British territory (ibid., 245.). In a later letter to the Colonial Office, however, Allardyce reported that he had given a much more noncommittal reply ("to this I demurred") to Lange's request. (Letter from Allardyce to the Secretary of State

Britain, it was not clear neither for him nor the Colonial Office whether the same could be said about the other island groups in the vicinity. Consequently, Lange could proceed to the South Shetlands without British concession.

Lange returned to Stanley four months later, having completed a whaling expedition he described to the Governor as “more successful than he had reason to anticipate”.¹²¹ He was anxious to return for the next season as well, and Allardyce granted him permission to do so, contingent on Lange’s acceptance of one small but significant change in the terms: Rather than a specified percentage of the profits, Lange were to pay a fixed royalty on each whale caught in colonial waters (£10 for right whales, 10 shilling for sperm whales, and 5 shilling for any other whale). By this time, an agreement with Pesca had been reached. As we have seen, that company demurred to paying a percentage-based fee, and a fixed, annual lease was agreed upon instead. It seems probable that Allardyce in consequence sought to move away from such percentage-based arrangements also for whalers who processed their catch without land stations. In his report to the Colonial Office, the Governor estimated that under this new arrangement, the colonial administration could expect to receive about 1% of the profits from Lange’s next expedition.¹²² Notwithstanding Allardyce’s calculations, Lange agreed to the new terms, and soon he was on his way back home to Norway.

While Lange was gone, however, Allardyce came to two important conclusions. First, he recognized that after Lange’s results from his first season in the South Atlantic were made known, more whaling companies would arrive seeking permission to whale in the colony. Accordingly, he saw the need to place the arrangements he had made with Lange – and would make several times more with other whalers – on a firm legal basis. And second, he realized that if the colony of the Falkland Islands were to make the most of this opportunity, the British needed to extend their sovereignty to the other various islands in the vicinity, and not just South Georgia. This applied

for the Colonies, dated March 28th, 1906 (National Archives, CO 78/108)). The South Shetlands would just the year after be annexed by Britain and added to the colony of the Falkland Islands due to its prospects as a potentially profitable whaling ground – a process Allardyce made considerably more difficult by having previously dismissed British ownership of the islands. While we might never know for sure exactly what Allardyce said to Lange, it seems probable that the Governor later realized his mistake, and simply wanted to present himself to his boss in the best possible light.

¹²¹ Letter from Allardyce to the Secretary of State for the Colonies, dated April 20th, 1906 (National Archives, CO 78/108). Despite Lange’s positive attitude, the expedition actually resulted in a net loss – a result which has been described by historians as “not impressive”, Hart, *Pesca*, 108.

¹²² Letter from Allardyce to the Secretary of State for the Colonies, dated April 20th, 1906 (National Archives, CO 78/108).

particularly to the South Shetlands, which seemed to be a promising area for whaling. This thought struck Allardyce already in February 1906 – well before Lange had arrived back in Stanley after his first whaling expedition – when he sent a letter to the Colonial Secretary recommending the annexation of both the South Shetlands and the South Orkneys.¹²³ When he two months later heard about the good results of Lange’s expedition, he sent a follow-up letter to the Colonial Office to further press this recommendation.¹²⁴

To complicate matters further, another whaling venture – Sandefjords Hvalfangerselskab AS – had been established in 1906 in order to commence whaling in the frigid southern waters. The owner of the company, Peder Bogen, had already in February that year sent a note to the British Government asking for permission to whale in the Falkland Islands area, and requesting clarification of the legal status of the South Shetlands and the South Orkneys.¹²⁵ Along with the secretary for the Norwegian Legation in London, Johannes Irgens, Bogen appeared in London in order to discuss the matter in person. This inquiry, combined with Allardyce’s letters, made it clear to the British Government that these supposedly insignificant islands seemed to be somewhat valuable after all. Accordingly, the Colonial Office came to a simple conclusion: They answered Bogen that both island groups were British possessions, commenting that Alexander Lange had been allowed to whale at the South Shetlands without concession through a simple misunderstanding. The Colonial Office further decided that the authority to regulate these areas, along with South Georgia, rested with the Falkland Islands Governor.¹²⁶

This decision served as a basis for Allardyce to issue an ordinance¹²⁷ entitled “An Ordinance to regulate the Whale Fishery of the Colony of the Falkland Islands” in October of 1906 – “the Whale Fishery Ordinance” in short.¹²⁸ This specified that anyone wishing to whale in the Dependencies of the Falkland Islands had to take out a whaling license at a cost of £25, embark a

¹²³ Letter from Allardyce to the Secretary of State for the Colonies, dated February 26th, 1906 (National Archives, CO 78/108).

¹²⁴ Letter from Allardyce to the Secretary of State for the Colonies, dated April 18th, 1906 (National Archives, CO 78/108).

¹²⁵ Galteland, *Hvalfangst på Syd-Georgia*, 30.

¹²⁶ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 332-34.

¹²⁷ An Ordinance was a legislative decree passed by the “Governor in Council” in any given colony, i.e. by the Governor in conjunction with the colonial Legislative Council. An ordinance was applicable only to the colony over which the Governor presided, and it was subject to review by the British Government. See Chapter 6.1. for further information.

¹²⁸ An Ordinance to regulate the Whale Fishery of the Colony of the Falkland Islands, 1906 (National Archives, CO 79/3).

customs officer in Stanley, and pay a royalty on each whale caught and processed in colonial waters. The royalties were identical with those Lange earlier had agreed to. It also empowered the Governor to issue further regulations as he saw fit, for example regarding the number of whales allowed to be taken, the length of the season, the area of catch, et cetera.

If the first Pesca lease established a framework for dealing with companies seeking to whale in the Dependencies with the use of permanent whaling stations, the Whale Fishery Ordinance of 1906 did the same for those with floating factories. It did not happen without friction, however. When Lange arrived back in Stanley to commence his second season in the south, he was not overly happy to hear that the Governor had changed the terms again, and that he was now required to pay for a license in addition to the royalties.¹²⁹ Similarly, to the further consternation of Lange, Peder Bogen of Sandefjords Hvalfangerselskab had been promised a set of terms by the Colonial Office which differed quite a bit from those Lange had to abide by.¹³⁰ These issues were soon ironed out, however, and though the whaling companies were still not all happy with the regulations, they were soon all owners of official whaling licenses. Thus, a legal framework for regulating the whaling in the colony had been firmly established.

3.4. Conclusion

With the Pesca lease and the 1906 Whale Fishery Ordinance, a system for regulating the burgeoning whaling trade in the FID had been established. This regulatory system, however, was far from static. The policy would be changed continually over the coming years, and the 1906 ordinance was just the first of many decrees related to whaling which the Governor would issue. The foundation which had been laid in 1906, however, formed a basis for the further development of this policy. Before we move on to examine the further ordinances and regulatory decrees which would be issued over the coming years, it might therefore be of use to briefly take a closer look at what the negotiations with Pesca, the SGEC, Alexander Lange and Peder Bogen can tell us about the FID government's regulatory strategy.

Of major importance is the fact that the emergence of a whaling industry in the Antarctic, while it was not completely unforeseeable, came unexpectedly upon both the Falkland Islands

¹²⁹ Hart, *Whaling in the Falkland Islands Dependencies*, 36.

¹³⁰ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 333.

administration and the British Government. They had no plan, and no clear policy in place, when the whalers arrived seeking to whale in British waters. Accordingly, terms and conditions for both pelagic whalers and whalers utilizing land stations were thrown together quickly, and often without internal coordination. Exemplifying this is the fact that the initial terms granted to Lange and Bogen for the 1906/1907 season were completely different. The same thing happened with Pesca and the South Georgia Exploration Company. It seems as if the British Government – and more particularly Governor Allardyce – needed time to calibrate the regulatory policy in order to align it with imperial and local colonial interests. And so, the regulations changed considerably over a short period of time. When Lange arrived for his first season in the FID, he was presented with one set of terms. When he left a few months later, the terms for the next season were different. And finally, when he arrived back in the FID to take up whaling again that same year, the terms and conditions had changed yet again, and they were now applicable to the South Shetlands as well – an area he had been explicitly told lay outside British jurisdiction just a year earlier!

Accordingly, we can draw two conclusions from the events leading up to 1906, both of which have received little attention in the extant literature on the subject. First, the uncoordinated and confused way in which the requests and needs of Pesca and Lange was met set clear conditions for the further development of the FID regulatory system. To some extent, these conditions were determined by misunderstandings and compromises. The clearest example of this is found in the negotiations with Pesca, when Allardyce was persuaded to abandon his demand for a fixed percentage of the company's proceeds as rent. As we have seen, such an agreement would eventually have led to an eightfold increase in the colony's income from such leases. In this way, important elements of the policy ended up being determined not by foresighted calculation, but rather by chance and circumstance. The second conclusion is that the FID regulatory policy was not designed and developed without reference to earlier attempts at maritime resource regulation. We can be sure that Allardyce was aware of the legislation which had been introduced to regulate the sealing in the FID, and which was still in place when he arrived at the Falkland Islands. It also seems probable that he was familiar with the regulatory law introduced in Newfoundland in 1902. As we have seen, several key features of the FID whaling policy seem to have been taken directly from these two earlier policies. If these influences are omitted, the impression left is that the FID whaling regulations were conjured more or less out of thin air, or potentially from the recesses of Allardyce's mind. In reality, they constitute a continuation and adaptation of a regulatory tradition

which stemmed from before the time of Allardyce. Any treatment of the FID whaling policy should aim to make this clear.

No matter the circumstances, however, it is clear that by the end of 1906, a policy for regulation of whaling in the FID was in place. Many of the core components of the initial regulatory system would become mainstays of FID whaling regulation, such as the need for whaling companies to take out licenses. In other ways, the policy would change a great deal, most notably through a revision in the Whale Fishery Ordinance in 1908. In other words, the regulatory policy had potential both for continuity and for change. The interplay between these two aspects will be examined in the next chapter.

4. The Falkland Islands Dependencies regulatory policy 1906-1915

In the previous chapter, we examined the regulatory precedents which informed Allardyce and the British Government's efforts to establish a set of rules and guidelines for whaling in the Falkland Islands Dependencies (FID). We then traced those efforts to the end of 1906, by which time a definite regulatory system had been introduced in the colony. In this chapter, we will take a closer look at the regulatory policy itself, first as it was established in 1906, and then in its various configurations as it was tweaked, changed, and adapted in the years leading up to 1915. The aim will be to provide the reader with a detailed overview of what terms and stipulations the whaling companies in the FID had to contend with, as well as the ways in which these terms and stipulations shaped and influenced the way the whaling companies practiced their trade. This description of the concession policy will then serve as a foundation when we in later chapters turn to an examination of how the regulatory policy was built, and what the main considerations were when it was constructed.

Changes to the regulatory policy after 1906 could be affected in three different ways. The first was through the issuance of new colonial ordinances. The most comprehensive one was the 1908 Whale Fishery Ordinance, which replaced the 1906 version from two years before. This new ordinance introduced important changes and constitutes the only significant restructuring of the policy during Allardyce's time as Governor. Further ordinances were then proclaimed in the following years which amended the Whale Fishery Ordinance of 1908. Second, Allardyce was granted the power to issue further regulations through so-called "Whaling Regulations", which were published in the Falkland Islands Gazette, and usually also sent out as circulars. This was a power Allardyce often and liberally made use of, and so a series of such "Whaling Regulations" were published alongside the ordinances. Finally, the third way in which changes could be made to the policy was through adding to or altering the stipulations in the lease contracts of companies operating land stations in the FID. Several concessions for such stations were granted after 1906, and while the British authorities would generally stick to the model established by the Pesca contract, the later contracts would differ from Pesca's in certain important ways. And in addition, changes could sometimes be introduced more informally, for example by pressuring the whaling companies to improve utilization of whale carcasses.

In the following, we will see how all these methods were used to tweak and alter the regulatory policy. We will start by looking at the policy between 1906 and August 1908, when the

1908 Whale Fishery Ordinance was issued. We will then turn to an examination of the changes this new ordinance brought, along with two further amendments to it which were introduced in 1912 and 1915. After that, we will consider the way Allardyce made use of his right to issue “Whaling Regulations” between 1911, when the first one was promulgated, and 1915. We will then conclude the chapter, first with an examination of the regulations for South Georgia, which as mentioned was regulated separately from the other Dependencies, and then with a brief discussion of some general questions relating to whaling regulation.

4.1. Developments in the FID regulatory policy from 1906 until August 1908

As we have seen, the whaling regulations were formally laid down for the first time in the 1906 Whale Fishery Ordinance. Many of the core components of this ordinance were seemingly taken directly from either the Newfoundland regulations or the 1899 Seal Fishery Ordinance. The most important among these is the need for taking out licenses. These were available from the Falkland Islands administration for the sum of £25, in addition to a £100 deposit.¹³¹ The whalers furthermore had to pay royalties for any whale caught or processed in “colonial waters”, at a rate of £10 for right whales, 10 shilling for sperm whales, and 5 shilling for any other whale. By “colonial waters” was meant a range of three nautical miles from shore, as was customary at the time. However, as the early floating factories, before the invention of the stern slip, needed calm waters in order to process their catch, this in effect meant that all whales needed to be brought close to shore for flensing.¹³² This meant that royalties in practice would be applied to all whales caught by a given expedition. For the most part, this issue was avoided simply by issuing licenses which stipulated that any whale taken by a licensee during the continuance of his license would be regarded as taken in colonial waters.

This licensing policy was mostly a continuation of the policy implemented for the regulation of sealing in 1899.¹³³ The ordinance of that year similarly stipulated the need to take out a license, at a cost of £10, to be allowed to catch seals in the colony. Sealers furthermore had to pay royalties on seals caught according to a schedule appended to the ordinance (5 shilling for fur

¹³¹ An Ordinance to regulate the Whale Fishery of the Colony of the Falkland Islands, 1906 (National Archives, CO 79/3).

¹³² Bjørn Basberg, *Innovasjonsteori, patenter og teknologisk utvikling i norsk hvalfangst, ca. 1860-1968* (Oslo: Novus Forlag, 2015), 96-98.

¹³³ An Ordinance to regulate the Seal Fishery in the Colony of the Falkland Islands, 1899 (National Archives CO 79/2).

seals, 2 shilling for hair seals and 3 shilling for any other). But in a contrast to whaling, sealing was done on land or on ice close to shore. Accordingly, regulators of the sealing industry avoided the tricky question of determining which seals were caught within the limits of the colony.

These license fees were, relative to the profits of many of the whaling companies, strikingly low. For the company A/S Ørnen, license fees for the 1908/09 season (at this time £100 per season) amounted to just 0,5% of total gross income (approximately £20,100), and 3,64% of dividends payed out to investors (approximately £2,747).¹³⁴ For Pesca, which payed an annual charge of £250 in lieu of a license fee, the numbers work out to 0,74% of total gross income (approximately £33,830) for the same season.¹³⁵ For both companies the 1908/09 season was a good season, though gross income would more than double over the coming years. License fees, meanwhile, would not increase beyond the numbers listed above during Allardyce's time in office. Accordingly, these fees remained a comparatively insignificant expenditure for most companies.

There are probably three reasons that the price of whaling licenses in the FID was set so low. First, the Sealing Ordinance of 1899 had set a clear precedent by issuing licenses for just £10. Many whalers were not used to having to pay for the privilege to conduct their business, and too much of a departure from previous regulatory arrangements in the colony might have both elicited protests and scared whalers away. For Allardyce and his staff, it was much easier to simply follow the example set in 1899. Second, the Falkland Islands were a small colony in 1906, with few prospects for increased revenue. The income from a few large but one-time license fee payments would help fill the coffers for that year, but it would do little for next year's accounts. The establishment of a long-term, sustainable whaling industry would do much more for the colony, even if prices were set somewhat low. Allardyce gleaned early on that such an industry might emerge, and deliberately demanded low fees for the licenses in order to "work up this industry".¹³⁶ It is also possible that the license fee was set as low as it was in order to attract foreign companies to the FID, as license agreements with such companies would serve to bolster Britain's sovereignty

¹³⁴ For accounts and income statistics for A/S Ørnen, see Bogen, *Aktieselskapet "Ørnen"*, 79-84. For currency exchange rates between NOK and sterling, see Jan T. Klovland, "Historical exchange rate data 1819-2003," in *Historical Monetary Statistics for Norway 1819-2003*, ed. Øyvind Eitheim, Jan T. Klovland, and Jan F. Qvigstad (Oslo: Norges Bank Occasional Papers, 2004), 311.

¹³⁵ For accounts and income statistics for Compañía Argentina de Pesca, see Hart, *Pesca*, 495. For currency exchange rates between Gold Pesos and sterling, see <http://historicalstatistics.org/> [Accessed April 17th, 2018]

¹³⁶ Letter from Allardyce to the Secretary of State for the Colonies, dated December 28th, 1907 (National Archives, CO 78/110).

claims in the area. And finally, although Allardyce himself does not mention it, the arrangement where the majority of the duties the whaling companies were to pay were calculated based on the results of their operations (i.e. the royalties) in effect meant that the Falkland Islands Government shared the risk of whaling in the FID with the whalers. If a given company had a bad season, the duties owed to the FID were low. If the opposite was the case, the duties were higher. This dynamic might have served to further entice whalers southwards.

As already mentioned, the 1906 Whale Fishery Ordinance granted the Governor broad powers to further regulate the industry as he saw fit. The ordinance made provisions for publishing such regulations in the local Gazette (a Gazette was an official newspaper commonly published in British colonies). In these early years of the industry, however, Allardyce decided to forgo these catch-all regulations, and determined instead to specify further limitations in the licenses themselves. Though this in theory meant that different companies could be subjected to different regulatory stipulations, Allardyce in practice made the same demands on every whaling company that received a license.

First of all, licenses were issued for one year at a time. For the very first few licenses, this timespan was determined somewhat arbitrarily, but it later became common practice for licenses to be applicable from October 1st to September 30th the next year. Licensees also had to furnish the Falkland Islands administration with accurate reports at the close of each season.

Each whaling license would be issued for one of four areas: South Georgia, the South Orkneys, the South Sandwich Islands, and the South Shetlands, which included the adjacent Antarctic Peninsula. Licenses for South Georgia for companies utilizing floating factories were however almost never granted.¹³⁷ The main reason for this is that South Georgia is the only part of the FID (except for the Falkland Islands themselves) where good harbors can reliably be found. As these were in short supply in the other Dependencies, this meant that any company wishing to

¹³⁷ The only exception known to me was two licenses granted for 1907 to the companies Sandefjords Hvalfangeri and Tønsbergs Hvalfangeri (Galteland, *Hvalfangst på Syd-Georgia*, 30-32; Gunnar Christie Wasberg, *Femti år i konkurranse og fremgang: Aktieselskapet Tønsbergs Hvalfangeri, 1907-1957* (Tønsberg: Aktieselskapet Tønsbergs Hvalfangeri, 1958), 21f.). Both of these companies would however negotiate long-term leases in order to establish whaling stations on the islands the next year. The licenses were also granted directly by the Colonial Office due to logistical difficulties, without consultation with Allardyce, and it is not clear whether the Governor would have acceded to the license requests had he been asked (Letter from Allardyce to the Secretary of State for the Colonies, dated December 19th, 1907 (National Archives CO/78 110).)

establish a whaling station first and foremost would look to South Georgia. Allardyce would later state that he preferred land stations to floating factories, as the former generally reached a higher degree of whale carcass utilization.¹³⁸ It is possible that this thought might have struck him already in the years following the first whaling ordinance. In any case, he seems to have decided early on that South Georgia should be reserved for companies wishing to erect such stations. He did however allow lessees the option to whale using floating factories while the land stations were under construction – an option all companies after Pesca opted to take. They all eventually built their stations, except one company, Bryde & Dahls Hvalfangstselskab, which continued to whale using a floating factory, essentially utilizing their lease as a normal whaling license.¹³⁹

Another important feature of the early whaling licenses was the limitation on the number of ships each expedition was allowed – another stipulation which can also be found in the Newfoundland regulations.¹⁴⁰ These ships were to be named in the license itself, and using any other ship for either catching or processing whales was deemed a punishable offence under the Whale Fishery Ordinance. Allardyce was insistent on this particular point, demanding even that switching out a licensed vessel for an unlicensed one would be allowed only with Government approval.¹⁴¹ The standard was for each company to be allowed one floating factory and two whale catchers per license, though it became possible after the 1908/09 season to take out a so-called B-license, which allowed for the use of one extra catcher.¹⁴² The price of such a license was £100. The B-license was probably introduced as an alternative for certain companies which opted to take out two licenses in order to be allowed to increase the size of their whaling fleet. It should be noted that Allardyce concerned himself with the number of ships each company made use of, rather than their gross register tonnage. The Governor explained, by way of justifying this practice, that the real bottleneck for a whaling expedition was the number of whales the catchers could take.¹⁴³ This number would not increase considerably by substituting in heavier and larger catchers – the only

¹³⁸ Letter from Allardyce to the Secretary of State for the Colonies, dated August 2nd, 1911 (SPRI MS 240/1;ER).

¹³⁹ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 375.

¹⁴⁰ Dickinson and Sanger, "Modern shore-based Whaling in Newfoundland and Labrador," 114.

¹⁴¹ Letter from Allardyce to the Secretary of State for the Colonies, dated August 31st, 1912 (National Archives CO 78/123).

¹⁴² Hart, *Whaling in the Falkland Islands Dependencies*, 29.

¹⁴³ Letter from Allardyce to the Secretary of State for the Colonies, dated July 12th, 1908 (National Archives CO 78/112).

meaningful way to increase it would be by adding additional ships. Accordingly, it would be close to pointless to regulate companies by restricting the tonnage of their vessels.

The last major component of the regulatory system which was instituted in 1906 is the practice whereby each whaling expedition had to visit the Falkland Islands before steaming down to the whaling grounds in order to pick up a Government customs officer. This customs officer was to accompany the expedition to control that the company reported the correct type and number of whales caught upon the close of the season. The whaling company, of course, had to accommodate this customs officer by providing him with bed and board, as well as paying him a salary of seven shilling per day. When the season's whaling was over and done with, they would have to deliver him back to the Falkland Islands. Understandably, the whaling companies were none too pleased with this imposition. Allardyce, however, was clear that he felt such an arrangement necessary in order to "protect the revenue" of the colony.¹⁴⁴ He did, however, reduce the salary of the customs officers from seven to five shillings per day for the 1906/07 season, stating that he wished to handicap the whalers as little as possible.¹⁴⁵

In his book *Whaling in the Falkland Islands Dependencies*, Ian Hart provides a brief overview of the FID regulatory system from its inception in 1906 and up to the 1930/1931 season.¹⁴⁶ Hart is thorough and precise throughout the book, but he seems to have based his account of the whaling regulations solely on legal documents unearthed in the colonial archives in the Falkland Islands – i.e. most probably ordinances and "Whaling Regulations" issued by the Governor. As a consequence, Hart passes over the many instances where a given regulatory measure was in common use before it was proclaimed as official Government policy. An example of this is the one factory/two catcher restriction, which Hart indicates was introduced toward the end of 1908. In fact, as a letter from Allardyce to the Colonial Office makes clear, it had been common practice to impose this limitation on the whalers since the very beginning in 1906.¹⁴⁷

¹⁴⁴ Letter from Allardyce to the Secretary of State for the Colonies, dated April 15th, 1907 (National Archives CO 78/110).

¹⁴⁵ Letter from Allardyce to the Secretary of State for the Colonies, dated April 15th, 1907 (National Archives CO 78/110).

¹⁴⁶ Hart, *Whaling in the Falkland Islands Dependencies*, 27ff.

¹⁴⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated July 12th, 1908 (National Archives CO 78/112). Pesca was an exception in this regard, as their initial lease included no stipulation regarding the number of catchers to be used. Through a renegotiation of their contract in 1908, however, Pesca was subjected to the same stipulations as everybody else. This allowed the company the use of four catchers, as they at this time were in possession of two lease contracts (Hart, *Pesca*, 124-27.)

Similarly, Hart seems to imply that the practice of issuing separate licenses for each of the four island groups that (along with Graham's Land) made up the FID, originated from 1911. This as well had been common practice before that date, though it was rarely done between August 1908 and February 1911. In fact, as we shall see, the practice of issuing separate licenses for different areas in this way would elicit numerous complaints from the whaling companies already in 1907.

This, then, was the regulatory system as it was instituted in 1906. For the next two years, it would remain mostly unchanged. Change would come, however – most noticeably in 1908, when a new Whale Fishery Ordinance was issued.

4.2. Whaling ordinances in the FID from August 1908 until 1915

As it turned out, the whalers were none too happy with the regulatory system Allardyce instituted in 1906. They protested against measures which induced extra – and in their eyes unnecessary – costs on their whaling activities. Chief among these were the requirement that a customs officer be brought along for the duration of the season. This meant not only that the costs for bed, board and salary for the officers would accrue to the whaling companies – they would also have to spend time and money travelling back and forth between Stanley and the whaling grounds in order to embark and disembark the officers. And furthermore, each time they called at Stanley, they would have to pay the necessary tonnage dues. The whole procedure could get quite expensive, and in any case involved a great hassle for the whaling managers. Additionally, they protested the practice of issuing licenses separately for the various island groups in the FID, as the whalers themselves often did not know beforehand exactly where they would spend the season. And finally, they objected to royalties being imposed on whales caught outside of the three-mile limit from land.

The whaling companies made sure that their complaints were made known to both Governor Allardyce and the Colonial Office.¹⁴⁸ Though Allardyce insisted on the viability of the royalty-system, the Colonial Office turned out to be partial to the view of the whalers, and so Allardyce had to accept a reframing of the regulatory policy which to a large extent was dictated by the Colonial Office.¹⁴⁹

¹⁴⁸ Letter from Allardyce to the Secretary of State for the Colonies, dated August 8th, 1908 (National Archives CO 78/112).

¹⁴⁹ Letter from Allardyce to the Secretary of State for the Colonies, dated December 28th, 1907 (National Archives CO 78/110).

A new Whale Fishery Ordinance was then issued in August 1908, replacing the one from 1906.¹⁵⁰ The new ordinance accommodated the whalers by abolishing the royalty system. And as royalties were no longer to be imposed, there was no longer any need for a customs officer to accompany each expedition. It also eliminated the problem of determining which whales were caught in “colonial waters”. In lieu of the royalties, the license fee was raised from £25 to £100. The Governor still maintained the right to limit the applicability of each license geographically, however, though he refrained from making much use of this right until 1911. Until that point, licenses were generally applicable to the South Shetlands, the South Orkneys and Graham’s Land. The most isolated island group, The South Sandwich Islands, was for the most part overlooked at this time, and Allardyce continued to reserve South Georgia for companies with whaling stations. In other ways, however, the policy remained consistent.¹⁵¹ The whaling companies still needed to deliver reports of their activities in the FID at the end of each season, and the limitations on the number of ships each expedition could make use of stayed the same, for example.

A further ordinance was issued in June 1912 entitled “An Ordinance to amend ‘The Whale Fishery Ordinance, 1908’”.¹⁵² This amendment introduced two changes. First, by 1912 a certain number of companies had established a practice whereby, instead of catching their own whales, they bought discarded whale carcasses from other companies which they further processed into oil or guano (fertilizer).¹⁵³ This turned out to be a profitable endeavor, as many companies contented themselves with stripping the whales of blubber and then casting the remains adrift. Given the right equipment, however, there was still a considerable amount of oil left in the carcass to be extracted. Pesca, for example, had a contract with the company A/S Condor, which bought their flensed carcasses for £1 apiece.¹⁵⁴ The problem was that as the whaling licenses initially were aimed at whale catching, they were not applicable to companies such as A/S Condor, which consequently could operate in the FID free of charge. The 1912 ordinance stipulated that companies operating only with floating factories had to take out a separate license at a price determined as no lower than £100, and no higher than £200. It also introduced a prohibition against the towing of whale

¹⁵⁰ An Ordinance to regulate the Whale Fishery of the Colony of the Falkland Islands, 1908 (National Archives CO 79/3).

¹⁵¹ The Interdepartmental Committee, "Report of the the Interdepartmental Committee," 59f.

¹⁵² An Ordinance to amend “The Whale Fishery Ordinance, 1908”, 1912 (National Archives CO 79/3).

¹⁵³ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 402f.

¹⁵⁴ *Ibid.*, 403.

carcasses by unlicensed vessels. This stipulation was presaged by a wish of Alexander Lange, who at that point was engaged as whaling manager for the British company Salvesen, to use such unlicensed vessels to tow dead whales from the whaling grounds to the company's whaling station in Leith Harbour.¹⁵⁵ As this would allow the whale catchers more time to hunt for whales, consequently increasing the number of whales killed, Allardyce decided to disallow this practice.

A further modification to this last stipulation was made in December 1915, when another "Whale Fishery Amendment Ordinance" was issued.¹⁵⁶ This ordinance was strictly speaking issued by Allardyce's successor as Governor of the Falkland Islands, William Douglas Young, but as it in effect was a continuation of a policy instituted by Allardyce, it deserves a mention here. The amendment concerns the practice of using unlicensed vessels as so-called "whale buoys". This involved the whale catcher towing dead whales to an unlicensed vessel close to the whaling grounds, which would watch over them while the catcher proceeded to hunt more whales. At the end of the day, the catcher would collect the whales from the whale buoy and tow them back to the whaling station.¹⁵⁷ As it turned out, it was sometimes difficult to ascertain whether a ship was towing a whale or simply "buoying" it. In order to avoid this problem, Allardyce decided to outlaw whale buoying as well. This decision was then formalized in the 1915 Amendment Ordinance.

4.3. "Whaling Regulations" issued in FID from 1911 until 1915

Ordinances were not the only way in which Allardyce could introduce new regulations, however. As mentioned previously, Allardyce maintained the right to issue further regulations by publishing so-called "Whaling Regulations" when the need arose. By 1908 he had not yet done so, as he was still able to manage the whaling industry by specifying his demands directly in his correspondence with the whaling companies. This changed, however, after the 1907/08 season, which had ended very favorably for nearly every company involved in the FID.¹⁵⁸ After that point, new companies streamed into the area, and the British administration in the Falkland Islands, as well as the Colonial Office, was almost overrun with applications for whaling concessions the following years. As

¹⁵⁵ Letter from Allardyce to the Secretary of State for the Colonies, dated February 15th, 1912 (National Archives CO 78/122).

¹⁵⁶ An Ordinance to amend the "Whale Fishery Ordinance, 1908", 1915 (National Archives CO 79/3).

¹⁵⁷ Correspondence between Allardyce and the South Georgia Magistrate, dated January 20th, 1914 to March 6th, 1915 (SPRI MS 1228/6/9).

¹⁵⁸ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 363.

Bjørn Basberg observes based on data from the book *Whaling in the Falkland Island Dependencies* by Ian Hart, fully 160 applications for whaling licenses were denied before 1918.¹⁵⁹ For the most part, these requests were denied simply in order to restrict the number of companies operating in the FID. At the same time, around 20 companies were licensed to operate in the FID. The discrepancy between these two numbers indicate that those allowed to whale in the Dependencies belonged to a pretty exclusive club, and it serves as an illustration of the massive interest whaling companies showed in the FID whaling grounds. Under such conditions, it quickly became impractical to regulate the industry on an individual basis, and the need for public, clearly delineated statements on regulatory policy became clear. The first of these Whaling Regulations was for that reason published in February of 1911. From then on, the issuance of such documents, along with circulars related to whaling, became commonplace in the FID.

Common to all of these Whaling Regulations – except one – was the stipulation that “These Regulations shall have no application to South Georgia”. As we have seen, the whaling industry at South Georgia, with its many land stations and few floating factories, functioned somewhat differently from the other Dependencies. Accordingly, the regulation of the industry there was affected separately from the other parts of the FID. We will here first examine the Whaling Regulations as they were applied to the South Shetlands, Graham’s Land, the South Orkneys, the South Sandwich Islands, and the Falkland Islands, before then moving on to the special circumstances regarding regulation of South Georgia.

For the most part, the Whaling Regulations which were promulgated from 1911 were issued in an attempt to deal with the sudden influx of whaling companies to the FID. The challenges posed by this influx consisted mainly of ensuring a sustainable exploitation of the whale stock. This was clearly in the colony’s best interests, as measures to avoid over-taxation would help provide for a stable, long term industry, which in turn would lead to a steady revenue stream for the Falkland Islands. These measures can generally be divided into two categories. First, attempts were made to restrict access to the whaling grounds to a certain number of companies, and to a certain number of whaling ships. The first step in this regard was the introduction of the whaling licenses themselves, but Allardyce and the Colonial Office would continue to move in this direction through

¹⁵⁹ Bjørn Basberg, "Review of "Whaling in the Falkland Islands Dependencies, 1904-1931"." *Polar Record* 43, no. 2 (2007): 183.

stricter limitations on the number of licenses and leases to be issued. And second, Allardyce worked to ensure that all licensees and lessees did their utmost to arrange for the full utilization of all whale carcasses.

Allardyce started, with the first set of Whaling Regulations, issued on February 6th, 1911, by reintroducing the old strategy of granting separate licenses for each Dependency in the FID.¹⁶⁰ This strategy had been more or less abandoned after the promulgation of the 1908 Whale Fishery Ordinance, but Allardyce now decided to resurrect it in the face of the massive numbers of license applications he was constantly receiving. The Governor felt, as he wrote to the Colonial Office, that the introduction of such limitations was the only way to “relieve the situation”.¹⁶¹ In the 1911 Whaling Regulations he therefore decreed that separate licenses would be issued for the South Orkneys, the South Shetlands (with Graham’s Land), and the Falkland Islands. The regulations further stipulated that the number of licenses granted for the South Shetlands would be restricted to ten. At the same time as he introduced this stipulation, he issued a circular noting that all ten spots had been taken, and that there accordingly were no more licenses to be had unless an existing licensee decided to give theirs up.¹⁶² As soon as this circular was issued, however, Allardyce started receiving requests for licenses for the South Orkneys and the South Sandwich Islands.¹⁶³ Accordingly, another set of Whaling Regulations were issued on January 22nd, 1912.¹⁶⁴ These regulations set the maximum number of licenses to be issued for the Falkland Islands, the South Orkneys, and the South Sandwich Islands to seven each. To better be able to superintend the whaling industry, the Regulations of January 22nd, 1912 also reintroduced the old practice whereby each ship had to report at an official Port of Entry at the end of the season with a full account of their catch. This was however far easier now than it had been before, as Ports of Entry now had been established both at South Georgia and the South Shetlands.¹⁶⁵ There were in other words no need to travel all the way to Stanley.

¹⁶⁰ Whaling Regulations, dated February 6th, 1911 (Vestfoldarkivet VEMU/ARS-A/1014/Y/L0001).

¹⁶¹ Letter from Allardyce to the Secretary of State for the Colonies, dated January 23rd, 1911 (National Archives CO 78/118).

¹⁶² Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 255.

¹⁶³ The circular also precipitated the practice among whaling companies of trading with each other for licenses, often at exorbitant prices (Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 342.).

¹⁶⁴ Whaling Regulations, dated January 22nd, 1912 (Vestfoldarkivet VEMU/ARS-A/1014/Y/L0001).

¹⁶⁵ Letter from Allardyce to the Secretary of State for the Colonies, dated May 13th, 1912 (National Archives CO 78/122).

Though restricting the whalers' access to the whaling grounds was a central part of the British strategy to ensure a sustainable whaling industry, attempts were also made to tackle the issue by securing a fuller and better utilization of the whale carcasses. This had been on Allardyce's mind since the very beginning, when he received a report from the South Georgia Exploration Company complaining about the terrible waste at Pesca's station in Grytviken in 1904.¹⁶⁶ Allardyce himself concluded in 1912 in a letter to the Colonial Office that the best way to accomplish this goal was by limiting the number of whale catchers active in the Dependencies, and by promoting a greater number of floating factories.¹⁶⁷ The standard by this point was still one floating factory and two catchers per company, with an optional third catcher allowed for an extra £100. In 1913, however, a twin set of Whaling Regulations (dated July 28th¹⁶⁸) and a circular (dated July 25th)¹⁶⁹ was sent out to the whalers. These stated that from October 1st, 1914, licenses would only be issued for expeditions consisting of two floating factories and two catchers, with an extra catcher allowed for a fee of £100 as before. The cost of this tweaked license would be £200. The Regulations further stated that the floating factories had to be equipped all together with at least nine pressure cookers (as opposed to the less-effective open cookers, which were still in widespread use)¹⁷⁰. If a third catcher was employed, 12 pressure cookers were needed. Alongside the introduction of these new licenses, Allardyce also sought to encourage companies operating only with floating factories, for which licenses still were available.¹⁷¹

Another measure which was introduced in order to protect the whale stock was the prohibition against shooting calves, or any whale accompanied by a calf. According to Tønnessen, measures to protect whale calves were first introduced in Korea in September 1907.¹⁷² He may or may not have been aware that similar measures were suggested in a Scottish whaling regulation bill in 1905.¹⁷³ This bill was not passed, though another bill containing the same clause was enacted

¹⁶⁶ Walton, "The First South Georgia Leases," 237.

¹⁶⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated May 10th, 1912 (National Archives, CO 78/122).

¹⁶⁸ Whaling Regulations, dated July 28th, 1913 (Vestfoldarkivet VEMU/ARS-A/1026/G/L0027).

¹⁶⁹ Circular, dated July 25th, 1913 (Vestfoldarkivet VEMU/A-1326/E/Ea/L0001/0003).

¹⁷⁰ Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 10f.

¹⁷¹ Letter from Allardyce to the Secretary of State for the Colonies, dated May 10th, 1912 (National Archives, CO 78/122).

¹⁷² Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 214.

¹⁷³ A Bill entitled "An Act to regulate Whale Fisheries in Scotland", dated 1905 (Vestfoldarkivet VEMU/ARS-A/1013/Y/L0001).

in 1907.¹⁷⁴ At any rate, such a prohibition was formally introduced in the FID through Whaling Regulations issued on May 6th, 1912.¹⁷⁵

4.4. The regulation of whaling at South Georgia from 1906 until 1915

Parallel to the regulations being enacted for the southernmost Dependencies, a separate regulatory regime was being constructed for the land stations on South Georgia. The regulations themselves were not too different, but the nature of whaling on the island necessitated that they be brought about differently. Accordingly, most regulatory measures were added as separate clauses in the various companies' lease contracts.

As was the case with the expeditions utilizing floating factories, one of the earliest regulatory interventions introduced was that of limiting the number of leases to be allowed for South Georgia. From the beginning, Allardyce argued that the number of leases to be granted should be limited to four – to grant any more would be to “jeopardize the industry”.¹⁷⁶ Unlike the licenses for the South Shetlands, the South Orkneys, and the South Sandwich Islands, however, the number of concessions to be issued for South Georgia would change continually throughout Allardyce's Governorship. By June 1908, the Governor was recommending increasing the number of companies allowed to operate on South Georgia to six,¹⁷⁷ and by December of that year, he formally requested it to be raised to seven.¹⁷⁸ To justify this volte-face, Allardyce cited two recent discoveries: On the one hand, there were many more good harbors at the island than he had previously thought, and on the other, there were far more whales in South Georgia waters than he at first realized. Consequently, the number of companies allowed in South Georgia was raised to seven by the end of 1908.¹⁷⁹ One company, however – the British company Salvesen – managed to snatch up two of the new tenders, by taking out one from the British Government and purchasing another from a different company.¹⁸⁰ At the same time, Pesca acquired an extension of their lease

¹⁷⁴ A Bill to Regulate Whale Fisheries in Scotland, dated 1907 (Vestfoldarkivet VEMU/ARS-A/1013/Y/L0001).

¹⁷⁵ Whaling Regulations, dated May 6th, 1912 (Vestfoldarkivet VEMU/ARS-A/1014/Y/L0001).

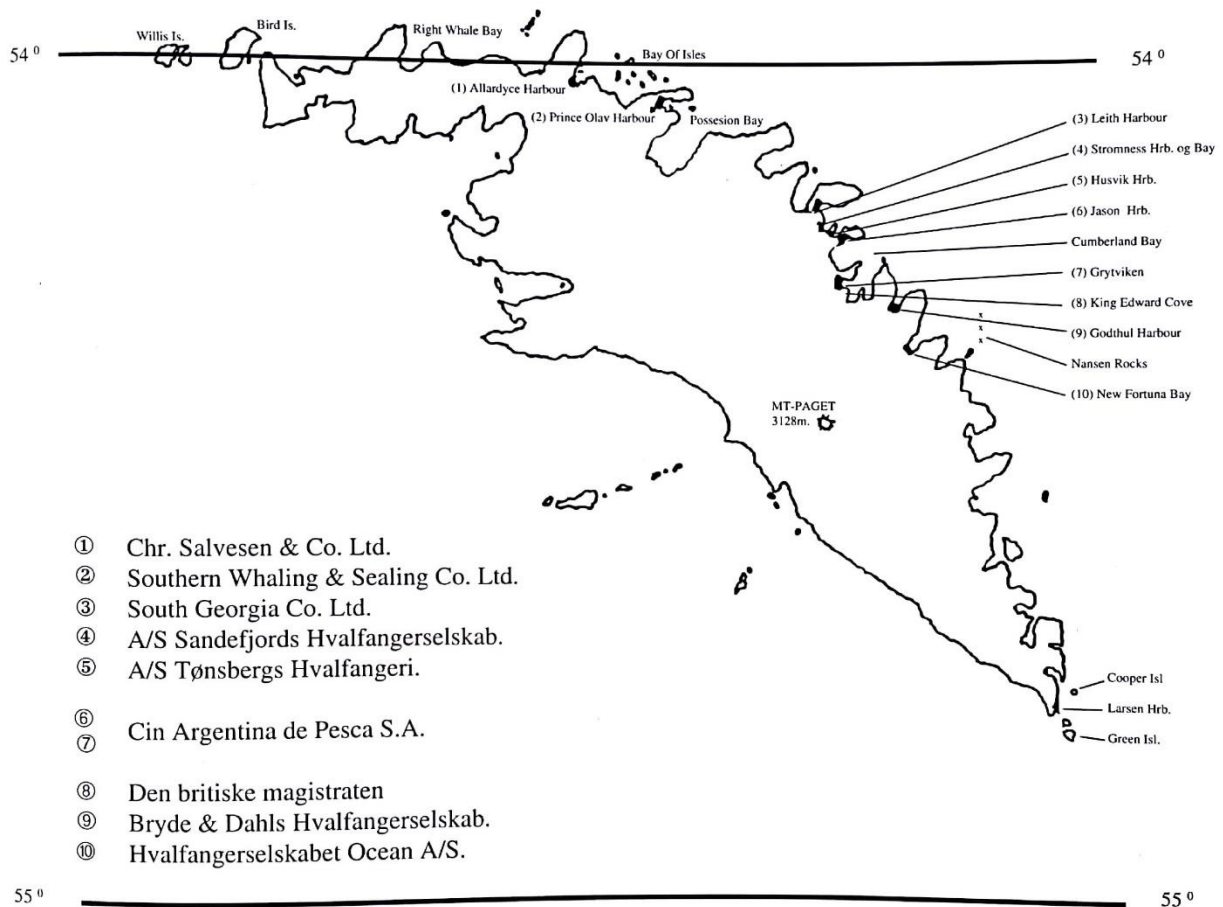
¹⁷⁶ Letter from Allardyce to the Secretary of State for the Colonies, dated December 28th, 1907 (National Archives CO 78/110).

¹⁷⁷ Palmer, ""Far From Moderate," 207f.

¹⁷⁸ Letter from Allardyce to the Secretary of State for the Colonies, dated December 22nd, 1908 (National Archives CO 78/112).

¹⁷⁹ Palmer, ""Far From Moderate," 208.

¹⁸⁰ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 368.



An overview of the sites of whaling stations on South Georgia by the end of Allardyce's term as Governor. An additional station was constructed on Deception Islands, in the South Shetlands. Source: Dag Bakka Jr., *Hvalfangsten: Eventyret tar slutt* (Larvik: Krohn Johansen Forlag, 1992): 37.

for land in Jason Harbour. While this extension formally was brought about through changes made to Pesca's original lease, it has become common to refer to Pesca as having two leases.¹⁸¹ All of this meant that, in effect, six companies were legally operating in South Georgia in 1910, sharing eight leases between them.

By early 1911, Allardyce had begun thinking about opening up for even more concessions for South Georgia. He wrote the Colonial Office in April, recommending the issuance not only of

¹⁸¹ Confusingly, Pesca was not granted a separate, additional lease. Instead, their initial lease was renegotiated with Jason Harbor included. This technically means that Pesca's two leases should be counted as one. Allardyce did count them that way, to the great confusion of later historians. Throughout this text, however, in line with most published research, Pesca's lease for Grytviken and Jason Harbor has been treated as two separate leases. Hart, *Pesca*, 124f.

a ninth, but a tenth lease.¹⁸² The Colonial Office acquiesced to the former (but not the latter) on the condition that the lease be given to a British company.¹⁸³ The lease was accordingly granted to the company Southern Whaling and Sealing Co. – the ninth and final South Georgia lease to be granted. Allardyce had, however, earlier granted a lease for the Falkland Islands themselves, and he would later grant a lease for Deception Harbour at the South Shetlands to the Hektor whaling company.

As with the other Dependencies, Allardyce also concerned himself with ensuring the full utilization of whale carcasses at the South Georgia land stations. A mainstay in this connection was the limitation of whale catchers to be employed to two per lease. This was included in every contract except that of Pesca. It was added to Pesca's indenture in 1909, however, when their contract was renegotiated to add Jason Harbour to their lands.¹⁸⁴ Another stipulation in the leases demanded that the companies equip their stations with the necessary equipment to fully process whale carcasses. This last measure was introduced after the four initial leases had been granted, and so four of the whaling companies could continue to operate on South Georgia without this obligation.¹⁸⁵ And finally, a set of Whaling Regulations was issued in September 1912 – the only set of Whaling Regulations to be issued for South Georgia.¹⁸⁶ In the main, these regulations were introduced in order to extend the prohibition against the taking of calves, or of whales accompanied by calves, to South Georgia, though they also provided for injunctions against killing seals, birds and penguins without permission from a local official.

4.5. The international character and efficacy of the regulatory policy

With that, the whaling regulations for South Georgia was brought à jour with those for the other Dependencies. For the most part, the regulations for South Georgia were identical to the others, with slight justifications added in order to account for the different way the whalers on South Georgia practiced their trade. Thus, a description has been given of the regulatory policy for whaling in the FID between 1904 and early 1915. Before moving on, however, there are two

¹⁸² Letter from Allardyce to the Secretary of State for the Colonies, dated April 13th, 1911 (National Archives CO 78/118).

¹⁸³ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 377.

¹⁸⁴ Hart, *Pesca*, 124.

¹⁸⁵ Galteland, *Hvalfangst på Syd-Georgia*, 72.

¹⁸⁶ Whaling Regulations, South Georgia, dated September 23rd, 1912, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated September 27th, 1912 (National Archives CO 78/123).

questions which might deserve further examination. At the close of this chapter, we shall briefly attend to these questions.

First is the question of whether any preferential treatment was given to British subjects who wished to acquire rights to whale in the FID. The answer, perhaps surprisingly, is that, with some exceptions, it was not. We have earlier mentioned Tønnessens praise of Allardyce for instituting an “open door”-policy for whaling in the Dependencies.¹⁸⁷ Tønnessen is correct in singling out Allardyce in this regard, as he was the one who first and foremost wanted to keep the whaling grounds open to all nationalities.¹⁸⁸ When the ninth and final South Georgia lease was granted only on the condition that it was given to a British company – one of the few instances of overt preferential treatment of British subjects before 1915 – that decision was made by the Colonial Office against Allardyce’s wishes. The Governor had initially recommended two other companies for the lease, and he went out of his way to demonstrate his displeasure when the Colonial Office passed down this verdict.¹⁸⁹ The Colonial Office did, however, mostly stand firm along with Allardyce against the pressures of various British businesses to grant them licenses at the cost of foreign companies.¹⁹⁰ An explanation for this welcoming attitude towards foreign companies can probably be found in the fact that every lease or license agreement entered into with such companies would help bolster British sovereignty claims in the FID. Besides these concerns, it is also probable that the Falkland Islands administration would have struggled to affect a durable whaling industry in the colony if the Norwegians were excluded, as much of the expertise necessary to build up such an industry at this time was concentrated in Norwegian hands.

The other question worth examining is whether the concession policy in the FID actually functioned as was stated on paper. It was one thing for Allardyce to issue regulations and ordinances from the comfort of his office in Stanley. It was quite another, however, to ensure that these regulations were actually adhered to in the whaling grounds, more than 700 nautical miles from the seat of the administration. Though the government’s capability to control and inspect the Dependencies would increase over time, it never, at least during Allardyce’s Governorship, got to

¹⁸⁷ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 340.

¹⁸⁸ Allardyce’s internationalism should not be overstated, however, as he did comment on at least one occasion that he would have liked a greater British presence among the whaling companies (Letter from Allardyce to the Secretary of State for the Colonies, dated April 20th, 1906 (National Archives CO 78/108)).

¹⁸⁹ Letter from Allardyce to the Secretary of State for the Colonies, dated August 2nd, 1911 (National Archives CO 78/119).

¹⁹⁰ Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 250f.

a point where real and practical accordance with the regulations could be fully ensured. Certain elements of the policy could be overseen easily enough, for example by ensuring that each company operated with the correct number of ships. But when it came to issues such as whale utilization, and the killing of whales with calves, it is probable that the rules were skirted quite routinely. Several whalers have in retrospect made statements to that effect.¹⁹¹ There are also some examples of companies circumventing the broader strokes of the regulatory policy. The company Salvesen, for example, managed to secure an extra South Georgia lease by establishing a subsidiary company, and was accordingly allowed to operate with double the amount of whale catchers. They nevertheless operated it all as a single venture, based in Leith Harbour, while the site granted them through the secondary lease was left abandoned.¹⁹² Another example is that of the company Bryde & Dahl's Hvalfangerselskap, which took out a lease at South Georgia, but never actually constructed a whaling station. They simply utilized their lease as a normal whaling license, making use of a floating factory to process their catch.¹⁹³ It is in other words clear that the whaling regulations were not always strictly abided by by the whaling companies, and in some instances the whalers managed even to avoid some of the core restrictions of the policy.

4.6. Conclusion

This chapter, in conjunction with the previous, has given the first detailed and systematic description of the FID regulatory system. In the next two chapters, we shall further examine specifically why the regulatory policy was shaped the way it was, and then how it was formed through an interplay between Allardyce and various other parties, such as the Colonial Office, the South Georgia magistrate, and the whaling companies. Given the density of information and high level of detail of this chapter, however, we shall first emphasize a few characterizing traits of the regulatory policy which are of particular importance.

First, as we have just seen, the policy did not in general discriminate against foreigners, and accordingly the whaling in the FID was primarily developed and driven by Norwegians in the years before 1915. As we have also seen, there are clear indications that the whaling regulations regularly were breached by the whalers, especially with regards to the utilization of whale carcasses. This

¹⁹¹ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 402.

¹⁹² Vamplew, *Salvesen of Leith*, 154f.

¹⁹³ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 375.

problem was exacerbated by the fact that the local colonial administration did not have the resources necessary to properly oversee the whaling grounds. These two general observations – that the regulations avoided placing restrictions on nationality, and that they can be assumed to have been broken on a regular basis – are two defining traits of the early FID whaling industry.

We have also seen how the regulatory policy consciously was designed to be as long-term sustainable as possible, and thus be a steady and regular source of a revenue for the colony of the Falkland Islands. This is noted by Allardyce to be a main reason behind the low fees for licenses and leases. These efforts by the British to ensure a healthy and sustainable whaling industry in the FID are further examined in the next chapter.

Furthermore, the FID regulatory policy got more and more comprehensive as the years went by. Initially, there were worries that too strict a policy would drive the whaling companies away from the colony. Accordingly, the policy consisted mostly of broad strokes and general requirements. As the industry started to take off, however, the policy grew more complex, and placed greater demands on the whalers. By 1913, for example, regulations had been published which specified such minutiae as the minimum size and number of the pressure boilers for the whale catchers.

And finally, throughout Allardyce's Governorship, but especially during the very first years, exceedingly little was known of the Dependencies. This lack of knowledge about the geography of the FID also set its mark on the regulatory policy. The number of leases for South Georgia, for example, was gradually increased as the colonial administration became more familiar with the island. Another, more glaring example is the fact that leases on occasion were offered for nonexistent islands.¹⁹⁴ In general, it often proved difficult to regulate an area which was uncharted, inaccessible, and climatically hostile.

¹⁹⁴ *Ibid.*, 300.

5. British aims and motives behind the regulatory policy

With chapter three and four having provided a general description of the Falkland Islands Dependencies (FID) regulatory policy, this chapter will examine the motives and expectations behind it. In short: Why was the decision made to regulate the whaling industry in the FID in the first place? And what did the British hope to gain from it? In this regard, this chapter will argue that three main motives can be discerned:

1. The regulation of the whaling industry in the FID could potentially lead to great economic gains for the colony.
2. Regulating the industry was important for preserving and protecting the whale stock.
3. The regulatory policy, and the way it was perceived in other countries, could help Britain secure sovereignty over the Falkland Islands Dependencies.

These three elements function as support pillars for the regulatory policy, and together they constitute the foundation upon which this policy was built. When the policy was constructed, then, it was because the burgeoning whaling industry constituted an arena where these three aims could be secured. Accordingly, it is the purpose of this chapter to demonstrate clearly that the British whaling concession policy was constructed mainly to see to these three needs.

5.1. Securing revenue for the Falkland Islands Dependencies

When Allardyce took over as Governor of the Falkland Islands in 1904, revenue for the colony had been falling for the past five years.¹⁹⁵ He immediately made it clear that he saw it as his objective to reverse this trend, and to secure additional income for the colony. In a letter to the Under-Secretary of State for the Colonies in 1911, Allardyce tells of how he spent those early days “long[ing] for new worlds to conquer”, and how he was “keen on anything that looked like revenue”.¹⁹⁶ With a romantic flourish, he then describes how just at that moment, the whaler Alexander Lange came chugging into the harbor looking for a whaling concession. Allardyce

¹⁹⁵ Letter from Allardyce to the Secretary of State for the Colonies, dated May 18th, 1906 (National Archives CO 78/108).

¹⁹⁶ Letter from Allardyce to the Under-Secretary of State of the Colonies, dated August 5th, 1911 (SPRI MS 1212/1/1-11;D).

jumped at the chance, convincing Lange to agree to pay a royalty on all whales he caught (though not, as we have seen in chapter 3.3.2., in the waters surrounding the South Shetlands). “And thus”, he then concluded in the letter “the industry started”.

It is clear in retrospect that the arrival of the first whalers did indeed present Allardyce with a great opportunity. No one could have known then how much the whaling industry in the South Atlantic would grow over the coming years, but it did quickly become clear that the chances were good for establishing a new source of revenue. Allardyce’s great challenge, then, was that of finding a way to tax the prospective whaling industry which would be acceptable to the whalers, as well as to those whalers’ governments. When taking up this challenge, he decided on a careful approach by enticing whalers to the colony with relatively low charges and duties: The Governor himself felt that the fees which were instituted were almost negligible compared to the great profits a successful whaler could make in Antarctica.¹⁹⁷ Allardyce’s strategy, in other words, was from the very beginning to work for the long-term benefit of the colony: Rather than taxing prospective whalers to the bone, he instituted a system of low taxes and fees in order to help ensure a stable and long-lived whaling industry. Such an industry would lead to reliable and regular payments into the colonial coffers, rather than a few large, one-time payments. While the latter would also undoubtedly be welcome, the former alternative was for Allardyce a far better option.¹⁹⁸

The regulatory system which Allardyce helped develop had, in 1906, three main ways of securing revenue for the colony. First, whaling companies needed to pay a one-time fee of 25£ for a whaling license, which enabled a company to employ one floating factory and two steam whalers to catch whales in a specified part of the FID for one season.¹⁹⁹ Second, you had to pay a fixed royalty on each whale caught in colonial waters. The rate was set according to the type of whale caught.²⁰⁰ And thirdly, the colonial administration received 250£ yearly from each of the land stations established in the Dependencies.²⁰¹ In addition, every whaling expedition had to visit Stanley at the start of each season to embark a customs officer, whose job it was to ensure that the

¹⁹⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated December 28th, 1907 (National Archives CO 78/110).

¹⁹⁸ Letter from Allardyce to the Secretary of State for the Colonies, dated April 20th, 1906 (National Archives CO 78/108).

¹⁹⁹ Hart, *Whaling in the Falkland Islands Dependencies*, 28.

²⁰⁰ In 1906, whalers had to pay £10 per right whale, 10 shillings per sperm whale and 5 shillings for any other whale (ibid.).

²⁰¹ Ibid., 20.

whalers reported their catch properly and payed royalties as they should. The whaling company in question had to cover the salary and expenses for this customs officer, though this was not part of the direct revenue of the colony. And in other, similarly indirect ways, the whaling industry would prove to be valuable for the economy of the colony. Ships would pay port duties when anchoring in the Falkland Islands, they might purchase provisions such as food or coal, and they might require help with simple repairs. Such expenditures would provide a welcome boost to the small and isolated colonial economy, and as such, a stable and long-lived whaling industry was important to the Falkland Islands.

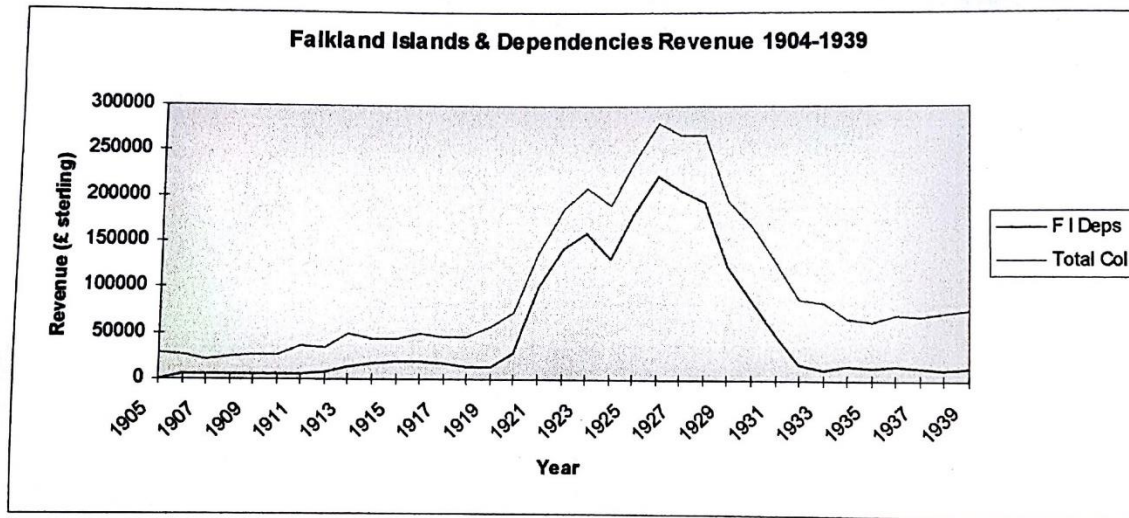
These regulations would change over the coming years. Most notably, a new Whale Fishery Ordinance was promulgated in 1908, replacing the one from 1906. The new ordinance decreed, among other things, that instead of paying royalties for each whale caught, the whalers now only needed to pay a single fee for the whaling license, which in turn was increased to £100. Further fees were instituted in 1912, when an export tax on whale oil was introduced. All in all, however, the fees remained at a relatively low level. Revenue would rise rather by increasing the number of companies active in the FID. Allardyce would facilitate this by gradually relaxing the limitations he had placed on the number of whaling companies allowed to whale in colonial waters, until a final cap on the number of concessions to be given was set in 1912.²⁰² Furthermore, the changes to the 1906 Whale Fishery Ordinance were made in response to protests and suggestions from the whaling companies themselves, as well as the Norwegian Foreign Ministry. Although Governor Allardyce himself initially resisted these changes, they nevertheless demonstrate that the British Government was willing to be flexible in how the industry was regulated. In the end, the changes made to the Whale Fishery Ordinance in 1908 helped further Allardyce's stated wish to ensure a sustainable whaling industry by making the FID as attractive as possible for the whalers.

All in all, Allardyce succeeded in his goal of regulating the whaling industry to the benefit of the colony: In 1912 he proudly informed the Colonial Secretary that revenue for the colony had increased by 36% since 1905, while imports and exports had increased by 78%.²⁰³ By the end of that year, the export tax on whale oil had been introduced, and so income increased further. In the

²⁰² Concessions for the South Shetlands were capped in 1911 (Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 255.), while concessions for the South Orkneys and the South Sandwich Islands were capped the year after (Whaling Regulations, dated January 22nd, 1912 (Vestfoldarkivet VEMU/ARS-A/1014/Y/L0001).).

²⁰³ Letter from Allardyce to the Secretary of State for the Colonies, dated September 19th, 1912 (SPRI MS 1212/5/1-3;D).

years immediately preceding the first world war, this increase in revenue approached 50%.²⁰⁴ For a tiny colony such as the Falkland Islands, such an increase was considerable, and it allowed the colonial administration to construct a new telegraphy station, as well as facilities for colonial administrators at both South Georgia and the South Shetlands. Furthermore, the foundation was



FI Deps = Revenue received by the Falkland Islands Dependencies

Total Col = Total Revenue received by The Falkland Islands Government

Table 1. Source: Ian B. Hart, *Whaling in the Falkland Islands Dependencies, 1904-1931: A History of Shore and Bay-Based Whaling in the Antarctic* (Newton St. Margarets: Pequena, 2006): 276.

laid for further increases in revenue in the future. As can be seen from the table, income grew dramatically from the early 1920s. The main reason for this is a massive increase in the export tax on whale oil, first in 1919, and then again in 1920.²⁰⁵ This increase in the export tax was meant to provide funds for a research project on whaling and whale conservation in the FID. The result was the Discovery Committee, which published a series of reports on whaling between 1929 and 1965.²⁰⁶ More generally, the increase in the export tax also served to compensate for the low fees for leases and licenses which had been instituted by Governor Allardyce. It should also be mentioned that these increased taxation levels were in line with the international trend after the

²⁰⁴ The Interdepartmental Committee, "Report of the the Interdepartmental Committee," 52.

²⁰⁵ Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 160.

²⁰⁶ *Ibid.*; Hart, *Whaling in the Falkland Islands Dependencies*, 319.

first world war, when most of the warring countries significantly increased revenue collection.²⁰⁷ The economic results of the whaling industry for the colony were in other words, as can be seen from the table, an increase in revenue of more than £25,000 annually for the top years, compared with the first years of FID whaling. And while these increases in income clearly reached their peak in the years after Allardyce left office, it can be argued that the groundwork for the taxation of the whaling industry – including the export tax on whale oil – was laid by him. In any case, it is clear that the British succeeded in harnessing the buoyant whaling industry economically to the benefit of the Falkland Islands.

Much of this success must be attributed to the conscious efforts of Allardyce. He clearly saw great potential in the industry early on, and he did his best from the start to make sure that the profits from it would be for the benefit of not only the whalers (who were, with a few exceptions, foreign subjects), but of the colony of the Falkland Islands as well. It is clear, in other words, that securing a part of the proceeds from the local whaling industry for Britain and for British subjects was an important goal for Allardyce and his staff. In order to accomplish this goal, however, two further considerations were important: Those of hindering over-taxation of the wildlife which constituted the foundation of the industry, and of ensuring sovereignty over the parts of the Antarctic where the whaling took place.

5.2. Conservation of wildlife

To the extent that Governor Allardyce is known today, he is remembered primarily as a conservationist – as someone dedicated to protecting wildlife from overexploitation and illegal hunting. Indeed, attorney Henry Heyburn has described Allardyce as a “pioneer Antarctic conservationist”.²⁰⁸ The wealth of references to a wish to conserve the whale stock in Allardyce’s correspondence leads us to believe that Allardyce himself would have been glad to be described in such a way. And while the merits of Allardyce’s particular brand of conservationism can be discussed further, it seems clear that the aims and motives were genuine. This is not only applicable to whales and the whaling industry: Allardyce expended much energy trying to sustain the area’s stocks of fur seals, elephant seals, and penguins, among others.

²⁰⁷ Vito Tanzi and Ludger Schuknecht, *Public Spending in the 20th Century: A Global Perspective* (Cambridge: Cambridge University Press, 2000), 58.

²⁰⁸ Heyburn, "Allardyce: Pioneer Antarctic Conservationist," 39.

It should not be taken for granted, however, that the wish to place restrictions on Antarctic whaling grew out of ethical considerations or concerns for animal welfare. Such conceptions are hinted at in Allardyce's correspondence, but never stated explicitly. Rather, the need to put a stop to overexploitation of whales arose mainly from a desire on Allardyce's part to ensure that the whaling industry would be long lived and sustainable.²⁰⁹ The economic boost the colony received from the southern whaling activities was considerable, and the colonial administration wanted to ensure that they could reap the benefits of it for as long as possible. It was feared that if the whalers were left to their own devices, the whale stock would deplete due to over fishing, and the whaling companies would move on. This exact scenario had, after all, played out several times before in whaling history.²¹⁰ Allardyce himself was aware of this transient nature of whaling, and sought to mitigate a potential collapse in any way he could.²¹¹

From the start, the main expedient for ensuring that whales were not over fished was the practice of limiting the number of whales that could be caught. This was done both by restricting the number of whale catchers each whaling company could use, and by limiting the number of leases and licenses to be granted per season. The task of delimitating exactly how many whaling expeditions and whaling steamers the FID could sustain, however, was a difficult one, especially when there was little scientific understanding of the subject. Some examples of the complex nature of these decisions can be found by taking a brief look at the policy regarding concessions for South Georgia.

Allardyce and his council decided to take a measured and careful approach from the start by restricting the number of whaling leases to be granted for South Georgia to four²¹² – despite receiving reports that the whales around South Georgia were so plentiful that they should be numbered in thousands, rather than hundreds.²¹³ Simultaneously, Allardyce decided to restrict the number of whale catchers to be used per lease or license to two, claiming that a considerable number of whales could still be caught using only two steamers.²¹⁴ The Governor himself was

²⁰⁹ Letter from Allardyce to Mr. Cox, dated July 14th, 1908 (National Archives CO 78/112).

²¹⁰ Johan Hjorth, "A Brief History of Whaling," *Polar Record* 1, no. 3 (1932): 29f.

²¹¹ Palmer, "Sir William Lamond Allardyce," 40.

²¹² Letter from Allardyce to the Secretary of State for the Colonies, dated December 28th, 1907 (National Archives CO 78/110).

²¹³ Letter from Allardyce to Mr. Cox, dated July 14th, 1908 (National Archives CO 78/112).

²¹⁴ Letter from Allardyce to the Secretary of State for the Colonies, dated July 12th, 1908 (National Archives CO 78/112).

stunned by the sheer number of whales being caught in his colony, describing it all as “unique in the history of whaling”.²¹⁵ Accordingly, he was insistent that these restrictions must be kept in place if the whaling industry was to last more than a couple of years.²¹⁶

This policy was a double-edged sword, of course, as restricting the number of whalers in South Georgia meant less revenue for the colony. As shown above, Allardyce clearly meant the southern whaling industry to be a source of profit for the colony of the Falkland Islands, and so it was a fine balancing act to both secure these profits, and at the same time ensure that the industry would be sufficiently sustainable to last beyond the first few years. Allardyce was willing to adapt in this respect, as is shown from a letter he sent to the Colonial Secretary on July 11th, 1908, where he agreed to raise the limit of licenses to be granted for South Georgia per season from four to five.²¹⁷ Two developments helped nudge Allardyce into making this change: First, as the coastline of South Georgia was explored and charted by the whalers, it became clear that there were more harbors suitable for land stations on the island than previously assumed. And second, a new hunting ground for right whales had been discovered off the northwest coast of South Georgia. By this time, applications for leases were streaming into Stanley, and not all of them could be accepted. This added pressure from the hopeful applicants, in addition to the updated information about whaling conditions around South Georgia, induced Allardyce to change his mind.

Allardyce would further moderate his stance on these matters as the years went on. When he left the colony in 1915, for example, there were nine leases active for South Georgia.²¹⁸ He would not, however, give up on his ambitions to preserve the whale stock, and limiting the number of whale catchers and whaling companies was not his only strategy. His greatest effort came in connection with trying to ensure that the whole whale carcass was properly utilized by the whalers before the remains were dumped. This was easier said than done, as complete utilization of the carcass was a costly and time-consuming affair. Given the abundance of whales in the southern seas, most whalers preferred to strip the whales of blubber, which was easy to boil down and which yielded the most oil, and then simply cast the remaining carcass adrift. In the early days, whales with almost all the meat intact could be seen surrounding the South Georgia coast.

²¹⁵ Letter from Allardyce to Mr. Francis, dated July 12th, 1908 (National Archives CO 78/112)

²¹⁶ Letter from Allardyce to Mr. Cox, dated July 14th, 1908 (National Archives CO 78/112).

²¹⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated July 11th, 1908 (National Archives CO 78/112).

²¹⁸ Heyburn, "Allardyce: Pioneer Antarctic Conservationist," 39.

Allardyce believed that if he could ensure that the whole whale was used, greater profits could be had per whale, which in turn would decrease the speed at which whales were caught. This would then help preserve the whale stock, which would help preserve the profitable whaling industry. The Governor saw this early on, and predicted that greater utilization of the whale carcasses would keep the whaling industry going for “many years longer”.²¹⁹ He particularly felt that the interior parts of the whale, such as the skeleton and the whale meat, could be used to produce guano, i.e. fertilizer. This required specialized equipment, however, and was in the early days of Antarctic whaling difficult without a dedicated land-based factory.²²⁰ Allardyce himself felt it to be impossible to enforce a program of full utilization, partly because of these technological difficulties.²²¹ As the whaling industry grew, and as the technology improved, however, Allardyce started to view regulation of whale utilization as one of his primary goals.

In his quest to ensure proper utilization of whale carcasses, Allardyce applied both the whip and the carrot. His employment of the former is evident in a letter sent to the Colonial Secretary in March 1909.²²² The letter was sent in response to an inquiry by the Colonial Secretary asking whether anything could be done to ensure better whale utilization in the colony. Allardyce responded by briefly summarizing the state of the issue. He notably contended that a great deal had been done in this regard recently, as exemplified by the company Salvesen, which had erected a guano factory at their whaling station in Leith Harbour on South Georgia. He asserted that the course followed by Salvesen was open to all the other whaling companies at South Georgia, and he suggested that full utilization of whale carcasses should be made a condition for all future leases.²²³ The Colonial Secretary accepted this suggestion, and such stipulations were duly added to each lease from that point on. Though this helped alleviate the situation somewhat, however, the wider issue of whale utilization continued to be a problem going forward.

Four years later, Allardyce made an attempt using the carrot instead.²²⁴ He instructed the South Georgia magistrate, James Innes Wilson, to approach four companies active on South

²¹⁹ Letter from Allardyce to Mr. Cox, dated July 14th, 1908 (National Archives CO 78/112).

²²⁰ Johnsen, *Den moderne hvalfangsts historie*, vol 1, 354.

²²¹ Letter from Allardyce to Mr. Cox, dated July 14th, 1908 (National Archives CO 78/112).

²²² Letter from Allardyce to the Secretary of State for the Colonies, dated March 18th, 1909 (National Archives CO 78/114).

²²³ Allardyce stressed that this condition was only to be applied to licenses for South Georgia.

²²⁴ Correspondence between Allardyce and the South Georgia magistrate, dated January 6th, 1913 to May 21st, 1914 (SPRI MS 1228/4/3;D).

Georgia with an offer for a free license for an extra floating factory for three years, on the condition that the whalers commit themselves to constructing facilities able to fully process whale carcasses. This offer came in the wake of Allardyce having decided to introduce requirements for full whale utilization in all future South Georgia leases, as mentioned above. The four companies in question, however, were not subject to any such requirements, as their contracts had been issued before Allardyce and the Colonial Office had become aware of the problems surrounding utilization. Accordingly, Allardyce wanted these four companies to commit themselves to the same program as those which came after them. In the end, the magistrate reported back that the deal was redundant: Two of the companies were already engaged in constructing such facilities, and a third was already fully processing their whales with a factory ship equipped for that purpose. In summary, Wilson optimistically concluded that much more guano was being produced than before, and that only one company was guilty of not fully processing their whales (that company had declined the deal offered by Allardyce because they saw no profit in it).

Another issue for Allardyce to contend with emerged in a report from the South Georgia magistrate in 1912.²²⁵ Wilson had been asked to examine to what extent female whales with calves were being hunted at South Georgia. This was a practice Allardyce sought to stop, as the killing of such females normally would result in the death of the calf as well – obviously a detriment to the health of the whale stock.²²⁶ He had recently outlawed such killings in most of the Dependencies, but he had not made these regulations applicable to South Georgia. The issue was that the sex of the whale could not be easily determined without first shooting it and then hauling it ashore. Upon receiving the report from magistrate Wilson, however, it became clear that a) the practice was much more common at South Georgia than previously assumed, and b) some of the more experienced whalers had reported to Wilson that it was possible to determine the sex of the whales by the shape and size of their head and their fins, as long as the waters were calm. The ease of gendering whales, however, was immaterial according to Wilson, as the whalers would shoot any whale with a calf they saw, no matter if the whale was a male or a female. Indeed, they would often target the calf first, in an effort to stop the adult whale from escaping. Allardyce responded to this report by

²²⁵ Report by the South Georgia magistrate, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated August 4th, 1912 (National Archives CO 78/123).

²²⁶ Letter from Allardyce to the Secretary of State for the Colonies, dates June 8th, 1912 (National Archives CO 78/122).

extending the prohibition against hunting females with calves to South Georgia, and new regulations for the island were sent to Wilson for distribution four months later.²²⁷

It is clear from all of this that concerns about the survival of the whale stock was of great importance to how the regulatory system for whaling first was conceived, and then further developed as the whaling industry grew and adapted. In many ways, Governor Allardyce was remarkably farsighted in his determination to preserve the whales. He decided already early on to place limits on the number of ships allowed to be engaged in whaling in the FID, even though the number of whales in colonial waters seemed almost infinite in those early years. From then on, he continued to act in the interest of preserving the industry by further refining and polishing his regulatory system. He did this by utilizing a number of different tools: He continued to monitor the rate of catch, he did his best to assure that all parts of the whale carcasses were put to use, and he tried to stop whalers from hunting whales accompanied by calves. In so doing, Allardyce constantly had to balance these considerations against others, such as ensuring a revenue stream for the colony.

All in all, it is subject to further discussion whether these many diverse attempts to regulate in favor of the survival of the whale stock was successful. The prohibition against killing whales with calves, for examples, must have been difficult to enforce, and would probably have been broken quite often. According to historian Johan Tønnessen, several whalers have later admitted that such regulatory restrictions regularly were disregarded or ignored.²²⁸ In any case, it is clear that in determining how to frame, shape and develop the regulatory system for southern whaling, concerns about conservation of the whale stock were an important consideration.

5.3. Securing sovereignty over the Falkland Islands Dependencies

When the whalers started arriving in the FID in 1904, the issue of sovereignty over many of the islands were in large part an open question. The Falkland Islands themselves were subject to a contentious conflict, as they were claimed by both Argentina and Great Britain. This disagreement between Argentina and the UK stems from the early 1800s,²²⁹ and has only grown more turbulent

²²⁷ Whaling regulations for South Georgia, enclosed with letter from the Falkland Islands Colonial Secretary to the South Georgia Magistrate, dated August 4th, 1912 (SPRI MS 1228/6/2;D).

²²⁸ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 402.

²²⁹ It should be noted that the date of the Argentine claim to the islands is in itself a point of contention. Argentinian author Laurio Destefani claims the islands were inherited from Spain when Argentina announced its independence in 1816 (Destefani, *The Malvinas*, 73.) This has been disputed by British authors (Graham Pascoe & Peter Pepper, "False Falkland History at the United Nations," (2012), 1.)

over the years: It resulted in a war between the two countries in 1982. Most of the other islands in the FID, however, were not in the early 1900s viewed as important enough to warrant such treatment. For the most part, they had been seen as distant and rather useless pieces of land – not sufficiently valuable to expend time and resources securing. Islands had been claimed and flags had been planted upon discovery, but after that, little had been done to enforce such claims internationally. With the advent of whaling in the Southern Ocean, however, the whole equation changed. The value of the islands was now clear, and Great Britain accordingly did her utmost to ensure international recognition of British ownership.²³⁰

In a way, whaling provided both the reason for, and the means of securing recognition of British sovereignty. The islands needed to be secured because it was assumed that the nascent whaling industry there could potentially lead to great profit for Britain. Arguments were therefore put forth for British sovereignty, of which the right of discovery usually was the main one. South Georgia, for example, was discovered by the British tradesman Anthony de la Roche in 1675, and later rediscovered and formally annexed by Captain James Cook in 1775.²³¹ On this basis, Britain started claiming her share of the profits of the whaling in the colony, by use of the regulatory measures described above. Foreign acceptance of this policy would then in turn strengthen Britain's claim to the islands. Every time a whaling company acceded to a license contract, therefore, the British claims grew more robust. The vagaries of FID sovereignty politics, however, have been treated thoroughly elsewhere, and so we shall not further explore them here.²³² The aim of this text is quite simply to demonstrate that the sovereignty question is one which was taken seriously by Allardyce and his council when the regulatory policy was developed, and that securing sovereignty over the islands in the FID was an important element in the quest to ensure a long-lasting and sustainable whaling industry.

Governor Allardyce's first challenge relating to sovereignty issues came when Pesca started the construction of a whaling station on South Georgia in 1904. The company had not secured permission to do so from the British Government, and so the station constituted a challenge to

²³⁰ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 305.

²³¹ *Ibid.*, 304f.

²³² For a good introduction to the subject in relation to whaling, see Tønnessen, *Den moderne hvalfangsts historie*, vol. 2. For a thorough but older account, see Bjarne Aagaard, *Fangst og forskning i sydishavet*, vol. 3 (Oslo: Gyldendal Norsk Forlag, 1934). Ian Hart also gives a good English language overview in "Whaling in the Falkland Islands Dependencies".

British sovereignty over the island. The process leading up to the signing of an official lease contract between Pesca and the British has been covered in detail in chapter 3.3.1., and there is no need to retrace it here. Suffice it to say that in finalizing the lease contract with Pesca, an important step had been taken toward securing British sovereignty over the island. Allardyce himself said so directly in his letters to the Colonial Office: “[...] Our Sovereignty over South Georgia has been placed on a satisfactory basis”.²³³ It is telling that Allardyce decided to stress the sovereignty issue in his letter to London, rather than the economic benefits of the lease with Pesca, as it hints that such concerns were deemed important in the local Colonial Administration from the very early days of FID whaling.

With the finalization of the Pesca lease, Allardyce felt that sovereignty over South Georgia had been firmly secured.²³⁴ He accordingly felt free to set his sights on the South Shetlands, which he had previously declined to claim for Britain. When Captain Alexander Lange arrived in Stanley in December 1905 with a request for a whaling license for the South Shetlands, he was told that none was needed, as the South Shetlands were not British territory. He did, however, secure permission to whale at South Georgia, should conditions at the South Shetlands turn out to be unfavorable.²³⁵ By February 1906, however, Allardyce had changed his tune. In a letter to the Colonial Secretary, he explicitly recommended formal annexation of both the South Shetlands and the South Orkneys.²³⁶ Underlying this recommendation was a report recently received from a sealer from Nova Scotia, wherein it was made clear that the South Shetlands were rich both in whales and in fur seals. Annexing the islands, Allardyce maintained, would alleviate the struggling economy of the colony both by allowing it to expand its trade, and by increasing revenue through the regulation of the prospective whaling (and sealing) there.

Later on, Allardyce followed up on his recommendation with a further letter, dated April 1906.²³⁷ By now Allardyce had received another report, this time on the whaling expedition of

²³³ Letter from Allardyce to the Secretary of State for the Colonies, dated February 26nd, 1906 (National Archive CO 78/108).

²³⁴ Letter from Allardyce to the Secretary of State for the Colonies, dated February 26nd, 1906 (National Archive CO 78/108).

²³⁵ Correspondence between Captain Lange and Allardyce, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated December 26th, 1905 (National Archives, CO 78/106).

²³⁶ Letter from Allardyce to the Secretary of State for the Colonies, dated February 26th, 1906 (National Archives CO78/108).

²³⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated April 18th, 1906 (National Archives CO 78/108).

Captain Lange. Though Lange reported the whaling season at the South Shetlands to be both brief and harsh, he managed to catch 58 whales in thirteen days of active whaling. This number impressed Allardyce sufficiently to write this follow-up letter in order to “emphasize the importance of the South Shetland and South Orkney Archipelagos as whaling grounds”. He was clearly eager for the islands to be claimed, as he ended his letter by offering to travel down to the them himself to plant the British flag.

In his letter of February 1906, Allardyce briefly outlined the story of how the South Shetlands were discovered. He informed the Colonial Secretary that the South Shetlands were first sighted by the British Commander William Smith in 1819. He neglects to mention, however, that Commander Smith returned to the islands later that same year to formally claim them for Britain.²³⁸ It seems probable that Allardyce was simple not aware of this return trip; had he known that the South Shetlands were already claimed by Britain, he would probably not have let Lange proceed to them free of charge the previous year. In any case, the Governor got what he wanted: When the whaling company Sociedad Ballenera de Magellanes tried their hand at whaling at the South Shetlands in 1907, they received a visit from a Falkland Islands customs officer who instructed them to immediately make for Stanley in search of a license. This was confirmed upon contacting the Falkland Islands administration, and the company was charged 75 pounds and 5 shilling for their whaling.²³⁹ Lange had had a similar experience four months earlier, when he arrived in Stanley for another whaling season and was told that he now needed a license to whale at the South Shetlands.²⁴⁰ This volte-face since Lange’s first season on the part of the UK Government was not well received in Norway, and a certain amount of diplomatic wrangling followed.²⁴¹ Urged by Mr. Christen Christensen, the owner of the expedition led by Alexander Lange, the newly established Norwegian foreign ministry sent a series of inquiries to Britain, and in May 1906, the British Government replied that the South Shetlands were indeed British possessions.²⁴² The Norwegians were further instructed to contact the Falkland Islands Governor with any inquiries relating to

²³⁸ Anon., "The British Title to Sovereignty in the Falkland Islands Dependencies," *Polar Record* 8, no. 53 (1956): 129.

²³⁹ Correspondence between the Colonial Office and the manager for Sociedad Ballenera de Magellanes, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated May 5th, 1907 (National Archives CO 78/110).

²⁴⁰ Hart, *Whaling in the Falkland Islands Dependencies*, 36.

²⁴¹ *Ibid.*, 21.

²⁴² Odd Gunnar Skagestad, *Norsk polarpolitikk: Hovedtrekk og utviklingslinjer 1905-1974* (Oslo: Dreyers Forlag, 1975), 41f.

whaling in the area. In 1908, this stance was formalized by the British Government through Letters Patent.²⁴³

In the diplomatic fracas caused by Great Britain's reaffirmed claim to the South Shetlands, the British Government also reaffirmed its claim to the South Orkneys.²⁴⁴ These islands remained a bone of contention, however, and after receiving a series of complaints from the Argentine government, the Foreign Office was considering ceding them to Argentina in return for some urban real estate in Buenos Aires for a new British embassy.²⁴⁵ The reasoning behind the Argentine claim was as follows: In 1903 a Scottish scientific expedition led by Dr. William Speirs Bruce had established a meteorological station on Laurie Island, which was the largest island in the South Orkney archipelago. The station was then entrusted to the Argentine government the year after.²⁴⁶ According to the British journal *Polar Record*, it was made abundantly clear to the Argentine authorities that the transfer of the station did not entail a transfer of sovereignty of the islands themselves.²⁴⁷ The Argentine Government did not see it that way, however. The British minister to Buenos Aires, Walter Townley, saw a chance to placate Argentina by offering up the South Orkneys, and he accordingly suggested just that in a report to Foreign Secretary Edward Grey.²⁴⁸ In the report, he intimated that the islands were practically valueless to Great Britain, while they would be of great value to Argentina²⁴⁹ – something Foreign Secretary Grey agreed with.²⁵⁰

When the report landed on the desk of Governor Allardyce, he protested vehemently. Contrary to the conclusions drawn by Townley and Grey, he maintained that the islands were of great value to his colony. He said as much in a letter back to London in December 1910, adding that he had issued seven whaling licenses for the South Orkneys that season, and that the cession of the islands would set a terrible political precedent.²⁵¹ In the end, Allardyce again got his wish, and Britain kept the South Orkneys to herself. The success can scarcely be attributed solely to the

²⁴³ Hart, *Whaling in the Falkland Islands Dependencies*, 31f.

²⁴⁴ Anon., "British Sovereignty in the FID," 131.

²⁴⁵ Robert E. Wilson, "National Interests and Claims in the Antarctic," *Arctic* 17, no. 1 (1964): 20.

²⁴⁶ Anon., "British Sovereignty in the FID," 131.

²⁴⁷ *Ibid.*, 138.

²⁴⁸ Report by British Minister to Buenos Aires, dated April 7th, 1910. Enclosed with letter from the Foreign Office to the Colonial Office, dated May 25th, 1910 (National Archives CO 78/116).

²⁴⁹ According to Townley, the Argentine government claimed that the weather station could not be maintained unless the islands were ceded to Argentina.

²⁵⁰ Letter from the Foreign Office to the Colonial Office, dated May 25th, 1910 (National Archives CO78/116).

²⁵¹ Letter from Allardyce to the Secretary of State for the Colonies, dated December 24th, 1910 (National Archives CO 78/116).

Governor, however, as the Foreign Secretary already had pronounced his skepticism of the idea – he hinted instead that the island group should be kept as a bargaining chip for the future.²⁵² Nevertheless, the matter was laid to rest, and Allardyce was free to continue issuing licenses for the South Orkneys until he retired from the Falklands in 1915.

The third pillar of the concession system, then, must be the need to secure sovereignty and control over the actual islands where the whaling took place. This all rested upon a simple realization: That if the British wanted to tax the whalers in the Southern Ocean, they needed to ensure control over the areas where the whaling was happening. After all, no fees could be claimed if the whaling happened outside British territory. This whole matter lay partly outside the purview of both Allardyce and the Colonial Office, but Allardyce did his best to influence it anyway. Firstly, he succeeded, both in securing the claim to the South Shetlands, and in hindering a release of its counterpart, the South Orkneys. But secondly, and more importantly for our purposes, it clearly shows that the aim of firmly securing ownership of the FID was of prime importance to the colonial whaling regulation, and that it was something both the Governor and his council must have kept in mind as they shaped and developed it.

5.4. Conclusion

This summary of the most important elements of the FID regulatory policy is meant to do two things: First, to show what the main reasons were behind the decision to regulate the whaling industry, and second, to demonstrate what the most important considerations were as this system was adjusted and modified throughout Allardyce's Governorship. When we here emphasize exactly three of these reasons or considerations, it is not the intention to present an exhaustive list. While it has been demonstrated in the examination above that these three factors weighed heavily on Allardyce and his superiors in the Colonial Office when designing the regulatory policy, it naturally cannot be ruled out that other considerations also were relevant.

The intention here is rather to point out that three aspects of the policy stand out as particularly important: That of ensuring an increase in revenue for the colony, that of conserving the whale stock, and that of ensuring British sovereignty over the FID. The last two of these objectives can be seen simply as a way of securing the first one, but only partly. They are still

²⁵² Letter from the Foreign Office to the Colonial Office, dated May 25th, 1910 (National Archives CO 78/116).

sufficiently distinct that they deserve to be treated separately, and together they serve as a model for describing both why the whaling industry was regulated, and why the regulatory policy developed the way it did.

6. The institutions and individuals behind the regulatory policy

Common to most published treatments of the Falkland Islands Dependencies (FID) is an emphasis on the man who has been perceived to be the main architect of the regulatory policy, namely Governor William Lamond Allardyce. The policy which was instituted on his watch has for example been referred to as the “Allardyce regime”, and his period as Governor of the Falkland Islands has been described as the “Allardyce Era”.²⁵³ But while it is true that Governor Allardyce, as the “man on the spot”, had a great deal of influence over matters relating to his own colony, the final authority over the FID whaling regulations rested with the Colonial Office. Additionally, both the British Government and Governor Allardyce were influenced by various other parties with an interest in the industry, such as the whalers themselves, foreign governments seeking better terms for their own whalers, and the magistrate eventually stationed at South Georgia – who was, after all, even more “on the spot” than Allardyce. In reality, the FID regulatory policy was built and shaped through the interplay of all of these parties, and not by Allardyce alone. The purpose of this chapter is to elucidate this interplay, and to demonstrate how these differing parties were all influential in determining how the regulatory policy was constructed and developed.

The relationship between these diverse parties can be imagined as a bicycle wheel: Allardyce, as the initiator, and as the one who was most directly responsible for regulating the whaling trade, is the hub. Other parties, which either influenced Allardyce’s decisions or presented him with requests, orders, or instructions, are the spokes, stretching from the periphery (the rim) toward the hub. Of these spokes, we can discern four in particular:

1. The British Government – mainly the Colonial Office.
2. The Magistrates at South Georgia and the South Shetlands.
3. The whaling companies active in the FID – both the managers on-site and the owners situated at home.
4. Foreign government departments, such as the Norwegian and Argentinian foreign ministries.

²⁵³ Bjørn Basberg, "Regulating the Natural Resources in the Antarctic Region: A Historical Review [manuscript version]," in *The Political Economy of Resource Regulation: A Global History*, ed. Andreas Dugstad Sanders, Pål Thonstad Sandvik, and Espen Storli (New York: University of Columbia Press, forthcoming 2019), 3, 5.

Of course, in a bicycle wheel, each spoke is equally important. This is not the case with the wheel of whaling regulation – the Colonial Office naturally had a greater impact on the FID regulatory policy than, say, foreign governments did. A proper bicycle wheel also needs more than four spokes. As such, the metaphor might not be perfect, but it does serve as an image of the dynamic at play between Allardyce and other interested parties.

These parties – both the spokes and the hub – will be analyzed in turn, the aim being to describe both how, and to what extent, each party was able to influence the regulatory policy. In addition, the chapter seeks to determine what the working relationship was between Allardyce and each of these other parties. In the end, the chapter will aim to demonstrate that Allardyce rightly deserves his place at the hub of the wheel, but also that such a hub cannot function without a number of steady spokes.

6.1. The Governor and the Falkland Islands administration

When Allardyce took up his post as Governor of the Falkland Islands in 1904, he became the chief official of a small, faraway, and – in the eyes of many British administrators – rather insignificant group of islands. Even Allardyce himself agreed with this assessment.²⁵⁴ Whether he wanted it or not, he was to a great extent left to his own devices. The nearest British holding of any consequence was South Africa, and Atlantic crossings could still take several weeks. The postal service during Allardyce's days was supposed to deliver mail once every month, but it was known to be unreliable and untrustworthy.²⁵⁵ This meant – if the timing was bad – that it could take up to two months to receive a letter from London. The alternative, if one were pressed for time, was to send a letter to the South American coast, from where it was possible to send a telegram. Everything looked to become much easier when a wireless telegraphy station was finally erected on the Falkland Islands in 1912,²⁵⁶ but problems continued to plague the Governor: Just as the station was finished, the telegraphy station which serviced Montevideo was closed down.²⁵⁷ This left the Falkland Islanders

²⁵⁴ Allardyce concurred that the colony of the Falkland Islands was “comparatively insignificant”. Letter from Allardyce to the Secretary of State for the Colonies, dated September 19th, 1912 (SPRI MS 1212/5/1-3;D).

²⁵⁵ Strange, *The Falkland Islands*, 138.

²⁵⁶ *Ibid.*

²⁵⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated September 19th, 1912 (SPRI MS 1212/5/1-3;D).

without any station within range to communicate with,²⁵⁸ and so they had to wait until a new one was erected in Punta Arenas in Chile before they could finally start making use of their new facilities. Thus, it took until 1913 before the island emerged from its “outer darkness”, as Allardyce put it.²⁵⁹

Given the Falkland Islands’ isolation, it comes as no surprise that Governor Allardyce was left with a greater degree of latitude and initiative than he would have if he were situated closer to home. In order to consult with the Colonial Office over a given matter, Allardyce would have to wait first for his own letter to reach London, and then for the response to make it back to the Falklands – a process which could take more than three months. Conditions such as these would easily have made administering the colony an unwieldy and arduous task, unless the Governor was granted a certain degree of elbow room. These challenges must have been especially evident in situations where Allardyce found it important to act quickly, even though the issue in question strictly speaking could be outside his authority.

These problems were not unique for Allardyce. Many other imperial administrators from all over the globe found themselves in similar situations, especially in Africa²⁶⁰ – some even specifically sought out such positions as an opportunity to “exercise initiative, shoulder great responsibilities and win great rewards”.²⁶¹ These men would at times proceed to make their mark on the British Empire by taking it upon themselves to enact imperial policy. In doing so, they were often heavily influenced by their own personal beliefs about morals, politics, and colonial administration.²⁶² The result is that many colonial servicemen – Governors among them – in reality were much more influential than a strict reading of their job description would indicate.²⁶³ This trend toward individualistic policy making is emphasized by historian John Galbraith as one of the

²⁵⁸ There were other stations within range, but as these stations were all Argentinian, Allardyce felt it impossible to make use of them. It is unclear whether this is down to the Argentinians refusing to transfer British telegrams, or if Allardyce simply assumed that using them was not an option. Letter from Allardyce to the Secretary of State for the Colonies, dated September 19th, 1912 (SPRI MS 1212/5/1-3;D).

²⁵⁹ Letter from Allardyce to the Secretary of State for the Colonies, dated September 19th, 1912 (SPRI MS 1212/5/1-3;D).

²⁶⁰ Matthew Smith Anderson, *The Ascendancy of Europe 1815-1914, 3rd Edition* (Harlow, Essex: Pearson Education, 2003), 298.

²⁶¹ *Ibid.*

²⁶² Ronald Robinson, John Gallagher, and Alice Denny, "A Synthesis of Views and a Challenge for the Future," in *British Imperialism: Gold, God, Glory*, ed. Robin W. Winks (New York: Holt, Rinehart and Winston, Inc., 1963), 117.

²⁶³ Max Beloff, *Imperial Sunset: Britain's Liberal Empire* (New York: Knopf, 1970), 11.

main reasons for the aggressive British expansion in Asia and Africa in the 1800s.²⁶⁴ To describe this phenomenon, Galbraith introduced the term “man on the spot”, which has seen common usage since by scholars of British Imperial history.²⁶⁵ The term applies quite well to Governor Allardyce.

It should however be mentioned that Allardyce did not manage Falkland Islands policy all on his own. The British Government had, through the Letters Patent establishing the Falkland Islands as a British colony in 1843, instituted both an Executive Council, whose primary assignment was assisting the Governor, and a Legislative Council, whose job it was to enact legislation for the colony. Allardyce had a seat in both of these councils.²⁶⁶ He also had a small staff, of which the most prominent member was the Colonial Secretary (often called the Chief Secretary – not to be confused with the Secretary of State for the Colonies back home in London). Many of these staff members, the Colonial Secretary included, were also part of the Legislative and Executive councils. Neither of these constrained Allardyce legally, and he had great power to overrule them and to manage the colony as he saw fit.²⁶⁷ They did however serve to aid and influence him, and so they had a great deal of indirect influence over colonial matters.

In addition to Allardyce’s formal mandate to govern the Falkland Islands and to regulate the whaling industry, he could also wield influence by way of his function as the “hub of the wheel” – the official who served as the link between whalers and other parties on-site, and the British government in London. Allardyce was the one who reported back to the Colonial Secretary on how matters were developing with regards to whaling, and whenever official dispatches were received from London, he would be the one to communicate news and notices to the whalers. Thus, he was the one to decide how news should be framed, and often how they were to be formulated. There lay great power in such a privilege.

6.2. The British Colonial Office

As Governor of the Falkland Islands, Allardyce was granted broad powers by the British Government. He was among other things authorized to appoint judges, partition land, pardon any

²⁶⁴ John S. Galbraith, "The "Turbulent Frontier" as a Factor in British Expansion," *Comparative Studies in Society and History* 2, no. 2 (1960): 167f.

²⁶⁵ *Ibid.*, 157.

²⁶⁶ Charter for the Government of the Falkland Islands, Letters Patent dated June 23rd, 1843. (Retrieved January 17th, 2018 from <http://www.fig.gov.fk/archives/index.php/online-collections/government/laws-ordinances>).

²⁶⁷ Stephanie Williams, *Running the Show: The Extraordinary Stories of the Men who Governed the British Empire* (London: Penguin Books, 2011), 18.

criminal offense, and enact legislation (in collaboration with the colony's Legislative Council). This legislation, in general, took the form of ordinances, such as the aforementioned Whale Fishery Ordinances. Allardyce and his council could frame these ordinances as they deemed suitable, though the British Government reserved for themselves the right to rescind any legislation if they thought it necessary. In the same way, it could also pass legislation pertaining to the Falkland Islands of their own. Allardyce was furthermore required to follow instructions given by the Colonial Secretary, who could veto any decision made by the Governor. In other words, Allardyce was not all powerful, and the Colonial Office had the final say in all matters it sought to involve itself in.²⁶⁸

To what exact extent the Colonial Office decided to involve itself in matters relating to the FID, however, varied greatly. This depended to a certain degree on who was placed at the head of the department. During Allardyce's time as Governor, Great Britain had four different Colonial Secretaries, all of whom reacted differently to the goings on in the Falkland Islands. Some of them, such as Alfred Lyttleton, who held the post during the period between 1903 and 1905, took a clear interest in the establishment of the whaling industry in the FID, while his successor, the Earl of Elgin, involved himself to a lesser extent. One can also glean from Allardyce's letters that he had a warmer and more personal relationship with some of his superiors than others. One of these was the last to be Colonial Secretary during Allardyce's Governorship, Lewis Harcourt, to whom Allardyce sent long and friendly letters, and for whom he did personal favors.²⁶⁹ No matter who held the post as Secretary of State for the Colonies, however, Allardyce did his best to keep the Colonial Office informed about developments in his colony. His reports were detailed and plentiful – often he sent several letters a week, updating his superiors about even the most trivial matters and asking for advice on this and that. He also seems to have received advice and guidelines from the Colonial Office whenever he requested it.

Initially, when designing the original regulatory policy, Allardyce was left more or less to himself, and he was given a broad mandate to enact the necessary legislation to regulate the

²⁶⁸ Charter for the Government of the Falkland Islands, Letters Patent dated June 23rd, 1843. (Retrieved January 17th, 2018 from <http://www.fig.gov.fk/archives/index.php/online-collections/government/laws-ordinances>).

²⁶⁹ He took it upon himself, for example, to send Harcourt a shipment of live Gentoo Penguins. Half of the penguins were to be shipped to a zoo near London, while the other half was to be sent to Harcourt personally. Sadly, all but one of the penguins died in transit. It is unclear what Harcourt planned to do with the them. Letter from the Secretary of State for the Colonies to Allardyce, dated May 15th, 1913 (SPRI MS 1212/5/1-3;D).

industry, as well as to negotiate the first lease for land for a whaling station on South Georgia with the whaling company *Compañía Argentina de Pesca*. In practice, Allardyce and his staff both took the initiative to regulate whaling in the FID and designed and implemented the resulting policy without much input from the Colonial Office. In this regard, Allardyce deserves much of the credit for initially developing a regulatory system for the colony.

Relations between Allardyce and the Colonial Office became more strained in 1908, however. In that year, the policy underwent a substantial restructuring, and many changes were implemented against Allardyce's wishes.²⁷⁰ The background for these changes was a series of complaints the Colonial Office had received from Norwegian whaling companies, which were dissatisfied with several important aspects of Allardyce's regulations. Chief among these were the need to entertain a customs officer from the Governor's staff when venturing to the whaling grounds, as well as the arrangement where royalties were charged for each whale caught. These exact provisions, however, were defended vehemently by Allardyce, who saw them as crucial to his ability to oversee the industry.²⁷¹ Despite Allardyce's complaints, however, the changes were implemented, and so a new Whale Fishery Ordinance was promulgated, replacing the one from 1906.

From this time on, the weight of decision with regard to the regulatory policy gradually started to shift from Allardyce to the Colonial Office. Toward the end of Allardyce's term in office, the Colonial Office would sometimes involve itself even in the minutiae of whaling regulation, such as decisions on whom to award whaling licenses to.²⁷² The nature of the primary source material this thesis is based on precludes any thorough examination of exactly how, and how often, the Colonial Office decided to intervene in Allardyce's efforts to regulate local whaling. The relevant documents in the Colonial Office archives consist almost exclusively of incoming letters sent from Allardyce to the Colonial Office. The Colonial Office's involvement can therefore only be glimpsed indirectly, through Allardyce's responses to the letters he received from London, and

²⁷⁰ The changes made to the policy in 1908, as well as the background to them, are discussed in chapter 4.2. For a discussion of the role the whaling companies played in the policy change of 1908, see chapter 6.3.

²⁷¹ Letter from Allardyce to the Secretary of State for the Colonies, dated December 28th, 1907 (National Archives CO 78/110).

²⁷² While it generally fell to Allardyce and his staff to consider applications for whaling licenses, the Colonial Secretary had the final say, and Allardyce accordingly reported all such applications to the Colonial Office. For examples of him doing just that – and of the Colonial Office overruling him – see letters from Allardyce to the Secretary of State for the Colonies dated April 16th, 1912 (National Archives CO 78/122), March 11th, 1913 (National Archives CO 78/126) and April 10th, 1913 (National Archives CO 78/126).

through his references to instructions or recommendations he received in those letters. Nevertheless, there is a general trend in the sources toward an increased involvement in the regulatory policy on the part of the Colonial Office toward the end of Allardyce's term as Governor.

The shift in the Colonial Office's attitude toward Allardyce is evinced in part by their comments on the Governor's efforts after the policy change in 1908: "It is simply that Governor Allardyce has not thought of the bearings of his policy, and that we have not previously realized what he was doing".²⁷³ There are also several examples after 1908 of the Colonial Office directly overruling Allardyce, such as in deciding whom to award the final South Georgia lease to. Allardyce handed the Colonial Office a list of candidates – all of them Norwegian – which he considered deserving of the honor, but the Colonial Office decided instead to award the lease to a British company.²⁷⁴ The Colonial Office was also the one to initially push for a prohibition against killing whales with calves, though Allardyce at the start resisted this due to practical concerns.²⁷⁵ The shift in balance between Allardyce and the Colonial Office should not be overstated, however. Allardyce was still responsible for the issuance of so-called "Whaling Regulations", and the initiative for changes to the policy usually originated with him or his subordinates. When comparing this later period with the amount of leeway the Governor was given in the early years of whaling regulation, however, the shift in balance is clear.

That the Colonial Office should seek to get more involved in whaling regulations after 1908 is in many ways only natural. By then, it had become increasingly clear that the whaling industry in the FID would only grow, and the economic potential it brought with it for the colony was by then evident. It had also started to become obvious that Allardyce's whaling policies had implications which reached beyond the colony of the Falkland Islands, as the matter was clearly important both to the Norwegian and Argentine governments. Simply put, as the FID whaling industry grew in size, it also grew in importance. By 1908, it had become clear to the Colonial Office that leaving Allardyce with the sole responsibility for the policy was unwise, and so they took a firmer grasp of the reins.

²⁷³ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 301f.

²⁷⁴ Letter from Allardyce to the Secretary of State for the Colonies, dated August 2nd, 1911 (National Archives CO 78/119).

²⁷⁵ Letter from Allardyce to the Secretary of State for the Colonies, dated June 8th, 1912 (National Archives CO 78/122).

At the same time, however, Allardyce's mandate to regulate the whaling industry in the Dependencies was formalized through Letters Patent in 1908.²⁷⁶ Before this date, it was not legally clear exactly which islands and territories were included as Dependencies of the Falkland Islands, and neither was it entirely clear that Allardyce held a formal mandate to issue legislation for the whaling grounds other than South Georgia. Through the 1908 Letters Patent, his status as Governor also of these areas was made formally and legally explicit. It is thus somewhat ironical that just as the Colonial Office started to divest Allardyce of his authority to regulate the whaling industry on his own, Allardyce's powers to do exactly that were formalized.

In sum, then, it is clear that Allardyce initially was given a great amount of leeway in designing, implementing, and administering the regulatory policy. After 1908, however, as the FID whaling industry grew in size and importance, the Colonial Office started to lose its confidence in Allardyce's ability to "go it alone", so to speak. From that point on, the Colonial Office gradually sought to involve itself ever more in matters relating to FID whaling, and eventually they seem to have supplanted him as the main decision makers with regards to the regulatory policy. This latter assessment has also been highlighted by Johan Tønnessen.²⁷⁷ In other words, it is clearly a mistake to discount the role played by the Colonial Office in designing and developing the FID regulatory policy.

6.3. The South Georgia Magistrate

The South Georgia Stipendiary Magistrate was another party with a certain degree of influence over regulatory matters. The magistrate was stationed at South Georgia – the most important whaling ground besides the South Shetlands – from 1909, with instructions to help Allardyce oversee the whaling industry, and to function as an intermediary between the Governor and the whalers. When Allardyce issued circulars or updated the whaling regulations, the magistrate would be the one to bring it to the attention of the whalers. And conversely, he would be the one to forward letters to Allardyce whenever the whalers had questions or concerns they wanted addressed. In addition, the magistrate had the job of keeping Allardyce properly informed about the goings-on

²⁷⁶ "British Letters Patent of 1908 and 1917 constituting the Falkland Islands Dependencies," 241f.

²⁷⁷ Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 256.

in the heartlands of the whaling industry. He did this by producing bimonthly whaling reports.²⁷⁸ In addition to holding the title of magistrate, he also functioned as Postmaster, Deputy Shipping Master, Deputy Collector of Customs, Coroner, etc.²⁷⁹ He also served as a symbol of British occupation and authority over South Georgia.

The stationing of a government magistrate on South Georgia proved to be enough of a success that another was stationed on Deception Island in the South Shetlands – the other major whaling hub of the FID apart from South Georgia – from 1912.²⁸⁰ The South Shetland magistracy, however, was seasonal. The magistrate on Deception Island was in other words not stationed in the whaling grounds the whole year round, as the South Georgia magistrate was. And unlike the South Georgia magistrate, the South Shetland magistrate appears seldom in the primary source material available for this thesis. Due to this scarcity in historical documentation, the following examination will accordingly – with one exception regarding towing the of whales – be limited to the role played by the South Georgia magistrate. This is not meant to suggest, however, that the South Shetland magistrate was not influential over the regulatory policy in the same manner as the magistrate stationed at South Georgia, but simply that the nature of the primary sources precludes a thorough examination of the role played by the former.



James Innes Wilson, Stipendiary Magistrate stationed at South Georgia, 1909-1914. Source: https://www.falklandsbiographies.org/biographies/wilson_james [Retrieved 27/4-18]

Since the first magistrate was stationed on South Georgia in 1909, the question of the magistrate's influence over regulatory policy bears no relevance for the very first years of Antarctic whaling. When the first magistrate, James Innes Wilson, took up his post on the island, the second Whale Fishery Ordinance of 1908 had already been enacted, and the policy on whaling had started to stiffen. After that point, the regulatory system would change only gradually. He would from then

²⁷⁸ South Georgia Archive catalogue introduction, written by Clive Holland, dated May 12th, 1982 (SPRI South Georgia Archives).

²⁷⁹ South Georgia Archive catalogue introduction, written by Clive Holland, dated May 12th, 1982 (SPRI South Georgia Archives).

²⁸⁰ Hart, *Whaling in the Falkland Islands Dependencies*, 25.

on, however, have a great degree of influence over the FID regulatory regime. For the most part, this influence was only informal. He had little direct authority over regulatory matters, excepting his charge to enforce Government policy. Whenever questions arose which demanded bending or disregarding the regulations, the magistrate would refer the matter to Allardyce, as he had no direct authority to make these decisions himself.

Most of the magistrate's influence stemmed from the fact that he knew more about the state of the industry on South Georgia than Allardyce did. And though Allardyce would keep corresponding with various whaling companies directly also after the magistrate post was instituted, he eventually came to rely a great deal on the magistrate in his efforts to stay informed about the whaling activities in his colony. What information the magistrate decided to pass on, and the manner in which he did so, could greatly influence how Allardyce and his staff thought about regulating the industry. For example, both of the first South Georgia magistrates were greatly concerned with whale utilization and the reduction of unnecessary waste, and this is generally reflected in their correspondence with Allardyce. For the most part, the magistrate's own views and opinions were merely indicated in his letters to his boss, for example through his choice of subject matter, or in the way he worded his missives. But he also sometimes made his opinions more explicit, in the shape of direct recommendations on how he thought Allardyce should act for the benefit of the colony.

This was the case when, on March 27th, 1914, magistrate Wilson observed Pesca towing a derelict whale carcass to shore with an unlicensed ship. The practice of towing whales with unlicensed vessels had been outlawed two years previously, after the question had been put before Allardyce by the South Shetlands magistrate. Allardyce had concluded that utilizing unlicensed vessels in such a manner would be "rendering valuable assistance in the taking of the whales", and so he deemed it to be a breach of the 1908 Whale Fishery Ordinance.²⁸¹ When Pesca started using such vessels to tow derelict or abandoned whales in 1914, they argued that this should not be counted as an infringement of the whaling regulations, as the whale carcasses would otherwise simply drift around as waste. Wilson supported this point of view and submitted to Allardyce a letter where he argued the whaler's case. He suggested that the towing of such whales should be

²⁸¹ Letter from Allardyce to the Secretary of State for the Colonies, dated February 15th, 1912 (National Archives CO 78/122).

permitted upon payment of a small royalty and attached a list of proposed prices with the letter.²⁸² It is sadly unclear whether Allardyce decided to follow Wilson's recommendation. In another, similar instance, Wilson recommended that Allardyce explicitly forbid the practice of using unlicensed ships as buoys to "mark" dead whales for later towing with a licensed ship. In his letter, Wilson added a draft of a suggested modification to the Whale Fishery Ordinance, which would serve to outlaw such practices.²⁸³ Wilson's successor as South Georgia Magistrate, Edward Beveridge Binnie, later followed up with another letter in which he echoed Wilson's recommendation.²⁸⁴ Allardyce submitted the question to the Colonial Office, and in 1915 the Whale Fishery Ordinance was amended in accordance with the magistrates' proposal.²⁸⁵

The background behind at least the first two of these recommendations from Wilson is the fact that Wilson, as the man-on-the-spot, had to grapple with the minutiae of the regulatory policy far more than Allardyce did. If the regulations – or the ordinances on which they were based – were unclear, Wilson would normally be the first to examine the relevant issues, and the first to get the chance to form an idea on how to proceed. Whether or not Allardyce himself agreed with the Wilson's recommendations, this nevertheless meant that Allardyce's own conclusions would be based on the magistrate's exposition of the matter. In this way, the South Georgia magistrate could be greatly influential in regulating the colonial whaling industry.

The examination above shows how the South Georgia magistrate could and did affect the way his superiors tweaked and adjusted the regulatory policy, but this was not the magistrate's only means of influencing the development of the industry. Equally important were his actions vis-à-vis the whalers themselves. He was normally given strict instructions to follow, but he had a great deal of leeway in exactly how he went about accomplishing his tasks. In other words, the specific way in which the magistrate decided to manage the area he was placed in charge of could have important implications for how the whaling industry developed.

²⁸² Letter from the South Georgia Magistrate to the Falkland Islands Chief Secretary, dated June 6th, 1914 (SPRI 1228/6/10).

²⁸³ Letter from the South Georgia Magistrate to the Falkland Islands Chief Secretary, dated February 18th, 1914 (SPRI 1228/6/9).

²⁸⁴ Letter from the South Georgia Magistrate to the Falkland Islands Chief Secretary, dated December 13th, 1914 (SPRI 1228/6/9).

²⁸⁵ An Ordinance To [sic] amend the Whale Fishery Ordinance, 1908, dated 1915 (National Archives, CO 79/3).

The most striking example of this dynamic relates to the labor troubles which continually plagued the whaling stations on South Georgia. Workers quite often went on strike, and whenever such a strike took place, the magistrate would be the only person available who could plausibly be seen as at least partly neutral. If the strike continued long enough that a mediator was needed, the magistrate was accordingly the one to be called in. Wilson usually dealt with these situations with a firm hand. If talks failed, he would normally order the worst offenders to be sent back to their home country (usually Norway). In one severe case, at the station of Salvesen at Leith Harbour, Wilson had to threaten with arresting the leaders of the strike before the men agreed to go back to work.²⁸⁶ In dealing with these strikes, Wilson generally sided with the management of the company against the workers. On at least one occasion, he commented in his letter to Allardyce how all the workers on strike were dirty, uneducated troublemakers.²⁸⁷ Though the working conditions on the Antarctic whaling stations before world war one were harsh and demanding, Wilson had little sympathy for what he saw as lazy delinquents. This attitude, as well as his severe but efficient treatment of workers on strike, must have ingratiated Wilson quite a bit with the owners and managers of the various whaling outfits – if not quite as much with the workers.

Overall, the South Georgia magistrate served as an important connecting link between the Falkland Islands government and the whalers, somewhat mitigating the problems caused by the large distances and harsh conditions of the FID. But establishing the magistracy did not only help increase the efficiency of managing the industry – it also introduced a separate party with his own powers to influence the way this industry was regulated. This power stemmed both from the magistrate's opportunities to influence the Governor, both implicitly and explicitly, and from the way he managed his relationship with the whalers themselves. And finally, though this discussion has avoided a detailed examination of the magistrate stationed at the South Shetlands, it is not an unreasonable hypothesis that he filled a role similar to the one stationed at South Georgia. Consequently, the South Georgia magistrate – and possibly also the South Shetland magistrate – played an important role in the process behind the development of the regulatory system after 1909.

²⁸⁶ Letter from the South Georgia Magistrate to the Falkland Islands Chief Secretary, dated March 28th, 1913 (SPRI MS 1228/6/1).

²⁸⁷ Letter from the South Georgia Magistrate to the Falkland Islands Chief Secretary, dated January 28th, 1910 (SPRI MS 1228/6/1).

6.4. The whaling companies

Another group of people who had an obvious interest in maintaining a certain influence over southern whaling were, of course, the whaling companies active in the area. Their profits in Antarctica in the early 1900s were immense²⁸⁸ – but nevertheless, few of the companies were averse to attempting to influence the British authorities if it could lead to a further increase in their revenue.

Relations with the British authorities could be utilized by the whalers to affect the regulatory policy in two different ways: First, the company owners back home could contact the British Government. Since Allardyce and his administration were so far away, this usually meant contacting the British Foreign Office, either directly or through the Norwegian or Argentine foreign ministries. Whenever the whaling companies wished to air grievances or to give suggestions or feedback with a greater measure of political weight behind them, this was the way to go. And second, the captains and whaling managers on the spot in the Antarctic could try to influence the local authorities directly. This was, however, rarely done in instances where the whalers wanted real changes to be made. The local whalers were rather focused on maintaining a good working relationship with Allardyce and his staff. The whaling industry in the FID was still relatively small in the early 1900s, and the bureaucratic distance between the whalers and the local authorities was never very great. In such circumstances, it could be quite important to be on good terms with the Governor, who had the power to make the whalers' lives both much easier and significantly harder.

The whaling companies' greatest efforts to induce the British Government to make changes to their whaling regulation came early on, in the first few years after the industry was established. After an initial flurry of correspondence between the new Norwegian foreign ministry and the British Government, the companies had gradually come to accept British sovereignty over the FID, and with it their right to regulate the whaling in the area.²⁸⁹ They were not, however, overly happy with Governor Allardyce's first attempt to make use of that right, which resulted in the first Whale Fishery Ordinance in 1906. Though the ordinance introduced no catch quotas or similar

²⁸⁸ Burnett, *The Sounding of the Whale*, 21.

²⁸⁹ Skagestad, *Norsk polarpolitikk*, 42f.

arrangements, it did impose several restrictions which many whaling companies felt were unfair or made it difficult to run an effective whaling outfit. Among these were three chief grievances: First, the 1906 ordinance ordained that all expeditions must visit Stanley (the capital of the Falkland Islands) before heading to the whaling grounds to embark a customs officer, and then again after the end of the season to pay royalties for any whales caught. This was obviously impractical for the whalers, and it took a great deal of time – a valuable resource given the short whaling season in the Antarctic. Second, the whalers protested the arrangement whereby a separate fee of 25£ had to be paid for each Dependency they wanted to whale in. Since it was not always clear before the start of the season where whaling would be most profitable, this meant that the whalers in effect had to pay all together 100£ in fees for all the Dependencies if they wanted to be sure that they could follow the whales where needed. And third, they protested the royalty placed on whales which were caught outside colonial waters.²⁹⁰

These grievances originated with the whaling captain Alexander Lange, who in 1906 returned to the Falkland Islands and discovered that he was now required to pay for a whaling license, and to follow the directions of the Falkland Islands Governor. He had spent the previous season whaling in Antarctica without being subject to any such requirements, and so he now felt them less than entirely fair. He contacted his shipowner, Christen Christensen, and together they put the case before the Norwegian minister in England, the polar explorer Fridtjof Nansen.²⁹¹ As mentioned above, they soon saw that they had to accept the British authorities' right to regulate the whaling industry, but the Norwegian foreign ministry agreed that it was worth the attempt to convince the British Colonial Office that some changes should be made. With the help of Christensen, the Norwegian Ministry of Trade and the Norwegian Whalers Association,²⁹² a memorandum was framed based on the three claims listed above. The secretary to the Norwegian Legation to Great Britain, Johannes Irgens, then delivered the memo to the British Foreign Office in September 1907.²⁹³

Though the British were adamant on their rights to regulate the areas in question, they proved to be willing to adjust their regulatory policy. The largest change made was that of

²⁹⁰ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 339f.

²⁹¹ *Ibid.*, 334.

²⁹² "Norges Hvalfangstforbund"

²⁹³ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 339f.

abolishing the royalty fee per whale caught, in effect sidelining the issue of determining whether whales were caught inside colonial waters. They compensated for the lost royalty revenue by raising the price for a license to 100£, which would now be valid throughout the FID (though Allardyce reserved the right to limit the area of activity when issuing licenses). The abolition of royalties also meant that there was no longer any need for a customs officer to join each whaling expedition, and so the mandatory visit to Stanley was also done away with. These changes were set down in a new, modified Whaling Ordinance, issued in August 1908.²⁹⁴

The pressure on Allardyce and the Colonial Office did not let up after 1908, however. Stephen Palmer notes how Allardyce constantly was under pressure to increase the number of catchers to be allowed each whaling company, as well as the number of whaling concessions available.²⁹⁵ Another issue which quickly became contentious among the whaling companies was the introduction on an export tax on whale oil in 1912. The British company Salvesen especially proved to be a tough customer, and Gerald Elliot – great grandson of Christian Salvesen, who started the company in 1846 – presents conflict and hostility between Salvesen and the Falkland Islands administration as a recurring theme.²⁹⁶ Historian Wray Vamplew echoes this sentiment, adding that Salvesen argued energetically that they should receive certain advantages due to the fact that they were a British company.²⁹⁷ Salvesen was especially dissatisfied with the provision which prohibited the use of more than two whale catchers per license or lease, and in 1911 instructed their whaling manager to insist on using an extra catcher for towing whales which had already been caught back to their station. Towing whales with unlicensed vessels in this manner was outlawed by the Governor, however, but when the company was notified of that fact, it protested vehemently. The end result is indicative of the power the whaling companies could have in influencing regulatory policy: Salvesen was allowed to keep their extra catcher, as long as they agreed to help carry mail for the colony whenever the catcher was not in use.²⁹⁸ It should be noted, however, that Salvesen at this point was the largest whaling company in the world – it cannot

²⁹⁴ Ibid., 341.

²⁹⁵ Palmer, "'Far From Moderate,'" 207.

²⁹⁶ Elliot, *A Whaling Enterprise: Salvesen in the Antarctic*, 65.

²⁹⁷ Vamplew, *Salvesen of Leith*, 159f.

²⁹⁸ Palmer, "'Far From Moderate,'" 212f.

readily be assumed that every whaling outfit had the same amount of leverage with the Colonial Office.²⁹⁹

The change in British policy between the two ordinances in 1906 and 1908 was quite significant, and it shows clearly that the Norwegian whaling companies had both the ability and influence necessary to press the British government for relaxations in the whaling regulations. The above example might however give the impression that the whaling companies' relationship with the British authorities was primarily oriented around attaining regulatory concessions. If that is the case, the correspondence between the Falkland Islands administration and the whalers on-site paints a somewhat different picture. The owners of the various whaling outfits back home might have tried to apply pressure to the British Government when they deemed it beneficial, but in the meantime, the captains and managers present in the FID directed their energy toward securing harmonious and beneficent relations with Allardyce and his staff. One gets the impression that rather than viewing each other as an obstacle on the way to increased profits, the two parties tended to see each other as partners in a mutually beneficial enterprise.

It would have been difficult to do without a certain degree of trust in managing the whaling activities in the FID. The area was enormous, and the British Government had no detailed knowledge about the geography of South Georgia and the other islands (even to the extent that Allardyce on several occasions offered leases for islands it was later discovered did not exist).³⁰⁰ At the same time, the resources of the Falkland Islands government were severely limited – Allardyce did not even have enough in his coffers to arrange for a proper survey of South Georgia, much less to actually patrol the area.³⁰¹ Even though a government magistrate would eventually be stationed permanently on South Georgia in 1909, he would still be dependent on a certain degree of cooperation from the whalers.

Allardyce's dependency on the whalers became evident when he initially decided to station this magistrate on South Georgia. The magistrate needed an office and living quarters on South Georgia, but Allardyce had no means of providing such quarters. He therefore contacted one of the whaling companies active in the FID, *Compañía Argentina de Pesca*, whose whaling station at

²⁹⁹ Vamplew, *Salvesen of Leith*, 162.

³⁰⁰ Hart, *Whaling in the Falkland Islands Dependencies*, 28.

³⁰¹ Palmer, "'Far From Moderate,'" 192.

Grytviken was close to the location of the prospected quarters, and inquired whether they would be willing to help with the construction work. They did, and Allardyce could accordingly proclaim in a letter to the Colonial Secretary in January 1913 that the quarters were completed.³⁰² Pesca charged the FID government for the job, but they went to great lengths to be as accommodating as possible. The manager, C. A. Larsen, even let the magistrate stay in his own house while his quarters were under construction.³⁰³ Similarly, most of the materials needed for the quarters were transported from Europe to South Georgia by another whaling company, Ocean A/S, completely free of charge.³⁰⁴

Another area where Allardyce and the whalers seemed eager to cooperate was in arranging for better and more regular postal services within the FID. Seeing how the distances within the Dependencies were so vast, and government funds so limited, this was one of Allardyce's great headaches, and his way of attempting to solve it was to try to arrange for the various whaling companies active in the FID themselves to take responsibility for delivering post. In 1909, he made a proposal to the Colonial Secretary to offer the company Salvesen an annual subsidy of £600 for taking on a five-year contract to provide a mail and passenger service between Stanley and other parts of the Falkland Islands.³⁰⁵ In addition to the £600 fee, Allardyce would also allow the company a free license for two extra steam whalers for the duration of the contract.³⁰⁶ It is sadly not clear from the sources whether the offer was taken up by Salvesen. Some years later, in 1912, a whaling captain engaged with the Hektor Whaling Company inquired whether his company in future seasons would be permitted to keep an unlicensed vessel at their station in order to collect water, transport workers, etc. He suggested that if an arrangement could be made, the extra steamer could also carry mail between the South Shetlands and the Falkland Islands. Allardyce jumped at the chance, offering a contract specifying that the mail service should involve at least three trips

³⁰² Letter from Allardyce to the Secretary of State for the Colonies, dated January 17th, 1913 (National Archives CO 78/126).

³⁰³ Hart, *Pesca*, 95f.

³⁰⁴ Letter from Allardyce to the Secretary of State for the Colonies, dated April 8th, 1913 (National Archives CO 78/126).

³⁰⁵ This offer made by Allardyce predates the accommodation described a few pages previous, where Allardyce and Salvesen agreed that Salvesen helped carry mail for the Colony in return for being allowed the use of an extra whale catcher. That agreement was entered into in 1911, while the offer under examination here dates from 1909.

³⁰⁶ Letter from Allardyce to the Secretary of State for the Colonies, dated July 7th, 1909 (National Archives CO 78/114).

between the two island groups per season, and that a subsidy of £50 would be paid per trip.³⁰⁷ As a third example, Allardyce also attempted to arrange for a regular mail and passenger service between Buenos Aires and South Georgia. He offered Pesca £40 for each round trip if they were willing to accept responsibility for such a service. To his disappointment, Pesca declined, citing a lack of capacity to properly carry out the job. But at the same time, Pesca offered to notify the magistrate at South Georgia a few days ahead of departure to Buenos Aires if it so happened that they had any free berths. They were also willing to continue an existing arrangement to carry any post they found waiting whenever they made the trip, free of charge.³⁰⁸ In return, Allardyce bestowed Pesca with an exemption for any tonnage dues (i.e. fees for making use of colonial ports) for the two steamers Pesca used for this purpose.³⁰⁹

Allardyce was for the most part a strict adherent to the letter of the law, but he did occasionally – as we have seen above – grant exemptions and privileges as rewards to cooperative whalers. But he also found other ways to reciprocate when the various whaling outfits in the FID did favors for him (or when they simply left a good impression). One whaler who left a good impression was Alexander Lange, who was the subject of a letter Allardyce sent to the Norwegian ambassador to Great Britain, Fridtjof Nansen. Allardyce spent most of the letter waxing poetic about the great services Lange had done for the colony, and about his “enterprise, far-sightedness, strength of character, and ability to overcome difficulties”.³¹⁰ He then ended the missive with a recommendation that the Norwegian government find a way to commend Lange for his work, hinting that a formal decoration might be in order.³¹¹

³⁰⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated April 13th, 1912 (National Archives, CO 78/122).

³⁰⁸ Correspondence between the Falkland Islands Chief Secretary and Compañía Argentina de Pesca, dated September 26th, 1912 to October 26th, 1912, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated October 28th, 1912 (National Archives CO 78/123).

³⁰⁹ Letter from Allardyce to the Secretary of State for the Colonies, dated December 18th, 1912 (National Archives CO 78/123).

³¹⁰ Letter from Allardyce to the Norwegian Minister in London, dated March 19th, 1908, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated March 19th, 1908 (National Archives CO 78/112 & SPRI MS 240/1-2;ER vol. 1).

³¹¹ Letter from Allardyce to the Norwegian Minister in London, dated March 19th, 1908, enclosed with letter from Allardyce to the Secretary of State for the Colonies, dated March 19th, 1908 (National Archives CO 78/112 & SPRI MS 240/1-2;ER vol. 1). Lange never got the formal recognition from the Norwegian Government which Allardyce felt he deserved. Lange’s boss for much of his time in the south, however, the shipyard- and shipowner Christen Christensen, was made a Commander of the Order of St. Olav, and Lange’s contemporary, Carl Anton Larsen, was knighted both in Sweden and Norway (O. Delphin Amundsen, *Den Kongelige Norske Sankt Olavs Orden, 1847-1947* (Oslo: Grøndahl & Sønns Forlag, 1947), 124 & 360.)

The whalers, meanwhile, often made favorable pronouncements about both Allardyce and the regulatory policy. The whaling managers Thoralf Sørllle and C. A. Larsen, for example, were among those who expressed that they were pleased with the British Government's attempts at regulation.³¹² The same was true for Peder Bogen, the director of Sandefjords Hvalfangerselskab.³¹³ Their testimonies remain anecdotal evidence, however, and so it cannot be concluded from their statements that all whalers felt the same way. A bit more conclusive is a British governmental report published in 1920, which simply states: "The existing regulations give general satisfaction to the Norwegian companies".³¹⁴ Since this report was produced and published by the British Government, we should be careful in taking its statements on such matters as fact. Seen in conjunction with the examples of general cooperation between the FID government and the whalers listed above, however, it paints a picture of the whalers in the FID as generally cooperative toward local authorities. As we have seen, though, the owners and board member back home did not always share this cooperative attitude.

It is clear that commercial whalers had several ways to influence both Allardyce and his staff on the one hand, and his bosses in the British Government back home in London on the other. But there seems to be a difference between how the owners of the whaling companies and the managers present in the Antarctic viewed such matters. The owners and investors back home were naturally focused primarily on securing a return on their investments, and so they had no compunction about pressing the British Government for better terms if they saw a profit in it. They did this not by contacting Allardyce directly, but by going through the various Foreign Departments of the countries involved.

At the same time, we see that those responsible for the actual whaling on-site had a different approach to relations with the British authorities. Conditions in the southern seas were harsh, and running an efficient business in the poorly mapped FID was demanding enough by itself.³¹⁵ Fighting the whales and the weather was quite enough, so nobody engaged in it had any wish to

³¹² Palmer, "'Far From Moderate,'" 199; Hart, *Pesca*, 156.

³¹³ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 354.

³¹⁴ The Interdepartmental Committee, "Report of the the Interdepartmental Committee," 90.

³¹⁵ For more information about the everyday lives and working conditions of those employed at the FID whaling stations, see Hart, *Whaling in the Falkland Islands Dependencies*, Ch. 6; Bjørn Basberg, "A Ship Ashore? Organisation and living conditions at South Georgia whaling stations, 1904-1960," *TØH-serien* 2000, no. 7 (2000); Bjørn Basberg, *The Shore Whaling Stations at South Georgia* (Oslo: Novus Forlag, 2004).

fight the local colonial administration as well. Rather, both the whalers and Allardyce himself gives the impression of wanting primarily to aid each other and work together for the better of the industry – an industry which, after all, greatly benefited both the whaling companies and the colony of the Falkland Islands.

6.5. Foreign Ministries of other countries

The fifth and last party with a clear influence over the development of the FID regulatory policy was the foreign ministries of countries other than Great Britain. We have already seen how the Norwegian foreign ministry, on two separate occasions, decided to intervene on behalf of Norwegian whaling companies: First in 1906, when the ministry contacted the British Government requesting information about the basis for the British claims to the South Orkneys and the South Shetlands (examined in chapter 3.3.2.), and then in 1907, when the ministry protested the whaling regulations in the FID – a protest which resulted in the promulgation of the Second Whale Fishery Ordinance in 1908 (examined in chapter 5.3.). As these two examples have been explored more thoroughly elsewhere in this thesis, they will not receive the same comprehensive treatment here. Rather, they will be revisited in order to demonstrate to what extent the Norwegian foreign ministry could influence the British Government, and how this influence was wielded.

Both of these issues materialized just a few years after Norway's separation from Sweden in 1905, while its foreign ministry was still new and inexperienced (though the degree of this inexperience should not be exaggerated, as the new ministry was filled with diplomats and functionaries with experience from the Swedish foreign service).³¹⁶ The Norwegian foreign ministry was in other words still untested when they sent their first overture to the British regarding whaling in the FID. The inquiry in question, which dealt with the British claims to the South Shetlands, the South Orkneys and Graham's Land (the Antarctic Peninsula), resulted according to Odd Gunnar Skagestad directly in the 1908 British Letters Patent, which explicitly reaffirmed Great Britain's rights to the areas in question.³¹⁷ These claims were reinforced by the fact that both Argentine, Norwegian and Chilean³¹⁸ companies had acceded to licenses to whale in the FID – thus

³¹⁶ Berg, *Norge på egen hånd 1905-1920*, vol 2, 54, 59f.

³¹⁷ Skagestad, *Norsk polarpolitikk*, 43.

³¹⁸ Wilson, "National Interests and Claims in the Antarctic," 20.

tacitly approving the right of the British to manage the area.³¹⁹ Historian D. Graham Burnett remarks on how the whaling companies in this way “effected an enormous expansion of British territorial claims [...] while also, conveniently, paying for the privilege”.³²⁰ It has also been argued that it was unwise by the Norwegian foreign ministry to bring the issue of sovereignty in the FID to the attention of the British authorities. Johan Tønnessen, for example, has criticized the ministry for exactly this.³²¹ The question might be asked, however, whether it ever was reasonable to believe that Norwegian sovereignty could be secured over the areas in question. If it was not, it might be argued that British supremacy was the best outcome for Norway, as relations between Norway and Great Britain were close and friendly at this time. The political conditions for whaling in the FID could conceivably have been far more unstable if sovereignty over the area had remained an open question. Christen Christensen, the owner of the company which sent Alexander Lange on his first expedition to the FID, and generally an important figure among Norwegian whalers, was himself of the opinion that British control over the islands was the best outcome for Norway.³²²

The next part of the exchange, starting in 1907, was not related to the sovereignty of the FID area, but to the regulation of the whaling industry within it. Spurred by a consortium of Norwegian whaling companies, the Norwegian foreign ministry presented to the British a note protesting certain stipulations of the regulations. The protest was heeded by the British, and the regulations were adjusted through a new Whale Fishery Ordinance issued in 1908. Odd Gunnar Skagestad comments on how, despite these concessions, the Norwegian’s efforts to obtain relaxations in the regulations were prevailingly unsuccessful.³²³ This observation is based on material from the Norwegian foreign ministry’s archives. Skagestad does not, however, elaborate on any further applications the ministry might have made toward the British. In Johan Tønnessens treatment of the same archival material the exchange leading up to the 1908 Whale Fishery Ordinance is presented as more of a success. He cites how the secretary to the Norwegian Legation in London, Johannes Irgens, concluded that the British received the Norwegian protest in a “highly

³¹⁹ A number of companies had similarly acceded to British regulation of the sealing trade in the FID after the introduction of the Sealing Ordinance in 1899, further strengthening Britain’s right to manage the area’s resources. (Martijn Wilder, *Antarctica: An Economic History of the Last Continent* (Sydney: The University of Sydney, 1992), 42.).

³²⁰ Burnett, *The Sounding of the Whale*, 21.

³²¹ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 329f.

³²² *Ibid.*, 330.

³²³ Skagestad, *Norsk polarpolitikk*, 42.

forthcoming manner”.³²⁴ The company owners, meanwhile, “pronounced their great satisfaction” with the result.³²⁵ Tønnessen was not uncritical of how the matter was handled, however. When the original memo was handed over to the British in 1907, it included a paragraph protesting the system whereby a separate license, at a cost of £25 each, had to be issued for the four different island groups in the FID. Since whalers rarely knew exactly where the whaling would be best before the season started, this in effect meant that each expedition would have to take out four licenses per year, amounting to £100. Tønnessen speculates that this comment might have been what prompted the British to raise the price of the whaling licenses (which would now be valid for the whole of the FID) to £100. If the memo had been worded differently, this increase in the license fee might perhaps have been avoided, according to Tønnessen.³²⁶

It is tempting to view these two examples in connection with each other, as both the Letters Patent formally defining the areas contained in the FID and the revised Whale Fishery Ordinance were issued in 1908. The British might have hoped that the easing in the whaling regulations which the 1908 Whale Fishery Ordinance constituted, would forestall further complaints from Norway about sovereignty issues in the FID when the 1908 Letters Patent were issued – an informal quid-pro-quo, as it were. As they received no further complaints, the British perhaps concluded that the strategy had worked. It seems improbable that the matter was seen this way in Norway, however, as sources indicate that the Norwegian Government was unaware of the Letters Patent until the mid-1920s.³²⁷

Based on these two examples, a picture emerges of a Norwegian Foreign ministry which clearly had a certain amount of heft, and which certainly could influence the British Government. While the inexperienced foreign ministry can be said to have made certain miscalculations, they also succeeded in obtaining changes to the regulatory system which made it simpler and more cost-effective for the whaling companies. It should be mentioned, though, that the ministry mostly acted as an intermediary. There are no examples in the literature of the Norwegian foreign ministry taking action without being prompted by the Norwegian whaling companies. Whenever it did, however,

³²⁴ Quoted in Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 341. Translated from Norwegian by the author.

³²⁵ *Ibid.*

³²⁶ *Ibid.*, 340.

³²⁷ Skagestad, *Norsk polarpolitikk*, 43.

it clearly had an ability to affect British policy, probably with a greater weight than the whalers themselves could bring to bear.

Though this chapter has been concerned with the influence the Norwegian foreign ministry had on the regulations, this should not be taken to indicate that the above is inapplicable to the foreign ministries of other countries. Argentina and Chile, for example, was similarly positioned to Norway with regards to FID whaling and can be assumed to have had the same capability of influencing British policy as Norway did. When Pesca first established themselves – without permission – on South Georgia, for example, the British Government speedily settled the matter by issuing a lease to the company, even though the whole of South Georgia strictly speaking already had been leased to another contractor. The main reasoning behind the charitable attitude toward Pesca was, according to Ian Hart, a wish to avoid a delicate diplomatic incident with Argentina.³²⁸ Such a turn of events seems to indicate that the British were more than willing to negotiate with Argentina, thus allowing the Argentines a clear influence over FID policy.

Consequently, the governments of countries other than Great Britain, usually represented by their foreign ministries, constitute the fourth and final spoke in the bicycle wheel-model of how the regulatory system was shaped and developed.

6.6. Conclusion

As we have seen, the British regulatory system for the southern whaling industry was not built in a day, and neither was it constructed solely by one group or person. On the contrary, there were several parties involved in first constructing, and then managing and further developing this regulatory policy. Each of these parties wielded different kinds and degrees of influence, and they used them to varying extents and in different ways. In the end, the regulatory policy was constructed through the interplay of all these parties. In this chapter, we have examined five individuals, groups and institutions which clearly wielded such an influence on how whaling was regulated in the FID: The Falkland Islands Governor and his staff, the British Colonial office, the whaling companies, the South Georgia magistrate, and the foreign ministries of countries other than Great Britain.

³²⁸ Hart, *Pesca*, 70-72.

The picture which emerges through an examination of these various parties differs in emphasis from the common view among whaling historians that Allardyce should be accentuated as more or less solely responsible for the regulation of whaling in the FID. While this description is apt for 1906 and the next two years, it is less fitting for the latter part of his Governorship. We have seen how both the whalers and his own subordinates, such as the South Georgia magistrate, had their own needs, wishes and ideas which they brought to bear on the Governor. And more importantly, we have seen how Allardyce towards the end of his term as Governor had more or less completely been supplanted by the Colonial Office as the main arbiter of regulatory matters. Johan Tønnessen excepted, this dynamic between Allardyce and the Colonial Office is an aspect of the regulatory policy which has been under-communicated by later historians.³²⁹

This is not to say, of course, that Allardyce was not important, as the other parties' various complaints, instructions, questions, and requests all went through him and his staff. It was his job, with the help of his crew, to consider requests, implement instructions, evaluate policies, obtain necessary information, keep the Colonial Office informed, and fend off rule-breakers and offenders. Though the construction and development of the FID whaling regulatory regime was no doubt a complex and many-faceted affair, Allardyce stood at the center of it, as the quintessential man on the spot. If the many individuals, companies, and organizations which had an interest in tweaking the whaling regulations are seen as the spokes of a bicycle wheel, the Falkland Islands administration was the hub to which all of these spokes connected. Though such a view is neither complete nor free of exceptions, it serves as a good explanation of how the interplay of all these disparate parties and forces resulted in the FID system for regulation of whaling.

³²⁹ Tønnessen, *Den moderne hvalfangsts historie*, vol 3, 256.

7. Conclusions and final thoughts

The whaling adventure which took place in the Falkland Islands Dependencies (FID) in the years leading up to the first world war constitutes a fascinating and compelling research topic. As can be gleaned from this thesis' bibliography, I am not the first to attempt a study of the subject. Its historical importance can be demonstrated by a brief look at its consequences for the colony of the Falkland Islands: Before the first whalers arrived in Stanley in 1904, the colony was a small, comparatively insignificant outpost which cost the British Empire regular expenditures in upkeep. Eleven years later, in 1915, the colony had become economically secure, it had been connected to Europe through a permanent telegraphy station, and a number of auxiliary islands and territories had been firmly established as parts of the British Empire. These developments took place not only as a consequence of the fact that the FID proved to be attractive to whalers looking for new whaling grounds. They took place also due to the fact that the British authorities made provisions to harness the endeavors of those whalers to the benefit of the colony, and to the prolonged sustainability of the industry. This was done through the introduction of a comprehensive policy for the regulation of that industry. This brief summary, however, concerns only the effects the regulatory policy had on the Falkland Islands. It should be remembered that the policy is historically important not only in connection with the Falklands, but also in connection with the history of whaling and the history of the regulation and exploitation of natural resources.

As was eluded to in chapter 1, it is not easy to follow in the footsteps of Johnsen and Tønnessen and their *Den moderne hvalfangsts historie*. Their coverage of modern whaling history is thorough and comprehensive, and it has been further expanded upon in recent years by historians such as Ian Hart and Stephen Palmer. When I have here decided to add to their efforts, it is in an attempt to both broaden and deepen the picture painted by these authors of the FID regulatory policy. The broadening consists of expanding the discussion to include questions and subjects which have been largely neglected up to this point. This includes the role played by the on-site stipendiary magistrates employed by the Falkland Islands administration for overseeing the whaling grounds, the relationship between Governor Allardyce and the Colonial Office regarding the task of administering the whaling industry, and the regulatory precedents which influenced whaling regulation in the FID. The deepening consists of continuing the discussion where the above-mentioned authors left off, both by revisiting their arguments and conclusions in light of new information from the primary sources, by an increased level of detail in discussing the policy,

and by examining the policy independently, rather than placing it in a supporting role within a wider discussion.

At the close of this thesis, it might be helpful to revisit some of the most important aspects of the development and implementation of the regulatory policy discussed throughout the text. The aim will be to elucidate clearly both the most important findings central to this thesis, as well as the ways in which it contributes to previous research on the subject.

7.1. The regulation of whaling – a ramshackle affair?

The advent of whaling in the FID in many ways caught the local colonial administration off guard. When William Allardyce took up his post as Governor of the Falkland Islands in 1904, no clear policy in regard to whaling was in place, and there is no indication in the primary sources that Allardyce was aware of the great potential his colony offered for whalers. This potential would, however, in short order be made clear to him, first by reports of the whaling company *Compañía Argentina de Pesca*'s construction of a land station on South Georgia in 1904, and then by the Norwegian whaling manager Alexander Lange's arrival in Stanley the year after.

Seeing the possibility for the emergence of an extensive and remunerative industry, Allardyce set to work drafting a regulatory policy. His efforts resulted in the first lease of land for a whaling station on South Georgia, as well as the 1906 Whale Fishery Ordinance. With that, a system for the regulation of whaling was established. Though this system has been treated as a single unitary policy by previous scholars, it might be more useful to describe it as two separate regulatory regimes: The whaling at South Georgia was managed through leases, while whaling at the other Dependencies was regulated through licenses. Further regulatory measures were introduced separately for South Georgia and the other Dependencies through so-called "Whaling Regulations".

This achievement was, however, the result of a disorganized and tumultuous process: In the negotiations with Pesca, Allardyce acceded to what would amount to a significantly lower rent than he had initially suggested, and his attempts to regulate whaling with floating factories were marred by miscommunication and misunderstandings with the Colonial Office. As a result, many of the first whalers to arrive at the FID were all granted different terms. Allardyce further failed to consult the whalers themselves, and accordingly designed a system which would prove subject to great resistance from the whaling companies. Great distances, a lack of time, and no plans for how to

meet the demand represented by the whalers exacerbated the problems. Had it not been for this degree of disorganization, it is possible that the great redesigning of the regulatory policy in 1908 could have been avoided.

Despite this disorganization, however, Allardyce did not develop the regulatory policy through arbitrary guesswork. He must have been well aware of previous attempts to regulate sealing in his own colony, and the Colonial Office would most probably have provided him with information regarding whaling regulation in Newfoundland, and possibly also Scotland. These influences from the past have been alluded to by several previous authors, among them Tønnessen and Dickinson & Sanger.³³⁰ None of them, however, have gone beyond providing passing remarks on the similarities with the FID policy. By examining these similarities (and differences) in further detail, this thesis has shown that these past regulatory systems probably served as a basis for the system Allardyce instituted in the FID, and that many of the most central tenets of Allardyce's policy were all lifted directly – in full or piecemeal – from the FID sealing regulations or the Newfoundland whaling regulations. Accordingly, the FID whaling regulations had clear precedents in previous British attempts to regulate maritime resources.

There were also other considerations behind the FID regulatory policy which have received scant attention from previous historians. Of particular importance is the fact that Governor Allardyce consciously designed the regulatory policy in order to provide for a long-term, stable, and sustainable whaling industry. His letters to the Colonial Office make it clear that he believed that such an industry would be of far greater benefit, both to the whalers and to the colony of the Falkland Islands, than an intense but short-lived burst of whaling activity. This belief carried implications for the policy. Most importantly, it helps explain both the low fees for licenses and leases, and the importance placed on full whale utilization. While it is true that the introduction of a regulatory policy on whaling in the FID was characterized by internal disorder and disorganization, it is in other words not the case that the policy had no strategic basis.

³³⁰ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 112f; Dickinson and Sanger, "Modern shore-based Whaling in Newfoundland and Labrador," 115.

7.2. Securing British interests

Allardyce's efforts to regulate the whaling industry in the FID served to secure three objectives which were all of great importance to the British and to the Falkland Islands: Securing additional revenue for the colony, ensuring a sustainable industry through placing limitations on the exploitation of the whale stock, and securing British sovereignty over the areas which were attractive to the whalers. In general, the first one can be seen as the chief objective. The goals of ensuring a sustainable industry, and of securing sovereignty over the whaling grounds, were, in a sense, secondary objectives: In order to secure additional revenue for the colony, Britain needed to ensure her right to regulate the areas where the whaling took place. Similarly, the whaling industry would be of little benefit to the FID if it collapsed almost as soon as it was established. Though these objectives are never programmatically laid out in the primary source material, it is clear from Allardyce's correspondence that the Governor viewed them as particularly important, and that he actively worked to attain them in his work with the regulation of the whaling industry.

Revenue for the colony was ensured primarily through license fees and rent for land for whaling stations. For a short period between 1906 and 1908, a royalty was also placed on whales caught by the licensees. In addition came supplementary income in the form of port dues, sales of provisions, etc. The great expansion of whaling in the colony – the catch for the 1910/11 season equaled the combined catch of the rest of the world – ensured that these fees gradually added up.³³¹ By 1914, revenue to the colony had increased by approximately 50%.³³² In the 1920s, after Governor Allardyce had left the colony, revenue skyrocketed further, mainly due to a massive increase in the export tax on whale oil.³³³ In a sense, the foundation for this drastic increase in revenue after the first world war was laid during Allardyce's term as Governor, as he was the one who oversaw the original introduction of the export tax.

The efficacy of Allardyce's attempts to hinder over-taxation of the whale stock is more difficult to ascertain, as an adequate estimation would transgress both the scope of this thesis as well as the methods available to conventional historians. Suffice it to say that the whale stock of the FID suffered no great break down, as had happened in Finnmark in northern Norway, in

³³¹ Burnett, *The Sounding of the Whale*, 20.

³³² The Interdepartmental Committee, "Report of the the Interdepartmental Committee," 52.

³³³ Hart, *Whaling in the Falkland Islands Dependencies*, 276.

Newfoundland, and in Africa, during Allardyce's time as Governor.³³⁴ What is clear, however, is that the notion of ecological sustainability was familiar to and important for the British officials responsible for regulating the whaling industry, and that these concerns in turn influenced the way the regulatory policy was shaped and developed.

The whaling industry's impact on the extension of the British Empire throughout the southern Atlantic, however, is clearer. Before 1904, only South Georgia was generally treated as British territory – at least by British administrators, if not necessarily by foreign citizens. By 1915, British control had been firmly established not only over South Georgia, but also the South Shetlands, the South Orkneys, the South Sandwich Islands, as well as great parts of the Antarctic Peninsula. Some of these claims were – and still are – contested, but they have nevertheless remained robust up to the present day.³³⁵ While the connection between the emergence of whaling in the FID and the British sovereignty claims in the area is well established by previous research, little emphasis has been placed in the existing literature on the role Governor Allardyce played in the acquisition of these territories for Britain. Allardyce saw early on how important these areas could become as the whaling industry expanded and moved to claim them for Britain by earnestly campaigning for the cause in his reports to the Colonial Office.

7.3. Designing and implementing the regulatory policy – Allardyce and the Colonial Office

To a large extent, the regulatory policy was in its first years oriented toward the three objectives listed above due to the initiative of Governor Allardyce. In the extant literature, Allardyce's name is closely associated with the early regulatory system. This is for a good reason. As we have seen, Allardyce was initially granted broad authority over the development of the regulatory policy, and his hand is evident both in the Pesca lease and the Whale Fishery Ordinance on 1906. While he did seek confirmation from the Colonial Office before finalizing the documents, the early regulatory policy can reasonably be said to be a result mainly of Allardyce's efforts. The Colonial Office,

³³⁴ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 119f, 451f.

³³⁵ British claims to the Antarctic Peninsula, the South Orkneys, and the South Shetlands were however put on hold in 1961, when the Antarctic Treaty came into effect. Britain has however never renounced her sovereignty over these territories. Furthermore, South Georgia and the South Sandwich Islands, as well as the Falkland Islands themselves, were briefly under control of the Argentines during the Falklands War in 1982.

meanwhile, placed its trust on Allardyce and refrained from involving itself too much in matter relating to FID whaling.

By 1908, however, the Colonial Office had started to concern itself with the policy to a greater degree. This was a result first of the fact that the weaknesses of the 1906 policy had started to become clear – mainly through complaints from the whalers – but also of the fact that the potential for an extensive whaling industry in the FID had started to become more apparent. In the end, the policy was redesigned, and a new Whale Fishery Ordinance was issued in 1908, to a large degree against Allardyce’s wishes.³³⁶ Allardyce felt that the system with customs officers accompanying the expeditions, and with royalty fees per whale caught, was important for his and his staff’s capacity to oversee the industry. The Colonial Office, however, disagreed. From then on, the Colonial Office started to supplant Allardyce as the main decision maker regarding whaling in the FID. Allardyce’s suggestions would be subject to scrutiny to a far greater extent, and he more often had to accept decisions he did not agree with. The clearest example of this is the discussion regarding the ninth and final South Georgia lease in 1911, which was allocated against Allardyce’s recommendations.³³⁷ This does not mean, however, that Allardyce was relegated to the background: He was still in charge of administering the industry, and he retained the initiative in further developing the policy, for example through the issuance of “Whaling Regulations”. In other words, he remained the “man on the spot” until he finished his term as Governor of the Falkland Islands in 1915.

In short, the image of Allardyce as the main architect of the regulatory policy is not incorrect, but it should be coupled with the fact that he after 1908 gradually started to take a back seat with regard to important regulatory decisions, and that the Colonial Office from then on took far greater charge of the further development of the policy.

7.4. Other parties in whaling regulation: The South Georgia Magistrate, the whaling companies, and foreign governments

The dichotomy between Governor Allardyce and the Colonial Office is not in itself sufficient to fully explain the development of the regulatory policy in the years leading up to 1915. There were

³³⁶ An Ordinance to amend “The Whale Fishery Ordinance, 1908”, 1912 (National Archives CO 79/3).

³³⁷ Letter from Allardyce to the Secretary of State for the Colonies, dated August 2nd, 1911 (National Archives CO 78/119).

also a series of “third parties” with great interests in how the policy functioned and evolved over time. In order to see the full picture, these third parties have to be included in a description of how the policy was initially designed, and how it was changed and tweaked in later years.

The whalers themselves had an obvious interest in how the policy was shaped, and they occasionally brought their influence to bear on the Colonial Office in attempts to secure favorable whaling conditions. The most prominent example is probably the redesign of the Whale Fishery Ordinance in 1908, which came to pass largely as a consequence of the whalers’ ability to unite around their remonstrances, and to apply pressure on the Colonial Office to overrule the protestations of Governor Allardyce.³³⁸ As a result, the regulatory policy underwent substantial changes which to a great extent brought it in line with the wishes of the whalers. Also important to this process was the Norwegian foreign ministry, which took the job of settling the matter with the British Government on behalf of the whalers.

It would however be wrong to think that the regulatory policy was implemented fully against the wishes of the whalers. Though the whalers did lobby the British in order to secure their interests when they saw the need for it, the picture painted by the primary source material is one of careful cooperation rather than discontented disagreement. The whalers themselves, for example, often spoke favorably of the policy.³³⁹ Many had seen the rapid decline of the whale stocks elsewhere and had come to adopt the view that a certain degree of regulation was necessary to ensure a healthy whaling industry. This is another aspect of the FID regulatory policy which has been under-communicated in previous historical treatments.

A final figure which has been neglected in the literature on the FID whaling industry is the South Georgia Magistrate, as well as his colleague in the South Shetlands. Though the magistrates’ work was marred by logistical and infrastructural problems, they helped secure a steady stream of relatively trustworthy information to the Falkland Islands. They also provided helpful suggestions and opinions on the development of the regulatory policy: Many important regulatory matters, such as the injunctions against towing and buoying whales, were first brought to Allardyce’s attention by the magistrates and the customs officers.³⁴⁰ And finally, through providing a functional

³³⁸ Tønnessen, *Den moderne hvalfangsts historie*, vol 2, 339f.

³³⁹ *Ibid.*, 354; The Interdepartmental Committee, "Report of the the Interdepartmental Committee," 90.

³⁴⁰ Letter from Allardyce to the Secretary of State for the Colonies, dated February 15th, 1912 (National Archives CO 78/122) & Correspondence between Allardyce and the South Georgia Magistrate, dated January 20th, 1914 to March 6th, 1915 (SPRI MS 1228/6/9).

administrative outpost on the whaling grounds themselves, the magistrates at South Georgia and the South Shetland helped cement British sovereignty over the FID.

In my estimation, there are no examples of policies for the regulation of whaling from before the time of the first world war which were as comprehensive, as detailed, or as successful as the one instituted in the Falkland Islands Dependencies. At the close of this thesis, I wish to express my hope that this investigation of that policy might shed some light the questions posed in the introductory chapter, as well as help stimulate further research on the history of whaling and natural resource regulation.

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