Discovered, but almost immediately disputed. A European tug-of-war with the archipelago as the prize. More than that. For Spain it was their very monopoly over the Americas that they saw at stake. France was the first to settle the eastern island of the pair they named 'Malouines'; but by a whisker. The English arrived at the western Island twelve months later. Unaware of the French precedence. Two establishments on opposite sides of the Islands, each oblivious to the other. It seemed that the outcome must be a France versus Britain contest, but Spain was annoyed. Its ally, France, stealing a march was bad enough. England settling in seas that the Spanish had long believed to be theirs, far worse. This paper considers the various events in this short period.

1763 – January 3rd, off Montevideo, the Anglo-Portuguese fleet are ordered to attack Colonia de Sacramento.³

January 6th, during the engagement, Lord Clive is lost. The Anglo-Portuguese fleet returns to Brazil.

"It was deemed expedient to encourage some private adventurers to add to the other operations against so extensive a sphere of commerce, an attack upon the colony of Buenos Ayres in South America. The conquest of this place was doubly desirable, as it would afford great security to the Portuguese settlements, and prove, at the same time, an excellent station for farther enterprises against the dominions of Spain upon the South-Seas." ⁴


"On the establishment of peace between Great Britain and France in 1762, after what has been called the Seven Years War, M. de Bougainville, a Chevalier of the Order of Saint Louis and Colonel of Infantry, formed the

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¹ Falklands Wars – the History of the Falkland Islands: with particular regard to Spanish and Argentine pretensions and taking some account of South Georgia, the South Sandwich Islands and Britain’s Antarctic Territories by Roger Lorton LL.B(Hon), M.Phil. 2011 – 2019. Roger Lorton has asserted his rights under the Copyright, Designs and Patents Act 1988 to be identified as the author of this work.
² Commodore Byron January 15, 1765
³ British participation was organised via the East India Company but it is not clear whether this venture had the approval of the British Government. Newspapers referred to the Lord Clive as a Privateer, suggesting it carried Letters of Marque. Despite this, officers captured by the Spanish after the sinking of Lord Clive were treated as pirates and hanged on the spot. The reason I include this is to add some context to the events that followed two years later, and to show that the attacks against Buenos Aires in 1806/07 had their own history.
⁴ The History of Great Britain from the Death of George II to the Coronation... J. R. Miller 1831
project of a settlement on the Malouines, in the hope that it would be an inducement to the French East India Company to direct their China bound ships to navigate by the South Sea, making the Malouine Settlement serve them for a place of refreshment. This was a revival of Lozier Bouvet's scheme. 5

The plan is also referred to France's Colonies Minister, Jean Augustin Accaron, who requests more detail. 6

“We would arm two frigates of thirty guns each, with eighty men of crew, half of them carpenters, caulkers and port workers. To this we add forty Canadian soldiers and twenty Acadian families on each; these frigates will be given six months' food, and a transport ship will be added to them for another six months, with two large boats in tow, so that they can be assembled and armed on the spot, so that they can be used for fishing (whales) and go to the coast to find the supplies needed for the new colony.” 7

Accaron approves the provisional plan. But in the knowledge that the treasury is short of money which makes it unlikely that the Crown will agree to fund it. A problem that Bougainville is made aware of.

In February, to finance the expedition, Bougainville forms the Compagnie de St. Malo with his uncle Jean d'Arboulin and a cousin, Michel-Francois Bougainville de Nerville. 8

“Louis-Antoine de Bougainville brings 95,000 livres, Bougainville de Nerville, 70,000, the uncle of Arboulin, 31,000, and M. de Marville, 4,000, making a total of 200,000 livres.” 9

A Memoir arguing the case for settlement, together with a basic plan, is compiled for French Ministers. 10

“North America now belongs to the British, and there is no doubt that having sought before the war, on several occasions, a passage to the Pacific Sea, by Northern Hudson Bay, they (will) try to discover it by the West of Canada's lakes... They will also seek to open a crossing to the South Sea, and Anson, on his journey around the world, insists on the importance of settling in the Falkland Islands or on the Patagonian coast. Once this enterprising nation had discovered a port north of the Pacific Sea, it would become much more important for it to follow Anson's advice, and so it is of the last consequence, and for the safety and the extent of the French navigation, to warn (off) the English by settling, if possible, in the Southern Lands.” 11

February 10th, the Seven Years War ends with the Treaty of Paris. Britain, Spain and France at peace.

“Foiled and humbled in his hostile designs against England, the restless and vindictive minister of France (Choiseul) only meditated a more effectual and deeper vengeance. Even in signing the treaty, he looked forward to future retaliation, when England ... should be unprepared for the renewal of the contest.” 12

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5 A Chronological History of the Voyages and Discoveries in the South Sea or Pacific Ocean J. Burney vol.5 1817 p.143
6 Storms and Dreams: Louis De Bougainville: Soldier, Explorer, Statesman J. Dunmore 2005
7 Quoted in Bougainville navigateur et les découvertes de son temps J. Martin-Allanic 1964 pp.82-83 citing Arch. Col., C7, 509-510. More than 10,000 people of French origin were deported from the Canadian territories of Nova Scotia, New Brunswick and Prince Edward Island – an area known as Acadia – between 1755 and 1762. Many ended up in France, dependent upon the Crown for support; an expense that the French King was keen to see end. Renowned as a hardy people, used to adverse conditions, they seemed most suitable for relocation to the Falklands.
9 Martin-Allanic 1964 p.88
10 Memoire sur la découverte des Terres austales quoted in Dunmore 2005
11 Quoted in Martin-Allanic (1964 pp.78-81) citing Memoire sur la découverte des Terres austales Arch Min Col, C7 511
12 Memoirs of the Kings of Spain of the House of Bourban from the Accession of Philip the Fifth to the Death of Charles the Third W. Coxe 1813 vol.3
“... the essential objectives for France consisted, in the opinion of their minister (Choiseul), in the reconquest of Canada; the return of Louisiana to French control; cession of the Spanish part of Santo Domingo, in exchange for French help to incorporate Jamaica etc into the dominions of the Catholic King. These three clauses, constituted only a part of the project, whose main intention seemed to reside in obtaining in South America compensation for losses suffered in the north; ... and what was much more serious, the explicit claim to occupy the Falkland Islands and Juan Fernández.”

“While France lost the larger part of her former colonial empire, Spain was fortunate to recover most of her recent losses. With the exception of two small islands as refuges for her fishermen, France ceded to Britain all of her possessions in Canada (Articles 4, 5, 6.) ... and Spain relinquished all claim to a share in the Newfoundland fisheries (Article 18). Perhaps most importantly for Britain, the Treaty of Paris renewed without exception all existing commercial agreements between Britain and Spain, especially Keene's advantageous 1750 treaty (Article 2).... Charles III's plans to put an end to Britain's trade privileges with Old Spain suffered total defeat.”

During March and April, Bougainville submits a succession of detailed plans. Choiseul generally approves of these, but recognises that there may be a political problem with Spain.

“Does not Spain base its colonial property rights on the famous "Inter caetera" Bull which Pope Alexander VI published in 1493 and which "liberally" grants him all the lands discovered or to be discovered beyond a meridian passing a hundred leagues to the west of any of the islands called Azores or Cape Verde, ...”

Bougainville counters that Spain's privileges over unoccupied land had long been considered “obsolete.” Minister Choiseul also raises the events of 1749 and 1750 to show that Spain had not abandoned its pretensions. But he also notes that England had not been subdued by such Spanish claims. Responding, Bougainville cites Vattel's Law of Nations (1758).

“... Spain can not claim the Malouines Islands. This land is deserted...”

The French Minister is convinced; subject to Royal approval.

“Choiseul did not feel that the Spanish king would raise any strong objections to their colonization by their French cousins.”

May 10th, Minister Choiseul, gives the Government's blessing.

“Approved. Let M de Bougainville receive by way of loan, against his receipt, all that he requires in the way of military equipment.”

“... Bougainville is authorized to undertake an expedition intended first to occupy the Malouines Islands. Later, if this first establishment succeeds, it will be able to go to the discovery of the Southern Lands. The expedition will be made at his expense, but the minister will help him, underhand, as much as he can. The preparations

13 Malvinas: el conflicto Anglo-Espanol de 1770 Octavio Gil Munilla 1948 p.279
15 Quoted in Martin-Allanic 1964 p.84
16 Ibid.
17 Ibid. p.85
18 Dunmore 2005 p.94
19 Quoted in Dunmore 2005 p.94
must remain absolutely secret, and the results will remain so for as long as the Minister deems it necessary, so much to surprise the English as to spare the susceptibility of the Spaniards.”

"Choiseul saw the Peace of Paris as a humiliating disaster, which though it might have been worse needed to be redressed without delay. Until his fall from power at the end of 1770, Choiseul’s prime concern was his projected ‘revanche’ against England, to recover France’s lost colonial territories,... Britain could therefore safely assume continued French enmity after 1763,...”

Researchers’ Comment: The venture was a secret. All voyages of this type were, as they involved both strategic espionage and the hope of economic advantage. That a government kept its plans quiet and did not inform its competitors was not a sign of any doubts in the rights to venture out and seek unoccupied lands. The orders that Louis XV signed for Bougainville made no mention of the archipelago, in case he had to show them to anyone.

**June 18th**, William Henry Nassau, the 4th Earl of Rochford, is named as England’s Ambassador to Spain.

Bougainville oversees the final fitting-out of two ships at the Port of St. Malo in northern France.

“The vessels were built and equipped at St. Malo in the summer of 1763; the largest was a Ship mounting 24 guns, and having a crew of 100 men; she was named the Aigle, and commanded by le Sieur Ducloz Guyot of St. Malo. The other was a Sloop named the Sphinx, carrying eight guns and 40 men, and commanded by M. Chénart de la Gyraudais.”

**August 1st**, Choiseul and Bougainville meet in Paris, where the latter asks that he receive a grant of all the lands he may discover. Choiseul agrees. Bougainville’s instructions are also to search for Pepys Island which, if found, he is to take possession in the name of Louis XV. Once at the ‘Malouines’ he is to taken them into possession also. The orders require that Bougainville avoid Spanish settlements in South America. Once established in the Malouines, news should be sent directly back to Paris.

**August 14th**, King Louis XV formalises the arrangements, albeit without specifics.

“... I am writing this letter to inform you that my wish is that you should proceed to Sain Malo to take over command of the frigate Aigle, in which you will embark, and of the corvette Sphinx commanded by Lieutenant de La Giraudais, to sail to the regions mentioned in your instructions and carry out the observations I have requested you to.”

**August 23rd**, Bougainville returns to St. Malo to oversee the final arrangements. Passengers include Lhuillier de la Serre and Dom Pernetty on the King’s instructions. The first as engineer-geographer, and the latter as an observer. Also: “... there are 114 Bretons, almost all of Saint-Malo, Saint-Servan or surrounding parishes; 39 Acadians or Canadians, 6 Parisians, 3 Normans and 6 people of various origins.”

**September 15th**, Bougainville departs France in the frigate, Aigle, accompanied by the corvette Sphinx.
“... the Eagle, of twenty Guns, commanded by Capt. Duclos Guyot; and the Sphinx of ten Guns, commanded by Capt. Giraudais Chenard; both under the Direction of Monsieur de Bougainville. These vessels sailed last September; and it was at that Time given out that they were gone to the East-Indies.”

“... the Spain of Carlos III was completely different from that of Fernando VI; ... If Choiseul had understood, he would have realized the effect that his project would produce in the Madrid Court.”

**December 6**th, Britain’s new Ambassador arrives in Madrid. Rochford promptly presents London’s demand for payment of the *Manila Ransom* – the outstanding bill for 2 million dollars ceded by Archbishop Rojo of Manila in 1762.

“The Archbishop might as well have drawn on the King for the province of Grenada, or agreed to deliver up the city of Madrid. My master will wage eternal war, rather than submit to pay a single pistole of so degrading a demand; and I myself will rather be cut to pieces, than make so dishonourable a proposal.”

“It was an absolute refusal. Grimaldi told Rochford at his house that Charles III had given positive orders not to countenance the draft of the Archbishop of Manila.”

**December 28**th, three days ahead of Sphinx, Bougainville arrives at Montevideo with Aigle, defying Choiseul’s instructions not to visit Spanish ports.

“I sent to the city, (to) inform the governor of my arrival... He sent me the captain of the Sainte-Barbe, a 50-gun Spanish ship, anchored in the harbor, to pilot us there. I went to see Don Joseph Joaquin de Viana, infantry brigadier, governor of Montevideo and asked him permission to make water and take refreshments.”

**1764 – January 2**nd, Bougainville informs the Governor of his intention to sail, but is elusive as to where.

“... the quantity of water, flour and animals M. de Bougainville asked for, excited the curiosity of the Governor with regard to the design of our voyage. ... The Governor afterwards desired M. de Bougainville to permit him to take a copy of the orders he had received from the King of France ... because he was obliged to send it to the court of Spain, together with a circumstantial account of our anchorage. M. De Bougainville readily complied with his request.”

Presented with Louis XV's vague orders with references only to the making of 'observations' in those seas, Governor de Viana becomes suspicious and writes to inform Madrid.

**January 16**th, Bougainville departs the Rio de la Plata, after taking on supplies, horses and cattle.

**January 30**th, the crew of the Sphinx see the Malouines.

“... on Tuesday January 30 at six o'clock in the morning we had acquaintance of land to the east of us distant six leagues in latitude fifty degrees the fifty eight minutes and longitude, Meridien Paris...”

27 *Extract of a Letter from Paris, July 9 (1864) published in the Daily Mercury Friday July 20, 1764*
28 *Munilla 1948 p.280*
29 *Grimaldi quoted in Coxe 1813*
30 *Rice 1973 p.292*
31 Quoted in Martin-Allanic 1964 p.141
32 *The History of a Voyage to the Maloine (or Falkland) Islands), made in 1763 and 1764, Under the Command of M. de Bougainville, in order to form a settlement there Dom Pernetty 1771. See https://falklandstimeline.files.wordpress.com/2018/01/pernetty.pdf*
33 *A Voyage Round the World performed by Order of His Most Christian Majesty in the Year 1766, 1767, 1768 & 1769*
February 3rd, the French expedition enters a bay. Bougainville sends a boat party out to reconnoitre under the command of Donat de la Garde.

“... coming to the eastern extremity of these isles, I entered a great bay on the third of February, which seemed very convenient to me, for forming the first settlement. The same illusion which made Hawkins, Woods Rogers, and others, believe that these isles were covered with wood, acted likewise upon my fellow voyagers. We were surprised, when we landed, to see that what we took for woods as we sailed along the coast was nothing but bushes of a tall rush, standing very close together. The bottom of the stalks being dried, got the colour of a dead leaf to the height of about five feet; and from thence springs a tuft of rushes, which crown this stalk; so that at a distance these stalks together have the appearance of a wood of middling height. ... In the various excursions, which I immediately ordered, and partly made in the island myself, we did not find any kind of wood; nor could we discover that these parts had been frequented by any nation. I only found, and in great quantity too, an exceeding good turf, which might supply the defect of wood, both for fuel, and for the forge; and I passed through immense plains, everywhere intersected by little rivulets, with very good water. Nature offered no other subsistence for men than fish and several sorts of land and water fowl. It was very singular, on our arrival, to see all the animals, which had hitherto been the only inhabitants of the island, come near us without fear, and shew no other emotions than those which curiosity inspires at the sight of an unknown object.”

“The Sound went six leagues deep into the land; the entrance was above a league wide, and the anchorage and depth of water as good and convenient as could be desired. It was named Acarron Bay.”

“On 3 February 1764 they sailed into what is now Berkeley Sound in north-eastern East Falkland, and during the next few weeks, at a place Bougainville named « Port Louis », beside a rounded inlet later known in English as the "basin" off the north shore of the Sound, ...”

February 4th, the French expedition reconnoitres the surrounding territory.

“On the 4th, he sent Saint-Simon, with the two Donats of the Sphinx, to visit the north of the country. The same day Duclos-Guyot and La Giraudais climbed one of the mountains on the southern shore of the bay they had noticed when entering. They planted at its summit a cross three feet high, which they sunk into a hollow of a rock. It is a (sign) that will guide them to find their way inside the bay during future trips. This height is called the Mountain of the Cross.”

“Bougainville and his principal officers also visited the southern part, while hunting.”

February 17th, sitting out a storm, Bougainville decides that the bay will be the location of his settlement.

“The season already advanced does not allow me to undertake further research. ... I established the camp on a stream, with the inclination of a hill sheltered by the prevailing winds.”

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1772 L. A. Bougainville 1772. In The History of a Voyage to the Maloine (or Falkland) Islands), made in 1763 and 1764, Under the Command of M. de Bougainville, in order to form a settlement there A. J. Pernetty (1771) the author gives the date as the 31st.

34 The Gentleman's Magazine vol.42 1772. Subsequently named by the British, Berkeley Sound.
35 Bougainville 1772
36 Burney vol.5 1817 p.145
37 Falklands Facts and Fallacies: The Falkland Islands in History and International Law Graham Pascoe 2020
39 Martin-Allanic 1964 p.150
“On Friday, 17th I landed with tents, the families and part of the crew... I ordered M. Lhuiller, the engineer, to draw up plans for a building that would take 30 people as well as the material needed to set up a colony... on the 19th we began to break the ground” 41

February 19th, the settlers start to construct a single large building for accommodation and storage. The first building in what is to be known as Port St Louis, named after the French King.

“The house... will be 25 toises long by 6 wide and 11 to 12 feet high; it is therefore leaning against the hill, the wall of the bottom projecting above the ground. The roof has only one slope. It is made of glary, this grass 4 to 5 feet long that is found everywhere in the island, and supported by a framework of 39 rafters 15 feet long and 10 of 12 feet for which one sacrificed oars, staves and woods that had been embarked on St. Catherine's Island, and even a dismounted carriage that had been taken away 74. It is this vast building which shelters the entire colony. It includes from the left: a shop, an accommodation for officers, a dining room, a kitchen with baker's oven, a house for servants, one for sailors, one for families and a stable.” 42

“There wasn't enough wood, so even the oars were sacrificed to use as building tools.” 43

“...they constructed the first buildings in the islands, including a cross-shaped stone house for the governor with an octagonal central room...” 44

41 Bougainville quoted in Dunmore 2005
42 Quoted in Martin-Allanic 1964 pp.154-155. In the 19th Century, a toise was equivalent to 2 metres
43 Scavenec 2005
44 Falklands Facts and Fallacies: The Falkland Islands in History and International Law Graham Pascoe 2020
February 25th, Bougainville adds defences to the settlement’s plans.

“... M. de Bougainville proposed at breakfast to both land and sea officers, to undertake the erecting of a fort upon the rising ground forming the hill, on which the habitation or place of residence was built for the colonists, who were to remain on the islands.” 45

March 7th, in England, Secretary of the Admiralty, Philip Stephens, writes to the Navy Board directing that they find a ship; “... of twenty-four guns to be sheathed with Copper, & fitted for a voyage to the West Indies.”

“When the Earl of Egmont was at the head of the Board of Admiralty in 1764, he took up this idea of Lord Anson’s; and.., he laid a plan for forming a settlement in the South Seas, before his Majesty in council. The King and Council approved of it. The situation of Falkland’s Islands was supposed to be of the greatest consequence to the Spanish trade in South America; and as they were supposed to contain several very spacious harbours, it was thought that the being in possession of these islands would be as the key to the South Seas, from which we should be able to make continual excursions to the continent, and have it also in our power to intercept their ships, and distress their trade.” 46

“Taking advantage of the favourable situation brought about by England's successes against Spain in the last months of the War, 1762-3, Egmont proceeded to put Anson’s plan into action,...” 47

March 8th, the Navy Board propose that the Dolphin would be suitable for the proposed voyage.

March 21st, at Port Louis, a small pyramid is constructed in the centre of the fort. Inside is placed a silver plate.

“Découverte
Etablissement des Isles
Malouines, situées au 51d.30m.
de lat. Aus. et 60d.50m. de long.oc.Mér.
de Paris par la Frégate l’Aigle, Capit.
P. Duclos-Guyot, Cap. de Brulot, et la Corvette
le Sphinx, Cap. F. Chenard-Gyraudais, Lieuterant
de frégate, armées par Louis de Bougainville
Col. d’Infanterie, Cap. de vaisseau, Chef de l’Expédition
G. de Bougainville de Nervile, volontaire, et P. D’Arboulin
Administrateur Général des Postes de France
Construction d’un fort et d’un obélisque
décoré d’un médaillon de S. M. LOUIS XV
sur les plans d’A. L’Huillier de la Serre
Ingénieur Géogr. des camps et armées
Servant dans l’Expédition; sous le
Ministère d’E. de Choiseul, Duc
de Stainville, En février
1764.”

45 Pernetty 1771
46 The Gentleman's and London Magazine: Or Monthly Chronologer November, 1770 p.683. The two nations were at peace. A situation unlikely to last. Non-payment of the outstanding ransom money may also have been a factor. cf. 1762 & 1763
47 Carterets Voyage Round the World 1766-1769 H. Wallis (ed.) 1965
Also a sealed glass bottle, containing names, ranks and countries of both ship's companies. Inscriptions giving
details of the expedition, its leaders and the latitude and longitude readings are set into one side of the pyramid.
Two wooden medallions with the bust of the French King, and the Arms of France are set into the other faces.

“When founding the colony on the islands, for example, both Bougainville and its onboard chaplain, Antoines-
Joseph Pernety, narrate how an obelisk is built and decorates one of its faces with an effigy of the king. Under
it are buried coins and a medal that clearly establishes French possession over them. The fact that the company
has not been financially sponsored by the Crown but has had its political endorsement is also significant in this
regard.”

In England, John Byron is commissioned commander of Dolphin, with James Cumming as Lieutenant.

“... Byron was ordered to use dispatch in getting her ready for sea.”

“The Dolphin Man of War is come into Woolwich Dock, in order to be sheathed with Copper, being
ordered to the East-Indies. It is said this Method will be practised in the Navy, especially in the smaller
Ships, as in the End it will be cheaper than the former Method, and will preserve the Stationed Ships
entirely from the Worms.”

March 28th, Byron takes command of Dolphin, while a second ship, Tamar, also begins to fit-out at Deptford.

“It is now said, that Capt. Byron will have the command of a small squadron for a secret service,
supposed for the East-Indies.”

April 5th, at Port Louis, a 21 gun salute heralds a ceremony to take formal possession of the islands.

“All the company being assembled at the fort, the pyramid was opened; I then solemnly sang Te Deum,
after that the psalm Exaudiat, then thrice Dominesahum sac regent. After this I rehearsed the verse Fiat
manus tua, Domine, super virum dextera tuce ... We cried Vive le Roy seven times and fire twenty-one
cannon. We cried again Vive le Roy seven times. M. de Bougainville then produced the king's
commission, appointing a governor in the new colony, which was delivered to M. De Nerville, who was
immediately received and acknowledged...”

“... the refreshments of the ships being ready, the habitation and the fort completed, I solemnly took
possession of this new land in the name of the king.”

48 Revelaciones de un manuscrito francés sobre las islas Malvinas: Louis-Antoine de Bougainville en los contornos de la
América hispana (1767) Carolina Martínez 2017
49 Byron's Journal of his Circumnavigation 1764-1766 R. E. Gallagher 1964. Byron had been a midshipman in Anson's
fleet; had been marooned in South America and had knowledge of those seas. See also A Voyage Round the World In his
Majesty's Ship the Dolphin Commanded by the Honourable Commodore Byron.... By an Officer on Board the said ship
Anon. 1767 Printed for J. Newbery, London. Possibly by James Cummings, Byron's second-in-command. There were
two unofficial versions published shortly after Byron's return, both most likely written by what was then described as
Grub Street Hacks (journalists). A third version (in Hawkesworth's Voyages 1773) was commissioned by Lord
Sandwich, the First Lord of the Admiralty, but has been considered unreliable. In accordance with Admiralty policy at
the time, the records of both officers and crew were required to be handed in on the vessel's return to England. See
50 Derby Mercury Friday March 23, 1764 p.2
51 Caledonian Mercury April 4, 1764
52 Pernety 1771
53 Bougainville quoted in Martin-Allanic 1964 p.157
“There is... no doubt that in 1764 there were no valid restrictions in international law for navigation to and settlements on the Falkland Islands. Legally, the situation was completely open. Claims to the islands could not be based on general hemispherical or other monopolies, but only on occupation and settlement. Mere discovery was rarely recognized as conveying full title at that time, ... The French, therefore, undeniably acquired a good title to the archipelago, or at least to part of it when Bougainville, in 1764, formally took possession and founded a settlement.” 54

Sphinx departs the French settlement, sailing for Guadeloupe in the West Indies. 55

“... Bougainville, calculating the financial results of the expedition, had decided to send the corvette the Sphinx to sell to Guadeloupe the food and articles which could be disposed of (wine, brandy, soap, etc.) as well as seal oil for sweets and, from there, to pick up for France with a load. The Eagle, on the contrary, had to take its cargo on the spot (pelts, seal oil, etc.) and return directly to France.” 56

A boy, Francois, is born at Fort de St. Louis to Augustin Benoit and Francoise Terriot. 57

April 8th, Bougainville departs on Aigle leaving his cousin in charge – Bougainville de Nerville. 58 Those remaining total 29. 59

“Bougainville gives the list. "M. de Bougainville de Nerville, commandant, M. Martin, writer and storekeeper, and M. Basle, assistant surgeon," form the staff. They have under their orders: a carpenter, a master blacksmith, a master stonemason who is also a carpenter, a master gunner and a master baker, a second carpenter, two carpenters, a second gunner, a caulker and four sailors. The civilian population includes two Acadian families: the Boucher family of seven and the Benoit family of five. They were given cows, calves, sheep, swine. The horses that had been loaded at Montevideo had escaped and could not be taken back.” 60

“The Colony left in Acarron Bay consisted of the two Acadian families, in number, reckoning children, ten persons; and eighteen men who volunteered from the crews of the two vessels to remain.” 61

May 4th, in England, newspapers consider the true purpose of the proposed voyage of Dolphin and Tamar.

“His Majesty's Ship Dolphin, and Tamar Sloop, are sheathing with Copper, the former at Woolwich, which is said will be finished about Monday next; and the other, at Deptford, will not be finished quite so soon; the Hon. Capt. Byron, Brother to Lord Byron, Brother to Lord Byron, has the Command of the Dolphin, and Capt. Mount that of the Tamar; they are to proceed in company, but the Destination is not made publick (sic).” 62

“On the other hand, it is said, that they will proceed to North America, with proper artists on board, to take a general survey of the coasts, with the capes, head-lands, promontories, gulphs (sic), rivers, and every other thing that may relate to a perfect knowledge of that vast region, and its navigation,...” 63

55 A Chronological History of the Voyages and Discoveries in the South Sea or Pacific Ocean James Burney vol.3 1813
56 Martin-Allanic 1964 p.157
57 Exact date unknown. Francois had his marriage revalidated at St. Pierre on August 4, 1791 and his place of birth was noted in the record. Information on the Benoit family provided by David Ambrose Field of Newfoundland.
58 Robson 2005. Pernetty 1771. Scavennece (2005) gives Bougainville's departure date as April 9, 1764
59 One Acadian family had disembarked while still in sight of the French coast.
60 Martin-Allanic 1964 p.158
61 Burney vol.5 1817 p.146
62 Derby Mercury Friday May 4, 1764
63 Aberdeen Press & Journal May 14, 1764
May 10th, *Dolphin* is re-launched at Woolwich.

June 5th, Admiralty orders raise the compliment of *Dolphin* is to 150 men. That of *Tamar* to 100. Other instructions remind the dock's officer-in-charge of the need for security.

“... no Foreigner of any Rank or Character whatever be admitted, upon any pretence, to visit His Majesty's said Yards, Docks, or Magazines, as they will answer the Contrary at their Peril.” 64

On the same day, the *Gazeta de Madrid* speculates on the destination for Byron's upcoming voyage.

“... the English were working on to cover with plates of Copper the Dolfin warship and the Tamar chalupa [sic], that they had to leave together, hiding their true destiny, because some said it was the East Indies, and that Captain Byron, who was riding the Dolphin would take command of the ships of the King that they were in that part of the world ... and others were of opinion that these two casualties would go to North America.” 65

“In Spain the purpose of the expedition was not known, but the appointment of Byron, one of the companions of Anson, the nature of the preparations and the secrecy, raised vehement suspicions of him heading towards the South Sea.” 66

June 9th, *Dolphin*, refurbished, sails to Long Reach to take on her guns and to rendezvous with *Tamar*. Before moving on to the Downs.

June 11th, from Madrid, Chief Minister Marquis Pablo Jerónimo de Grimaldi writes to his Ambassador to the French Court. A letter has been received from the Governor of Montevideo. Grimaldi instructs Fuentes, to find out more about Bougainville.

“Upon being made aware of the arrival in Montevideo of two French frigates, Grimaldi, obeying Royal Orders, relayed to the Ambassador to Paris, Count Fuentes, a note from Arriaga inquiring about the purpose of the trip and ordering him (to) "warn French officers who go to America, do not claim (rights) under the Family Pact there."” 67

June 15th, the *Gazette d’Amsterdam* reports the imminent departure of an English expedition.

“The government has given orders to equip a small squadron which it intends to sail around the world to make observations ... This squadron, it is said, will first direct its navigations in righteousness to the East Indies.” 68

“The purpose of this voyage was kept secret.” 69

June 17th, Commodore John Byron takes command of *Dolphin*.

“On the 17th, Byron, who had rejoined the ship, was ordered to take the Dolphin from the Downs to Plymouth Sound, there to take under his command the Tamar, to pay the crew two months’ wages in advance, then to

64 PRO ADM 2/234
65 *Gazeta de Madrid, June 5, 1764*, (22) quoted in Munilla 1948 p.21. See also *Iberian Visions of the Pacific Ocean 1507-1899* R. Buschman 2014 p.59
66 Munilla 1948 p.21
67 Martin-Allanic 1964 p.174 citing *Simancas, Estado Leg.* 6.957
68 Munilla 1948 p.13 citing *Grimaldi a Fuentes: June 11, 1764. A. H. N. State* 2.858. Julián de Arriaga was Spain’s Minister for the Indies.
69 Quoted in Martin-Allanic 1964 p.384. My emphasis.
70 *The Malvinas/Falklands Between History and Law* M. G. Kohen & F. D. Rodríguez 2017 p.33. It made no sense to announce one's intentions to one's competitors; France had not made public Bougainville's voyage although, with Spain, France and Britain each maintaining an extensive network of spies, little actually remained secret for very long.
sail at 'the first opportunity of wind and weather', then 'to open the inclosed sealed Packet and follow such Instructions as are therein contained for your further proceedings.”  

**June 18th**, Byron is appointed 'Commander in Chief of His Majesty's Ships and Vessels employed & to be employed in the East Indies.'  

**June 25th**, Bougainville arrives back in France.

"Upon the 25th of the last Month, the Eagle having put Monsieur Bougainville on Shore at Morlaix, proceeded to St. Malo, while that Gentleman came Post to Court, where he was very well received and exceedingly caressed by the Ministers. All imaginable Precautions were used to prevent the Secret from transpiring. However, it is known that the Contents of his Report were, that in Pursuance of his Instructions, he had discovered a very fair and fruitful Island two hundred Leagues in Extent, very advantageously situated; and from which great commercial Benefits might be expected; that he had constructed a tolerable Fort, defended by fourteen Pieces of Cannon, a fair House, large Magazines, and had left a sufficient Garrison to maintain the Possession, with the News of which he had dispatched the Sphinx to Guadalupe. ... It appears, however, now to be a single Island, of the Extent before mentioned, very fair and fertile, abounding with large Woods, many fine Harbours, all the Necessaries of Life in great Plenty, ...”

**June 28th**, arriving at Versailles, Bougainville presents himself to the court, seeking an interview.

**June 30th**, Bougainville provides an enthusiastic description to Choiseul before asking that the King adopt the new colony as his own.

"This island is abundant in mines, especially iron, and in charcoal, ... meadows, poultry, seals, whales, and other productions as useful to life as to to provide various branches of commerce,...”

# Researcher's Comment: Formal adoption was an important part of the process of reducing unoccupied land into sovereign possession. Bougainville’s orders had required him to declare the islands subject to his King’s sovereignty, but this required some form of ratification. Without some acknowledgement, the legality of the claim could have been questioned. See 1820.

Bougainville adds that the colony is in need of reinforcing, with more settlers.

"M. de Bougainville proposes to send at present 50 Acadians or Canadians, men, women, children and workers of all kinds, with some food and tools and other effects necessary for this establishment; to dispatch for this purpose the frigate the Aigle which he has returned, and add two gulls, who will be engaged in fetching the timber in the Straits of Magellan, ... The gullets will be used at the same time to go around the island Malouine to visit and probe the coast. The settlers who stayed in the island are extremely happy with this stay and the fertility of the land. If after this second sending, the colony succeeds it will be possible to increase the

71 Gallagher 1964  
72 PRO ADM 6/20. The route to India required ships to sail via Brazil where they could pick up the winds. Byron arriving at Rio de Janeiro, therefore, would not raise any eyebrows. The deception was sufficient to convince the East India Company, which requested that its mail go with Byron. This title was only removed after Byron's return to England in 1766.  
74 Quoted in Martin-Allanic 1964 p.166
population there, to establish a small garrison there, and to grow crops of grain and cattle for the southern colonies, and even to build ships there by means of the forests of the Land of the States, which is only distant 150 leagues.”

Choiseul directs Bougainville's attention to the Gazette de Holland of June 15\(^{th}\) concerning the British squadron.

“Despite the discreet form of this information it will be understood that it is the officers of the Anson squadron who are going to direct this expedition, and that it is the doctrines of this admiral which will serve them as law. There is every reason to believe that they will look for Pepys Island and the Falkland Islands, our Malouines: Bougainville can only be congratulated for having preceded them. There remains the question of informing the Spaniards of our new establishment. ... However, the thing is delicate...”

“Final negotiations proved difficult as La Gazette de Hollande announced that a small English exploratory fleet was preparing to leave for the Malouines Islands area. ... Bougainville felt France was within her right to colonize the Malouines as Spain did not move to do so.”

Bougainville argues that Spain has no rights to unoccupied land far from its coasts. Choiseul is less certain, so he consults an expert on the intricacies of Spanish politics. Clergyman Abbe Augustin de Béliardi. Béliardi is sceptical. He does not believe that the Spanish see France as a friend, despite the Family Compact, which Madrid views only as a diplomatic necessity.

“The duke informs Father Béliardi of the facts. If the English are allowed to settle there, it is unlikely that Spain can drive them out. The best interest of the Bourbon policy demands that the Falklands belong to them, and the deficiency of Spain obliges the French to occupy them. Bougainville is convinced that Spain has no claim to the

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75 Quoted in Martin-Allanic 1964 p.166
76 Ibid. pp.166-167
77 Scavennece 2005
Falklands. The famous bull of Pope Alexander VI was not attributive, but merely optional. Moreover, can Spaniards claim islands they have never occupied and whose exact position they do not even know?" 78

Béliardi also has doubts about French claims of discovery.

“... the British and the Dutch could equally well make a similar assertion.” 79

Despite his doubts, Béliardi agrees to assist in an attempt to persuade the Spanish that having French islands near the Strait is a good idea. That, to counter the threat of a British base in those regions, it is in Spain's interests not to object. As a newly appointed French Ambassador is about to depart for Madrid, Choiseul decides to use him to introduce the subject and to thank the Spanish King for Montevideo's assistance. Bougainville is tasked with the preparation of two reports. The first to announce to the Spanish court the new establishment in the 'Malouines.' The second, to seek adoption of the new colony by King Louis XV. Both to be handed to Choiseul.

“Bougainville ran up against an insurmountable problem: Spain operated a policy of mare clausum ["closed sea"], attempting to completely exclude all other countries from trading with the Spanish South American empire. That policy lasted until the Nootka Sound Convention forced Spain to back down in 1790.” 80

July 1st, Bougainville presents the first demanded 'Memoire'; written with the help of the Abbe Béliardi – Memoire for announcing at the Spanish Court our establishment in the Malouines Islands. 81

“The English have, at all times, intentions on the South Sea Trade. They wished to have in the neighborhood an establishment which put them in a position to take part in this commerce, that is, to invade it. The voyages of Wood, Narborough, Knight Raleigh, along the Patagonian coast and in the Straits of Magellan, (and) the recent expedition of Admiral Anson, the memoirs of this Admiral ... and of several others presented to the English Nation are the proof of their projects in this regard. The English never depart from a system which they have once thought advantageous to their commerce, and sooner or later they execute it. ... If England (executes) her project of an establishment within reach of the South Sea, with the preponderance which gives her today a huge navy, all formed, should not Spain fear for the treasures of Chile and Peru? The interest of Spain has become more than ever personal to France. ... These considerations – and the certainty that the English now wished to form an establishment within reach of the South Sea – have determined His Most Christian Majesty to prevent them and to establish, within reach of the Indian and Southern Seas, an observation post from which one can shed light and stop in this respect all the steps of these ambitious traders. His Majesty has made Malouine Island, which had at the beginning of this century, been seen by Malouin vessels going to the South Sea. ... Now that this island is recognized, that its first establishment is defended by a fort, it can no longer be abandoned. If we do not protect it from insult, it is to deliver it and, with it, the South Sea to the English.”

The memoire goes on to request regular supplies from Montevideo, in exchange for free access to the ports of Malouine Island. Choiseul emphasises to Béliardi that France will only consider abandoning their new territory if the Spanish are prepared to, “settle there in a serious manner.” 82

78 Martin-Allanic 1964 pp.167-168
79 Dunmore 2005
80 Pascoe 2020
82 Dunmore 2005
“... it is absolutely necessary that one of the two nations be firmly established there.” 83

July 3rd, Byron in the Dolphin, accompanied by the frigate Tamar (Capt. Patrick Mouat), sails from Plymouth; “The Wind being favorable, the two Ships are Unmooring.” 84

“Staffs and crews are trained. The Honorable John Byron, Chief of the Expedition, will at the same time command the Dolphin, on which he takes as second captain James Cumming, two other lieutenants, twelve midshipmen, eight petty officers, and one hundred and fifty crewmen. The command of Tamar is entrusted to Captain Mouat, who is assisted by Philippe Carteret, Esq. as a first lieutenant and a second lieutenant. They embarked, in addition six aspirants, six petty officers and ninety men crew. 85

Out at sea, Byron opens his orders signed by Lords Egmont, Carisfort and Howe. 86

“Whereas nothing can redound more to the honour of this Nation, as a maritime power, to the dignity of the Crown of Great Britain, and to the advancement of trade and navigation thereof, than to make discoveries of countries hitherto unknown; and to attain a perfect Knowledge of the distant Parts of the British Empire and whereas his Majesty's islands called Pepy's island, and Falklands islands, lying within said tract; have never yet been sufficiently surveyed as that an accurate judgment may be formed of their coasts and product: his Majesty; conceiving no conjuncture so proper for an enterprise of this nature; as a time of profound peace, which his kingdoms at present happily enjoy, has thought fit that it should now be undertaken. ...” 87

“The claim to the possession of the islands thus set forth, could only have rested on their supposed first discovery by Davis or Hawkins, and the visit made to them in 1690 by Strong...” 88

“The task was entrusted to Commodore John Byron, and the preamble of his instructions drew attention to the fact that "His Majesty's islands, called Pepy's Island and Falkland's Island" had been "first discovered and visited by British navigators," and that a careful survey of their coasts and products was called for.” 89

“The task imposed on Commodore Byron was abundant, varied, glorious: 1 A search for southern lands in the South Atlantic...; 2 Researching the island of Pepys and the Falkland Islands to create an establishment that will be the key to the South Sea; 3 Recognition of Patagons...; 4 Searching in the South Sea for a place of relaxation that is the counterpart of the island of Pepys or the Falkland Islands in the Atlantic; 5 Searching for a passage in northwestern America to get from one ocean to another...” 90

“... it was the abortive 1749 expedition writ large.” 91

83 Choiseul quoted in Martin-Allanic 1964 p.172
84 ADM 1/1494. A narrative of the voyage, written the first person (a literary device?), can be found in An Account of the Voyages Undertaken by the Order of His Present Majesty for Making Discoveries in the Southern Hemisphere John Hawkesworth, vol.1 1773. Martin-Allanic (1964 p.388) dates the departure as June 23, 1764
85 Martin-Allanic 1964 p.383
86 Quoted in full in Gallagher 1964 pp.3-9
87 These instructions were not immediately conveyed to the other officers or crew. Byron's voyage was to be one of reconnaissance; to identify potential bases in both the South Atlantic and the Pacific Oceans. He was also ordered to seek the fabled north-west passage from the far side. Any information Byron brought back would have been of commercial value worthy of security. Coincidently, the British warship Falkland had been the first vessel that Byron served on after joining the navy.
88 The Falkland Islands, a Memoir, descriptive, historical, and political R. Greenhow 1842
89 Memorandum on the Falkland Islands 1947 in LCO 2/490
90 Martin-Allanic 1964 p.385
91 Williams 1999 p.234
July 6th, just before Abbe Augustin de Beliardi is ready to leave, Spain's Ambassador demands an urgent meeting with the French Ministry. When Count Fuentes comes before the Minister, Choiseul takes the lead by handing over a document outlining the reasons for Bougainville's arrival at Montevideo and thanking the Spanish Governor for the help he provided.

“Choiseul... is ahead of the Spanish Ambassador’s question, which helps (us) to understand the Duke's double play. ... Choiseul assured Fuentes that "those ships had gone to the southern seas to discover some island that facilitates the passage of Cape Horn, and they found a deserted (island) near the one of Tristán de Acuña" and that, of course, the Commander (Bougainville) knew that he should not go to the Spanish colonies, much less try to trade with them; "but that misfortunes of navigation required him to arrive in Montevideo for repairs"...”

Evading further questioning, Choiseul persuades the Ambassador to allow Beliardi to continue to Madrid, to explain French intentions.

July 7th, rumours of Bougainville's settlement in the Malouines circulate. A letter is sent from Paris for publication in the Gazette d'Amsterdam.

“By letters from Montevideo on the river Plata, dated the 2d of January last, we learn that Mr. de Bougainville, brother to the late academician of that name, having set sail from St. Malo last Autumn, in order to fulfil a secret commission, was preparing to form a settlement in the Isles of Malouines in the Straits of Magellan, with so much the more justice, as the name of these isles, which are absolutely desert, indicated that they belonged to France, and consequently that he could take possession of them, as well by this title as that of first occupant; and that he intended to land there some persons of both sexes, in order to form a colony.”

“A letter from Paris advises, that every body there is full of the late discovery of an extensive island in South America, made by Sieur Bougainville ...”

“... it was already known that Mons. De Bougainville had gone there;... and they are so well known, ... The English call them Faulkland Sound; the French, and from the Netherlands, Malouines.”

July 16th, news of Bougainville’ voyage reaches London.

“The lords of the Admiralty rejoiced in advance of (Byron's) probable success when, on the 16th of July, the news published three days before by the Dutch Gazette fell in their midst, announcing that Bougainville,... having sailed from St-Malo last autumn to fulfill a secret mission, was preparing to form an establishment in the Malouines Islands, in the Strait of Magellan, with as much justice as the name of these islands, absolutely deserted, indicated that they belonged to France; that, consequently, he could take possession of it, both in this capacity and as the first occupant, and that he must land there persons of both sexes to compose a colony.”

92 Munilla 1948 p.13 citing Fuentes a Grimaldi: July 6, 1764. A. H. N. State, 2.858.
93 Fuentes also complained that they had only heard of Bougainville's expedition from the Journals; not from their ally.
94 Published on the 13th.
95 Extract of a Letter from Paris, July 7 (1764) published in the Caledonian Mercury July 21, 1764. Original in the Gazette d'Amsterdam No. LVI published July 13, 1764. Author was not identified but this appears to have been a deliberate leak.
96 The Aberdeen Journal Monday July 30, 1764
97 Archivos Historica Nacional ES.28079.AHN/ State, 2858, Exp.2 under the title of Reports and Correspondence of the Count of Aranda and other documents relating to the Malvinas Islands, with a geographical letter from Mr. D’Anville. This letter, unsigned but identified as Madrid August 2, 1764, is likely from Minister Grimaldi.
98 Martin-Allanic 1964 p.386
July 20th, the Marquis de Grimaldi, not yet in receipt of a copy of the news from Amsterdam, receives a report from Fuentes regarding his conversation of the 6th. Grimaldi passes the report on to King Carlos who receives it “indifferently.”

In Paris, Jacques Nicolas Bellin publishes a map of the Americas – *Carte De L’Amerique et Des Mers Voisines*. The Falklands are identified as *Isles Malouines*.

July 20th, Lord Stanhope passes to the Admiralty a request for details of Byron’s voyage by the East India Co.

“If one takes Stanhope’s letter at its face value – and there is no reason for not doing so – it would seem that at this date, July 20, almost three weeks after Byron had sailed from Plymouth, the Secretary of State for the North was unacquainted with the ostensible details of the voyage, much less with the true objectives, the search for Pepys’s Island and the Falkland Islands, the cruising of the South Atlantic, and finally the search for the north-west passage. This fact, in turn, would lead one to believe that the decision to send Byron on his exploration was an Admiralty decision made in consultation with the King and that the Admiralty had not felt it necessary – nor possibly even wise – to take the cabinet into its confidences. Admittedly, the evidence is slender; but, if these deductions are true, it is probable that no one outside the Admiralty, other than the King, was aware of what was taking place until late in July 1765 when the First Lord of the Admiralty, the Earl of Egmont, sent to the Duke of Grafton a letter from Byron telling of the re-discovery of the Falkland Islands. The fact that the First Lord of the Admiralty was able to keep all information regarding the Byron voyage from his fellow ministers for more than a year and that he chose to do so is not surprising. In the eighteenth century, more often than not, the cabinet was large, loosely-knit, and ill-organized; and the individual ministers considered themselves servants of the King rather than colleagues in a united ministry, whose members, agreeing on a common policy and giving one another mutual support, accepted the leadership of a parliamentary chief. As a result, Egmont was able to deal directly with the King without having to consult with his fellow ministers.”

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99 Ibid. p.223
100 Drawn up in 1763 – no month for the publication is noted. Unlike Frezier’s 1717 chart, Bellin’s depiction of the Falklands archipelago shows a west coast, although in a later map of his, this was again missing. See https://falklandstimeline.files.wordpress.com/2019/02/1764-jacques-nicolas-bellin-paris.jpg
101 Gallagher 1964
July 26th, a description of the new French colony is published in the Gazette d'Amsterdam.

“... this being all that we have learned of the French intentions, and coming to us from no avowed authority.” 102

“... It was many months after Captain Byron's expedition was planned and seven weeks after he had sailed that the first suspicion was entertained in England of any design on the part of France to attempt this island.” 103

“The Spanish found all their suspicions confirmed: France had been encroaching upon its South American possessions. Within a week, the First secretary of the Spanish Foreign Affairs Ministry, Augustin de Llano, had received a full report from one of his officials, summarising the situation and its implications for Spain. Nothing would now stop the French from developing a contraband trade with Chile...” 104


“It is reported, that three Ships of a considerable Force are to sail as soon as possible to this new Settlement, of which the most sanguine Expectations are formed.” 105

“Bougainville returns to Compiegne in the last days of July. The Duc de Choiseul reveals the affair to the King, who accepts the homage of the Falkland Islands which Bougainville wishes to give him.” 106

August 1st, at an audience, King Louis receives Louis-Antonine Bougainville and accepts the 'gift' of the new colony. Louis XV also approves a second expedition.

“The King thanks Bougainville, accepts the gift that is made to him and to prove it, names the same day a commander on his behalf in the Malouines Islands: "His Majesty deems it necessary for the good of his service to establish a commander in the Malouines Islands and wanting to name a person who could do it, he chose the Sr. Bougainville de Nerville to entrust the command of said islands." His Majesty grants at the same time to Bougainville de Nerville a commission giving him rank and prerogative of captain in foot in his colonies.” 107

“L'Aigle was to leave with 5 officers, 40 crew, writer, surgeon, with intent to take on 100, the mission be kept secret.” 108

“The same concern for security was shown when it became necessary in August 1764, to purchase and fit out the store ship that would meet Byron at either Pepys's Island or Port Desire. The Admiralty directed the Navy Board to purchase the Gloucester, 299 tons, to carry stores and provisions to the 'Gulph (sic) of Mexico & coast of Florida'. The Gloucester, with a complement of twenty-four men, was to be 'Put on the List of the Royal Navy, as a Storeship by the name of the Florida.' ...” 109

In England, a store-ship for the resupply of Byron's expedition is fitted out.

102 Egmont quoted in Memorandum on the Falkland Islands 1947 in LCO 2/490 citing Confidential Memorandum 13336, para.11. It appears likely that Confidential Memorandum 13336 is Memorandum Respecting the Falkland Islands by Gaston de Bernhardt. See 1911.
104 Dunmore 2005 p.127
105 Extract of a Letter from Paris, July 9 (1864) published in the Daily Mercury Friday July 20, 1764. This was republished in a number of London and provincial journals during July, 1764.
106 Martin-Allanic 1964 p.175
107 Ibid. p.179
108 Greenhow 1842
109 Gallagher 1964
August 2nd, in Madrid, Pedro Pablo Abarca de Bolea y Ximenez de Urrea (Count of Aranda and President of the Council of Cadiz) submits a report to Grimaldi outlining his concern at the news from Amsterdam and France.

“It was already known from private news that M. de Bougainville had gone as far as the (south Atlantic). It was also known, by people recently coming from the river of La Plata, that the French ships were going to (a) discover(y). So that everything agrees to give credit to the Gazette of Amsterdam: it is indeed the Malouines Islands [that] the French are trying to take ownership by settling there. If, independently of this public news, France has said that, for the convenience of her trade with the East Indies, she has recognized a place of (refreshment), and that the discoverer is none other than Bougainville, it is more than probable that it is indeed the Malouines Islands and no other. In order for us to know the position of the said islands, we have copies, on the best French and English maps that circulate, of the part that shows them clearly. They are so well known that there is, so to speak, no modern maps that do not put them in. … It is necessary that Spain create a convenient and solid establishment not only in the Malouines Islands, in order to take ownership of them and to prevent the enemies from doing so, but also in other posts such as the Bay of Saint-Julien, the Port-Desire, Port-des-Lions, the bottomless bay, etc., through the entrances of the Rio de la Plata and Buenos Ayres, in order to preserve the communications and facilitate the fishing that can probably be done there.

In this way the Catholic King would be absolute master of the South Sea. … if Spain tolerated the French settling in islands which, although deserted, belong to (the Catholic King) clearly because of their proximity to the continent, how could (we), then by reasoning or by force, prevent the English from going to other vacant places…? Could they not feign ignorance and say that what is lawful for others is also for them? France must accept these observations in good faith. The Catholic King must undertake to occupy…” 110

Aranda attaches the English map of 1753, highlighting the Falklands as British owned. 111

“The Malouines Islands are situated between the 50 and 55 degrees of southern latitude, a hundred leagues from the mainland and the Bay of St. Julian, at the same distance from the mouth of the Strait of Magellan and also from the island named State(n), … Cape Horn, is close. Their pole height corresponds to that of the British Isles, Holland, Poland and their climate can be compared to that of these European kingdoms. The English in a general map of America, published in 1753, with the approbation of the Parliament, mark in red, as being of their dependence, various vacant places on which they claim to have acquired rights because some Englishman touches them. They (the Malouines) are included in this ideal usurpation, so that if they are neglected after speaking of their importance, they will settle there immediately, allying their previous possession, and proving it by means of this map.” 112

“… Aranda understood the danger ..: if the British occupied the Falklands, it was necessary to renounce, of course, the regions of the South Sea, trade with the Philippines on the Hornos route, fishing … and, worse, he was forced to think of the loss of Buenos Aires, because by the English getting the foundation of a powerful base military in the islands, it would be impossible to deal with a combined operation to be undertaken by land, from Brazil, and by sea, from Falklands.” 113

110 Aranda to Grimaldi August 2, 1764 quoted in Martin-Allanic 1964 p.224
111 See https://falklandstimeline.files.wordpress.com/2018/01/1753-john-green-map-detail.png
112 Aranda to Grimaldi August 2, 1764 quoted in Martin-Allanic 1964 p.224.
113 Munilla 1948 p.15
Minister Géronimo Grimaldi responds.

“If the French situate themselves there, what is to prevent them from eventually conducting illicit trade with the kingdoms of Chile and Peru? Who will prevent them from navigating the Strait of Magellan ... and introducing themselves into the South Seas, whose vast beaches would permit unrestrained contraband? The abundant fishing that could be done in the seas out of the Bahia de San Julian, would fall into foreign hands,... If such inconveniences would be brought by the occupation of these islands by our best friends, what would be the results of an occupation by our worst enemies, the English.” 114

“... it is in the interest of Spain for several powerful reasons, to occupy (the Falklands) by itself.” 115

**August 3rd**, a public announcement regarding the formal act of possession by Bougainville over *Iles Malouines* is made in Paris. 116

“Much confusion and uncertainty remained as to the precise location of the islands in question, and their proximity to south America. When Bougainville made his public announcement in Europe in August 1764 of the discovery and settlement of an island in the South Atlantic, it was assumed by the British Government to be an entirely different group from the Falklands, but the news stimulated the Admiralty to consolidate possession of the Falklands all the same.” 117

**August 4th**, Bougainville receives his instructions from Choiseul; “Bougainville will return to Malouine Island to organize it according to the Minister’s instructions and to install new families there. ... (Aigle) will take a priest with a chapel and a bell to stay in the country; two engineers to lift it in full, an artillery officer with two sergeants and six gunners, some large calibre cannon, six small cast iron field pieces and two howitzers, powder, bullets, one rifle per sailor or inhabitant who will embark, three Canadian officers..., the two surgeons aboard the schooners will remain in the country and will carry the drugs necessary for the apothecary. It takes more than sixty tents with their masts, sticks and stakes. The frigate will leave in the beginning of August, will pass to the islands of Cape Verde, to take cattle, then go to the island Malouine. Immediately after landing the effects and colonists destined for the colony, she (must go) to get wood in the strait and Staten Land. She will be able to make two trips in the summer, and, if the Spaniards allow to take cattle (from) the River of Plata, she will ... take 100 horned animals, from 10 till 15 months (old), 80 mares, 12 stallions of the same age, six service horses and hay...” 118

**August 6th**, in Madrid, a letter from Count de Aranda to Minister Grimaldi notes; “Since this French recognition, every day I think more firmly that the Malouina, and the Bay of St. Julien are the keys to the south, and the kingdoms that we have there...” 119

**114** Quoted in *Making Imperial Futures: Concepts of Empire in the Anglo-Spanish Sphere, 1762-71* David James Stiles (internet published thesis) 2012 p.254 citing Real Academia de la Historia (RAH), Malvinas (Islas), catalogue number 9-1981, Marqués de Grimaldi to an unnamed recipient, Madrid, 2 August 1764. There is also a copy in the collection of Count Aranda’s correspondence. cf. Archivos Historica Nacional ES.28079.AHN// State, 2858, Exp.2

**115** Grimaldi to Aranda August 2, 1764 in Archivos Historica Nacional ES.28079.AHN// State, 2858, Exp.2. There is no sense of outrage at France occupying Spanish territory, just a dispassionate analysis of the geopolitical implications of France being in control of the archipelago, rather than Spain. This led to accusations that Grimaldi, an Italian by birth, was not sufficiently protective of Spanish interests.

**116** Memorandum on the Falkland Islands 1947 in LCO 2/490

**117** Rice 1973 pp.417-418

**118** Martin-Allanic 1964 p.181

**119** Archivos Historica Nacional ES.28079.AHN// State, 2858, Exp.2. Munilla (1948 p.14) has this letter as from Grimaldi to an unknown recipient, possibly the Count de Aranda.
August 13th, a 'Report from London' in the Gazette de La Haye rejects; “... any claim by the French to have been the first discoverers of the archipelago. The English had been the first to report its existence, followed by the Dutch.” 120

“According to the latest opinions of Paris, the French are currently in possession of the Malouines Islands. The title of first occupants can not therefore be denied. But they cannot claim to have discovered them first. This honor, if it is one, must be attributed first to the English, then to the Dutch. These islands, which are in great numbers ..., were described in 1594 by Captain Hawkins, who named it Maidensland. The Dutch, after passing the Strait of Lemaire discovered it and gave it the name Staten island. "Captain Ang" Sharpe, returning from the South Sea in 1681, made a tour of it and imposed the name of the island of Albemarle, and finally the Dutch squadron leader Roggewyn, that of Belgia Australis. Perhaps it is on these notions that the French have lately been searching for it and that they have had the advantage of finding it.” 121

“Captain Hawkins called it Maidensland, the Dutch ... gave it the name of Statenland. The English Captain Sharpe, on his way back from the South Sea in 1681, sailed around it and called it Albermarle, and finally the Dutchman Roggewyn named it Belgia Australis.” 122

August 14th, a notice, dated August 8th, appears in the Gazette d’Amsterdam announcing France's new settlement, but also raising the issue of first discovery.

“The French, actually in possession of the Falkland Isles may well be the first occupants but not the first who made the discovery. In 1594, the Englishman Captain Hawkins, found the way on the road & appointed them Maidens Land. Then the Dutch, through the Strait of Le Maire, saw them & called them Staaten Land. After them, the Englishman Captain Sharpe, on his return from the South Sea in 1681, doubled the Isles, and gave the name d’Altmarle. Finally, the Captain of Eseadre, Reggewin, imposed the name Belga Australis...” 123

“... the French occupation of the Malouines/Falkland Islands is making headlines in the foreign press. Holland states that if England does not contest, then Holland will, as they discovered the territory in 1594. ...” 124

“It is obvious that this double publication responds to an official concern. The articles come from the Admiralty, or have been inspired by it. The English seem to accept too easily our right of first occupant for this tacit agreement not to be a sham. They also make the reservation that they are themselves the discoverers of the Malouines archipelago and that the French came there only third, after the Dutch. The Duc de Choiseul does not know what to think of this warning. Perhaps it conceals the desire to keep secret the purpose of the British expedition announced last May? Anyway, our Malouines establishment is unveiled and it will be good to be on guard.” 125

“Choiseul could ignore these arguments, which had been planted in the Dutch newspapers, but there was one last-minute hitch. Officials from the Ministry of Foreign Affairs were creating difficulties about formalising Bougainville’s Act of Possession. They could find no satisfactory precedent for his actions. It took a little pressure by Choiseul ... for the matter to be finally settled.” 126

120 Dunmore 2005 p.117
121 Quoted in Martin-Allanic 1964 pp.189-190
122 Gazette de La Haye The Hague, no.97 August 13, 1764 quoted in Dunmore 2005
123 Gazette d'Amsterdam August 14, 1764. Davis' 1592 discovery was still not generally known.
125 Martin-Allanic 1964 p.190
126 Dunmore 2005 p.117
**August 28**

August 28th, *Sphinx* arrives in France. Choiseul orders the *Commissaire de Marine* to finish arming *Aigle*.

**August 31**

August 31st, after examining the question of possession, as requested by Louis XV, France’s Foreign Ministry presents a draft-act of approval allowing the King to formally take possession of the archipelago. Despite some initial doubts regarding discovery, the Ministry’s law officers reach a conclusion.

“In fact, the occupation of a country, which shows no traces of foreign possession, acquires, according to the law of nations, the right of ownership of the sovereign whose subjects have settled there, and this continued possession confirms the title and 1st occupant right... we have not thought to have to make mention (of discovery) because a mere discovery does not in itself operate any right, which is acquired only by the taking possession and the continuation of the possession..” 127

**September 3**

September 3rd, from Spain, Grimaldi writes to his Ambassador in Paris, Count Fuentes, enclosing Aranda’s views and noting that the documents; “... demonstrate the inconveniences which might result for us from the project which has been put into execution by the French Ministry of sending a naval officer, M. de Bougainville, with two Frigates, to take possession of one of the Malouines Islands, near Cape Horn, to establish a colony. ...” 128 Grimaldi requires that Fuentes dissuade the French from consolidating their base in the archipelago, and he encloses the British 1753 map of the South Atlantic.

“I do not understand how the Duc de Choiseul had the idea of conceiving and putting into practice the enterprise of M. de Bougainville, and how he could have not communicated it to us, so that it is remained a mystery for us, as for the rest of Europe, until we receive the news of Montevideo and the gazettes have spoken of the progress of the expedition. Let this observation fall in the tone of friendship. For you to see what the English think of the Falkland Islands I give you a copy of a small map in which they have colored in red the regions that they designate as their own country.” 129

“Grimaldi wrote to the Spanish Ambassador in Paris, instructing him to see Choiseul without delay. Diplomatic courtesy was to dominate the interview. The Count de Fuentes was to express surprise and hurt that Spain had not been informed of French actions... At the same time, Grimaldi asked the French Ambassador, Pierre Paul, Marquis de Ossun, for an explanation.” 130

“September 1764 a letter to Ambassador Fuentes ... instructed him to send to Choiseul a formal request for the withdrawal of his establishment, on the grounds that it constituted a precedent that could be alleged by Great Britain to justify similar actions against Spanish domains. Also, Fuentes had to convey Grimaldi’s disgust for the secrecy that had involved the Bougainville expedition.” 131

“It has been argued that the Third Pacte de Famille or Family Compact signed by France and Spain on August 15, 1761, by which both crowns pledged to recognise and protect each other’s possessions in any part of the world, would invalidate the right of France to settle Port St. Louis in 1764. If such were the case, England would then be deemed first occupier, having settled Port Egmont on West Falkland two years before Spain. It follows that the recognition of the French title is essential in the chain of succession France-Spain-Argentina is to be sustained.” 132
September 6th, Bougainville and Choiseul finally agree on the financial arrangements for a French colony.

“It is understood that, for lack of money, we will confine ourselves for this year to maintain the establishment, to develop it, to realize well its value of colonization. ... The King will maintain in the Malouines a commander, his staff and workers to work on buildings and public services. The new colony will be put into operation by Compagnie de Saint-Malo, at its expense and profit.” 133

September 10th, in Madrid, Minister Grimaldi receives French Ambassador the Marquis d’Ossun.

“France seems to have the project of occupying the Malouines Islands which M. de Bougainville had recognized some time ago. The English had wished to form an establishment under Ferdinand’s reign, but they abstained from it in consequence of the lively representations which Spain made to the British ministry at that time. These islands can not provide a release for ships going to the East Indies or China and ... they could at most serve only to form the warehouse of goods that would then be introduced into the ( territory) of His Catholic Majesty.” 134

September 12th, the French King formally accepts and approves his new lands.

“… they are regarded as being a dependence of the Kingdom of France and governed by the same laws and ordinances as other places, lands and countries subject to our obedience.”

September 13th, Commodore John Byron anchors; “... in the great Road of Rio de Janeiro.” 135

September 16th, intelligence is sent from Paris to London to the effect that Bougainville is soon to return to; “... his island in the straits of Magellan, called by the French the Isles Maloines.” 136

September 22nd, Bougainville arrives in St. Malo to oversee the last preparations on Aigle.

“She was to be commanded once again by Alexandre Duclos-Guyot; ... The first colonists were to be strengthened by some fifty workers, including a dozen stone-masons and several hopeful settlers. In all the Aigle carried a total compliment of 116 men and women.” 137

On the same day, Choiseul receives a letter from Ambassador d’Ossun in Madrid, detailing his conversation with Grimaldi of the 10th.

“The Duc de Choiseul was not at all disturbed by this affair; Bougainville, moreover, to whom he had said nothing, was no longer there. He was at Saint Malo; (and) he might have already set sail. The King was preparing to go hunting at Fontainebleau. The Minister contented himself, to show the attention he had taken to the remarks of the Marquis de Grimaldi, to add with his own hand a postscript to a despatch of September 25th, addressed to the Marquis d’Ossun. "I will satisfy M. de Grimaldi a few days after my arrival at Fontainebleau, on the Malouines Islands. In the meantime, you can assure this minister that we occupy a port which (can) contain more than a hundred ships of the line, and that I show him that it is of evident utility for the two crowns without being pernicious for contraband."” 138

133 Martin-Allanic 1964 p.192.
134 Quoted in Martin-Allanic 1964 p.230 citing Aff. étr. Esp., 541 f° 81, v°. 10 septembre
135 An Account of the Voyages Undertaken by the Order of His Present Majesty for Making Discoveries in the Southern Hemisphere J. Hawkesworth 1773 vol.1 p.6
136 Hertford to Halifax September 16, 1764 in PRO SP 78/263/52 f.120
137 Dunmore 2005 p.118
September 27th, from Madrid, Britain's Ambassador, Lord Rochford, reports that he has successfully negotiated an agreement with regard to the British log-cutters operating in Yucatan, following their ejection by the Spanish Governor of that region. 139 Rochford assures Grimaldi the England will stamp out any illicit trade between the log-cutters and Spanish settlements. 140

“Grimaldi however, grumbled that there seemed no inclination on Britain's part to define the limitation of the cutting areas in Honduras; "he said a great deal more in the same peevish Stile(sic), that we were ever an enterprizing Nation, and had extensive views of Commerce that could not be borne." Rochford had to "let him cool a little" before he could again raise the subject of reparations, but Grimaldi said he had done all he could ... Grimaldi later admitted that he did not dare mention the matter to Charles III, since the King already felt he had conceded far more than Britain deserved.” 141

October 6th, Bougainville sets out for the Malouines again in Aigle. 142

“Paris, Oct. 22. M. de Bougainville, who some time ago discovered the Isles of Malouines, is just embarked from St. Malo's, with every Necessary for forming a Settlement in those Islands; from which great Advantages are expected.” 143

“The ship, apart from the goods which represent "abundantly all that may be necessary for a new colony", has a total of 116 persons, including 53 workers.” 144

October 13th, the store-ship Florida sails from England for a pre-planned rendezvous with Commander Byron.

“The supply corvette Florida, commanded by Lieutenant Robert Deans, is appointed to join Commodore Byron in the South Atlantic and bring back news.... The secret instructions of the Admiralty have been given to the Lieutenant in (a) sealed envelope which he will open after he has left the island of Santiago, in the archipelago of Cape Verde,... They enjoin him to go in search of the island of Pepys where he must find Commodore Byron... If he discovers the island of Pepys and Commodore Byron is not at the rendezvous, he will find his instructions in a Bottle buried 6 feet deep, near a cross bearing the arms of England, sign of possession. If he does not discover the island of Pepys, he will go to the Port Desire, on the coast of Patagonia, and wait for the Commodore.” 145

October 22nd, having left Rio de Janeiro, the officers of Dolphin and Tamar receive their new orders.

“... we were now relieved from our suspense: for a signal being made for the Commander of the Tamar frigate to come on board, he and our own company were informed, that the Commodore's orders were to go on discoveries into the South Sea: a circumstance which, from the manner in which it was received furnishes the greatest reason to believe, that no one on board had before the least notion of the voyage in which they were now engaged. But to prevent the appearance of discontent, they were instantly

139 Not, on the face of it, relevant to the Falkland Islands, but another example of what Spain viewed as encroachment into its American territory. This issue had supposedly been dealt with by the Treaty of Paris 1763, but Spain had set upon a rigid interpretation of the treaty terms (Art.17) in an attempt to dissuade log-cutters from opening up new areas. An even stricter reading of his orders by the Spanish Governor had seen the British log-cutters ejected, even from old areas of operation. It took nearly four months before Rochford's belligerent tone forced Grimaldi to rebuke the Governor; in order to prevent Britain sending a fleet from Jamaica. To avert the risk of war, Spain had been forced to back down. An event that would not be forgotten in 1770.

140 Rice 1973 p.289
141 Ibid. The log-cutters were restored to the sites in early 1765; but no reparations were ever paid.
142 In Pernetty 1771, M. Duclos Guyot gives the date of departure from St. Malo as October 5, 1764.
143 Ipswich Journal Saturday November 10, 1764. Also noted in the Caledonian Mercury Saturday November 10, 1764
144 Martin-Allanic 1964 p.203 citing AN Mar. 4JJ I dossier 6 p.15 Extract du journal de navigation du s. Duclos-Guyot
145 Ibid. p.387 citing PRO Adm. 2/1.332 f° 113& ss. Instructions to Robert Dean, master of Florida storeship, 11 sept, 1764
acquainted with the intention of the government to allow them double pay, for their encouragement in the prosecution of the voyage...” 146

“On Monday the 22d, being now once more at sea, I called all hands upon deck, and informed them, that I was not, as they imagined, bound immediately to the East Indies, but upon certain discoveries, which it was thought might be of great importance to our country, in consideration of which, the Lords Commissioners of the Admiralty had been pleased to promise them double pay, and several other advantages, if during the voyage they should behave to my satisfaction. They all expressed the greatest joy imaginable upon the occasion, and assured me, that there was no danger or difficulty that they would not with the utmost cheerfulness undergo in the service of their country, nor any order that I could give them which they would not implicitly and zealously obey.” 147

“No one aboard, had any hint of the project in which we were engaged. In order to prevent any kind of discontent, the Commodore immediately announced that the Lords of the Admiralty were giving the crews a double pay at the third (highest) rate, from the time they left the harbor of Plymouth to their return to England.” 148

“Only after the ships reached the Brazilian coast did the British Government acknowledge that Byron was to call on the Falkland Islands.” 149

# Researcher’s Comment: Of course Byron’s expedition was a secret; as Bougainville’s had been. Byron’s voyage carried both commercial and strategic implications; not least the hope that the fabled North-West passage could be discovered from the far side of America. Secrecy was normal, despite this being a badly kept one. Suggestions that secrecy was indicative of doubts about sovereignty are simply nonsense.

November 11th, Commodore Byron abandons this first search for Pepy’s Island; returning to the South American coast to; “... take in wood and water.” 150

November 21st, Dolphin and Tamar take shelter from gales at Port Desire.

“... we turned up the harbour’s mouth; we found it very narrow, with many rocks and shoals about it, and the most rapid tide I had ever known. I came to an anchor off the harbour in nine fathom, the entrance of the river being open, and bearing W.S.W.;...” 151

December 5th, after taking on water, Byron sails from Puerto Deseado once again hoping to find Pepy’s Island.

“I had now made eighty degrees easterly, which is the distance from the main at which Pepys’ Island is placed in Halley’s chart, but unhappily we have no certain account of the place. The only person who pretends to have seen it, is Cowley, the account of whose voyage is now before me; and all he says of its situation is, that it lies in latitude 47 S.; for he says nothing of its longitude: he says, indeed, that it has a fine harbour; but he adds, that the wind blew so hard he could not get into it, and that he therefore stood away to the southward. At this time I also was steering southward; for the weather being extremely fine, I could see very far to the northward of the situation in which it is laid down.” 152

146 A Voyage Round the World In his Majesty’s Ship the Dolphin ... By an Officer on Board Anon 1767. See March 28, 1764
147 An Account of a Voyage round the World in the Years 1764, 1765 and 1766 by the Honourable Commodore Byron in his Majesty’s Ship the Dolphin in Hawkesworth 1773 vol.1.
148 Martin-Allanic 1964 p.388 citing the diary of Lieutenant Cumming. This author gives the date as October 23rd
149 The Sovereignty Dispute over the Falkland (Malvinas) Islands L. S. Gustafson 1988. I can find no acknowledgement.
150 Hawkesworth 1773 vol.1 p.24
151 Quoted in Hawkesworth 1773 vol.1 p.14
152 Ibid. pp.23-24
December 13th, a Royal Order is issued from Madrid reaffirming the general prohibition on foreign vessels trading with Spanish colonies. Confirming that foreign ships should not be admitted to Spanish ports. Also, that there is no exemption for French vessels, despite the two nations being allies.  

In Paris, with Ambassador Fuentes preparing to depart for Spain, charge d’affaires Fernando de Magallón broaches the issue of the Malouines with a beligerent Choiseul.

“Choiseul told the official to put the Spanish case in writing, but this was merely a delaying tactic, which Magallón courteously but firmly swept aside. Choiseul then pointed out that the islands were French and that what France did in the Malouines was its own concern. Magallón replied that this was a claim, not a fact.”

The discussion quickly degenerates into a serious row. Choiseul counters.

“... the Malouine Islands belong by right to France, and their very name is the clear proof of it; they were shipowners of Saint-Malo who discovered them; they are islands from which France might derive great advantage by establishing an institution by which she can stand up to the English and prevent them from seizing them as they intend. Moreover, it will not fail to happen during the next war, and Spain itself can not prevent it, even if she would like it, if we do not have an establishment.”

Spain’s charge d’affaires argues back; recalling;

“... what happened in London, in the year 1750, when Don Ricardo Wall learned that the English ministry had planned to send two frigates: ... to take ownership of the said islands. The English ministry confessed the fact ingenuously and abandoned the project... The Spanish Court had, at that moment, given all its approval to the conduct of Wall, and France itself, as soon as it became aware of it, expressed great satisfaction at seeing suffocated, the (intention) of the English.”

Choiseul responds.

“Every island must belong to the one who occupies it, especially when it is at the distance from the coast where the Malouines are: more than fifty leagues.”

Magallón disputes.

“... islands adjacent to a continent can not be occupied without the consent of the master of this continent, and the Malouines have been reputed to be adjacent to the Spanish coasts. It is true that they are at a distance of fifty leagues, and even more, but they are in the Spanish seas. The distances to be considered must always be proportional, and can not be measured (as) in America or Europe.”

“The Spanish based their claim to the Islands not only on their ancient pretensions, as perpetuated by the terms of the Treaty of Utrecht (1713) – which excluded all but Spanish settlers from that quarter of the globe – but also on legal theory, the territorial proximity of the Islands to the Spanish-Captinancy-General of Buenos Aires.”

154 Dunmore 2005 p.128.  
155 Field (1928 para.18) suggested that the argument brought France and Spain close to war.  
156 Martin-Allanic 1964 p232  
157 Ibid. Also Rice 1973 p.35. In 1749, England had only agreed to delay its proposed expedition.  
158 Ibid. pp.232-233. Also Conflicto Reino Unido de Gran Bretana y Republica Argentina: Ocupacion de las Islas Malvinas Alfredo Bruno Bologna in Revista di Studi Internazionali vol.49, No.3 (195) 1982 p.364. Spain would subsequently claim that any island within 100 leagues was adjacent to South America. The Ambassador would also argue that American 'leagues' should be longer than those in Europe. For a consideration of ‘adjacency’, see 1790.  
159 Memorandum on the Falkland Islands 1947 in LCO 2/490 citing Goebel 1927 pp.227-8
“(Spain’s) protest ... rested on two grounds. One was purely political: that by making such a settlement the British would be impelled to follow suit and make settlements of their own. The other was the legal argument that the islands were in fact already part of the Spanish dominions by geographical proximity.”

**December 14**th, having reconsidered, and with a cooler head, the somewhat embarrassed Choiseul calls on the bedridden Ambassador Fuentes. Contrite, Choiseul agrees to remove the French settlement. He has a condition, however, that Spain replace the French colony with a Spanish one.

“The Duke de Choiseul went on with more gentleness, that his principal object, and what constituted for him the interest of this affair, was to prevent the English from occupying these islands, finding them unoccupied. If the Spaniards do not want him to do it, he is ready to remove the few people left behind Bougainville last year. But it would be indispensable, if the French withdrew, that the Spaniards should form a real establishment, so that their occupation would deprive the English of all reason and pretext.”

“... with one condition: that Spain forms an establishment to remove any reason England might have to try and occupy the islands.”

**December 15**th, from Paris, Fuentes writes to Minister Grimaldi to inform him of Choiseul’s offer. Agreeing with Choiseul’s assessment, he argues that the archipelago needs occupying in order to protect Spain’s interests in that region.

“All these reflections make me think that we are obliged today to make an establishment in the Malouines islands, even of little importance: to stop, from this day, all discussions with the Court of France, to ensure our property to the Court of London, finally, to prevent any nation from thinking more about setting up similar institutions in the future.”

**December 16**th, unaware, and far away, Bougainville records that Aigle is lying off Brazil.

**December 19**th, after two weeks of fruitless search, Byron abandons the attempt to locate Pepys Island.

“I remain’d at Port Desire about a Fortnight, & then put to Sea again to look for Pepy's Island but after cruizing for It for some time We are well assured there is no such Island, at least any where near to the Latitude & Longtitude it is laid down in, in Lord Anson's voyage. We met with much bad Weather...

“We had the mortification to see all our useless efforts (and) we are obliged to abandon this search.”

**December 22**nd, Bougainville also wastes two days in searching for Pepy's Island.

**December 31**st, Minister Grimaldi responds to Ambassador Fuentes letter of December 15**th.

“The King, our master, has been made acquainted with everything, and he has asked me to approve Your Excellency for the genuine zeal and firmness with which you have pursued this affair. He charges you with demonstrating in a special way to the Due de Choiseul His royal gratitude for the noble docility with which he has yielded to our representations. You will add that, in answer to his (fears), His Majesty has not hesitated a moment to decide that this Crown must form and maintain an establishment in the Falkland Islands and have the orders prepared for the Governor of Buenos Aires to make all

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160 Sovereignty and the Falklands Crisis Peter Calvert in *International Affairs* vol.59 no.3 1983.
161 Martin-Allanic 1964 p.235
162 Scavennec 2005
163 Quoted in Martin-Allanic 1964 p.237
164 Byron to Egmont 24 February, 1765 ADM 1/162 in the documents section of Gallagher 1964
165 Lieutenant Cumming quoted in Martin-Allanic 1964 p.398
166 Martin-Allanic 1964 p.204
necessary arrangements. We hope that His Most Christian King will send his people so that the French whom the Sieur de Bougainville has left in the Falklands and those who have gone thereafter leave upon the arrival of the Spaniards without any coercion or discussion. ... we will consider the withdrawal of the French from their establishment as reinforcing the right of possession of Spain. In this way the English will not try in their turn to come, or they will not find us in sin of unpreparedness.”  

1765 – January 5th, Byron sails from Port Famine to search for the Falkland Islands.

Bougainville’s second expedition arrives at Fort St. Louis in the Malouines.

“... fifth of January, 1765 I saw my colonists; again, and found them healthy and content. ... The settlement now began to get a kind of form. The Governor and the ordonateur lodged in very convenient houses of which the walls were made of sods. There were three magazines, both for the public stores, and those of private persons... Several trials had been made towards cultivation, which gave no reason to despair of success, as the greatest part of the corn brought from Europe was easily naturalized to the country. The increase in cattle could be depended upon...”

“The winter we have spent here has not been rigorous; never enough snow to cover the buckle of the shoe; or ice to support a stone as big as the fist and if it was not (for) the rain that passed through our covers, as by a screen, we would have (needed) very little fire. You would not have recognized the colony if you had returned with M. de Bougainville. You would have found us fat... The air is excellent here. All along the building, there is a beautiful walk of a plain land and 20 feet and more wide a new rebuilt store on the seaside a fort fully repaired, set level, with decks under the cannons, a new powder, a bakery and a forge. By calculation, we killed more than 1,500 bustards in the season; because there is one in which they disappear from the country and will run elsewhere ... We have discovered an animal much more beautiful than a species of swan, as big, as white, but having the black collar as jayet (sic for jet) and the red beak. It was not possible to kill them: these animals are very wild. By other discoveries, which I have had made in the island, more than twenty leagues in the East, it appears that the part we inhabit is detached from other adjacent islands, or only joined by isthmals. We could get to know this perfectly with a schooner, ... Our agriculture gives us all hope. All the vegetable seeds have succeeded. In regard to the wheat, it has produced in the briny earthy, fine ears, but as to the form only, and not a grain. Our lands, as virgin, require to be worked longer, and even improved with good manure. What we have of cattle is enough for testing only. Four of our heifers and our three horses are still in the field: we have never been able to catch them, but their wandering mood makes us know one of the great advantages of the country; it is because the cattle can remain in all seasons, day and night in the fields, and there they find their weight and litter. We meet them often and often, going to the hunt: they are fat and are well of their liberty.”

“One employment of the Settlers was to extract the oil, by boiling, from the flesh of seals and sea-lions; but this occupation does not appear to have been carried on to much extent.”

“... Bougainville found that one (had) died while hunting – Francois Perryer; one marriage took place – Genevieve Theriot, 16 yrs ... to Guillaume Guichard; one baptism, of Francois Benoist.”

167 Quoted in Martin-Allanic 1964 p.238
168 Bougainville 1772. An ordonateur was an officer with responsibility for the stores.
169 De Nerville to Dom Pernetty quoted in Martin-Allanic 1964 p.206
170 Burney vol.5 1817 p.149
171 Scavennec 2005
Bougainville de Nerville reports that some livestock have become wild.

"Four of our heifers and our three horses are still in open country: we were never able to catch them, but their wandering life had taught us about one of the great advantages of this country – beasts can stay out in all seasons, outside day and night, where the find both feed and litter."

January 11th, Bougainville sends a boat out to explore the coasts, while he leads a party across land.

"Without waiting for the boat to be ready, Bougainville sets off on land with Lhuillier de La Serre, Thisbe de Belcour, Denis de St-Simon and an inhabitant named Benoist. His goal is to recognize a strait that (the) said Benoist and some others thought (they) saw the separation of our land in two islands."

January 12th, to the west of the archipelago, Commodore John Byron sights land.

"This Morning at day break stood in again, the wind in the night had shifted to NW at 4 saw the Land a head making like three islands, we imagined they were the Sebald de Werts, but intending to stand between them we found they were joined by very low land which formed a deep Bay; we tacked and stood out again. At the same time we saw Land a great way to the S'tward. We had no longer any doubt but this was the Land mentioned in the Charts by the name of the New Islands, ... This Land is high, ragged barren Rocks something like Statenland."

January 15th, Byron moves closer.

"At 3 in the morning made Sail & steered in for the Land to look for a Harbour: ... About 3 in the Afternoon the Weather clearing again I tacked & stood in again & presently after saw a Boat a long way to leeward of us. I bore down to her & found it to be the Tamar's boat with Mr. Hindman in her the 2nd Lieut. He had ventured off ... to inform me that he had found a very fine Harbour; We immediately stood in for it & found it answer far beyond my expectation. The Entrance is about a Mile over & no danger going in, the depth of water from 10 to 7 fm., close to the shore. It forms two little Bays on the Starboard side where Ships might anchor with safety, both of them has a fine Rivulet of fresh water, but if you chuse to go into Port Egmont (which I so named after the Earl of Egmont) I think it without exception one of the finest Harbours I ever saw in my Life."

"The largest island is located north of Port Egmont, we went down there attracted by his situation and we had the pleasure, from the top of a very high mountain, to enjoy an admirable point of view. It is very difficult to climb to the summit of this mountain; but we are well compensated for by the pleasant sight of the whole extent of the port, of the three passages which come to end there, of our ships which we saw at anchor and of the whole sea which surrounds this island and the other neighbouring islands up to fifty, both small and large, all of which appeared to be lined with greenery."

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172 Bougainville de Nerville quoted in Dunmore 2005 p.119
173 Martin-Allanic 1964 p.207. East Falkland island is actually two islands linked by a narrow isthmus. The southern part is now generally known as Lafonia. On the Carrington-Bowles chart of 1770, which was based upon M'Brade's survey work, Lafonia was called French Island.
174 Byron's Journal quoted in Gallagher 1964 p.56. My emphasis. Frezier had named the Falklands Les Isles Nouvelles (New Islands) in his chart of South America published in 1717. Also Hawkesworth 1773 vol.1 p.45
175 For Byron's track see https://falklandstimeline.files.wordpress.com/2019/01/20190120_090722.jpg
176 Byron's Journal quoted in Gallagher 1964. Also Hawkesworth 1773 vol.1 p.46. My emphasis. Byron perceived a harbour: an area of sea in the shelter of land. Port Egmont harbour was an area of sea protected to the west and north by Saunders and Kepple islands (as they would become known), and to the east by the bulk of West Falkland Island. Shallows prevented access from the south leaving only a north-western gap as a safe entrance/exit. See below.
177 Lieutenant Cumming's diary quoted in Martin-Allanic 1964 p.391. For a chart of the track of Dolphin and Tamar see https://falklandstimeline.files.wordpress.com/2019/01/20190120_090722.jpg
“Byron sailed out of the Straits and reached the Penguin or Falkland Islands ten days after leaving Port Famine. He found a capacious bay which he called Port Egmont, in honor of the first Lord of the Admiralty, ... The bay, he says, can hold all the British navy...”  

“Byron arrived on January 23 (sic) to the point that the French named Puerto de la Cruzada.”  

January 17th, Capt. Patrick Mouat, on board Tamar, notes that 80 geese were killed and taken on board; “... men knock down as many as they please with Stones.”  

Bougainville continues to search for the strait apparently seen by some of his colonists to the south of the settlement.  

“He heads alone to the bottom of Choisuel Bay where he finds the boat that brought Lavary-Leroi. They go north to (reconnoitre) the Strait, which they believe to be “but a deep bay, separated from another bay, ... by a very narrow tongue of land, having no more than one rifle range.””  

January 18th, in Paris, Choiseul is informed of Carlos III’s acceptance of his offer to vacate the Malouines and Spain’s intention to replace Bougainville’s settlement with one of its own. Choiseul responds that he now has no way of informing Bougainville of the agreement, but must await that officer’s return, probably in May when Bougainville will be able to travel to Madrid to negotiate the final details of a hand-over.  

January 20th, standing on the isthmus between North and South East Falkland island, Bougainville can see high ground. He sends some of his men to the top.  

“On January 20, a group composed of Lhuillier de La Serre and Lavary-le Roi, two colonists, Augustin Benoist and Joseph Talbot, and two sailors, Brasse and Gillet, broke away and made the rise of a mountain that seemed the most high of the island and from where it perceive the sound. The weather covered does not allow them to acquire any certainty. They leave at the top a sealed bottle containing a paper to mark their passage.”

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178 The English in South America M. G. Mulhall 1878 p.73  
179 Historia de la Confederación Argentina: Rozas y su Época Adolfo Saldias 1892 vol.2 p.98. In his later account of his voyages, prepared under the watchful eye of Spain’s Ambassador to Paris, Bougainville claimed to have visited Port Egmont before Byron and named it Port de la Croissade. However, the chart which Bougainville prepared for that publication does not include such a place and Port Egmont is not located on that map.  
180 Byron’s Journal quoted in Gallagher 1964 p.59  
181 Martin-Allanic 1964 p.207  
182 Mount Usborne, the highest feature on the Islands, lies to the north of the East Falkland isthmus.  
183 Martin-Allanic 1964 p.207

“There was, as the colonists had suspected, a narrow strip of land, 'one side being with range of a rifle shot from the other', barring what would have been an easily navigable east to west strait. ... They climbed a nearby hill and deposited a sealed bottle containing a note of their presence.”

**January 22nd**, Byron holds a formal ceremony on Possession Island.

> “Of this harbour, and all the neighbouring islands, I took possession for his Majesty King George the Third of Great Britain, by the name of Falkland's Islands; and there is, I think, little reason to doubt that they are the same land to which Cowley gave the name of Pepy's Island.”

> “... I took Possession of this Harbour & all these Islands for His Majesty King George the Third of Great Britain & His Heirs, tho' they had been before taken Possession of by Sir Richard Hawkins in the year 1593 (sic).”

> “... the Commodore hoisted his Colours & went on Shore & took Possession of Faulklands Island in the Name of His Majesty George the third on which I & his Officers Was present with him he was saluted With three Pieces of Ordinance from his Own Ship. On which every Man was Serv'd half Allowance of brandy to drink His Majesty's health.”

> “On January 22, 1765, at three o'clock in the afternoon, the Commodore, after having had the royal colours struck, and his own flag on the Dolphin, went on shore accompanied by Captain Mouat and several other officers, hoisted the colors on a mast which had been planted and took possession of the harbor of Port Egmont, the islands of Falkland and all the adjacent islands, in the name of His Majesty George III, for himself and his heirs forever. The Dolphin greeted the Commodore with three guns.

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184 I translate the words as — “Bottle laid by Augustin Benoist and Joseph Talebaux, colonists, prior to the arrival of the ship, and by the Srs Le Roy, Lieut. Frigate the Aigle, in 1764 (?) And Lhuillier de La Serre, Capt(tain) of Inf(antry) and Eng(ineer) geog(rapher) of the King, January 20, 1765, Brasse and Gilet, sailors.” Quoted in Martin-Allanic 1964 p.207 en.22 (endnotes on page 220) citing PRO Ad 1/2116 (Adm. seems more likely). The question mark was probably added by Martin-Allanic to query the year.

185 Dunmore 2005 p.120. This bottle seems likely to have been the one discovered by M'Bride's survey party in 1766.

186 Gallagher 1964 p.xxxix citing Hydrographic Department C74/2. Some sources give the date as January 21, 1765 while Groussac (1910 p.111) suggests the 23rd. The plate laid by Governor David Tatham in 1996 states the 23rd. Byron did not actually name the day of the ceremony in his *Journal*; merely noting the event as occurring between between January 15 and January 27, 1765. Patrick Mouat also failed to note the date, but placed it after an entry in his log dated January 17th. The name *Possession Island* was noted on one of the charts drawn up at that time (See Gallagher 1964, plate between pages 54 & 55); on what now is known as Saunders Island. When the name change took place is not clear although the *Carcass* log used 'Saunders Island' on its arrival there in February, 1766. It may be that with the harbour named after one of the Lords Commissioners of the Admiralty, it was felt necessary to add those of Admiral Sir Charles Saunders and Admiral Augustus Kepple.

187 Byron quoted in Hawksworth 1773 vol.1 pp.50-51. The difference between this and the version below is notable. Gallagher (1964) considered Hawksworth's account "unreliable" despite having been commissioned by the First Lord of the Admiralty, Lord Sandwich. Hawksworth's work also contained a chart, supposedly based upon M'Bride's journals and drawings. On that, the archipelago is named *Hawkins' Maidenland* – not Falkland's Islands. See https://falklandstimeline.files.wordpress.com/2018/04/00874022-e1548214581411.jpg

188 Byron quoted in Gallagher 1964 p.60. Byron's orders did not require him to make either a claim, or to take formal possession. Britain's King already regarded the Falklands as British territory.

189 Patrick Mouat, who had transferred from *Tamar* to *Dolphin*, quoted in Gallagher 1964 p.60
Byron distributed to everyone a half-ration of brandy, which was drunk to drink for the health of his Majesty and the success of such a happy discovery.”

“... commodore Byron came in January, 1765, to survey the Malouines. He touched to the westward of our settlement, in a port which we had already named Port de la Croisade, and he took possession of these islands for the crown of England, ....”

“He (Byron) named a point in Byron Sound Port Egmont, after the first lord of the admiralty, and claimed the islands for Britain.”

January 22nd, Commodore Byron notes; “The surgeon of the Tamar made a pretty little Garden near the Watering Place which we surrounded with a Fence of Turf, for the benefit of those that may come next.”

“During a brief stay of 13 days Byron built a fort and hoisted the British flag, the usual salutes being fired, the ceremony concluding with enormous bowls of punch served round to the sailors to drink the health of King George III. A large number of seals was killed while the fort was being constructed, one place in particular being called Bubblers Bay from the Shoals of these animals, which are so prolific as to give 18 or 20 at a birth. As for penguins the sailors found them very good eating provided they had been put in pickle the night before, which removed their strong flavor. Byron ascended a mountain over Port Egmont, and describes the view as very fine, embracing about 50 islands.”

“It is curious that the mere planting of a vegetable garden... was considered by the secretary of state as the beginning of a settlement...”

“Before the British force left, a vegetable garden was planted, this act being later argued as giving continuity of British occupation.”

Byron then sails east across the northern coasts, naming various features as he sees them.

“All the islands that we(re) met, all the capes, all the bays, received honorable names destined to flatter the pride of the Admiralty lords and protectors of the expedition: Saunders Island, Keppel Island, Carlisle Sound, Cape Howe, Cape Carisfort, etc.”

January 28th, Byron turns south, down the eastern coast of the archipelago. Unaware of the French presence, Byron names the mouth of the estuary leading to Port Louis as Berkeley Sound. Byron, however, is observed by a French hunting party which reports seeing two ships which they believe to be British.

“This Island is very large – I dare say at least 6 or 700 Miles round, but part of the Coast is extremely dangerous; I went as far as any Ship would dare to venture & quite to the South End of It, after that it becomes a Lee Shore a prodigious Sea tumbles in upon It and sunken Rocks lay off 3 or 4 Leagues from It...”

191 Bougainville 1772. A version of this, using the Spanish name Puerto de la Cruzada, was included in Manuel Moreno’s Memoir and Protest to Viscount Palmerston of June 17th, 1833. The only Spanish map of this period I have found is that by Capt. Francisco de Oroso of 1748, which was published in 1760. On that chart, the archipelago is noted as Tierra Incognita (unknown land) and the western end of the archipelago is incomplete as in the style of Frezier’s 1717 chart.
193 Gallagher 1964
194 Mulhall 1878 pp.73-74
195 The Struggle for the Falkland Islands J. Goebel 1927 p.234. Historically, Spain had erected iron crosses.
196 Memorandum on the Falkland Islands 1947 in LCO 2/490
197 Martin-Allanic 1964 p.392
198 Byron to Egmont February 24, 1765 in Gallagher 1964 pp.153-160. Original use of capital letters. Byron was aware of
“...two establishments; the one, a national concern, executed by royal authority, and becoming a station of King's ships; the other, an individual enterprize, encouraged possibly, but certainly not supported, by the executive power of the country. The settlements were also perfectly distinct; for they were on different islands, at a distance of some hundred miles from each other; ... The two settlements were not only on different islands, but they were on islands to which neither country had, or could pretend to have, any thing like a prior or exclusive right. ... no right but that of actual possession or prior occupancy, can amount to an exclusion of other nations; and in this case, no such prior occupancy could be arrogated either by England or France. On the ground indeed of prior discovery, the right of England must have been indisputable ... This, however, is a species of claim too absurd to be depended upon in these days; and, in the case of the Falkland's Islands, it was unnecessary, as the circumstance of their having been unoccupied before the settlement in question was formed, gave the first settlers a clear and undisputed title against the whole world. It follows from this, that both settlements were valid so far as the territory occupied extended. It would indeed be an extravagant proposition to affirm, that the possession of one island necessarily induces the possession of every island in its neighbourhood; as the obvious consequence must be that the first occupier of any Caribee Islands must have had exclusive rights to them all;...”

On the same day, Bougainville, after more than a fortnight away, returns to the French settlement. Shortly after, joined by the boat that he had sent out on the 11th. He is told that two ships have been seen, probably English.

“About a year or two years ago, two english (sic) men of war with two vessels under their convoy anchored in sight of the Bay D'accaron, which caused much uneasiness to the french vessels and inhabitants of those Islands, who were of opinion that our men of war and the two vessels under their convoy were going to make a Settlement in the Streight of Magellan.”

“The men reported that they had seen two ships towards the north, which seemed to be making for the French settlement. Then they disappeared. Alexandre Duclos-Guyot thought they could have been sent from France with more supplies or colonists as had been promised... Louis, however, knew this was not likely, as France had no money for any further voyages; he believed that the ships were English, 'part of an expedition that was being readied as I was leaving, in order to set up some outpost in the South Sea.' ...”

February 2nd, encountering bad weather, Byron abandons his attempt to circumnavigate the archipelago, instead returning west along the northern coast before setting out for Port Desire (Puerto Deseado); “... where he was to meet the Florida Storeship bringing him provisions and news from England.”

the visit by Hawkins in 1594 (mistaking the year for 1593) but not that of Strong whose unpublished manuscript revealed his landing and exploration of Falklands Sound in 1690 – a feature Byron appears to have missed completely. Byron's repeated use of the word 'It' clearly indicating that he saw the archipelago as consisting of only one main island – as was so often depicted in the charts of that time. A clearer picture would not emerge until the Carrington Bowles published chart of 1770. This perception of one large island undoubtedly had an influence on the nomenclature used for the archipelago during this, and later periods.

199 Letters lately published in The Diary on the subject of the present dispute with Spain, under the signature of Verus Sir James Burges 1790. My emphasis.
200 Date of Bougainville's return to the settlement in Martin-Allanice (1964 p.207) which also states that the information regarding the two ship was given to Bougainville on January 30, 1765. He sent out scouts but no further sighting was made.
201 Report by John Le Mesurier dated June 26, 1766 in the Royal Archives at GEO/MAIN/447-44. cf. 1766
202 Dunmore 2005 pp.120-121
203 Gallagher 1964 p.xxxix
“As for Port Egmont I am almost certain that We are the first Ships that ever have been there since the
Creation, & I coasted the Island above 70 Leagues afterwards but saw no Smokes or Signs of any
Body's being there...” 204

On the same day, Bougainville sails from Berkeley Sound bound upon a further search for Pепy's Island. 205

**February 4**th, in Paris, Minister Choiseul and the Spanish Ambassador agree that the French will remove their
colony and that a Spanish garrison will replace it. It is also agreed that an inventory will be sent to Madrid
detailing Bougainville’s costs expended in the formation of the settlement. 206

“By early February 1765 the whole matter was settled, but Louis (Bougainville) did not arrive for another six
months – and by then a whole new factor had come into the discussion:...” 207

**February 5**th, Byron meets up with Florida near Port Desire; “At four in the afternoon, the master of the
storeship came on board the Dolphin, bringing a packet from the Lords of the Admiralty.” 208

**February 11**th, Bougainville gives up the search for Pепy's Island, and turns south for the Magellan Strait. 209

**February 13**th, Byron decides to sail for Port Famine to continue the unloading of Florida, it being a more
suitable harbour for the purpose.

**February 16**th, one of Byron’s crew; “… saw in the north-west area a foreign sail sailing south.” 210 Unsure of
the distant ship’s nationality, Byron orders his three vessels to prepare for an engagement.

**February 18**th, now in Magellan's strait, Florida runs aground.

“At the sight of the danger that this ship ran, the foreigner who was very near, dropped anchor, raised the
French flag, and put two canoes into the sea, which he sent with an anchor to rescue Florid(a). On the spot I
detach two of my canoes and one of the Tamar to come to her aid with orders to the officers not to allow the
French to board, but to thank them in an honest manner for their good will. These orders were punctually
executed and our ships soon came to restore our supply vessel. When we returned from our boats, I was
informed that there appeared to be on board the French ship a large crew and many officers...” 211

“... The Stranger/ who came to an Anchor ... hoisted French Colours. ... She is either from the Islands to get
Wood here, or else upon a Survey of these Straits; I should rather think the latter...” 212

“When one ran aground, Bougainville put a dingy out to sea to give assistance. The ship refused the assistance.
... After observing the movements of the English, the men gathered plants – 10,000 trees for the colony.” 213

Once Florida is afloat, the three British ships enter Port Famine to continue the transshipping of the store-ship's
supplies and to take on wood and water.

**February 24**th, Byron writes a letter for the attention of Lord Egmont.

204 Byron to Egmont February 24, 1765 in Gallagher 1964 pp.153-160
205 Martin-Allanic 1964 p.208
206 Scavennec 2005
207 Dummore 2005 p.129
208 A Voyage Round the World In his Majesty's Ship the Dolphin ...By an Officer on Board Anon 1767
209 Martin-Allanic 1964 p.208. See https://falklandstimeline.files.wordpress.com/2019/02/1765-plans-ou-cartes-des-isles-
malouinnes-et-du-destroit-de-magelland-by-m.-bouguinville.jpeg
210 Ibid. p.393. This author asserts that Bougainville first sighted the English ships the day before; February 15, 1765.
211 Byron quoted in Martin-Allanic 1964 p.394
212 Byron to Egmont February 24, 1765 in Gallagher 1964 pp.153-160
213 Scavennec 2005. Martin-Allanic (1964 pp.209-211) suggests that the ships were in close proximity for a week.
“Mr. Stephens informs me the French have been lately at the Isles Malouins so Falkland Islands are call’d in some Charts; if your Lordship will please to look over Frézier’s Voyage You will see that the French themselves acknowledge Our Countryman Sir Richard Hawkins to be the first Discoverer of the Falkland Islands.” 214

**February 26th**, Byron sends the store-ship *Florida* back to England before setting out for the South Sea; “... the Commodore sent home the draughts of all the places he had caused to be taken...”

**March 30th**, Bougainville arrives back at the French settlement with a cargo of wood and saplings. 215

**April 27th**, *Aigle* sails for France. 216

“A few days before my departure, ... I married the two sisters of the wife of Malivilain, ..., and I leave three pregnant women. The country is good for increasing. Total men, women and children of the colony in 1765: 75 people.” 217

“Louis had every reason to feel satisfied with his young colony.” 218

**June 6th**, in Britain’s colony of North Carolina, a protest occurs complaining about corrupt officials and the taxes that they were imposing. 219

**June 21st**, *Florida* arrives back in England with letters and papers from Byron.

“Commodore Byron’s report, which reached England on the 21st June, 1765, stated that there were no signs of inhabitants on the Falkland Islands. On the strength of this and discounting the French announcement made in August, 1764, the British Government planned a further expedition to complete the settlement begun last year at Port Egmont.” 220

“The Admiralty report(ed) to the ministry on the success of Byron’s mission, so that the news may reach the king, and (to) solicit instructions.” 221

**July 20th**, not having heard anything from the *Cabinet*, John Percival, 2nd Earl of Egmont, writes to Augustus Henry Fitzroy, 3rd Duke of Grafton, Secretary of State for the Northern Department.

“I have the honour to enclose the Charts & Surveys which were transmitted with the Letter your Grace has lately read from Commander Byron. With these I have likewise sent full Extracts of all such accounts as have hitherto come to our Knowledge concerning Falkland’s Island from its first Discovery to this day – Your Grace will please to lay them before his Majesty & those of his principle Servants whose opinion can alone be taken on a Subject of this very great Moment & of the most secret nature. The Perusal of these Papers will, I believe completely prove his Majesty's Title. It will also shew the great Importance of this Station, which is undoubtedly the Key to the whole Pacifick Ocean.

214 Gallagher 1964 p.156  
215 See [https://falklandstimeline.files.wordpress.com/2019/02/1765-carte-de28099une-partie-du-dc3a9troit-de-magelan-et-de-le28099isle-malouine-e1550362098655.jpeg](https://falklandstimeline.files.wordpress.com/2019/02/1765-carte-de28099une-partie-du-dc3a9troit-de-magelan-et-de-le28099isle-malouine-e1550362098655.jpeg)  
216 Burney 1813 p.149  
217 Bougainville quoted in Martin-Allanic 1964 p.215  
218 Dunmore 2005  
219 Small beginnings. This protest led to what is now known as the War of the Regulation 1765 to 1771, itself a precursor for the American Revolutionary War 1775 to 1783. These events would lead to the withdrawal of Britain’s garrison at Port Egmont in 1774.  
220 Memorandum on the Falkland Islands 1947 in LCO 2/490  
221 Martin-Allanic 1964 p.395  

35
This Island must command the Ports & Trade of Chile Peru, Panama, Acapulco, & in one word all the Spanish Territory upon that Sea. It will render all our Expeditions to those parts most lucrative to ourselves, most fatal to Spain & no longer formidable tedious, or uncertain in a future War ... Your Grace & the rest of the King's Servants will no doubt particularly consider how far & in what Manner this Project may commit G. Britain either with the Spaniards or the French. First, as to Spain, it is impossible that even their pretended Title from the Pope's Grant or any Treaty (so far as I can recollect) can give them the least Claim to an Island lying 80 or 100 Leagues in the Atlantick Ocean eastward of ... Continent of South America, to which it cannot be deem'd appurtenant, and the attempt of France to settle there seems to confirm this argument against all that can be urg'd hereafter by either of those Powers to that Effect. 222

With respect to France ... the 1st & 2nd Discoveries of this Island were both by the Subjects, & under the authority of the Crown of G. Britain in the reigns of Q. Elizabeth and Charles the Second, and the French never saw them until the reign of Q. Anne. Their present Projector Frezier owns that they were first discover'd by the English. 223

It was many months after Cap' Byron's expedition was plann'd & 6 or 7 Weeks after he had sail'd that the first suspicion was entertain'd in England of any Design on the Part of France to attempt this Island. In Sept. 1764 a Paragraph in the foreign gazettes first mention'd that some frigates were returned to St Maloes from visiting and exploring the Coast there ... and in ... Month of March last the famous old Voyager Frezier himself told a Person employ'd to view the Ports of France (whose important Intelligence your Grace has lately seen) that he had been consulted by the French ministers upon this undertaking & that 3 or 4 French Frigates were to be employ'd this Summer to make the Settlement. This being all that We have yet learn'd of the French Intentions & coming from Us from no avowed authority & Capt Byron so late as Febry' last having rang'd the Coast for 200 Miles in Length & remain'd long upon it without finding the least Trace of any Possession taken by the French We may either suppose the Intelligence above mentioned to have been such as deserv'd our Notice, or Pretend a total Ignorance upon the Subject as it shall best suit the Conduct which his Majesty may think proper to hold upon this delicate affair: – I have only to add that as things now stand, the King's Ministers should immediately take this matter under Consideration & come to a very speedy resolution upon it that the Admiralty may receive his Majesty's orders if any thing is to be done without delay. It will not be possible to fit out an Equipment proper to take possession of this Island later than the middle of Sept – This Interval is very short to prepare for such an undertaking – and if We should let this Season pass another will not return till the same month in the ensuing year. By that time the French will have certainly fix'd a Colony which will have taken root full 19 months before any that in that Case can be made by Us & may be then probably out of Power to expel, at least without direct & avow'd Hostilities which may bring on an immediate Rupture both with France & Spain.

Whereas (for many reasons too tedious to be inserted here) this will be less likely to ensue, if as things are now circumstanc'd We take our measures sooner or at least as soon as France. .... I have the honour to be &c.” 224

222 For comments regarding adjacency see 1790
223 It is somewhat surprising that, in the 16 years following Carvajal's assertion that Spain had long inhabited the archipelago, no evidence had been produced by Spain to confirm this or to refute Britain's claims of first discovery. cf. 1592, 1594 & the 1764 comments in the Gazette d'Amsterdam.
224 Egmont to Grafton 20 July 1765 SP 94/253, fol.238 quoted in full in Gallagher 1964. My emphasis.
“Lord Egmont, in conclusion, calls for immediate action, because he fears that if the French really try to settle on Falkland Island and the English do nothing, the first ones will not only have an occupation priority of one year, but still “it is probable that it would then be no longer in our power to expel them, unless there were direct and open hostilities which would lead to an immediate break with France and Spain. However, for reasons that would be too long to expose here, this possibility could only be considered if the circumstances allow us to take our measures sooner or, at least, as soon as France.”...”

“More or less summarising Anson’s proposals, Egmont thus envisaged an attack both on the unknown continent and (if necessary) on the more tangible riches of the Pacific, the Spanish empire. For harrying Spain in a future war, for establishing England’s right to free navigation in the Pacific, and also as a bargaining counter in the negotiations over the Manila Ransom... the Falkland Islands were indispenisible. Conversely, a hostile power in possession of them would prohibit further English penetration unto the Pacific.”

Egmont asks that his letter be placed before the King.

That same day, Henry Conway, Secretary of State for the Southern Department, instructs the Admiralty to ready a frigate, a sloop and a store-ship for an expedition to Port Egmont.

“(They are to) immediately complete the settlement begun last year. ... If any lawless persons should happen to be found seated on any Part of the said Islands, they are to be compelled either to quit the said island, or to take the oaths, acknowledge and submit themselves to His Majesty's government as subjects of the Crown of Great Britain. And if, contrary to Expectations, the subjects of any Foreign Power in Amity with Great Britain, should under any real and pretended authority, have taken upon them to make any settlement of any kind ... the commanders of His Majesty's ships are to visit such settlement, and to remonstrate against their proceedings... to warn them off the said islands & to transport themselves with their effects within a time limited, not exceeding six months from the day of the notice so to be given.”

“If any wild people inhabit the said islands His Majesty orders them to be treated with the greatest Prudence and the greatest Humanity, to invite them to traffic, by presents and benevolent manners, and to induce them to treat and recognize the titles of His Majesty...

The same concern for humanity and moderation has also led His Majesty to signify that he pleases him, in the event that any subject of some foreign power is, against any expectation, found established or attempting to make an establishment upon the said or any of them, and would refuse by recklessness or ignorance to take note of the advice given to him to leave, or persist in disobeying the orders given to him, or would try to maintain by force, the commanders of His Majesty's ships (except at the Port-Egmont establishment where they are formally ordered to stay at all costs) will have to carefully avoid employing measures of hostility or unless forced to do so by hostility or violence first against them and in the case of self-defense.

In such circumstances, one of the ships would be immediately dispatched to England to inform Her Majesty of all the details of the events ...”

225 Martin-Allanic 1964 p.396
226 Wallis (ed.) 1965
227 Ibid.
228 Quoted in Goebel 1927 p.234. Byron's information caused some confusion. The Admiralty was now aware that France had settlers in the Isles Malouine, but there was no certainty that those were the same as the Falklands; Byron having found no sign of life.
229 Sir Henry Conway quoted in Martin-Allanic 1964 pp.396-398
“The new colony was to have a ship constantly stationed as a protection, and the other vessels were to be employed in making surveys and to continue the search for Pepy’s island, which the King did not yet despair of finding and reducing to possession.” 230

“Lord Egmont receives with joy the king’s instructions which allow him to pursue his designs. He immediately ordered Deptford’s arsenal to repair the armament of the frigate Jason, 32 guns, the Carcass sloop, 16 (guns), and the Experiment corvette.” 231

August 12th, Bougainville, after a journey beset by contrary winds and scurvy, arrives back in St. Malo. 232

“It is assured, that our Court, ... proposes also to maintain the Establishment made in the Isles of the Malouines, and promises itself much in this Respect from the Cares of the Sieur de Bouganiville. This gentleman is returned, for the second time, from the Isle, which is believed to be one of the Malouines, near the Terra Patagonia, where he had formed an Establishment, which he found in good condition. Of the 115 inhabitants, whom he had left there, none of them had felt any illness, but their propagation will be but very slow, as they have only 15 women with them.” 233

August 17th, on his arrival in Paris, Bougainville finds that Choiseul is out of the city and that nobody is prepared to discuss what is happening. More worryingly, the supply ships that should have been ready for the journey to the Malouines are not to be found. Nothing seems to have been done.

“Du Buc had given on the 30th of April, at the port of Rochefort, an order to "dispatch diligently ... some vessels of the King of about 200 tons to bring to the Malouines the necessary supplies according to the (requirements) drawn up by M. de Bougainville." ... But Du Buc’s order remained a dead letter. It seems that it had never left the offices of Truguet and Rodier and had never reached Rochefort. ... no one wants to say anything precise, one whispers as around a corpse. It seems to Bougainville that the Malouines affair is dead and that they are only waiting for him to bury him.” 234

Bougainville speaks to Charles de Brosses about all he had found in the new colony, sketching the land discovered; “… separated in two by a strait.” 235

August 20th, in London, the new Southern Secretary instructs Ambassador Rochford in Madrid to press the case for full payment of the outstanding Manila ransom. 236

“Conway observed that the long silence in the correspondence may have led the Spanish to, think that the matter had been laid aside, but Rochford was now to employ all his zeal and ability to press for the full payment of the Ransom. Reviewing and answering the possible objections, Conway acknowledged that there may be no law in Spain enabling a Governor or Archbishop to draw on the Royal Treasury for so large a sum,

230 Goebel 1927 p.234
231 Martin-Allanic 1964 p.398
232 Date provided by Martin-Allanic 1964 p.219
233 Paris, Aug 16 in the Bath Chronicle & Weekly Gazette Thursday September 12, 1765
234 Martin-Allanic 1964 p.241
235 Ibid. p.242. Charles de Brosses (aka the President of Brosses), Count de Tournay, was a prominent writer, historian and academic of the period. It is not clear whether this was a reference to Falklands Sound or Choiseul Sound, which Bougainville had visited in January 1765. Up until this time, charts of the archipelago had been based upon that produced by Frézier in 1716 which depicted one large island. Bougainville’s information does not appear to have been circulated however, and it would be the British survey of 1766 that would more clearly inform cartographers. 
236 Rice 1973 p.294 citing Conway to Rochford August 20, 1765 in SP 94/171. Privately, Spain's Finance Minister, Squilaci, informed Rochford that his King simply did not have the money to pay.
but treaties made and signed must be fulfilled, as they engage the honour of nations; the Spanish ministers would surely dishonour their King "by advising him to act a Part rather becoming the low & mercenary Principles of a Banker or Scrivener, than the liberal and exalted Sentiments of a great Prince."..." 237

August 25th, Minister Choiseul returns to Paris and immediately calls for Bougainville; who informs him of the sighting of the British ships in the Magellan Strait.

"The Duc de Choiseul is well aware that the successors of Admiral Anson are not people to let go of (an idea). They renew the attempt made at (Anson's) instigation fifteen years earlier." 238

France's Minister informs Bougainville of the problems with Spain and the decision to hand the new colony over to them.

"(Choiseul) sets forth the arguments which have been produced by the Spanish Ministry and which are not lacking in strength: it is not certain, it is even very doubtful, that the French can rely on the priority of discovery; the Falklands were known to Spaniards as to other nations; they are contiguous to the American coasts belonging to Spain, and if that nation has not occupied them, it is because it is not possible for it to maintain inhabitants on all points of its immense territory, especially when the usefulness of some of them is questionable; the French, moreover, who claimed the right of priority by discovery, had not occupied them either. If Spain allowed France to settle there, she would tacitly authorize England to do the same in other nearby islands, which she might, moreover, claim to have been discovered by her nationals. Finally, and this is the main argument on which the Spanish Ministry has insisted, the Malouines will be used mainly to introduce smuggling into the Spanish possessions of South America." 239

"Choiseul gave him the gist of his discussions with the Spanish Ambassador: it did look as though Spain had a valid claim to the islands. French sailors may well have discovered them and visited them on a number of occasions but France had not occupied them until Bougainville's recent effort." 240

Bougainville argues that the Spanish claim is invalid as they have never attempted to settle the Islands and do not appear to know how to find them.

"Even accepting that the whole of South America belongs to Spain, what rights can she have to an island lying 80 leagues from that coast." 241

Believing that Choiseul can be persuaded to change his mind, Bougainville promises to set out the fragility of Spain's arguments in a mémoire.

"... Bougainville reiterated that England was going about its own business, ignoring Spain, and looking to establish its own land holdings in the area. Bougainville had seen the English vessels with his own eyes." 242

August 26th, resolute, Bougainville presents a lengthy memorandum to Choiseul - "On the motives which determined the Government to recognize and establish the Falkland Islands, on the consequences and advantages of this establishment and on the lack of foundation of the claims of Spain in this respect." 243

237 Ibid.
238 Martin-Allanic 1964 p.243
239 Ibid.
240 Dunmore 2005 p.130
241 Robson 2005. The suggestions that Spain was unable to find the islands is surprising after 50 years of charts showing their position. However, there is no evidence that Spanish ships had attempted to visit the islands. cf. October 28, 1790
242 Scavennec 2005
243 Quoted in full in Martin-Allanic 1964 p.244 citing Arch. Min. Col. Cart. 7, n° 530
“Spain is not entitled to make any claim on this establishment. It is an acknowledged principle that new lands belong to the first occupant. We discovered and established first the Malouine islands. It can not be contested.” 244

Choiseul, re-enthused, orders Bougainville; “... (to) plead his case to the Spanish court. ... Bougainville ... (reminded) ... the minister of the urgency of having a ship leave to resupply the colonists...” 245 After the interview, Bougainville immediately writes to Pernety; “... I shall be sent into Spain to settle some matters with the Spanish Court relative to our new establishment.” 246 Choiseul also authorises the supply ship, Etoile, to be prepared to resupply the French Acadians at Fort St. Louis.

“In terms of the Law of Nations as it was then understood, Britain's claim by virtue of discovery was insufficient. So too was Spain's theoretical claim under the Treaty of Utrecht, since it could not be proven that these islands were part of the Spanish Empire in the time of Charles II of Spain. In legal terminology, the islands were res nullius, and open to the first permanent occupant, which was now France.” 247

August 31st, Grimaldi writes to Spain's Ambassador to the British Court, Don Filippo Vitorio Amadeo Ferrero de Biella, Prince of Masseran, in London, on the issue of the Manila Ransom, expressing; “... hopes for delay, giving Spain time to prepare for defensive measures in case another war broke out between Spain and Britain.” 248

“As for the demand for the two millions, it is useless to enter into the discussion of a debt so ill-founded, that it is unfair to claim, and that it would be shameful to imagine paying it... What is the point of looking for excuses? It is better to say that England wants war.” 249

September 2nd, Fernand de Magallon, who is still acting as Spain's representative in the Ambassador's absence, visits Minister Choiseul. The Minister tells him that the Malouine Islands are further from the South American coast than he had thought, and that he now wishes to re-examine the question of the French settlement. Magallon responds; “... that he does not know exactly how far they are from it, but that this distance must be considered in proportion to the size of America.” 250

Choiseul informs Magallon that he intends to send Bougainville to Madrid to argue the case for the French settlement remaining in order to deter the British from founding their own.

September 3rd, in Madrid, Rochford and Grimaldi meet.

“Rochford began cautiously and moderately, "Knowing how tender and disagreeable a Subject" it would be; but Grimaldi "flew out at the first mention of the word Ransom," and said they would go to all Eternity rather than pay so unjust a demand. He at once retracted this statement, and observed that he had no authority for such a remark. He lapsed into a bitter silence, and would have stopped there, had not Rochford continued on the injustice of Spain's refusal and the moderation of Draper's forces at Manila. At this, Grimaldi grew very heated, and vehemently reminded Rochford that although the British had left the buildings intact, they had stripped the interiors. After further acrimonious exchanges on similar themes, Grimaldi ended the interview with a request that Rochford should submit an Office making formal demand for payment, which Rochford agreed to do.” 251

244 Ibid p.248
245 Scavenne 2005
246 Burney vol.5 1817 p.150
247 Rice 1973 p.418 citing Goebel 1927
248 Ibid. p.295. Of Masseran is Masserano in Spanish, the name the Ambassador was generally known as.
249 Grimaldi quoted in Martin-Allanic 1964 p.256
250 Martin-Allanic 1964 p.249
251 Rice 1973 citing Rochford to Conway September 6, 1765 in SP 94/171, f.152
September 5th, the French charge d'affairs in London, de Blosset, writes to Minister Choiseul regarding a conversation with Southern Secretary Conway.

“This minister has asked me several questions about the return of M. de Bougainville and the ... Falkland Islands, long known and frequented, by the subjects of Great Britain and to which he gives an English name. I confessed to him that I was not in a position to satisfy his curiosity, that it only seemed to me that the name indicated the nation that had discovered these islands, and that for the rest I had heard that they were sterile and uninhabited.” 252

September 6th, from Madrid, Rochford informs London that the Spanish fleet is in a poor condition and that they could not equip and man more than 30 vessels in the event of war.

“You see Sir by this State of Affairs how little they ought to wish for a new War, and it is my firm Belief They will do their utmost to avoid it, and will endeavour by all Sorts of Means to gain time but they will not easily forget their late Losses, and will as soon as ever They are able, hold a different Language.” 253

September 12th, in receipt of de Blosset’s letter, Choiseul becomes concerned about an emergence of British pretensions to the archipelago.

“The fears of Bougainville and Choiseul are justified; English claims to possess rights over the Malouines are already emerging. This fact is not isolated, it is a manifestation of the increasingly dangerous policy of the English ministry where the influence of Mr. Pitt is felt again.” 254

Choiseul delays sending Bougainville to Madrid.

“... couriers were expedited from London to Paris, to Madrid, confirming the English intention to occupy the Malouines/Falkland Islands.” 255

September 26th, Captain John M’Bride256 is ordered by the Admiralty to establish a settlement at Port Egmont.

“(Byron) visited and explored the Falkland Islands as much as the season and the nature of the ships under his command permitted him; he surveyed and recognized the coast from the western part, which he situated at 51 ° 8 'of south latitude to its eastern extremity, that is to say on an extent of nearly four degrees of longitude. Throughout this journey he has not discovered any sign of the existence of any inhabitant, no trace that someone has ever set foot there. (Byron) according to his report, fixed his choice on a very large and very safe port, to which he gave the name of Port Egmont, as being the cleanest place to form an establishment on these islands. He has erected marks of possession (especially on the shore of the port already mentioned). His Majesty, taking full consideration of these reports, has informed the Admiralty that it pleased him that a new expedition was formed as soon as the season was deemed favourable, to strengthen the said establishment of Port Egmont of the Falkland Islands, and a 32-gun frigate, a sloop and a supply corvette were to be used to carry a strong wooden fort, ready to be reassembled, for the immediate safety of those left in the island and for their safety, to serve as a dwelling as suitable as possible.” 257

253 Quoted in Rice 1973 citing Rochford to Conway September 6, 1765 (Private) in SP 94/171, f.150
254 Quoted in Martin-Allanic 1964 p.255
255 Dunmore 2005
256 Variously rendered McBride, MacBride or M’Bride; Dr. Graham Pascoe informs me that he signed as M’Bride (with a small superscript c).
257 M’Bride’s instructions quoted in Martin-Allanic 1964 p.399
Commanding the frigate, Jason, M’Bride is to be accompanied by the sloop Carcass and store-ship, Experiment. He is also ordered to reconnoitre all those parts of the archipelago that Byron had not.

“The new expedition, like the first, was to consist of three vessels, a frigate of thirty-two guns, a sloop, and a store-ship. These were to be furnished with all the provisions and necessaries, especially a "wooden blockhouse ready framed" for the erection of a permanent settlement on the shores of Port Egmont. Twenty-five marines, including officers, were to constitute the defense force and were promised relief within the ensuing year. The commanding officer whose first duty was to complete the settlement “at all events” bore instructions how to proceed should he find any occupants on the islands.

If the intruders were savages, they were to be treated kindly and won by gentle methods; if, on the other hand, "any lawless persons should happen to be found seated on any part of the said Islands" they were to be compelled either "to quit the said Island or to take the oath and acknowledge and submit themselves to His Majesty’s Government as subjects of the Crown of Great Britain" and finally, "if, contrary to expectation, the subjects of any Foreign Power in amity with Great Britain should under any real or pretended authority have taken upon them to make any settlement of any kind or nature whatsoever upon any part or parts either of the said Falklands or Pepys Islands" the commander was to "visit such settlement and remonstrate against their proceedings acquainting them that the said Islands had been first discovered by the subjects of the Crown of England sent out by the Government thereof for that purpose and of right belong to His Majesty, and His Majesty having given orders for the settlement thereof the subjects of no other power can have any title to establish themselves without the King’s permissions. If they refused to depart within a limited time the English officer was “to avoid proceeding to measures of hostility” but to despatch a ship with full information to England for assistance.”

“Captain McBride, the commander of this second expedition, received instructions to the effect that in the event of his discovering an alien (i.e. French) settlement in the Falklands, he was to remonstrate, pointing out that the islands had been first discovered by the English and therefore of right belonged to the British Crown. Having delivered this warning, he was to allow such settlers six months in which to depart.”

“... the prompt sending of an expedition to the Falklands was to have England challenge the French right of occupation and to found a settlement soon enough after the French one's founding to be in effect simultaneous.”

September 29th, in Madrid, Grimaldi presents Spain’s answer on the question of the ransom to Rochford.

“It was a long and detailed Answer, which amounted to another outright refusal, based on two main arguments. In the first place, it was argued that the Archbishop, even as Governor of Manila, had no authority to draw on the Royal Treasury, and that the British were foolish to think that he could. Secondly, the Answer

258 A converted bomb-vessel under the command of Lieut. Mark Pattison.
259 Anglo-Spanish Relations in America in the Closing Years of the Colonial Era Vera Lee Brown 1922 p.397 citing SP Spain Supplementary 253 Conway to the Lords of the Admiralty, July 20, 1765. Secret Instructions to Captain John McBride, September 26, 1765.
260 Memorandum on the Falkland Islands 1947 in LCO 2/490 citing Secret Instructions to McBride, September 26, 1765, State Papers, Spain, Suppt. 258
261 Gustafson 1988 p.10
claimed that the capitulation was obtained under duress, by the threat of a sack, and that the British broke the terms of the agreement by allowing looting to continue after it was signed.” 262

Ambassador Rochford merely acknowledges receipt, and forwards the document to London.

In early October, in Paris, Spain’s Secretary of the Embassy, Magallón, presses Choiseul for a date of Bougainville’s departure to Madrid; and when the French will abandon their Falklands colony. Choiseul prevaricates while Bougainville prepares his case in a further memorandum – Reflexions sur les moyens de commencer l’établissement des Îles Malouines. 263

“The principle from which we must start is that Spain has no right to the Malouines Islands. This principle is one of public law, universally accepted, namely that all unknown and uninhabited land, when it is an island separated from the continent, of 80 leagues, belongs to the first occupant. This is incontestably our title of possession, of ... the Malouines Islands...” 264

Bougainville does, however, accept that any French colony on the islands would be dependent upon supplies from Spain’s Rio de la Plata colony.

“We can not establish the Malouines Islands promptly and in an advantageous manner if Spain does not consent to supply us with cattle of the river of La Plata; Now, the mistress of this river, where commodities of all kinds are in incredible abundance, would form the establishment much more quickly than we, and at half the cost.... most useful to the two nations would be a treaty of partition by which France would cede to Spain one of the two Malouines islands while preserving the other. The Spanish establishment would facilitate ours ... but it is very doubtful that Spain, which fears above all contraband into his possessions, (will) consent to sharing.” 265

October 8th, Magallón reports to Madrid, describing Bougainville as; “... filled with a deadly loathing towards the English, against whom he would like to see war declared without delay.” 266

October 11th, reported in the Derby Mercury.

“His Majesty's Ship Jason, of 32 Guns, commanded by Capt. M'Bride, which is arrived in the Downs, is sheathed with Copper, on a new Plan, and is destined for a foreign Voyage to try the Experiment.” 267

October 15th, Carcass sails for Funchal, leaving M’Bride to sail in Jason the following morning. 268

“... on October 16, 1765, day of the departure of Jason, the Admiralty still pretend(ed) to ignore that the French were established in the Falkland Islands or Malouines. It was true that there was still no certainty. Bougainville could very well have been on other islands. Sir Henry Conway’s apprehensions were more positive and, although he is keen on the titles and rights of England, he fear(ed) the meeting (with) these unwanted guests.” 269

October 21st, in London, Spain’s Ambassador Masserano, questions the British Government as to its intentions in the South Atlantic.

262 Rice 1973 p.299
263 Reflexions sur l’Etablissement des... Malouines in A.G.L., Buenos Aires, 552.
264 Quoted in full in Martin-Allanic 1964 pp.259-261 citing Arch. Min. Col. Cart. 7, n° 529
265 Ibid.
266 Quoted in Dunmore 2005 p.132
267 Derby Mercury Friday October 11, 1765
268 An Archaeological Survey of Port Egmont, Falkland Islands Robert A Philpott 1992. Brown (1922 p.397) dates the departure to September, 1765 The two ships were to rendezvous at Madeira to take on a cargo of wine.
269 Martin-Allanic 1964 p.400
Prince Masserano, the Spanish ambassador in London, protested sharply at the British expeditions to the islands, declaring that the king of Great Britain had "aimed a mortal blow" at the rights of the king of Spain and at his crown." 270

October 26th, Choiseul orders the readying of Aigle and a storeship, Etoile, with the supplies for the French settlement that should have been sent in April.

“A report prevails, that the Court has resolved to augment considerably the little establishment, which the Sieur de Bougainville has formd on one of the Maloine islands. The climate is very temperate, and pit-coal has been found there, as good as that imported from Great Britain.” 271

Magallón again approaches Minister Choiseul in an attempt to arrange a date for Bougainville’s visit to Madrid. Choiseul, however, remains evasive.

At Fort St. Louis, a girl, Adelaide, is born to Augustin Benoit and Francoise Terriot. 272

November 9th, Etoile sails for the south Atlantic. Bougainville remains in Paris as an adviser to Choiseul.

November 20th, Chilean Viceroy Amat writes to Minister for the Indies, Julián de Arriaga.

“Although it is true that the aforementioned island abounds in all the comforts of life for its fertility, waters, forests, and other qualities attributed to it; I cannot persuade myself that these delights are the only incentives to exile from France at such an enormous distance the merchant subjects who come to populate it from Port St. Maló, so to frequent the South Sea... in my view they are presented with an advantageous occasion ... to do the illicit trade, with much greater ease, as on this Island they will have greater freedom without being immediately subjugated, persecuted or noticed by any Governor.” 274

November 25th, Aigle sails for the Malouines.

Far out at sea, M’Bride records in Jason’s log; “Some of the people complain of Fluxe, which I believe is owing to the fish they have had and the St. Jago water which I have ordered to be changed.” 275

December 20th, Louis XV’s son and heir dies following a long illness. All diplomatic issues are set aside for a period of mourning. Magallón, recognising this, makes no attempt to press Choiseul.

“... it was not a suitable time to discuss the Falklands with Bougainville and even less so with Choiseul. Nor was it, as it was courteously pointed out to (Fuentes), a good time for (Bougainville) to travel down to Madrid, as the route would take him through the snow-covered Pyrenees and along similarly snowy and slushy roads of Central Spain. No doubt in the spring, the question of his visit to Spain could be raised again?” 276

December 25th, in Madrid, Rochford hands Grimaldi a response from the British Government arguing its case for the payment of the Manila ransom. 277

270 Pascoe 2020 p.33
271 Paris Nov. 4 in the Caledonian Mercury Monday November 25, 1765
272 Date unknown. Adelaide was married in 1787 in St. Pierre, Newfoundland with her place and year of birth recorded.
273 One hiccup on departure was a dispute regarding the supplies which the local authority wished to tax as exports. Bougainville railed against this and appears to have achieved a temporary reprieve with the support of Choiseul.
274 Quoted in Munilla 1948 pp.18-19 citing Amat a Arriaga: November 20, 1765. A.G.T., Buenos Aires, 552. Clearly, there is little actual knowledge of the Falklands archipelago which are treeless.
275 Jason’s Log in ADM 55/83. The terminology is strange; “the people”? Crew? Supernumeraries? Settlers?
276 Dunmore 2005 p.132
277 Rice 1973 p.302. No immediate answer was forthcoming.
1766 — January 8th, John McBride arrives at Port Egmont harbour on Jason. His first task is to identify sites for Jason’s Town and Fort George. Cattle, goats, sheep and pigs are put ashore.

“I arrived here on the 8th of January after a good crossing with favorable winds ... The days from the 9th to the 24th of January were employed to (land) our provisions from the ship, to build huts to lodge them, to dig a piece of land to make a garden and to put the ship in condition to resume the sea.” 278

“His Majesty had been pleased to exert a right, by taking possession of Falkland’s Island, followed by an exercise of sovereignty in the establishment of a fort.” 279

“The Settlement at Port Egmont was formed by the authority of Government, and at the publick expense, on an Island never previously occupied, not only by any European, but by any human being. Of course, as first occupants taking an actual possession of the soil, converting it to our own use, and enjoying it uninterruptedly as well as publickly, ... we had the best title of all others to its exclusive property...” 280

“... at the beginning of 1766 the France and the Ynglaterra each had an establishment in the Falkland Islands. The right of both to establish themselves in these unoccupied islands could not be questioned: and if England invoked the right of first discovery, France had for itself the advantage of the first occupation.” 281

“It is a mistake ... to believe that the English settlement of Port Egmont was on the western Falkland, which was then called Grande Malouine. The settlement in question, the only one owned by England at the Falklands until the possession of 1833, was on Saunders Islet, to the north-east of the two large islands. The detail is not unimportant. ...” 282

“The McBride expedition, planned with some secrecy, arrived at the Falkland Islands on the 8th January, 1766, and a settlement of some one hundred souls was made at Port Egmont.” 283

“The British took possession of the islands on a different site and founded their own settlement after the French, ... Thus it was impossible for them to acquire the whole archipelago by occupation, while their claim to prior discovery had no sound basis. If the archipelago was considered as a unit, no rights at all were left after the French occupation; if it was considered as divisible, Britain could only claim part of it.” 284

“... it was not difficult to organize another expedition under Captain MacBride, formed by three ships and a group of settlers, who arrived in the islands in January 1766 with a series of instructions motivated by the news received about the existence of a French establishment.” 285

January 19th, finally acknowledging that the Manila Ransom may constitute a legal and just debt, Spain asks for more time to investigate. Rochford informs London that he still does not believe Spain will pay. 286

January 22nd, Florida sails for Port Egmont. 287

278 McBride quoted in Martin-Allanic 1964 p.404 citing PRO Adm 1/2.116
279 Governor Pownall to Parliament February 13, 1771
281 Ylas Falkland o Malvinas Paul Grimblot 1843
282 Les Iles Malouines: Nouvel Exposé d’un Vieux Litige P. Groussac 1910 p.41 fn.2. Buildings would also be erected on Kepple Island and West Falkland Island. cf. 1765 & 1771
283 Memorandum on the Falkland Islands 1947 in LCO 2/490 citing Confidential Memorandum 13336, para.16.
284 Fisch 1983 p.120. cf. 1774
285 La Estrategia Espanola en el Atlantico Sur. La Crisis de las Malvinas (1764-1774) Paulino Garcia Diego 2014 p.14
286 Rice 1973 p.304
287 Florida did not get far before being captured by a Barbary corsair and taken to Algiers. There, once it was recognised as being a ship belonging to the British Crown, it was quickly handed over to Gibraltar. See below.
January 25th, McBride sets out to reconnoitre the area.

“We found a mass of islands and broken lands, beaten by storms almost perpetual. Yet this is summer; and, if the winds of winter hold their natural proportion, those who lie but two cables length from the shore must pass weeks without having any communication with it.” 288

“... McBride had lost no time in following his instructions to complete as rapidly as possible the inspection of the islands which Byron had begun. Within a month of his arrival he had sailed round the group and had then commenced a minute and systematic survey of the land.” 289

February 5th, McBride returns to Port Egmont.

“I returned to Port Egmont at the end of eleven days;... I perfectly reconnoitered a mass of islands and broken lands, and the only method in my power to examine them carefully, was to do it by canoe,... Everywhere, the land is in peat bogs and completely devoid of wood. Your lordship will easily conceive what the daily perspective of a row of sharp and barren mountains, hard to climb, is, but above all, constant gales of wind, and we are in the summer,... On my return to Port Egmont on the 5th of February, we discovered from the top of our masts, over the land, our storeship, anchored in a small harbor west of us. We have not seen any appearance of any establishment, and we have not found anywhere (one) to have (been) attempted... it is probable that this French frigate, whom Byron met in the Straits of Magellan, has been relieved. The season is far too advanced for me to think of Pepys Island or a recognition of the eastern end of the Falkland Islands. I will perform these two explorations

288 McBride quoted in Memoir, Descriptive and Explanatory, to accompany the new Chart of The Ethiopic or Southern Atlantic Ocean, with the Western Coasts of South America, from Cape Horn to Panama..., composed from a great variety of documents, as enumerated in the work, by John Purdy: hydrographer 1822
289 Anglo-Spanish Relations in America in the Closing Years of the Colonial Era V. L. Brown 1922 p.400
as soon as time permits, in the spring. ... The fort was mounted near the watering hole. I made it as
comfortable as possible and I will post part of the fusiliers; as there is no danger of being intercepted, I
will postpone, until further notice, the cutting of gates and battlements. We will start to make gardens,
but my self-confidence is not very high. This country is demanding more skilled farmers than sailors to
get something out of it.” 290

**February 7**

_, Experiment arrives in the harbour of Port Egmont._ 291

**February 10**

_, Carcass anchors at Egmont._ 292

**February 11**

, Southern Secretary Conway informs Rochford of intelligence that Spain has a fleet of 5 capital
ships, with frigates and 2,000 men, in the Rio de la Plata. 293

**February 20**

, an entry is made in the Carcass log; “Lieut. Master with a boats crew of the Jason came on
board to survey Carlisle Sound...” 294

**March 11**

, in Madrid, Minister Grimaldi proposes that the issue of the Manila ransom be put to arbitration.
News reaches London that Florida is now at Gibraltar, and that the officer commanding is seeking new
instructions on whether to proceed to Port Egmont. 295

**March 17**

, London forwards information regarding the location of the French settlement to M’Bride.

“My Lords Commissioners of the Admiralty having received a copy of the plan of the Bay of Acaron
situated at the east end of the Malouine Islands (supposed to be Falklands isles) where M. de
Bougainville made a settlement in the year 1764... I send herewith a copy for your information and
use.” 296

Instructions are sent to Gibraltar for Florida to continue to Port Egmont. The opportunity is taken to send letters
to M’Bride telling him of the likely presence of a French settlement in the archipelago.

**April 6**

, the store-ship _Experiment_ sails from Port Egmont with letters for the Admiralty. 297

“As winter is in full swing, I have lost hope of seeing Florida this year. With what the Experiment has
brought, we will have enough until next summer.” 298

“Before the southern winter closed in, Captain McBride sent home an account of his first three months on the
Falklands. This was far less favorable to the new settlement that Byron’s report had been. Instead of
expiatiating on the advantages of ”the finest harbour in the world”, the beauties of a land ”wanting nothing but
wood”, and the possibilities of mineral wealth, the man who had spent three months there dwelt on “the dreary prospect of a range of craggy barren mountains heightened by almost constant gales of wind” and emphasized the inconvenience of a total lack of wood, the scarcity of fuel and the presence of "an incredible number of sea lions, penguins, and other vermin". The section of the letter, however, which aroused the greatest interest in government circles was undoubtedly the statement "we have seen no appearance of any settlement or where any had ever been attempted". ...

“From the 6th of April until September, however, Captain Mac Bride... employed the crews under orders to erect a battery of eight guns, to build a jetty to more conveniently supply the ships with fresh water, to build two houses and to establish and plant six gardens.”

April 7th, Choiseul takes over France’s Foreign Ministry; handing responsibility for Marine Affairs to his cousin, the Duc de Praslin. Choiseul orders Bougainville to travel to Madrid with; “… a plan proposing (a) military alliance between France and Spain against England and to negotiate the occupation of the Malouines Islands.”

“The Duke of Choiseul received in the first days of December a considerable war plan emanating from the Marquis d’Ossun, who established it in collaboration with the abbot Bélliardi. This one inserted, in the articles to be agreed between France and Spain, the following: "in order to facilitate to France the means of sailing around the world, which we consider the most natural and the shortest (route) to make with advantage to the commerce of China, his Catholic Majesty is willing to renounce in favor of France any kind of pretended right on the Malouines Islands, so that the French vessels find a safe and convenient place to (refresh) them in order to enter the South Sea …" The same article also provides for the possibility, from Spain, to give to France a part of the island of Juan Fernandez... (Choiseul) sent for Bougainville and gave him the war plan of the Franco-Spanish alliance. This precious document will be transmitted by the Marquis d’Ossun to the Marquis de Grimaldi and His Catholic Majesty, ... Bougainville will not only be a mail carrier. He is colonel of infantry, former aide-major of Montcalm. In this case, he will become the minister’s aide-major: he will specify his thoughts to the Spanish Ministry and the General Staff, which already includes several French officers. The Duke de Choiseul also recalls his instructions concerning the Malouines Islands: keep them as much as possible and, failing that, hand them over to Spain on the formal condition that it establishes an effective defense there to prevent the English from to introduce and control the route of the South Sea.”

April 9th, Louis Bougainville leaves Paris for Madrid; “... ostensibly to take the war contingency plans they had worked on during the previous few months. These were highly confidential and needed to be handed to the Spanish government by an able and respected courier. The matter of the Falklands would be addressed, naturally, but almost as a secondary issue, out of courtesy, with (Bougainville) explaining to the officials why France should retain possession.”

On Saunders Island, as winter approaches and the weather deteriorates, M’Bride completes the erection of the prefabricated blockhouse, and shelters for the garrison.

“... the very fact that the British settlement took place unhindered is the clearest possible evidence that French occupation was not effective over other islands in the group, ...”

299 Brown 1922 p.397
300 Martin-Allanic 1964 p.522
301 Scavennecc 2005
303 Dunmore 2005 p.133
304 Sovereignty and the Falklands Crisis P. Calvert 1983
“Between April and September 1766 a blockhouse was completed, six more gardens planted and two houses built at Port Egmont. A wharf was also constructed and guns erected. Although a modest settlement, it was the British Empire’s most southerly possession.” 305

April 18th, Bougainville arrives in the Spanish capital where he is met by Abbe Beliardi.

April 19th, Choiseul writes to Grimaldi, explaining why he has sent Bougainville to Madrid. He confirms with regard to the Malouines Isles; “... that His Most Christian Majesty was determined to hand them over to Spain if she really wanted to occupy them. In that case, the costs incurred in that establishment should be reimbursed. ... It is, in advance, a capitulation.” 306

April 26th, at the Aranjuez court, Bougainville, Abbe Beliardi and French Ambassador d’Ossun discuss the best way of tackling the French colony issue. Ambassador d’Ossun requests that Bougainville's Reflexions sur les moyens de commencer l'établissement des Iles Malouines be submitted to Minister Grimaldi.

“(d’Ossun) recommends that he confine himself to following the Duke de Choiseul’s instructions to the letter, to the objects he indicates to him. They consist of: 1 to establish the necessity of Spain and France for the fact that the Malouines Islands are occupied in strength so that the English can not easily seize them; 2 to develop the great advantages which will result from this establishment for navigation in the South Sea, the Philippines and China; that it would be agreeable for France to undertake to do so, on the condition that it will be permitted to draw from the Spanish colonies the cattle and provisions which will be necessary for it; 4 finally to make it clear that it will be easy to agree on the precautions to be taken to avoid the smuggling that Spain might fear from our navigators.” 307

“It was a tactful overview of the position, but concluded with the suggestion that France would be the most appropriate country to protect the islands against expected British encroachment, "as she considers herself better placed to supply colonists and troops and to fortify that outpost of Spain, which already has immense areas to defend." ...” 308

April 26th, Bougainville’s Reflexions is presented to the Spanish Court.

305 McAdam & McAdam in The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981 D. Thatham (ed.) 2008
306 Martin-Allanic 1964 p.276
307 Ibid. pp.275-276
308 Dunmore 2005 p.133
“Conclusion: ... the Malouines Islands being the warehouse and the key to the South Sea, it is absolutely necessary that they be occupied by Spain or France, and one must not to conceal the fact that this last power would gladly take care of it, either because of England, or because of the importance of this establishment for the conservation of the Spanish colonies, or because it considers that it is in (a better) state than Spain, which already has immense countries to guard, to supply settlers and the necessary troops and to fortify this post so as not to fear the very probable enterprises of the English,...” 309

“Arriaga himself produced a report in response to the Reflexions of Bougainville in which, while admitting the need to create an establishment in the archipelago and the fact that France – unlike Spain – was able to populate it, noted ... that the main concern should be to find the way to use the islands as a barrier to prevent access to the Pacific by enemy powers... Consequently, the Secretary of the Navy and the Indies proposed to organize a military colony, without this entailing the added foundation of a commercial establishment.” 310

“Grimaldi did what politicians usually do when faced with an awkward situation: he set up a committee to report on Bougainville’s report.” 311

May 1st, Ambassador d’Ossun seeks an early opinion from Grimaldi.

“... he seemed to me quite opposed to France making an establishment in the Malouines Islands. It is to be presumed that M. de Grimaldi only conforms to the ways of the King, his master, or that he will easily lead this Monarch to adopt his sentiment. ... Spanish pride forbids giving up an inch of land that has been declared Spanish. Besides, this object must be examined without delay in a committee of Ministers of His Catholic Majesty, and we shall not wait a long time for a positive reply. But I think it will be negative.” 312

Grimaldi speaks to Bougainville and the Abbé Béliardi.

“He does not conceal from him that he thinks that the Committee’s decision will be unfavourable to him. He regards the recognition that the Duke de Choiseul made, in December, 1764, of the rights of Spain on the Malouines Islands, as an acquired fact; there is no need to return to it. ... Finally, opposes the Minister of State, what would England think and do, who agreed in 1750 to give up the occupation of the Malouines, if Spain, now, tolerated that France settles there?” 313

Following a brief consideration, a Committee of Spanish Ministers together with those Councillors of State who are present at the Court, reject all the arguments put forward by Bougainville and the French Ambassador; including that for compensation,314

“One should not erect buildings on someone else's land. Let your King, who employed you, refund your expenses.” 315

“Arriaga first, and others Ministers later, proposed that, without creating a commercial colony, a military one be established, sending the troop from the peninsula necessary to constitute its garrison.” 316

309 Quoted in Martin-Allanic 1964 p.279
311 Dunmore 2005 p.133
312 Quoted in Martin-Allanic 1964 p.279 citing Aff. étr.Esp., 545. f° 347
313 Ibid. pp.280-281
314 Ministers Grimaldi, Muzquiz, Muniaín and the bailiff of Arriaga plus the Duke of Alva, de Massones, the Duke of Sotomayor, Count de Fuentes and Wall.
315 Spain's Finance Minister, Miguel Muzquiz, quoted in Dunmore 2005 p.133
316 Munilla 1948 p.20
“Once Arriaga’s report was submitted to the inter-ministerial board, Grimaldi and the rest of the secretaries agreed with its content. Thus, they decided that the necessary military forces were sent from the provinces of the Plata and that the new possession would come to depend on the general captaincy of Buenos Aires.” 317

“... Spain considered the Spanish occupation and evacuation of the French colonists as already finalized and in no need of further discussion.” 318

“... Bougainville went to Madrid to present the claim of France to the new colony. The Spaniards were not impressed and denied French rights of occupation based on Article II of the Third Family Compact which guaranteed the territories each power possessed "at the first date when one and the other Crown be in peace with all the other powers." Such date was February 10, 1763...” 319

France’s Ambassador d’Ossun makes a personal plea to the Spanish King.

**May 4th**, Carlos III instructs Grimaldi to treat Bougainville “nobly.”

**May 5th**, Spain’s Council meet to make a final decision with regard to the sovereignty of the Malouines Islands and Bougainville’s plea for compensation.

“It is by this Committee, Monsieur, that it has just been decided that M. de Bougainville should abandon the establishment which he had formed in the islands Malouines and that Spain would immediately occupy this important post for the convenience and safety of navigation to the South Sea. It was decided at the same time that the court of Madrid would reimburse the expenses legitimately done on this occasion by M. de Bougainville, and the Marquis de Grimaldi told me that M. de Magallon would be in charge of arranging this object, with the King’s ministers; (as) M. de Bougainville proposes to leave us in five or six days.” 320

“I find it now agreed between the French and Spanish Courts that the former shall renounce all claim to these Islands and that M. de Bougainville shall be reimbursed by Spain the expenses of his settlement, but this last matter is to be left to be finally adjusted by Count de Fuentes...” 321

“However, it was Carlos III himself who gave the final formula. (He) approves the ministerial proposal, but decides that the forces be sent from the provinces of Plata, declaring "this new dependent possession and subordinate to the captaincy general of Buenos Aires". The measure represents another step in the progressive importance of the Río de la Plata; although it has gone unnoticed, it represents the concession to Buenos Aires of the total custody of the Eastern Atlantic coast of South America. If until then it had served as vigilante against the Portuguese of Brazil, now is added the condition of guardian, against England, of that of the strait. The personal initiative of the Catholic King, adapted to the needs of the moment, recognizes the transcendental role reserved to the provinces of Plata.” 322

“... since the buildings and farms could be used by the Spanish, Bougainville’s costs ought to be refunded.” 323

317 Garcia Diego 2014 p.13
318 Kohen & Rodríguez 2017 p.35-36
319 Peña & Peña 2018. My emphasis. While Spain claimed all the Americas, it could hardly be said that Spain 'possessed' the Falklands archipelago.
320 Martin-Allanic 1964 p.284 citing Aff. état.Esp., 544, f° 353 5 mai 1766
321 Lewis de Visme to Henry Conway, May 19th, 1766 quoted in Goebel 1927 p.228. The English government appears to have become aware almost immediately, undoubtedly from its spies. See August, 1766.
322 Munilla 1948 p.20
323 Dunmore 2005 p.134
From Gibraltar, *Florida* resumes its journey to Port Egmont carrying messages for M’Bride prepared by the Admiralty in March. 324

Meanwhile, at the harbour of Port Egmont, His Britannic Majesty’s ship *Carcass* fires a salute of 21 guns.

“... it being his Majesty’s Birthday.” 325

**May 6th**, Carlos III grants an interview to Bougainville.

**May 8th**, Bougainville discusses the hand-over with Arriaga, nominally agreeing a date of January 1, 1767. There is a further conversation with Grimaldi regarding reimbursement.

“The Marquis de Grimaldi is already putting the finishing touches on the reimbursement of expenses incurred by Bougainville. The compensation he can fairly ask for objects and goods that he will leave in the island. It is right to pay, for these same objects, their cost and their transport, as well as the expenses made to bring and maintain the families and the workmen. The Spanish government will also pay them without any difficulty. Bougainville agrees that these propositions are just and equitable and that he neither claims nor can claim more. However, he can not make a decision concerning the families, because this question depends on the ministry of France. Nor can he, at the moment, provide the supporting accounts because he has not brought them with him. Since this is so, the Marquis de Grimaldi proposes that the question be settled in France with Count de Fuentes, once the principles have been agreed upon and settled. He asks how much Bougainville estimates that these expenses will be raised. The latter replies that he has already established for the Duc de Choiseul an account on documents, from clerk to master, which must be about 450 or 500,000 livres, but the present and future expenses must be added up to the date of the cession. He thinks that the Duc de Choiseul will abandon what belongs to the Crown of France, that is to say, all that pertains to armaments. M. de Muzquiz, who attended the conversation, agrees on all these points. The sum due to Bougainville, definitively attested by the Count de Fuentes, will be made available.” 326

**May 9th**, Byron returns to England after circumnavigating the world. 327

“The Voyage lately performed round the World, under the Command of the Hon. Commodore Byron, was kept so secret, that none of the Ship's Company knew any Thing of its destination, being told no more but to provide themselves with Cloaths (sic) proper for a hot Climate. It is pretty remarkable, that none but picked Men went out, and no Boys were allowed. The Officers all agree, that the Cattle of the new-discovered Island are extremely fat and fine, but small and it is imagined, from several Circumstances, that there are valuable Mines in it. ... Commodore Byron, in this expedition, has settled a colony at Isles Malouines, or Falkland Island, almost opposite to the mouth of the Straits of Magellan, in the Atlantic, about five degrees from the continent. This island was discovered anno 1706, and may be of great use to Britain, in any future rupture with Spain; as ships may sail from that island to the South Sea in a few days.” 328

324 It is worth noting that *Florida* sailed before there was any confirmation that France and Spain had finally agreed to the handover of the French colony. See December below.

325 ADM 51/167 Carcass Log 1766


327 Byron had simply passed through the Magellan Strait into the South Seas and then sailed for home, ignoring Admiralty orders to search for the fabled North-West passage. On his return, Byron produced a list of fanciful excuses for this dereliction of duty. However Gallagher (1964) suggests that the real reason was more mundane – the brandy ran out.

328 Newcastle Courant Saturday June 21, 1766
“It is said the late voyage round the world, performed by Commodore Byron, was in consequence of a plan and observations found among the late Lord Anson's papers, and communicated by his heirs to the Lords of the Admiralty.” 329

“We are credibly informed, that when Commodore Byron touched at Falkland Isle, he found the Place deserted, nor were there any Traces of former inhabitants to be found. The Report of the Dolphin having left an English Colony on Shore there, is entirely unfounded.” 330

“The French Ambassador to London wrote to his superiors that France and Spain should inquire into the return of Byron and question the mystery surrounding his voyage. ...” 331

“... no public announcement was given of Britain's settlement at Port Egmont. This ... show(s) that the British government maintained a clandestine occupation of a place in the Falklands/Malvinas, in the knowledge that its settlement was in violation of the treaties concluded with Spain...”. 332

May 10th, Bougainville has a further audience with King Carlos III.

“Before he left, Carlos III asked Bougainville whether he was satisfied with his time in Madrid, 'because he was anxious to ensure that justice was done.' Bougainville bowed his thanks. ... Grimaldi and even Muzquiz promised that there would be no difficulty with the reimbursement of all his expenses.” 333

May 15th, Lord Rochford returns to England on home leave following illness; leaving Secretary of the Embassy, de Vismus, to act as charge d'affaires while he is away. 334

May 19th, information regarding Spain's negotiations with Bougainville are sent to London. 335

For the first time the Admiralty admitted official knowledge of the French settlement (though they did not officially concede that the Falkland Islands and the Malouines were identical).” 336

May 29th, Bougainville arrives back in Paris.

June 9th, Choiseul speaks to Bougainville to tell him that Madrid is in a hurry following the news of Byron's return to England. The returning Ambassador Fuentes has been empowered to finalise the arrangements when he reaches Paris.

“De Bougainville has obtained the King's Permission to sell the uninhabited Island, which he discovered in 1764, near the Malouines, and where he had begun to form a little Settlement. It is said the King of Spain has purchased it for a Million, out of which Sum, all those who advanced Money to M. de Bougainville, on Account of this Enterprize, are to be reimburse.” 337

329 Dublin Courier Wednesday July 2, 1766
330 Oxford Journal Saturday July 5, 1766
331 Scavenec 2005
332 Kohen & Rodriguez 2017 p.35. In fact, the first full account of the voyage – albeit unauthorised – was published within a few months of Byron's return. For the journals see June 24, 1766 below. cf. 1670 & 1713
333 Dunmore 2005 p.134
334 De Vilmus was a clergyman who had taken up the position on the insistence of Rochford as he was a personal friend. He would be Britain's senior representative at the Spanish Court for some 17 months.
335 Wallis (ed.) 1965. Also Rice 1973 p.418 citing de Visme to Conway May 19, 1766 in SP 94/174. Four days later, Conway took over as Northern Secretary, with Richmond assuming the portfolio of Southern Secretary.
336 Ibid. Insufficient was known of the area for any assumption that the two settlements were in the same Islands.
337 Arrived the Mails from Holland and France. Paris, June 16 published in the Oxford Journal Saturday June 28, 1766
June 10th, in London, Spain’s Ambassador Masserano questions Lord Richmond as to where Byron has been. Richmond replies, flippantly, that that Byron has; “... been out looking for giants.”

“... I asked him whether he could tell me any particulars of the voyage made by the two ships that arrived recently. He replied in a bantering tone that they had been looking for giants. I answered him that if he had enquired of me for information concerning those folks I would have given them and spared them the voyage.”

“Has arrived at my Court, like all of Europe, the news that has been put in the public papers of this one, on the trip made by the Commander, Captain of the Navy Byron, that (he) has sailed around the world, going through the Strait of Magellan, making (establishments) on some of the nearby islands, and even in some ports and roadsides of those coasts of the mainland, probing them and dealing with their natives, and in the same way in other islands of the Sea of the South, and then in the seas of the Philipinas, and returning to Europe through the Cape of Good Hope. The King, my master, has also had warnings with all the signs of truth, that as a result of the observations of Commander Byron, the project of making an English settlement near the Strait of Magellan has been signed and embraced by the Ministry of His Britannic Majesty, ... and that, as a consequence of this resolution, an expedition is prepared in which, in addition to the troops, women and all kinds of workers must go with the tools, ... to found a population. ... In any case, he has sent me to represent (to) the British King his friend and to make, if necessary, the most solemn protest in his Royal name that he will never consent to such establishments, and he will prevent them at all costs,...”

Lord Richmond replies; “Would Spain claim to be mistress of the world?”

June 13th, Masserano speaks to Conway.

“(He) also asked him what had been the object of Captain Byron's voyage to the South Sea. Mr. Conway confined himself to telling him that he thought it was to try to make some useful discoveries in navigation, but that he confessed that he was not very well acquainted with what had to do with it. He did not utter the word of establishment, like the Duke of Richmond, which does not prevent the ambassador from showing him his anxiety on the appearance of English ships in a sea where there were only the Spaniards... Mr. Conway told him that the French were also there, Captain Byron having met him at the Strait of Magellan. Prince de Masseran replied that he knew that French ships had indeed followed him to this strait, but that they had not passed him. ...”

June 18th, Experiment arrives back in England.

June 19th, McBride’s letters arrive in London.
“It is said that Capt. M’Bride, of the Jason man of war, is sailed upon some important Discoveries in the South Seas.” 345

“For Lord Egmont and for the Admiralty, there is no longer any hesitation: the indispensable establishment of the Falkland Islands will be maintained and strengthened; (and) a new expedition will be made to complete the discoveries of Commodore Byron in the South Seas, in order to create advantageous settlements, the choice was made on Captain Samuel Wallis recommended by Admiral Saunders…” 346

**June 20**th, Masserano informs Madrid of his inquiries.

“I maintained that we are well acquainted with and frequently visit this region. If (they) failed to locate Spanish representatives there, it is simply because they come and go without establishing settlements.”347

**June 24**th, the Scots Magazine reports.

“It is said, that Com. Byron settled a colony at the isles of the Malouines, or Falkland islands, almost opposite to the mouth of the streight of Magellan, in the Atlantic, about five degrees from the continent. This island was first discovered in 1706 (sic), and may be of great use to Britain in any future rupture with Spain, as ships may sail from that island to the South Seas in a few days.”

**June 26**th, Lord Egmont writes to the Duke of Richmond with intelligence received from France.

“Intelligence concerning the Malouines Islands … It is a company that has undertaken, with the King of France’s consent and protection, to send a colony there. The said islands are very healthy. Two vessels have lately sailed from Nante for the said Isles. They are going to begin a trade from the said Isles with Rio de la Plate (sic), with the mutual consent of the Kings of Spain and France. The climate of the said Isles is about the same as that of St. Malo. They have already discovered 30 leagues of the Coast of these islands, but the rest is not yet discovered. The places discovered are mountainous. The voyages from France to the said Islands and from the said Isles to France, are of seven or eight months, or there about. They are of hopes to discover from the isles Malouines, Les Terres austral, otherwise the austral lands. The coast of Magellan opposite to the said Isles is very woody, and it is from that coast they have their Timber and wood for those Islands. The ships going into those Islands, very often put in Rio de la Plate River.

About a year or two years ago, two english (sic) men of war with two vessels under their convoy anchored in sight of the Bay D’accaron, which caused much uneasiness to the french vessels and inhabitants of those Islands, who were of opinion that our men of war and the two vessels under their convoy were going to make a Settlement in the Streight of Magellan.348

They take Sea Lions upon the coasts of those Islands of 36 feet lenght (sic) and as big as the Long Boats of our men of war, and they make oil of them. They reckon those Islands to be about 300 Leagues circumference. There sailed in october (sic) last a ship (formerly a fire ship or a Bomb Ketch…) from Rochelle, and the french (sic) frigate called the Eagle sailed at the same time from St. Malo with people for those Islands. The winter of those Islands is very cold and exposed to high winds...

345 Manchester Mercury Tuesday July 1, 1766
346 Martin-Allanic 1964 p.406
347 Quoted in Buschman 2014 p.59 citing Massarano to Grimaldi, June 20, 1766, AHN, Estado 4271, vol.1.
348 Original emphasis
There is no cattle to be found upon those Islands, except those they carry from France, which thrive well, all the ships that sail from France (sic) for the said Islands carry with them, horses, Bulls, cows, sheep and other animals and sheperds (sic) to take care of them. ... They are going to build at Saint Malo 2 frigates, in order to send them to the said Isles in October next. There is 60 or 70 houses built and inhabited at the Settlement of those islands. There is water enough ... There is wolves and Bears and other wild Beasts The best time of sailing for the said Island is in the months of September and October, their winter being our Summer. The Neighbourhood (sic) of the Settlement of the Isles Malouines is pretty mountainous. They expect a vessel in the month of August next at Saint Malo, from the said Islands. Mr. de Bougainville who has the chief command of the Isles Malouines, sailed about March last from France for those Islands.... The St. Malo people have a great hope, that those Islands will succeed and flourish in time. ... 349

June 30th, in the Salisbury & Winchester Journal

"According to private letters from Paris, the Court of Madrid is said to have purchased the island discovered by Mons. Bougainville, on account of its situation between Streights la a Mair and those of Magellan, of the greatest importance, by means of its port, to prevent the progress of an enemy round Cape Horn into the South Seas." 350

July 1st, while still in England on leave, Lord Rochford is appointed Britain’s Ambassador to Paris. 351

July 3rd, Etoile sails for France.

"There was made a nearly complete tour of the coast of the island, ... (a) few days before (Etoile’s) departure and there was not the slightest appearance of an establishment, nor of the arrival of Englishmen. As a result, (Giraudais) holds as absolutely false what (any)one could say about this establishment on Falkland Island. What may very well have happened is that they have done it in some island of the South Sea, at the other end of the Strait of Magellan." 352

Reports from his spies in London reach Choiseul, informing the French Foreign Minister that the British intend a permanent settlement on the Falklands; that they have designs on the Pacific and wish to control the route around Cape Horn. 353

July 5th, Choiseul instructs the French Embassy in London to protest. 354

July 7th, Ambassador Masserano writes to Madrid, warning them of; "... his fears that the English were intending to seize islands or territory belonging to Spain." 355

"Even though Article Eight of the Treaty of Utrecht was ambiguous about the status of the Pacific, it nevertheless became Masserano’s main line of defence. He never failed to remind his British counterparts that 349 Report by John Le Mesurier in the Royal Archives at GEO/MAIN/447-448. The letter is in the form of a list, clearly compiled with snippets of information over an unstated period of time. John Le Mesurier was most likely a spy, or a shipping agent, or both. The information regarding Accaron Bay was sent out to Port Egmont in September, 1766. 350 Salisbury & Winchester Journal Monday June 30, 1766 351 After some delay, Sir James Gray was appointed to replace Rochford at Madrid. In ill-health, Gray accepted only reluctantly and would prove slow to take up the post – which he did on his arrival in Madrid in October, 1767. 352 Martin-Allanic 1964 p.435 353 Dunmore 2005 pp.135-136 354 Wallis (ed.) 1965 355 Ibid.
– "even if we do not maintain as many settlements as we would like in this region, [you] cannot dispute our rights to the South Seas."..." 356

On the same day in Madrid, Secretary of the Embassy, de Visme, speaks to Grimaldi. He proposes that Spain pay a reduced amount of £300,000 in settlement of the Manila ransom. Grimaldi turns the offer down.

"With Spain’s insistence on arbitration so unlikely to be accepted by Britain, especially after proposals to ask the King of Prussia to be the arbitrator, and with Britain’s insistence on a cash composition, so distasteful to Charles III, the Ransom dispute had arrived at the impasse in which it was to remain. Conway’s offer of a composition was a greater concession than Spain’s offer of arbitration, and virtually lost the game for Britain by demonstrating her unwillingness to risk a confrontation. ... the new British Ambassador to Madrid, Gray, a year later confessed total failure in his efforts to revive the issue.” 357

July 9th, reports in the 'English Gazettes' present Britain's claim to the Falkland Islands.

“It is not ... Byron who, as has been announced in the last English papers, made the discovery of the Falkland Islands. It is due to the knight Richard Hawkins, who entered there in 1593 and gave it the name of Maidenland, in honor of the Queen. Since then, Captain Strong, another English navigator, recognized this island and named it Falkland or Falkland Island, but it is not known whether this captain or any of his crew landed there. The French vessels of Saint-Malo (to use Mr. Frézier’s own words) only visited them in 1706, 1708 and 1712. The English are therefore the first to have discovered these islands, so that it would be unjust to dispute their possession of them, and if the Government thought fit to form some establishments, neither the French nor the Spaniards, would have the right to oppose it.” 358

July 11th, Grimaldi writes to Ambassador Fuentes, who is en-route for Paris.

“In accordance with what was discussed about the island Malouine, in which Mr. de Bougainville is established and in possession of which we must send a frigate of war which had just been careened at Ferrol was put in armament and instructions were given to make it ready to carry a picket of sixty men with their officers... We will also send a governor with political and military talents, an engineer, one or two artillery officers and twenty cannoneers,... two chaplains, two surgeons, and twenty or twenty-five families. It is thought that this frigate could sail between the first and the fifteenth of August, but it could be later.

You see, then, that it is urgent that you obtain from the Court the orders we are waiting for the French who are in this island to make the cession to the Spaniards and evacuate it, with the exception of those of (that) will ask to remain there under His (Catholic) Majesty’s Government. If Your Excellency has not yet received the said orders, upon receipt of this letter, he must insist that they be given without delay and sent to me by the first mail.

Mr. de Bougainville offered us practical pilots to take the frigate, if he had them on hand, but it will be difficult. We believe that he has some experience in Montevideo, where the frigate must refresh to (obtain) fresh food and embark cattle, (to) take them there. France could, on her side, send, at the same

356 Buschmann 2014 citing Masserano to Grimaldi July 7, 1766 AHN, Estado 4271, vol.1. It needs to be remembered that the dispute with Spain at this time concerned more than just the Falklands, which had formed only a part of Anson's original plan. To Britain, the South Seas were the South Pacific, not the South Atlantic. cf. 1748
357 Rice 1973 pp.308 & 309 citing SP 94/174. See 1771
time as we send this frigate, one or more other ships for the return of the people who will leave the island; but if (they) prefer that our frigate bring them back, we will give instructions in this direction, since His Majesty has ordered that this offer be made to the Ministry of France. The island of Malouine will depend on the government of Buenos Aires, from where it will be supplied with the cattle she needs, with arms and food of all kinds, until the perfected and cultivated establishment produces its products and own sustenance. ... The King has no doubt that Your Excellency will solve this question with the same zeal as all the others...” 359

July 17th, further intelligence reaches Paris that the English are preparing a new expedition to reinforce the Falkland Islands. 360

“The Dolphin man of war has had her house holes raised from the lower to the upper decks, she has also been raised in the gunwales, and will carry out five suit of new sails, and all her repairs are such as have been judged necessary for a ship bound on a long voyage. Philip Carteret, Esq; who was first Lieutenant of the Dolphin man of war, under Commodore Byron, is appointed commander of the Swallow sloop, now fitting out for sea at Chatham.” 361

July 21st, the Count de Fuentes finally arrives back in Paris. There he receives the correspondence from Minister Grimaldi despatched on the 11th. Summoning Bougainville, Fuentes reads the letter to him. Bougainville immediately confirms that he is willing to lead the Spanish to the French settlement and oversee the transfer. 362

July 22nd, Fuentes speaks to Choiseul, pressing him to obtain from the French Court; “... a document confirming the cession of the Malouines Islands and instructions for the French who occupy them.” 363

July 25th, France’s charge d’affaires in London, Durand de Distroff, reports to Choiseul that four ships are being prepared for a voyage to the Falkland Islands – Dolphin, Swallow, Swift and Roy – to be under the command of Samuel Wallis. 364 Additionally, Ambassador Moreno notes that the rendezvous point is to be the Madeira Islands. 365

“Reinforcing the colony at the Falkland Islands was part of Egmont’s plan. Although Wallis’s objective was the Pacific Ocean... Swift, under Captain Raynor, was also to sail to the Falkland Islands to relieve McBride and the Jason... (Raynor) was never under Wallis’s command. ... Masserano kept his government informed of the preparations for the new expedition, ‘Byron’s second voyage’ (as he called it).” 366

“It was understood that England was gathering an armada of warships to go to the Malouines and reinforce their claim to the islands. This would most certainly lead to war. There was panic in Paris and Madrid as time was short to prevent the English takeover.” 367

July 26th, Lennox writes to Richmond from Paris.

359 Quoted in Martin-Allanic 1964 pp.321-322 citing Simancas, Estado, Leg. 6.957 11 juil. 1766
360 Dunmore 2005 p.135 citing Gallagher 1964
361 Caledonian Mercury Wednesday July 16 1766
363 Martin-Allanic 1964 p.324. As Spain was claiming a prior right it seems inconsistent to seek documents of cession.
364 Dunmore 2005 p.136
365 The Quest and Occupation of Tahiti by Emissaries of Spain During the Years 1772-1776, Told in Despatches and Other Contemporary Documents, Translated Into English and Compiled, with Notes and an Introduction B. G. Corney 1913
366 Wallis (ed.) 1965. It was true that vessels were being prepared for the Falklands; but not all were for Wallis.
367 Scavennec 2005
“Mons de Bougainville, whom Your Grace may have heard of last War in America, is lately returned from Madrid, where he has been to make an offer of Les Isles Malouines, situated about 60 Leagues from the Streights of Magellan. It seems these islands were long ago discovered by the People of St. Malo, and abandoned soon after, but Mons de Bougainville in a Voyage he made there about two years ago, took possession of them, and on the Most Cristian King declining the settlement, obtained leave to dispose of them to the Spaniards, who have accepted the Proposal, and are to pay him 650000 Livres for the expences of his Expedition, besides which he is to receive a Present from the King of Spain.”

**July 27**th, following a change of government in England, a decision is made to delay the Wallis expedition until the new administration can give its approval.

**July 29**th, Felipe Ruiz Puente y Garcia de la Yedra is selected by Spain to be its Governor of the Falklands. 369

“The King, having resolved to establish the Right of His Majesty, in the Falkland Islands that the French evacuate, a moderate establishment that serves to strengthen possession, and at the same time provide recognizance of the nearby Strait of Magellan and forestall the English, or another nation, ... His Majesty has decided to consider (a) Marine officer for Governor...”

At Port Egmont, with no sign of the Florida storeship, rations are reduced by half.

**July 30**th, the Count de Guerchy arrives back in Paris on leave. He brings with him an alleged copy of Byron's diary with a map upon which has been marked the route that Byron took on his circumnavigation. Other copies have been acquired for Masserano, Grimaldi and Fuentes. The diary shows Egmont as an island some 300 leagues (900 miles) from South America. Bougainville is immediately suspicious.

“... we saw the vessels on the 27th of January. They would not have had time to come back. On February 20, they anchored in the Port-Famine and left for the South Sea on the 25th. I found these ships on the morning of February 16th, and from that day until the 25th, I observed them. One conclusion that stands out in his mind is that the Dolphin's diary is rigged.”

“Bougainville summarises, with the dukes of Choiseul and Praslin, the results of this expedition, ...: Creation of an establishment called Port-Egmont, on an island which is probably part of the Falkland or Malouines group, taking possession of the place of establishment and the surrounding islands. The English can not, if it is indeed the Malouines, boast of being the first occupants since he, Bougainville, preceded them by one year for occupation and ten months... The rights of France were good, and all the more so were those of Spain, since France had transmitted (those rights) to them, and in addition recognized the natural right of that nation to those islands which are geographically only an appendix of the American continent, which belongs to (Spain), in this part, undoubtedly. The distance of more than three hundred leagues between the establishment founded by the English and this continent is false. It has been insinuated to confuse research and to deflect in advance any claim from Spain based on the natural right of geographical dependence.”

368 Lennox to Richmond July 26, 1766 in PRO SP 78/270/239
369 Garcia Diego 2014
371 Quoted in Martin-Allanic 1964 pp.311 & 312
372 Ibid. In fact, all that existed at that time were verbal agreements between Bougainville and the Spanish Ministers regarding a future abandonment and compensation. France was, on the face of it, recognising pre-existing rights claimed by Spain, despite having presented valid arguments against those pretensions. However, Choiseul would later confirm that France's decision to transfer the colony to Spain was a political expedience.
August 2nd, Richmond is replaced as Southern Secretary by the Earl of Shelburne; of whom Ambassador Masserano demands 'clarification,' asserting that any settlement in the Americas would breach Article 8 of the Treaty of Utrecht. 373

"... the ambassador was in a foul mood. From his perspective, it had not been a good year: British officials still demanded ransom for their occupation of Manila four years earlier, had most likely established residence in the Malvinas (Falkland) Islands, and were now officially announcing that Commodore John Byron had traversed the Pacific Ocean on his recent circumnavigation. In Masserano's mind, this ocean figured as Spanish territory beyond dispute. Armed with a copy of the Treaty of Utrecht, ... Masserano aimed at proving once and for all that the Spanish Crown was master of all the oceans surrounding its most sacred American possessions. Verily, the treaty stipulated neither the range nor the degree of Spanish control over those seas, nor did it acknowledge an Iberian right of first discovery to their many islands. ... he found himself rebuffed..." 374

Lord Shelburne responds that British rights are based upon first discovery. Also that Britain does not regard Article 8 as prohibiting further exploration; "... the English Ministers countered with the claim that only trading ships were excluded, not warships." 375 Shelburne goes on to taunt Masserano.

"Could he perhaps be so kind as to produce a map depicting the exact location of the mythical Solomon Islands? Where were all the other islands and continents witnessed by Spanish navigators in the sixteenth and seventeenth centuries? Why was Frenchman Louis de Bougainville allowed to pass into this postulated closed sea? ..." 376

"Shelburne was evasive, and refused to admit that the British outpost was in the same group as the French colony which had been agreed to be ceded to Spain. He argued rather that Utrecht imposed no limitations on Britain's right to navigate and make discoveries in the South Seas. Masserano was outraged at this, ..." 377

"According to Goebel, a British expedition to the islands was, at that time, "in direct violation of the terms of the Treaty of Utrecht and of the express guaranty pledged by England in 1713..." Again Goebel's proof is not taken from the treaty itself but from the interpretation that could be derived from the Spanish interests. Moreover, the clear distinction made in 1713 between the South Sea and other parts is discarded. There had never been a general prohibition of British navigation to the South Atlantic, nor could it be inferred from the existing treaties that the Falkland Islands were recognised as Spanish possessions." 378

August 4th, in Paris, Spain's Ambassador meets with Bougainville to reconsider the details of a handover in light of the intelligence from London. Fuentes also seeks Bougainville's opinion as to the location of the British.

"... everything makes (Bougainville) believe that it is the Great Malouine that Byron came to..." 379

"The Malouines would have to be transferred to Spain without further delay, so that the two Bourbon kingdoms could present the British with a united front." 380

373 Rice 1973 p.421 citing Masserano to Grimaldi August 11, 1766 in 'Bourbon 'revanche' against England' an unpublished thesis by Abarca for the University of Notre Dame 1965. Also Archivo General de Simancas, Inglaterra, legajo 6961. For a consideration of article.8 of the Treaty of Utrecht, see 1713.
374 Buschman 2014 pp.46-47
375 Wallis (ed.) 1965
376 Quoted in Buschman 2014 p.47
377 Rice 1973 p.421
378 Fisch 1983 p.118. See Goebel 1927
379 Martin-Allanic 1964 p.328
380 Dunmore 2005
**August 8**th, French spies report to Choiseul that the British fully intend to reinforce Port Egmont. This information is also passed by Masserano onto Madrid. 381

“... in May, England had been advised of the cession of the islands to Spain by Bougainville. Egmont, who wanted to consolidate the English position there regardless of the claim of Spain to sovereignty over the Falklands, worked from June through most of August to obtain the cabinet’s approval of the Admiralty scheme of sending ships to Port Egmont.” 382

**August 11**th, Masserano writes to Grimaldi in Madrid, urging prompt action. 383

“Prince Masserano counselled his government to destroy the British colony before an English fleet arrived... He argued that ... Britain's 1749 acknowledgement of Spain's right meant that the English had no right to be on the islands and could be forcibly evicted.” 384

“... there should be no waiting or negotiation but that steps should be taken to destroy the colony before the English fleet could reach the Falklands.” 385

**August 13**th, Lord Egmont speaks before the Cabinet to defend his project in the Falkland Islands. 386

“Lord Egmont... vigorously reiterates all the arguments he had already made in his memorial of 20 July of the preceding year to the Duke of Grafton, then Secretary of State of the North Department.” 387

“... Egmont urged that orders to sail be issued to the fleet. The Duke of Grafton, however, had been informed that the Spanish and French had increased their strength in the Falklands and that their force would be superior to the English. For this reason and because he believed that sending the ships would cause a complete break in relations between England and France and Spain, he opposed the plan. According to the French charge d'affairs in London, whose report is the only extant record of the meeting, both the Lord Chancellor, Lord Camden, and General Conway agreed with Grafton, who wanted to postpone having to make a decision for at least a week. Egmont now argued that Chatham, who had recently rejoined the ministry, had previously approved the plan. At this time, Chatham remained silent. Within a few days of this rebuff by the cabinet, Egmont resigned.” 388

From Paris, Spanish Ambassador Fuentes writes to Madrid.

“It has been England that has always opposed any dismemberment of (Spanish) possessions, as it expressly did in the Utrecht treaty, in order to prevent France from thinking about acquiring new Establishments, and this (French) Ministry..., cannot see with indifference that England forgets this background with its new claims to establish itself in those Seas; if England refrains from such a project, leaving us in the peaceful possession we have, France will not think about altering it; but if England is obstinate in resisting our opposition, and in wanting to settle in those places, having no more right that

381 *Un Rumor Insistente. Saberes y Circuitos de Información para Gobernar un Archipiélag (Las Islas Malvinas entre la Corte y Territoria, 1756-1767)* D. G. Barriera 2019
382 Gallagher 1964
383 Masserano to Grimaldi August 11, 1766 in *Archivo General de Simancas, Inglaterra, Legajo 6961.*
384 Gustafson 1988 p.11. *Art. 8* of the 1713 treaty spoke of the *West Indies,* which Britain viewed as the Caribbean, while Spain saw it as covering all the Americas.
385 Masserano quoted in Laver 2001
386 Some sources give the date as the 15th.
387 Martin-Allanic 1964 p.409
388 Gallagher 1964. Gallagher (1964) and Wallis (ed. 1965) contain conflicting accounts as to the date of Egmont's resignation; confusion perhaps caused by the King's request that Egmont stay on for a short time to oversee other projects. Egmont's paper resignation from the Admiralty was followed shortly after by those of Lords Saunders and Kepple, who had both supported him.
France, or any other power, ignoring ... the uninterrupted possession in which We are, France will declare, of course, that it will try to settle in the same seas in which the English tried, and they will never consent to England forming new Establishments anywhere in the World without France forming them too.” 389

August 16th, provisional orders are issued for Wallis to sail for the Magellan Strait but not to the British harbour in the Falklands. From the strait he is to search for the fabled southern continent that Byron was convinced lay just to the south of his track across the Pacific. 390

“The fact that the British presence at Port Egmont was a product of Britain’s strength in Europe had apparently been recognized by the Earl of Chatham in 1766 when he rejected a plan to increase Port Egmont’s local defences, and the absence of any significant local defences increased the importance of Port Egmont as a symbol of Spanish weakness.” 391

“Masserano did have reason to fear an English fleet would be sent to fortify Port Egmont. Lord Chatham had become the leading supporter of the Falklands colony after Lord Egmont resigned and was calling for the prompt despatch of a fleet.” 392

August 18th, in Paris, Ambassador Fuentes speaks to Bougainville to remind him that Spain still awaits some formal documents about the cession of the settlement by France. Bougainville responds that he will remind Choiseul, but that as he is due to leave for Madrid it may be better if he took the documents straight to Minister Grimaldi. 393 Bougainville takes the opportunity to give his accounts to Fuentes, with a reminder that a deposit had been promised.

August 22nd, Samuel Wallis, commanding Dolphin, with Philip Carteret, in Swallow, sails from Plymouth. 394

“... sailed from Plymouth, the Dolphin and Swallow Sloops of War, and the Prince Frederick Transport, said to be gone for the new discovered Island.” 395

“... you are to direct Lieut. Brine, who has command of the Victualling Storeship, to proceed with her to Port Egmont on the North side of Falkland’s Isles, and follow such Orders as he shall receive from Capt. MacBride of the Jason, or the Commanding Officer of His Majesty’s Ships there, for his farther (sic) proceedings.” 396

“Both Spanish and French diplomats appear to have been under the impression that Wallis’s expedition was a colonizing enterprise...” 397

August 24th, Bougainville informs Choiseul of his plan to circumnavigate the world – something that no Frenchman has yet achieved. Choiseul, despite concerns about Spain’s attitude, tacitly agrees.
“He will leave with a single frigate of the King, to limit the expense, and will go to the Malouines Islands. He will find the commander appointed by the King of Spain and proceed to the transfer of his establishment. He will give the new governor all the information which will allow him to settle there strongly and to find, later, the establishment of the English in Port-Egmont. He believes that this establishment must be in West Malouine or an adjacent island. Meanwhile, readied, (is) a corvette, the Eagle, ... or Etoile, which is also perfectly suited to this trip. This ship, laden with food, would join him in the Falklands and allow him to complete the supply of his frigate. The tanker, ..., would bring back to France French personnel and Canadian or Acadian families who would not want to remain under Spanish rule... But if all the families remained in the Falklands, or if the Spaniards themselves undertook to repatriate those who wished, together with the French personnel, the corvette would become free and Bougainville asked permission to keep it, which would make the rest of his trip (easier)... Leaving the Malouines, Bougainville will pass, depending on the season, by Cape Horn or the Strait of Magellan, to reach the South Sea.” 398

**August 25th**, in Madrid, Miguel de Muzquiz, supported by the Marques de San Juan and the Conde de Aranda, suggests that two war vessels be sent to expel the British from the Falklands. However, Juan Gregoria Muniain and Indies Minister Julian de Arriaga do not believe that Spain is in any condition to provoke a war. They argue for a peaceful settlement. A minute of the discussions notes:

“... the destruction of Port Egmont was bound to lead to a trial of strength, that preparation should be made for war, and that, the greatest danger being that the British navy would operate in the South Atlantic near rather weakly defended parts of the Spanish empire, the fighting should be kept in the north.” 399

Grimaldi instructs Spain’s Ministers to consider the intelligence regarding an English base.

“It has been reported for days that the English have formed the project of establishment in one of the islands called Malvinas or Faukland or in one of the islands of the South Sea to illegally trade with Peru, and to facilitate their enterprises against us while at war. ... The King Our Lord, having taken charge of the gravity of this case, wants his ministers to give him their written opinion” 400

At Versailles, and concerned that France is once again about to offend Spain, Choiseul writes to France’s ambassador at Madrid asking him to explore the exact nature of Spain’s claims to the South Sea (Pacific Ocean).

“All that this minister [the Marquis de Grimaldi] has told you about the South Sea seems to indicate that it may not be without some doubt as to the exclusive right of Spain to sail and even to form in this sea, ... before we can give the Court of Madrid a hearing on such an important subject, we must know exactly what its claims are, and what its foundation is. I believe that it is certain in general that, by natural law, the sea is free in all parts of the world, but that it ceases to be so when nations are agreed by treaties that it does not would be point. It is only from this last principle that Spain can draw her right on the South Sea. If they suffers, however, that the English establish themselves in these parts, they will probably not pretend to exclude us from it, supposing that we also seek to make some establishment there,...” 401

398 Martin-Allanic 1964 pp.345-346
399 The Falkland Islands Crisis of 1770: Use of Naval Force Nicolas Tracy 1975 in The English Historical Review vol.90 No. 354 (Jan., 1975) p.52
400 Quoted in Barriera 2019 citing AGS, E, 6962, 37. San Ildefonso, August 25, 1766
401 Choiseul quoted in Martin-Allanic 1964 p.348
Choiseul also speaks to Spain’s Ambassador who has just arrived at Versailles. Fuentes reminds Choiseul that he awaits documents regarding the cession of the French establishment; to which Choiseul replies that they would be prepared “at once.” Fuentes immediately writes to Grimaldi.

“He reports to him that Bougainville’s departure for Spain is very near, and that he will have the necessary orders for the evacuation and cession of the Malouines. "I will give him," adds the Count de Fuentes, "forty thousand livres a month, and on your side you will give him the sum which will appear to you just when he has presented to you his accounts, supported by the vouchers, which he will take with him. ...; I am content for the moment to tell you that there is no time to lose in order to send M. de Bougainville and the officer or officers whom the King will appoint to take possession of the island and the establishment already formed, because according to what the Prince de Masseran wrote to me, a council was held in London where the decision was taken to follow up the project of establishing a (base) in the 'Falkland Islands' which I suppose to be the Malouines and, consequently, the ministry gave the necessary orders to set sail for these islands the vessels Dauphin (sic) and Frederick. ...” 402

**August 30th, King Louis XV of France signs a letter addressed to Mons. De Bougainville de Nerville – Commandant of the Malouines Islands.**

> “Monsieur de Bougainville de Nerville, in the firm resolution (with) which I am to cement by all possible means the friendship that unites me with my brother the Catholic King, I have consented that the Malouines Islands, whose command I have entrusted to you, should be handed over to him; my intention is that consequently you will hand them over to the officer whom his Catholic Majesty must send with a detachment of troops to take possession: You will leave to my subjects who are established in these islands the liberty of returning to France on the vessels which must be despatched for these islands, and you will allow those of my subjects who consent to remain there to pass under the Spanish Domination. 404 To this end, I authorize you to give them all the certificates they may need to assure their present and future tranquillity, either in relation to their concessions and the effects they possess or may possess, as to their status as my subjects, giving them my royal word that in whatever time they or their descendants may deem fit to return to my States, they will always be received there and enjoy the rights and privileges of my other subjects, likewise, and as if they had not passed under foreign domination. I order you, to this end, to read this letter to the said inhabitants whom you shall have gathered for this purpose in the presence of the Spanish commander, to whom you shall deliver a copy signed by you for deposit in the archives of the government with a list of the inhabitants and, for your part, you shall remove at the bottom of this letter an aquiescement (sic) signed by the Spanish commander to ascertain what is my will and the consent of his Catholic Majesty.

> When you have carried out the above, you shall have an inventory made of all the furniture, effects, artillery, ammunition and merchandise belonging to me, belonging to the Malouines Islands, and you shall (appraise) them in the said inventory, of which you shall have a duplicate signed by the Spanish

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402 Ibid. p.350
403 This would subsequently be presented to Grimaldi by Bougainville as the ‘cession’ document, requested by Spain’s Ambassador. Together with the St. Malo Company receipt for compensation/expenses signed by Bougainville, these were the only documents handed to Spain.
404 “Monsieur de Bougainville de Nerville, dans la ferme résolution où je suis de cimenter par tous les moyens possibles l’amitié qui m’unit avec mon frère le Roi Catholique, j’ai consenti que les Iles Malouines, dont je vous ai confié le commandement, lui fussent remises; mon intention est qu’en conséquence vous les livrerez à l’officier que Sa Majesté Catholique doit envoyer avec un détachement de troupes pour en prendre possession: Vous laisserez à mes sujets qui sont établis dans ces îles la liberté de revenir en France sur les bâtiments qui doivent être expédiés pour ces îles, et vous permettrez à ceux de mes dits sujets qui consentiront à y rester de passer sous la Domination espagnole.”
commander to be returned to France and handed over to the secretary of State having the Department of Marine, and, however, you shall leave the whole at the disposal of the said Spanish commander. And this being for no other purpose, I pray to God, Monsieur de Bougainville de Nerville, that he will have you in His Holy Guard.

At Compiegne, August 30, 1766.” 405

“No evidence is to be found of a French acknowledgement of the Spanish title to the Islands. King Louis XV never suggested such a thing.” 406

August 31st, London receives intelligence from Paris regarding Bougainville; “He is now here and proposes soon to set out again, first for Spain, and then to proceed on his Expedition. I understand he goes out in a French ship.” 407

Spain's Ministers give their opinions regarding that action that should be taken against the English. Minister Arriaga is pessimistic, but argues that the English already control the seas and reduce trade and that there is a need to do something. Minister Muniain says that the English in the Falklands is better than the English in cape Horn, but if the King decides not to allow it, then a squadron with ground forces should be sent to eject them. 408

“Although the postures differ slightly, the general climate that circulates through the frenetic courtesan circuit is initially favourable to an energetic intervention…” 409

September 1st, Grimaldi writes to Ambassador Masserano with a statement to be passed to the English Court.

“My Court has become aware, as well as of course all the Courts of Europe, of the news which has appeared in the English gazettes on a voyage round the world by Captain Byron, in which he has sailed through the Magellan Straits; he has refreshed successively in several islands among those which are nearest, and even in some ports and (roads) of the coasts of the terra firma; ... communicated with the natives of the country; he then acted in the same way in other islands of the South Sea and finally in those of the Philippine seas, after which he returned to Europe by the Cape of Good Hope. The King, my master, was also informed, in a manner that shows all the signs of truth, that as a result of the observations made by Captain Byron during this voyage, His Britannic Majesty's Ministry designed the project of making an English establishment near the Straits of Magellan, in a place indicated by Captain Byron as particularly suitable for this purpose, and that, as a consequence of this resolution, the same Ministry have an expedition prepared in which independently of troops, it proposes to send women and workers of all professions with the necessary tools and supplies to found a colony.

If this news is as certain as it appears, the King, my master, believes that, in spite of their reflection, the British King, and his ministry, have not realized that in forming this project they are prepared to bring a mortal blow to the right of His Majesty and His Crown. The Treaty of Peace of Utrecht, which is the political basis of Europe, by which the family reigning in Spain is recognized by England and that reigning in England recognized by Spain – a consideration which, with many others, demands of the two monarchies that they respect this treaty and do not contravene its provisions slightly – the treaty of Utrecht, I say assures Spain, in Article 8, the exclusive possession of the Americas and their adjacent islands, even to the point of binding her hands to prevent her from giving up any part of it.

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405 Quoted in Martin-Allan 1964 p.352 citing AN Col. F2 A 20, 30 août 1766 n°.1.
406 Peña & Peña 2018
407 Lennox to Shelburne August 31, 1766 in PRO SP 78/270/114 f.268
408 Ibid citing AGS E, 6962 57 (2)
409 Barriera 2019 citing AGS E, 6962 51-53
It was England, who demanded and dictated this condition and it was England who since then (took) the most opportunities to show that it (understood) that this obligation was observed... Thus in 1741, England foiled a project that Russia had formed to make discoveries in the Pacific Ocean, declaring openly that Spain was the master of this sea and that the England was the guarantor. In the year 1750, at the instigation of Admiral Anson, the English ministry admitted the project of making an establishment in the Malouines, the frigates who were to participate were already ready and armed. The Spanish ambassador, Don Richard Wall, learned about it, made representations. He gave the reasons and at once urged His Britannic Majesty to abandon the idea of this enterprise, although it was already well advanced. A company of Saint-Malo has formed and put into execution the same project since the last war: M. de Bougainville, officer of land and sea, went with two frigates to the Malouines Islands and settled in one of them. between them, leaving families and everything necessary to form a colony.

My Court was aware of this, (and) complained loudly to the Court of France and opposed the obligation that England did not allow: His Most Christian Majesty decided that Bougainville would abandon his establishment to the will of His Catholic Majesty. How could the King of Spain doubt that the English ministry was not fully aware of these precedents when it prepared an expedition destined to settle in the Malouines or in another city or on the coast more or below or beyond Cape Horn?

In any case, (Carlos III) has asked me to represent these facts to the King of Great Britain, his friend, and to make, if necessary, the most solemn protest in his royal name, that she will never consent to such institutions will prevent them at all costs from subsistence, no matter how sad she feels to see herself in such cruel necessity, and she is not afraid of coming to this end, thanks to the integrity of King George III, ... Your Excellency ... for the maintenance of good harmony between the two nations, (should) give me without delay an answer which dispels his anxieties and affirms them even more in the friendship which she professed with regard to the King of Great Britain and in his desires to maintain an ever stronger union between the two monarchies.” 410

September 2nd, Bougainville leaves Paris for Madrid to negotiate the final details of transfer. He carries a letter from Minister Choiseul to Ambassador d’Ossun

“Mr. de Bougainville returns to Madrid and carries not only the cession which the King makes of the Malouines Islands to the King of Spain, but also the permission to all Frenchmen who there are established to settle there their residence under the domination of Her Catholic Majesty. M. de Bougainville is at the same time seeking the payment of the sums due to him, in accordance with the account examined and hereby decided by M. de Fuentes. You will do well, Sir, to use your good offices to persuade the Court of Madrid to finish this affair with the same good grace and diligence which you have placed on your side during this negotiation.” 411

411 Quoted in Martin-Allanic 1964 pp.352-353. Martin-Allanic (1964 p.353) describes Bougainville as missus dominicus – an envoy of the Lord – but does not identify any documents giving Bougainville any diplomatic status. And the envoy of which Lord? Louis XV, Choiseul or God? What is clear, is that the document Bougainville was carrying was not a cession of sovereignty, just an instruction addressed to the commander of the French settlement to hand over the facilities there to the Spanish. Choiseul was too clever a politician to tie his nation's hands should the circumstances change in the future – as seemed likely with the British at Port Egmont.
Etiole sails into Rochefort. Riding to Paris, Captain Giraudais sees Choiseul who is with Fuentes.

“The Ambassador had asked him whether he had seen any sign of a British presence in the Falklands... La Giraudais was adamant that no one had come across any British settlement... The odds against a British presence in the Malouines were a thousand to one, he told Fuentes.” 412

In London, Ambassador Masserano again seeks to ascertain Britain’s official position, reasserting that Spain’s acquisition of the French settlement is, “... in consequence of the Treaty of Utrecht...,” quoting - “... neither the Catholic King, nor any of his heirs and successors whatsoever, shall sell, yield, pawn, transfer, or by any means, or under any name, alienate from them and the crown of Spain, to the French, or to any other nations whatever, any lands, dominions, or territories, or any part thereof, belonging to Spain in America.” 413

September 5th, in Madrid, Grimaldi consults Aranda regarding the risk of a war over the Falklands. 414 Grimaldi then prepares a message and protest for Ambassador Masserano to present in London, which is to be sent via Fuentes in Paris.

“The Utrecht peace treaty, which is the political base of Europe, where the ruling family in Spain is recognized by England, and the reign in England recognized by Spain, ... it is worthy of both monarchies to respect so as not to contravene even slightly those provisions in its art. '8' that assures Spain the exclusive possession of the Americas and its adjacent islands, ... It was England who raised and dictated this condition...” 415

“Although Charles III wanted to know the opinion of his advisors regarding the English establishment, he was determined to put into practice as a first step, the one that Grimaldi had communicated to Arriaga: the presentation of an energetic claim in the London Court. Without even waiting for the arrival of all the opinions requested, the official protest was drafted, ... The protest note sent by Spain was reduced to establishing that any British colony in the vicinity of the Strait of Magellan meant the violation of international treaties.” 416

September 7th, Aigle sails from Fort de St. Louis in the Malouines.

September 12th, Bougainville arrives at La Granja. d’Ossun informs the Spanish court of his arrival.

September 13th, the Admiralty in London prepare fresh instructions for Captain McBride.

“As we think it is necessary for the vessel you are ordering (or the Carcass sloop) to be up this year, and as we have had the Swift sloop, commanded by Captain Raynor, (fitted) to replace it, we hereby order you instruct you to return to England as quickly and as conveniently as possible on the ship you are ordering, provided that the Carcass sloop is in a condition to remain in the Falkland Islands until another sloop is sent in the year next take his place. You will take care, at the moment of your departure, to leave to Captain Raynor, or to the officer who will be at that time the oldest of the station, the copy which we enclose to you of our secret instructions dated September 26, 1765.

You will also give them all the instructions you deem necessary for the protection and safety of the Falkland Islands, instructions which will be dictated by the experience you will have of these islands

412 Dunmore 2005 p.142
413 Quoting a small section of Art.8 of the 1713 treaty, Masserano was arguing that Spain had a duty to respond to the French settlement as it would otherwise place the Spanish King in breach of Utrecht.
414 Stiles 2012 citing Real Academia de la Historia (RAH), Malvinas (Islas), catalogue number 9-1981, Grimaldi to the Conde d’Aranda, San Ildefonso, 5 September 1766. Munilla (1948 p.37) suggests that a written opinion by Aranda was submitted on this day – citing A.H.N., State, 2. 858.
415 Quoted in Munilla 1948 p.39
416 Munilla 1948 p.38 & 41
and by the discoveries you have made. ... we have reason to believe, from the information we have received, that an establishment was formed by Europeans in Accaron Bay, which we suppose to be the same as that named Berkley Sound by Commodore Byron, who is situated at the eastern extremity of the said islands of His Majesty. This establishment was able to easily escape your search in the first recognition you made of these islands. You will, therefore, before you return to England or before you return the Carcass, to take yourself to the bay, ...

You will take great care, if such an establishment exists, to behave in all circumstances in accordance with the instructions of His Majesty mentioned above.” 417

September 14th, Choiseul addresses Lord George Lennox regarding two matters.

“The first, he said, related to Les Isles Maloines which Spain had claim’d and obtain’d from France, in consequence of the Treaty of Utrecht, as by it all but Spaniards are excluded from settling in that part of the World, and England’s having already observ’d that Article of the Treaty in laying aside (as is alledg’d) a Project of Lord Anson’s in the year 1750 for those seas, on the representation of Mr. Wall then Minister from Spain in England, was given as a proof of the propriety of their Demand; but that the report of Capt. Wallace’s Destination seem’d to contradict this Example cited by the Spaniards; That however He (the Duke of Choiseul) should not take the alarm, till matters were more explain’d, & should give the same advice to the Spanish Ministers whom He thought too hasty on the occasion.” 418

In Spain, Bougainville informs the French Ambassador of his plan to circumnavigate the world via China and the East Indies. 419

September 15th, in receipt of Grimaldi’s instructions to Masserano, Fuentes goes to see Choiseul at Versailles. Fuentes fears the order to be tantamount to a declaration of war. The more-so because Grimaldi is demanding that France make a supportive declaration. Choiseul agrees with this interpretation, telling the Spanish Ambassador that a softer tone is needed. Also that he will discuss the matter with Louis XV before responding directly to Grimaldi.

In Spain, at San Ildephonse, Minister Grimaldi greets Bougainville and the French Ambassador. Bougainville hands over a certified copy of the letter signed by Louis XV ordering de Nerville to “hand over” the French establishment to a Governor appointed by Spain.

“The object of restoring the Falkland Islands to His Catholic Majesty is double. First, it's about forming a respectable barrier to prevent foreigners from entering the South Sea and to cut all contraband with the West Indies. Also, founding a base for the ships of that sea when they journey to (the South Sea) or when returning. The Catholic King, owner of the Rio de La Plata has the greatest facilities to form this colony, which meets the two objectives.” 420

Bougainville also gives Grimaldi a letter from the Count de Fuentes announcing that he has paid a deposit of the sums owed. Concerned that some money has already been paid, Grimaldi tells Bougainville that the accounts will be checked by both Grimaldi, and then by Arriaga.

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417 Quoted in Martin-Allanic 1964 pp.413-414 citing PRO Adm. 2/1.332 f° 154. A drawing of Accaron Bay – probably Pernetty’s – had been sent out to the Falklands earlier in the year, but that did not identify where in the archipelago it was. This letter indicates that the connection with Berkeley Sound had been made. See also June, 1766.

418 Lennox to Shelburne September 17, 1766 in PRO SP 78/271/8. cf. 1713

419 Martin-Allanic 1964 p.358

420 Bougainville quoted in Munilla 1948 p.18
“The lack of precise information about British activities and the constant flow of rumours helped (Bougainville), ensuring that the Spanish remained anxious to settle the Malouines affair as quickly and as amicably as possible. ... Madrid therefore went smoothly.” 421

**September 16th**, from Port Egmont, M'Bride sails for the Magellan Strait to obtain a supply of wood. 422

In Spain, news of Bougainville's negotiations leak to the local press.

“M. de Bougainville arrived from Paris at St Ildephonse with the ratification of the treaty of cession of the Falkland Islands to Spain by France; and he was to embark at Ferrol with a King's Commissary, to put him in possession of those Isles, or at the same time convey Spaniards to begin to populate them.” 423

The Conde de Aranda announces to Grimaldi that in his opinion the Falklands are strategically more important than Cuba or Costa Rico. 424

“He again exposes the precedents, adding that created by Bougainville who comes to support them, demonstrating the consequences of such an establishment in relation to the security of the Spanish colonies and strengthens his (previous) conclusions, ... To allow England to settle in the Malouines, it is also to allow it to settle elsewhere, and, in particular to the coast of Patagonia. It is contrary to Article VIII of the Treaty of Utrecht, which guarantees to Spain the integrity of its American possessions, an integrity which England has endorsed; namely, that the exercise of navigation and commerce in the West Indies will remain on the same footing as it was established under the reign of Charles II, that Spain will not permit the French or any other power to introduce goods into the (Americas) ... Great Britain promises that she will help the Spaniards with all her power to restore the old limits and make them settle on the same footing as in the time of Charles II... The president of the council of Castile concludes that this “intrusive establishment” should not be tolerated.” 425

Grimaldi responds; “The English absolutely want to establish themselves on the coast of Patagonia, even though they have always recognized it as belonging to another owner.” 426

The Minister does harbour a doubt however.

“A single objection to Count d’Aranda, his exclusive interpretation of Article VIII of the Treaty of Utrecht. The English could, indeed, interpret it in their own way and contrast it with Spain: (which) did not occupy the Malouines in the time of Charles II., and has never occupied them since; on the other hand, the negotiators of the treaty aimed at navigation in the South Sea and not that in the South Atlantic. ... But since the whole of Europe has always understood this article in a way which favours the Spaniards, and which the English have themselves contributed to assert, the Spaniards would be very foolish not to stick to it.” 427
September 17th, His Majesty's sloop, Swift, under Capt. John Raynor, sails to relieve Jason at Port Egmont. 428

Intelligence reaches Madrid of a further expedition being planned to settle parts of South America and the Straits of Magellan. 429

From Paris, Lennox writes to Shelburne informing him of his conversation with Choiseul of three days before. At the same time, Choiseul writes to his charge d'affaires in London urging that Masserano be persuaded to seek further clarifications before reading Grimaldi's letter of September 1st to the British Ministry.

“I would say that the public voice has brought to Spain the news of this establishment, that the friendship and the treaties which unite the Court of Madrid with that of England leave no doubt at first to the scrupulous attention of the King of England to the observance of treaties; but that the noise made in Europe, and the voyage of Captain Byron, and the dispatch of Captain Walers (sic), obliges His Catholic Majesty to ask in friendship to His Britannic Majesty the purpose of this voyage, in order to destroy the impressions which the we want to give this new English establishment a usurpation on the Spanish Domains in America.” 430

Durand is to make it clear to the English Minister that; “... that the King, on the representations of his cousin, the Catholic King, and in accordance with Article 8 of the Treaty of Utrecht between Spain and England, ordered that Sieur Bougainville evacuate the Malouines Islands, where he had formed an establishment and put the said (establishment) in the hands of the Spaniards who would be appointed for this purpose by His Catholic Majesty.” 431

September 22nd, M’Bride returns to Port Egmont from the South American coast; increasingly concerned that Florida has not arrived as expected.

September 25th, in London, Lord Shelburne, the Southern Secretary, has a meeting with the French charge d'affaires, Durand, who informs the Minister of the support that Choiseul is prepared to give to Spain. Durand emphasises that France had seen the need to abandon its own establishment in recognition of the rights of the Spanish King.

Shelburne responds; “... that Spain had bought the island, and no question of prior right was involved in the transfer.” 432 After Durand has left, Shelburne speaks to Masserano. He refers the Spanish Ambassador to maps and books of British claims kept at the British Museum. Masserano is also reminded that the Manila Ransom remains unpaid.433

“... Masserano found himself on the defensive in a face-to-face meeting with the Earl of Shelburne, ... The Earl of Shelburne first reproached Spain’s attempt to close the entire South Sea to navigation and commerce, two terms he claimed were ill defined. ... Shelburne (then) attempted a different argument, the right of first discovery. Indeed, he argued, the British possessed maps that charted many of the contested islands in the South Sea as their discoveries.” 434

428 Wallis (ed.) 1965. Martin-Allanic (1964 p.414) gives the date as the 21st. The first recorded use of the abbreviated form ‘HMS’ was in 1789.
429 Dunmore 2005 p.138. Spain and France were already aware of the Wallis expedition, so this was not that. Mostly rumour and possibly planted by the Admiralty to cause confusion, Spain was incensed.
430 Quoted in Martin-Allanic 1964 p.370
431 Ibid. p.371
432 Rice 1973 p.421 citing Durand to Choiseul September 25, 1766.
433 Affaires Étrangères: Angleterre, C.P. 470-471 Archivo General de Simancas, Spain Estado. Legajo 6961, no. 817
434 Buschman 2014 citing Masserano to Grimaldi September 26, 1766 AHN, Estado 4271, vol.1.
Lord Shelburne tells the Spanish Ambassador that England intends to remain in the Falklands; that the Treaty of Utrecht was not being broken and that Spain should identify where it thought the limits of its sovereignty from the South Atlantic through the Pacific and to the Philippines lay.

“When Masserano claimed all of them for Spain, the secretary was aghast.” 435

“The discoveries of the Spaniards in the new world, and the adjacent seas, were certainly extensive and important; but unfortunately for Spain, the information thus obtained was generally kept secret by her government... while the English, the French and the Dutch, on the contrary, published accounts... as soon as they had been made... when disputes arose... the Spanish government could only produce... bare assertions, or manuscript journals and charts of questionable authenticity.” 436

Shelburne challenges Masserano to explain how the French had been able to establish a settlement if the Falklands were a Spanish possession. Masserano is flustered.

“I had to invent the idea that Mr. de Bougainville left with the intention to locate the Austral lands. But since he did not find them, he installed himself [there] upon his return, not knowing that they belonged to us.” 437

After the encounter, Shelburne records his feelings.

“I could not consent to talk seriously upon it. That if the Spaniards talking of their Possessions included the A[mericas] & S[outh] Seas, and that our navigating there gave occasion to them to Suspect a War, I had no hesitation to say that I would advise one if they insisted on reviving such a vague & strange pretension, long since worn out, as the exclusive right of those Seas.” 438

September 26th, Masserano writes to Madrid that Byron's voyage; “... provided clear evidence of the British government's intention to found an English settlement near the Strait of Magellan...” 439

“... in London, Guerchy and Masserano had continued their attempts to persuade Shelburne that Britain had no business setting up a colony on a Spanish possession, and Masserano like Choiseul made use of the cancellation of the 1750 expedition to show that Britain recognized Spain's claims under the Treaty of Utrecht, but Shelburne denied that any such conclusion could be drawn, and maintained that Britain had on the contrary fully asserted her right at that time, merely deferring the expedition to a more propitious time.” 440

September 29th, in Madrid, Minister Grimaldi notes receipt of the correspondence from Ambassador Fuentes with regard to Choiseul's concerns over Masserano's instructions. Also a proposal that Spain should despatch a squadron to search for Port Egmont.

“... there are at present two vessels of seventy guns and two frigates at Montevideo and nearly four thousand Spanish troops at Buenos Ayres, which [puts] His Catholic Majesty in a state of to oppose with superior forces the establishments planned by the English, or even to expel them from those which they might have already begun, either in the South Sea or in the Straits of Magellan.” 441

435 Ibid.
436 Greenhow 1842
437 Masserano quoted in Buschman 2014 p.66 citing Masserano to Grimaldi, October 2, 1766, AHN, Estado 4271, vol.1
438 Quoted in Buschman 2014 citing Global Reach of Empire Alan Frost 2003 p.63. Shelburne Papers vol.161 Item 20
439 Wallis (ed.) 1965
440 Rice 1973 p.425 citing Guerchy to Choiseul November 7, 1766. See 1749
441 Martin-Allanic 1964 p.374
France's Ambassador d'Ossun also speaks to Grimaldi. He raises the issue of Bougainville's accounts, which are taking so long to resolve that the Frenchman may be delayed and not reach Montevideo in time for the proposed handover date of January 1, 1767.  

October 2nd, Choiseul again writes to Grimaldi to urge a softer approach in its dealings with England.

“Regarding you sending four ships, I think if you take this party (you) should at the same time prepare for war, and I note that I think that if the expedition takes place you should only worry about the South Sea and not the Falkland Islands.”  

“... the true object of the letter of Choiseul to the Spanish Minister of State was to make him see the difficulties that France will encounter in providing effective support for Carlos III, and, consequently, show his desire to achieve a peaceful settlement of the incident ... Choiseul does not, of course, ask for the suppression of defensive precautions. Just to try to avoid adopting those that, because of their bellicose nature, can cause a conflict, ... There was no doubt that Choiseul was looking for a peaceful settlement at all costs. But could it be the basis of a friendly negotiation with Britain? ... Choiseul knew how to find the solution. When the English conquered, in 1762, the capital of the Philippines, the archbishop, wishing to avoid the horrors of looting at his metropolitan headquarters, promised to pay Brigadier Draper a sum if he avoided it. And, indeed, he handed him a certain part, stating that the rest it would be satisfied by the Catholic King. Naturally, Grimaldi did not accept the subsequent claims of the British ministry demanding the payment of the totality. He based his refusal on the fact that the promise made by a subject without official character (that) could not affect the Monarch,... In such circumstance Choiseul chose it as the means of resolving Anglo-Spanish differences, proposing the payment of the Manila Rescue in exchange for abandonment of the British establishment in the Falkland Islands.”

Choiseul also argues that reliance upon Article 8 of Utrecht requires evidence of Spanish occupation in the previous century.

“Read article 8, dear companion, with attention, and if you were neutral and obliged to judge this question, I think you would not be in a hurry to apply it to Falkland Islands unless you are presented with property titles of the time of Carlos II.”

“I will frankly admit that if the English establishment is in the Malouine Islands and, therefore, out of the South Sea, I do not believe that it is contrary to Article 8 of the Treaty of Utrecht, unless (we) prove that there were Spaniards in the islands during the time of Charles II...”

“Choiseul summed up the situation in a letter of 2 October to the Spanish minister,... Already there were signs that an impasse was developing; Britain seemed determined not to yield her claim to a settlement on the Falklands, yet France was bound by the Family Compact to support Spain if war threatened, and Choiseul saw a very real danger of war in the present instance. He therefore urged Grimaldi not to submit any provocative demands while doubt still remained as to the precise location of the islands in question. Unless Spain could furnish proofs that there were Spaniards on the islands in the time of Charles II, he doubted that the eighth Article of Utrecht would apply.

442 Arriaga's clerks were disputing everything, including the signatures on the various receipts. Carlos III would have to intercede one more time.
443 Quoted in Munilla 1948 pp.46-47 citing Choiseul a Grimaldi: October 2, 1766 (Aff. Étrang. Espagne, 547)
444 Ibid. Also Louis Blart: Les rapports de la France et de l'Espagne après le Pacte de Famille 1915 p.88
445 Quoted in Munilla 1948 p.43 citing Blart 1915 p.88
446 Choiseul quoted in Martin-Allanic 1965 p.446. Citation appears to be Aff. étr. Exp., 547 f° 154 4 oct 1766.
Above all he urged the avoidance of any rupture with Britain for at least the next eighteen months, for neither France nor Spain was yet sufficiently prepared for war.” 447

“... if the settlement was on the Falklands and not in the South Sea, it was not prohibited by Article 8, unless it could be shown that there had been a Spanish presence on the Islands at the time of Charles II of Spain.” 448

“As for the Treaty of Utrecht, the British simply did not regard it as applicable. In this, amusingly enough, they were at one with the French minister Choiseul, who had told the Spaniards as much.” 449

On the same day, in Madrid, King Carlos III signs a Royal Charter addressed to Felipe Ruiz Puente.

“... there is agreement with His Very Christian Majesty to evacuate them because of my royal right. I have resolved that you should go with the frigates Liebre and Esmeralda under your command to the referred islands which will be handed to you by the Governor who is there, by virtue of orders from that other Sovereign which with you are being sent, and having been aware of your services, judgement and credited good conduct I have decided to choose you and name you as commander and consequently of those Islands as their Governor, and for this I order that you sail to Montevideo to provide yourself with food and water and other items which have been named under a separate order ..., and agreed with the Governor and General Captain of the Province of Buenos Aires to whom you will report.

I state that from now the government of the referred ... Islands depends on that General Captains for the future arrangements and communications that need to be established. ... as soon as you get there present to the present Governor the orders which you carry from His Very Christian Majesty for him to hand over the said possession, and recording this act carry out what has to be done concerning this.

Also I give you warning that all individuals that are there of any trade or occupation or condition that they have and which wish to remain under my Royal Rule, you are to admit them under the same contractual and remuneration conditions as they are now, and you should make available the above frigates for embarkation of all those who are to be transferred to Europe which do not wish to remain ...

I order all officers, ministers, sergeants, corporals, and other dependents of the named Islands who are or may be in future be on them, that they respect you and recognise you as their Governor, obeying the orders that you issue in writing, or by word of mouth, ... and which they shall obey without complaint or delay, and that they hold you with respect and treat you with deference and grace which corresponds to you, this is my will.” 450

“In... (Port Egmont) we (the British) were, upon every principle of the Law of Nations, and upon the established usage in all similar cases, the First Settlers; we had the exclusive right to that establishment, and to the island on which it was situated. Nor did the subsequent cession of the French settlement to the Spaniards in the year 1766, in any degree diminish the right of the English. Spain ... could derive no more from the French than they had to bestow. ... The Spanish therefore stood exactly in their place; but could not, by any mode of reasoning, acquire a title, which did not belong to those from whom their settlement itself was derived.” 451

447 Rice 1973 p.422 citing Choiseul to Grimaldi October 2, 1766. Also Archivo General de Simancas, Ingl., legajo 6962
448 Greig 1983. Art.8 only referred to the Spanish West Indies; making no mention of any sea – nor indeed to occupation. South Sea was most commonly used to refer to the region of the Pacific between New Zealand and South America.
449 Calvert 1983
450 AGN Sala IX Coleccion Colonia. Also noted in Report of the Political, and Military Commandant of the Malvinas Luis Vernet. See August, 1832.
451 Burgess 1790 p.9. cf. 1762 & 1763

73
October 3rd, Bougainville’s financial compensation is finally agreed; as Grimaldi confirms.

“By virtue of the negotiation we have pursued with the Court of France, against the intrusion made by the French in the Malouines Islands, the Most Christian King has agreed to order a Company of Saint-Malo which had undertaken and realized (establishment), to abandon it, or to yield to the King of Spain all that belonged to him, His Catholic Majesty refunding all the expenses which this establishment occasioned,... consequently Colonel de Bougainville, principal interest in the Company of Saint-Malo, gave me the orders which His Most Christian Majesty had bestowed upon him for himself and his company so that they may yield to the officer to be appointed by His Majesty their settlements in the Malouines Islands, with all that they contain, which belonged to the Most Christian King and the Company of St. Malo.

He informed me jointly of the expenses which the various expeditions had caused to this company in order to found the establishments, soliciting His Majesty to reimburse to him the 618 thousand, 108 livres, 13 sous, and 11 deniers to which these expenses amount. His Majesty considered the said statement to be a good one and decided to pay Mr. Bougainville the sum mentioned above, against a receipt in which it will be specified that, in return for this payment, his company or any other interested person may not claim what to the Royal Treasury, neither to ask for any sum nor any other compensation, and, moreover, that, with this payment and in conformity with the orders of His Most Christian Majesty, he undertakes to deliver to Spain these establishments with the families, the houses, the boats that were built and used in the expeditions, and finally all that belonged to the Company of Saint-Malo and which is included in the account as coming from His Most Christian Majesty, in because of the voluntary assignment he made.” 452

# Researcher’s Comment: Nothing about a cession by France, just an instruction by the French King to a French company with Bougainville only identified as the ‘principle interest’ (main shareholder) of the St. Malo Company. There is no recognition of any prior right by Spain, only a reference to a ‘voluntary assignment’.

“… paying only for the cost of the failed colonisation. Nothing in the agreement could imply that France was selling the islands to Spain, as this would suggest that the original Spanish ownership was in doubt.” 453

“… Bougainville received about £27,000 in money of the day.” 454

In obedience to a Royal Order, 455 Indies Minister Julian Arriaga sends instructions to Buenos Aires.

“In addition to what is notified in separate orders to Your Excellency over the Malouines, the King has decided that in the frigates Liebre and Esmeralda embark, to be transferred to Europe, families and other French individuals who do not agree to stay in those islands.

That your Excellency determines with the Governor, if it is necessary that one of the frigates be kept there for the time being, or if attended to the expenses that this attracts, it would be enough to leave the frigate the French Eagle, for the men of that colony, for its use, with the smaller vessels that are in it, for its communication with Montevideo, and the objects that on the reconnaissance of the Strait, ...

452 Quoted in Martin-Allanic 1964 p.376 citing Simancas, Estado, Leg. 6.957
453 Dunmore 2005 p.143 citing a conversation between Bougainville and the Spanish Ambassador to Paris two weeks after the receipt was signed. See October 18, 1766.
454 Pascoe 2020 p.34 fn.3
455 Munilla 1948 p.52 citing Real Orden Grimaldi to Arriaga: October 3, 1766. A. G. I., Buenos Aires, 552.
That D. Miguel de Bernazani, who is Minister in the aforementioned frigates, must remain in the Malvinas to take charge of the objects belonging to the Real Treasury, under the orders of the aforementioned Governor, since it is necessary to receive from the French how much there exists: and also for the subsequent administration of cattle, provisions, and other effects that correspond.

That the cattle that are embarked in Montevideo, and the others that later are sent, are to establish herds, of cattle of account of His Majesty, and (the) subsistence of that population. ...

That the two surgeons of the navy, who are supernumeraries in the frigates, remain in the Malouines with the two boxes of medicine that they carry, in addition to those of their staff. ...” 456

October 4th, Felipe Ruiz Puente is told that he is to take control of a new Spanish base on the Malouines. 457

“Belonging to my Crown (are) the Islands of the Malouines where an establishment has been recently formed by the French. His Very Christian Majesty has agreed to evacuate them as a result of my Royal right, I have resolved that you go with the frigates Liebre y Esmeralda of your command to those referred Islands that will be delivered to you by the Governor... I choose you and name you to this command and the subsequent command of those islands as Governor of them, I order you to sail and stop-over (at) Montevideo to be provided with food and other effects there that have been ordered separately and agreed with the Governor and Captain General of the Province of Buenos Aires, under whose orders you must be... I now declare the Government of the Falklands dependent of that General Captaincy...” 458

“On October 4, 1766, was ordered the captain Felipe Ruiz Puente ship to leave ”... from Ferrol with the two frigates of his command to take possession of the mentioned Falkland Islands and exercise the government of them under the orders of Buenos Ayres as dependent on that Captaincy General”... 459

Bougainville writes out, and signs, a receipt on behalf of the St. Malo Company. 460

“`I, Monsieur Louis de Bougainville, Colonel of the Army of his most Christian Majesty, have received six hundred and eighteen thousand one hundred and eight livres, thirteen sols, and eleven deniers, being the amount of an estimate that I have given in, of the expenses incurred by the St. Malo Company in expeditions sent out to found establishments in the Malouine Islands, belonging to his Catholic Majesty, in the following manner:`— 461

Forty thousand livres delivered on account to me in Paris, by his Excellency the Count de Fuentes, ambassador of his Catholic Majesty to that court, for which I gave the proper receipt.

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456 D. Julian Arriaga a Sr. D. Francisco Bucareli 3 de Octubre de 1766 quoted in Memoria Historica sobre los Derechos de Soberania y Dominio de la Confederacion Argentina ... Pedro de Angelis 1852 pp.xviii – xix


458 AGN IX-642

459 Barriera 2019 citing AGS, E. 6962, 53


461 A translation of the first paragraph, as provided by Minister Moreno to the British Government in 1833, stated; “I, Monsieur Louis de Bougainville, Colonel of His most Christian Majesty’s army, have received six hundred and eighteen thousand one hundred and eight livres, thirteen sols, and eleven deniers, being the amount of an estimate, that I have given in, of the expenses incurred by the St. Malo Company in equipments for founding their intrusive establishments in the Malvina Islands, belonging to his Catholic Majesty, in the following manner...” Two weeks after signing this receipt Bougainville would deny that the St. Malo Company existed. See October 20, 1766. cf. 1833
Two hundred thousand livres, which are to be delivered to me at the same Court of Paris, according to bills drawn in my favour by the Marquess of Zambrano, Treasurer-General of his Catholic Majesty, upon Don Francisco Ventura Llorena, Treasurer-Extraordinary of the same; and sixty-five thousand six hundred and twenty-five hard dollars, and three-fourth parts of another, which are equivalent to the three hundred and seventy-eight thousand one hundred and eight livres three sous and eleven deniers, at the rate of five livres per dollar, which I have to receive in Buenos Ayres, on account of bills which have been delivered to me, drawn by His Excellency the Baylio Fray, Don Julian Arriaga, Secretary of State for the general department of the Indies and navy of his Catholic Majesty.

In consideration of these payments, as well as in obedience to his Most Christian Majesty's orders, I am bound to deliver up, in due formality, to the court of Spain, those establishments, along with the families, houses, works, timber, and shipping built there, and employed in the expedition; and, finally, every thing therein belonging to the St. Malo Company, as included in the accounts which are so settled, and to his Most Christian Majesty, in consequence of his voluntary cession, making void for ever all claims that the company, or any person interested therein may have, or might produce, upon the treasury of his Most Catholic Majesty: nor can they henceforth demand more pecuniary, or any other compensation whatsoever.

In testimony whereof, I set my name to this present instrument and voucher, as one principally interested, as well as authorized to receive the whole of this sum, agreeably to a registry in the department of state in St. Ildefonso, 4th October, 1766.”

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# Researcher's Comment: A receipt, signed on behalf of the St. Malo Company by its senior shareholder. It was not a treaty or convention; nor did Bougainville have any Ministerial position, diplomatic character or carry an authority to represent the French Crown. Bougainville accepted compensation for the expenditure of the company that he had founded, and in which he maintained the 'principle interest.'

“... desirous (if possible) to recover the money laid out here, they represented, their new acquisitions in so favourable a manner to the Spanish Court, that the King of Spain agreed to pay five hundred thousand dollars (some say eight hundred thousand, and others enlarge the sum to a million) for their ceding them to Spain: whereof the King of France was to receive a part, and the rest to go to Monsieur Bougainville ...”

“... the French king ceded all his rights to His Most Catholic Majesty. If the Spanish doctrine is correct and no title can be acknowledged in favour of France, then said cession must be reputed null, and it is also a fact that such was the appraisal of Spain who relied solely upon her original claim in her dispute with Great Britain.”

“Bougainville had undertaken the colonization project of 1764 at his own expense, and in surrendering his rights he was compensated with a sum equal to about £24,000.”

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462 Martin-Allanic (1964 p.377) describes this as “... l'acte de cession de son etablissement des iles Malouines” which I translate as “... the act of cession of his establishment of the Malouines islands.”

463 A description of Patagonia, and the adjoining parts of South America: containing an account of the soil, produce, animals, vales, mountains, rivers, lakes, &c. of those countries; the religion, government, policy, customs, dress, arms, and language of the Indian inhabitants; and some particulars relating to Falkland's Islands Thomas Falkner 1774 p.94

464 US Envoy Baylies in 1832 quoted in Peña & Peña 2018 – citing Documentos Oficiales con que el Gobierno Instruye al Cuerpo Legislativo de la Provincia del Origen y Estado de las Cuestiones pendientes con la Republica de los E. E. de America sobre las Islas Malvinas 1832. My emphasis. Spain's 'original claim' being the Inter Caetera of 1493.

465 Memorandum on the Falkland Islands 1947 in LCO 2/490.
“The French themselves, from whom our legal titles derive from that part of the Malvinas, while holding the first possession ... do not deny the British the priority of discovery, and even of the recognition of the islands. This, then, is a very weak point of support to constitute it in substance of the discussion of titles, taking nothing less than as a historical point of departure.”  

“The die is cast.... It is indeed "by submission to the orders of His Most Christian Majesty" that he declares that "his establishments" were "illegitimate" and that the Malouines Islands belonged to His Catholic Majesty; in his heart of hearts he does not believe it; he thinks, on the contrary, and he thinks all his life, that the Malouines, by their position, belonged to no one, res nullius, and should belong to the first effective occupant. He is determined to make a loyal assignment, however, there is no illusion about their future as long as they are in the hands of the Spaniards. But are they not destined to fall one day or another into the hands of the English? ...”

"... At first sight the transfer of the French rights in the islands to Spain... seems to have been a straightforward act of cession, enabling Spain thereafter to assert title in the islands, and to reinforce it by their own act of occupation... the facts are not so simple, for Spain did not choose to regard the actions of 1767 at the time as an act of cession... The agreement between France and Spain for the release of the islands does not confirm that France accepted the grounds for the Spanish claim....”

“In the agreement the French settlement is called “établissements illégitimes dans le Iles Malouines appartenant à Sa Majesté Catholique”. Here the Spanish tried with success to claim that the islands had always been theirs. But it was not even a treaty between the Spanish and French crowns, only an agreement with Bougainville, who was more interested in getting his money than in maintaining a legal position, the results of which he was going to renounce anyway. The clause had of course no bearing on the legal situation between Spain and Britain and all other states.”

“... it was public knowledge that France had settled on the islands before anyone else. Spain's purchase of the islands gave it the legitimacy France's title had enjoyed because of first settlement.”

“(Bougainville) signed the formal handover document ... This did not mean that he admitted the islands truly belonged to Spain – he never held that view – but it closed one chapter of his life.”

“The interpretation of some authors that France then acknowledged the Spanish claim and disavowed its own does in fact strengthen the British position. Under the principle that nobody can transfer a better title that he possesses ‘nemo plus iuris transfere (ad alium) potest quam ipse habet', France’s disclaim of its own title would

466 Argentina’s ex-President Mitre quoted in Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales in Revista del Instituto Rosas no.13 1948
467 Martin-Allanic 1964 p.378
468 Calvert 1983
469 Fisch 1983 p.119
470 Gustafson 1988 p.11. Spain was adamant that it was not buying the islands; only compensating the French.
471 Dunmore 2005 p.140
472 Kohen & Rodríguez 2017 p.36. It was Bougainville's recognition, not that of France. Bougainville never believed that Spain had a superior title.
473 Revelaciones de un manuscrito francés sobre las islas Malvinas: Louis-Antoine de Bougainville en los contornos de la América hispana (1767) Carolina Martinez 2017
turn illegitimate and null any cession of rights to Spain... the disavowal of prior French rights to the islands would place the Argentine claim in dire straits because it would imply a gap in the chain of succession of the sovereignty titles. Indeed, if the French title were to be denied and the Papal Bulls and Tordesillas were to be declared insufficient to sustain the rights of Spain to the Islands, the question would arise as to what the Spanish title would be, on which the Argentine claim is founded.” 474

“... the establishment was delivered to the Spanish crown in exchange for a sum of money in favor of a colonizing company of Saint-Malo.” 475

“... Bougainville’s formal statement of 4 October 1766 acknowledging receipt of the sum of 618,108 livres, 13 sous and 11 deniers, in the French currency of the day, the livre tournois, paid to him by Spain in compensation for his private expenses,... He also emphasised that the handover to Spain was voluntary” 476

**October 6th**, Bound for Paris, Bougainville leaves Madrid. 477

**October 15th**, Bougainville arrives in Paris with letters from the Marquis d’Ossun and Minister Grimaldi.

**October 16th**, Choiseul receives Bougainville at Versailles to hear of his experiences in Spain. The Minister tells Bougainville that he has done well in the agreement with Spain and that preparations for the voyage to the Malouines and the Philippines are going as planned. Secrecy was necessary however as Spain would be unhappy if it knew the extent of Bougainville’s intended voyage. 478 Choiseul also discusses the situation with regard to the English establishment in the Malouines and the Treaty of Utrecht.

“For Bougainville, these various discussions are quite disappointing. How can the Duke of Choiseul, taking Article 8 of the Treaty of Utrecht, think that if the settlement of the English in the Falkland Islands is not in the South Sea, the Spaniards can not claim it "unless it is proved that there were Spaniards in these islands in the time of Charles II." The question posed by the establishment of the French in the Malouines Islands was exactly the same. ... It is not therefore a reason of law which has so easily yielded the Duc de Choiseul to the arguments of Count de Fuentes and the Spanish court, but reasons of State.” 479

**October 17th**, a Spanish Royal Order requires Governor Bucareli in Buenos Aires to consider setting up a port or colony on Tierra del Fuego. For ships that are unable to pass through to the Pacific or round the cape. 480

Felipe Ruiz Puente sails for the Rio de la Plata.

**October 18th**, Bougainville calls upon the Spanish Ambassador.

“Fuentes ... was anxious to complete the agreed refund of his expenses in the Falklands, while making it quite clear that Spain was paying only for the cost of the failed colonisation. Nothing in the agreement could imply that France was selling the islands to Spain, as this would suggest that the original Spanish ownership was in doubt. Fuentes was even uneasy about the mention of the 'Compagnie de Saint-Malo in the receipt (Bougainville) gave to him.” 481

474 Peña & Peña 2018
475 Barrriera 2019
476 Pascoe 2020 p.34
477 A letter was sent from the Spanish Palace at San Ildefonso to Spain’s Ambassador Fuentes in Paris to inform him that agreement had been reached. Hard to read, a copy of this can be found in Spain’s General Archive of the Indies (AGI) at ES.41091.AGI/21//State, 44, N.4
478 Dunmore 2005 p.143
479 Martin-Allanic 1964 p.448
With regard to the location of the English base, Bougainville confirms that he believes it; “... huddled, like his own establishment, in some deep bay, hidden by some cape and by islets, in the part west of the islands that the French have not yet reconnoitred.”

**October 19th**, Minister Choiseul speaks to Lord Hertford, who is in Paris on private business. 483

“... I was sitting with my old acquaintance, the Comte de Fuentes, the Spanish ambassador at this court. The Duke came in and sat between us... M. de Choiseul then said, that he had taken that opportunity of talking to me, because he wished that my friend, the Comte de Fuentes, should be privy to what he said upon the establishment we were going to make in the Isles Maloines, and the just jealousy that Spain entertained upon our expedition into the South Sea. He said this matter was of so serious a nature, that he had already, by his own influence with the Spanish ministers employed at Paris and London, prevented a memorial being presented at the court of London, which was little less than a declaration of war, and that he had sent a messenger to Comte Guerchy relative to this matter, till time could be given for the two courts to know better upon what foundation these expeditions were made.

He then told me, in the presence of M. de Fuentes, that when M. de Bougainville had made an establishment there for the court of France, it had given such offence to the Spanish court, that they were immediately obliged to desist from any further attempts upon it, without interrupting the harmony which at present subsisted between them; though there was not the same reason for jealousy whilst that intimate connection lasted, as there would naturally be with a power so formidable at sea as England was.

To this matter I could properly make no other answer, than that commercial nations were desirous of trading and knowing the coasts of all parts of the world, and that if peace was to be preserved, the continuation of it was more likely to be obtained by confidence than by unreasonable suspicion; and that if the matter was thought of so serious a nature to the court of Spain, I took it for granted M. de Masserano would talk to the English ministers upon it. ... The world at Paris is, I find, in possession of the uneasiness of the court of Spain, and with their usual quickness have determined that we shall soon have a war.” 484

In a further conversation with Hertford, Choiseul suggests that if Britain agrees not to establish itself in the South Seas, then France will act as arbitrator over the outstanding Ransom amount. 485

**October 20th**, Fuentes summons Bougainville to question why the receipt signed in Madrid refers to the Compagnie de Saint-Malo.

“Bougainville replied by assuring (Fuentes) that he did not know why the name of Compagnie de Saint-Malo had been added to his receipt, since such a company did not exist. There are other people in this affair other than himself, his uncle and his cousin who remained in the Falklands. It is he who (holds) the main interest and, if the ambassador desires, he will sign another receipt similar to the one he signed in Madrid and will (get) it signed by his uncle and cousin. The Count de Fuentes does not consider the thing useful for the moment, but he is not satisfied. The next day he presents the affair to the Duke de Choiseul, and asks him if, for the safety of the Spanish Ministry, it is necessary to obtain stronger guarantees. The Duc de Choiseul laughs and assures the ambassador that he can sleep in peace.” 486

482 Martin-Allanic 1964 p.450
483 Lord Hertford was an ex-Ambassador, but held no official position at that time.
484 Hertford to Conway October 20, 1766 in Fitzmaurice 1876. Count Guerchy was the French Ambassador to London.
485 Rice 1980
486 Martin-Allanic 1964 p.251. This is a little confusing, if not rather suspicious. Bougainville wrote out the receipt in
October 21st, Grimaldi writes to Fuentes to inform him that Ambassador Masserano in London has information that the French will not be dragged into a war over the Falklands. 487

Bougainville holds a number of meetings with government officials and hopeful adventurers regarding his planned excursion into the southern Pacific Ocean (South Seas). 488

October 26th, in London, the French Ambassador, the Count de Guerchy, assures Southern Secretary Lord Shelburne that, despite their wish for peace, France will support Spain in any dispute over the Falklands. 489

At Versailles, Foreign Minister Choiseul is sent Bougainville's plan by Praslin, of the Department of Marine.

“... Bougainville goes to La Plata River to join two frigates which His Catholic Majesty has sent from his ports in Europe and which wait for him in said river. When he has joined the two Spanish frigates, he will take them to the Malouines Islands and he will hand over these islands to the officers of His Catholic Majesty, in accordance with the orders which have been addressed to the French Commander of the said islands, of which he will be handed a copy by Bougainville. During the stay that Bougainville will make in the Malouines Islands, he will command the French (people). After Bougainville has put the Spaniards in possession of the Malouines Islands and ... Etoile .., he will leave with his two vessels and will go to China by the South Sea.” 490

That same day, the proposal is presented to Louis XV who signs the final instructions. Except in an emergency, Bougainville is to avoid all contact with Spanish ports once he has passed through the Magellan Strait. 491

“During the crossing of the Pacific, (Bougainville) would look for various little known or merely suspected land... He would have the option of taking possession of any empty or new land he came across, 'being careful to erect poles bearing the arms of France'...” 492

Now the matter is decided, Bougainville is authorised to inform the Spanish Ambassador.

“Fuentes read (Bougainville's) copy with growing disapproval... if his government had suspected that Bougainville planned to open up a new route to the East by way of the Pacific, his reception in Madrid might have been much less friendly.” 493

Fuentes ends the interview curtly by stating that he will discuss the matter directly with Choiseul.

October 27th, during a difficult meeting, Fuentes asks Choiseul to change Bougainville's orders to require him to sail, after the Falklands hand-over, to the East Indies but without identifying the route. Fuentes adds that he must seek the advice of his Court. Knowing that it will take time before the Ambassador can receive a reply, Choiseul exhorts Bougainville to sail as soon as possible, and without further contact with the Spanish Ambassador.

Madrid with his own hand, so he was the person to add the name of the company that he had founded with other members of his family in order to fund the first expedition in 1763. It appears that the Spanish were beginning to question what they'd paid for and from who. There are no records, but Choiseul was a cunning politician. 

487 Munilla 1948 p.50 citing Grimaldi a Fuentes: October 21, 1766. A.H.N., State, 2.841. Masserano's informant had been the French charge d'affairs – Durand.
488 Dunmore 2005 pp.143-146
489 Martin-Allanic 1964 p.922
490 Memoire of the King quoted in Martin-Allanic 1964 p.475
491 Martin-Allanic 1964 pp.479-480
492 Dunmore 2005 pp.143-146 & 149. An example of leaving 'marks & signs' to indicate sovereign possession? See 1774
493 Ibid.
“We are assured that the King of Spain will reimburse M. de Bougainville all the expences (sic) he has been at in forming a settlement at the Malouine Island, on his own simple account, and without requiring any vouchers; and this is all the advantage the M. de Bougainville is like to reap from his expedition, the island being claimed both by Spain and England; consequently he is going to embark for Rochfort, where his vessels are fitting out, in order to bring back the Frenchmen who are at the Malouine island, and who are to be replaced by Spaniards that will be sent thither by his Catholic Majesty.”

In London, Ambassador Masserano receives instructions to present a protest to the British Court.

“Realizing that Spanish right to the Pacific Ocean would be best defended when attached to their century-old claim to the Americas, Masserano went on the offensive. The islands that Byron had encountered, he argued, were well within the Spanish realm, since they were adjacent to the Spanish Americas. Amused by such claims, Shelburne asked the Ambassador to further define what he meant by the term "adjacent." Masserano retorted that all islands within a hundred leagues of the Americas could be considered such. Sensing the surprise in his British counterpart, Masserano continued his argument. While such a distance might seem vast for the European continent, their application to the Americas was a different matter altogether. Given the comparatively close proximity of population centers in Europe, a league amounted to an agreed upon distance in this familiar continent. Yet in the Americas, with vast distances separating the main cities, one had to apply several times the equivalent of a short distance in Europe. Shelburne ... retorted that a league was still a league no matter in what continent or hemisphere.”

October 28th, delayed by illness, Lord Rochford finally arrives in Paris to take over as Ambassador.

November 2nd, at Versailles, Rochford presents his credentials to Choiseul before being shown into the audience chamber of the French King.

“Louis XV must surely have been glad to see as British Ambassador a career diplomat, experienced, polished, and fluent in French, after the arrogance and ineptitude of Hertford and Richmond.”

After the ceremony, Rochford dines with Minister Choiseul.

“He had hoped to avoid at first "any business that might occasion the least altercation," until he had had time to settle into his new post; but this was a vain hope, for Choiseul immediately plunged him into the deepest of business on the very day of his first audiences at Versailles.”

Choiseul suggests that the cancellation of Anson’s proposed expedition of 1748 was in recognition of Spanish rights in the South Atlantic. Rochford denies this, reasserting Britain’s right to claim unexplored lands; unrestricted by Article 8. Changing the subject, Choiseul then suggests that, if both the Spanish and English Courts left it to them, the two Ministers could reach an accommodation regarding the Manila Ransom, within “... half an hour..” Rochford declines to comment, but says that he will refer the issues back to London.

494 Caledonian Mercury Monday November 24, 1766
495 Laver 2001
496 Buschman 2014 citing Masserano to Grimaldi November 7, 1766 AHN, Estado 4269, vol.2. My emphasis. See 1790
497 Rice 1973 p.380
498 Rochford to Shelburne November 2, 1766 in SP 78/271 f.114. Full report in the Shelburne Papers vol.23, which are held at the William L. Clements Library at the University of Michigan. There is apparently no copy in the British archives.
499 Rochford to Shelburne, Nov 5, 1766 quoted in Life of William, Earl of Shelburne, afterwards First Marquis of Lansdowne, with Extracts from his papers and correspondence E.G. Fitzmaurice 1876 (vol.2 p.12) & 1912 (2nd edition)

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“Rochford had evidently been warned by Shelburne before leaving London not to become entangled in the
details of the Falklands issue without prior instructions from home, so Rochford "waived entirely entering with
him [Choiseul] into a Discussion of this Matter," and merely observed in passing that to his knowledge that
right had never been yielded, and it was ridiculous of Spain to pretend that British ships had no right to
navigate and make discoveries in any part of the world. Choiseul fell silent at this, and after some time
murmured, "but not in the South Seas." ...”

In London, Lord Hertford reports his conversations with Choiseul to Lord Shelburne, relating the proposal of an
exchange of the Falkland Islands for the Manila Ransom which, if agreed, would have the Spanish Court settling
its debt in January 1767. Importantly he fails to mention neither the prospect of the French acting as arbiters nor
the recognition, by Britain, of Spain's interpretation of Article 8.

November 4th, at Versailles, Ambassador Fuentes, speaks to Choiseul regarding further instructions to be sent
on to Masserano in London.

“... the King of Spain was astonished at the confirmation by the gazettes of the foundation of an English
establishment, either in the Malouines or on the other side of Cape Horn, in spite of the sovereignty, exclusive
of all others, belonging to the Crown of Spain and guaranteed by the Treaties. The gazettes, indeed, contained
the summary of Commodore Byron’s journey around the world. He had crossed the Straits of Magellan, had
made contact with the natives, had touched various islands of the South Sea, and had sailed in the Philippine
region. ... "The King of Great Britain, and his ministers," (with) such a project," have dealt a mortal blow to the
rights of His Catholic Majesty and his Crown," said the King of Spain. Indeed, the Treaty of Utrecht, "(the)
political basis of Europe," stipulates the mutual recognition of the two ruling families of Spain and England,
who undertake to respect the various provisions. Article 8 of this treaty assures Spain "the exclusive possession
of the Americas and adjacent islands to the point of binding her hands for the cession of any part of these
Americas." This condition was demanded and dictated by the England "to prevent another power from
increasing its possessions". ... As a conclusion, the King of Spain instructed his ambassador to make the most
solemn protest against the King of Great Britain, "his friend," against such establishments and to demand their
abandonment. The complaint was made in a friendly manner, in confidence in the spirit of justice of George
III, who could do no other than George II in similar circumstances.”

To the instructions, Minister Grimaldi has attached the detailed arguments that Masserano may need to use.
These include an interpretation of Article 8 as recognising the ownership of the whole of South America and the
“common opinion” that adjacent islands were included.

“And the minister said: "Any island near the continent, although uninhabited, is supposed to depend on the
master of the same continent and belong to him ..." and in these huge countries, everything must be
proportionate, the distance of 60 or 80 leagues must be looked at as we look in Europe at ten or twelve, the
effects being the same. However, (if) these were islands situated at greater distances, "for example 300 leagues
and more," the property rights given to Spain by the Treaty of Utrecht would not apply. In conclusion, the
Minister of State considered that the treaty guaranteed to Spain "the property of the whole continent of South
America as far as Cape Horn, to the islands which are at a marked distance from the said coast, and very
clearly to all those of the South Sea, and therefore to the Malouines who are of this number"(in the first
category, adjacent islands). And yet he added: "But although our rights to the Falklands were equivocal under
the said treaty, it is very certain that the English no longer have any right to it: it is a principle established
among all nations that the first to discover a country acquires a right. The French were the first to occupy the

500 Rice 1973 p.424 citing Rochford to Shelburne November 5, 1766 (Shelburne Papers vol.23 University of Michigan).
Malouines, and for this reason, even leaving aside the Treaty of Utrecht, the property of these islands belongs to the King, because they passed from the hands of France to those of Spain."

Fuentes informs Choiseul that Spain is preparing six frigates, equipped to fight up to three English ships and a fort, in order to drive the English from the Falklands, or any other islands, when they find them.

**November 5th**, Rochford reports his conversation with Choiseul to London.

**November 6th**, in London, the French Ambassador again asserts his country's support for Spain in the matter of any British establishment on an island adjacent to the Americas. Lord Shelburne responds that Spain cannot oppose navigation through the Atlantic Ocean.

“This remark suggested (to) our ambassador that since the Secretary of State did not speak of the South Sea, the English establishment was to be in the Atlantic."

Ambassador Masserano is next to speak to Shelburne; demanding that Britain withdraw from any establishment within 300 leagues (900 miles) from the coast of South America.

**November 11th**, Secretary Shelburne has a further meeting with Spain's Ambassador Masserano, who suggests that the Manila ransom can be paid in January, provided that the issue of the Falklands can be settled.

**November 13th**, Masserano writes to Madrid to inform them that it has been asserted to him, that; “... a sea cannot be entirely closed to a maritime power.”

Bougainville departs France in *Boudeuse* with *Etoile* to follow. He is, however, immediately beset by bad weather necessitating him to sail for Brest.

Fuentes writes from Versailles to inform Grimaldi that, after leaving the Malouines, Bougainville intends to pass through the South Sea to China and the Philippines.

**November 15th**, Britain's Cabinet meets to discuss the proposal as reported by Hertford. The decision is to proceed with a negotiation but to avoid any French involvement. Rochford is to reinforce to Choiseul that Article 8 of the 1713 Treaty does not restrict Britain's rights in the South Seas.

“... the Spaniards' Romantick and absurd Notions to the Contrary not withstanding."

“... the Earl of Hertford agreed to continue his good offices in the hope of obtaining a settlement solution: payment of a sum for the ransom of Manila, on the one hand, and withdrawal of the settlement of the Falkland Islands, on the other hand, without reference to the Treaty of Utrecht.”

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502 Quoted in Martin-Allanic 1964 p.924. For a discussion on the term 'adjacent' see 1790.
503 Spain was still very uncertain that the new British base was in the Malouines Islands. There was still an assumption that Pepys Island existed – somewhere.
504 Martin-Allanic 1964 p.926
505 Rice 1973 p.425. I can find no supporting evidence for this and the suggestion does not fit with what is known of Spanish attitudes towards payment of the ransom. Masserano may have talked to Hertford.
506 Buschman 2014 citing Masserano to Grimaldi November 13, 1766 AHN, Estado 4271 vol.1
507 It would seem that encountering poor conditions had revealed some faults in the ship's design, which would need to be dealt with before a crossing of the Atlantic could be safely undertaken; requiring a further 3 weeks in port. This, however, was achieved in secret – all that the newspapers knew was that Bougainville had sailed. See December 5, 1766.
508 Noted in Martin-Allanic 1964 p.930. Quite why the Ambassador waited so long is not clear.
509 Shelburne to Rochford November 17, 1766 quoted in Rice 1980.
November 17th, Earl Shelburne writes to Britain's Ambassador in Paris, expressing; “... his willingness to treat the two questions of the ransom and the settlement of the islands together, if by that means an agreement could be more easily reached.”

“Rochford was therefore to encourage Choiseul to use his influence with (Spain's) Ministers, to bring them to meet Britain's just claims. In so doing, Rochford was to be very careful not to say "anything that can contribute to confirm a Union that we can never approve, or suffer the French to take Possession of the Negotiation under the Pretence of Mediating, or under any other Name."... In short, Shelburne stressed that Britain upheld her original claim to "the Islands of Faulkland, improperly & affectedly called of late, by the French, the Isles Malouines,"(!) and that Rochford must remind Choiseul that Britain would never yield her undoubted right to navigate freely in the South Seas,... As for the eighth article of Utrecht ... Shelburne argued that this turned on the commerce between places actually occupied and possessed at the time, and covered by the American Treaty of 1670, and applied moreover to individuals wishing to trade with Spanish territories; "it was never held to prohibit other nations from navigating in the southern oceans."...”

Ambassador Fuentes writes from Versailles to inform Minister Grimaldi that Bougainville has already sailed. Having expected Bougainville to see him before departure, Fuentes describes this as “quite strange.”

November 21st, now at anchor in Brest, Bougainville writes to the Ministry of Marine to suggest a slight change in his plan. Instead of employing the Boudeuse for the voyage to China, with Etoile acting as storeship, Bougainville suggests that Etoile is better suited for the journey and he should employ that ship alone once the Falklands' settlement has been handed over to Spain.

November 22nd, in a meeting between Lord Chatham and the French Ambassador in London, it becomes apparent that Hertford has not fully reported the details of the French proposal.

“When however, the question was further gone into Gruerchy declared that what Choiseul had meant was that if the settlement on the Falkland Islands was abandoned by England, the Manila Ransom might be paid subject to the arbitration of France as to the amount... Shelburne refused arbitration on the amount of the payment, as his predecessor had on the whole question.”

At Port Egmont, following months of delays, the storeship Florida finally arrives. Lieutenant Robert Deans, master of this ship, explained his misadventures. Departing the Dunes, January 22, he had been made prisoner February 1, off Portugal, by a pirate of Algiers which had forced him to follow him in this port. He had been released on the 14th, and his cargo had been returned to him. He had left Algiers on the 20th to come to Gibraltar, where he had remained from February 26th to May 5th, to await orders from the Admiralty. The Grace sloop had brought them to him: he was instructed to continue on his way and was given new dispatches for Port Egmont. The Admiralty ordered Captain Mac Bride to keep the Carcass at Port Egmont, if that ship had not left (before) the arrival of Florida. The Jason and the Carcass will be relieved by a frigate and a sloop whose departure from England was planned for the end of August or the beginning of September. In addition, Captain Mac Bride will receive provisions from the Experiment, which is designated to accompany the Dolphin and Swallow to the Strait of Magellan, these two ships going to the South Sea. He will have to return to England, the two corvettes Florida and Experiment, after they are unloaded. (The) Lieutenant brings much more news: the Admiralty confirms that the French are settled somewhere in the

511 Life of William, Earl of Sherburne, afterwards First Marquis of Lansdowne, with Extracts from his papers and correspondence E. G. Fitzmaurice 1876 p.12 citing Shelburne to Rotchford November 17, 1766
512 Rice 1973 p.426 citing Shelburne to Rochford November 17, 1766 (Shelburne Papers University of Michigan).
513 Dunmore 2005 p.155
514 Fitzmaurice 1876 p.13 citing Shelburne to Rotchford November 29, 1766 & December 12, 1766

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archipelago and orders (action) in accordance with the instructions already given to Captain Mac Bride on his departure from England. In addition, the King of France has just sold the islands to the King of Spain and it is likely that when the Spanish have replaced the French, the English will follow and evacuate.”

November 24th, in Madrid, a Royal Order informs the Council of the Indies of the creation of a government on the Falklands subject to the Captaincy-General of Buenos Aires.

“The royal order, dated San Lorenzo, November 24, 1766, informs the Council of India of this creation, which takes place "after the evacuation of the Malouines by the French, who, without any right, had established a captaincy said Saint Malo." We see that the withdrawal of France and the final transaction were the consequence of the protests of Spain against the "intrusion" of Bougainville.”

Choiseul writes to Grimaldi with regard to Spain’s interpretation of Art.8 of the Treaty of Utrecht 1713.

“The English minister points out that it is not tolerable to pretend that one of their vessels is prevented from crossing the South Sea and they will add that, as in Article 8 of the Treaty of Utrecht, they are prohibited by the word "navigation and commerce" (from refreshing) in Spanish possessions, (then) they are forced to obtain refreshment (by) forming a possession in a place close to the South Sea, provided that the place of refreshment is not one which has been possessed by Spain (since) the time of Charles II. If the one they have chosen is (such), and Spain gives proof of it, they will abandon it and seek another. If, on the contrary, Spain, without proof, claims to have possessed and possessed all of America, they can not authorize, by their consent, a pretension so prejudicial to the English nation.”

Privately, the Duke supported the point of view of the British Ministry. It was a question of securing the freedom of the seas and no longer accepting an obsolete obedience to the provisions of Pope Alexander VI's bull, to which Spain continued to refer as an act of faith, and to give a tendentious and probably false interpretation, as Bougainville (had) asserted. The Duke of Choiseul had only tolerated the abandonment of the Malouines for reasons of state; it was also for reasons of state that he supported the request for withdrawal formulated by Spain and a logical continuation of our own abandonment, but he had authorized travel around the world, despite the prejudices of our ally.”

November 25th, Lord Rochford meets Choiseul and argues that Spain's interpretation of Art. 8 is “abusive.” However, Rochford suggests that the problem of the Falklands could be resolved if both Spain and Britain desisted from establishing themselves there. In return, Spain should agree to settle the outstanding ransom amount. A negotiation that could be conducted in Paris between Rochford and the French Ambassador.

“(Choiseul) hastened to talk to the Count de Fuentes, whom he found very reluctant; the Spanish Ambassador feared that tranquillity obtained in this way would be only momentary. A withdrawal not based on the Treaty of Utrecht would be illusory, because England will soon be tempted to try again and the threats of conflict will

515 Martin-Allanic 1964 pp.522-523 citing PRO Adm. 51/3.838. Elsewhere (p.937) this author gives the date as the 26th.
Florida had sailed from Gibraltar on May 5, 1766, before news of the French/Spanish agreement and on a voyage that should have taken 2 to 3 months. I have not, as yet, seen any explanation as to why it took 6 months. It is possible that Deans had stopped at Madeira or the Cape Verde Islands in which case news of the agreement could have caught up with him.
516 Groussac 1910 p.144
517 Choiseul quoted in Martin-Allanic 1964 p.927 citing Aff. étr. Angl., 471 f° 377, 24 nov. 1766. Not an easy translation, but the gist is that Choiseul confirmed that for Spain to be able to claim a possession under the Treaty of Utrecht (1713), then that possession must have been held by Spain during the reign of Carlos II of Spain (1665-1700).
518 Martin-Allanic 1964 p.928
rise again; a payment without arbitration was contrary to the dignity of Spain. The money paid would be used to build warships.” 519

On that same day in the Falkland Islands, one of M’Bride’s surveying parties lands in Jordan’s Bay on the eastern side of Carlisle Sound (Falklands Sound). 520

“... the boats, having finished the survey of the west side, returned through Carlisle Sound and having landed on the east side of it, upon Mount B., the highest on the island, officers found a bottle containing enclosed papers which had been left by some French officers and others who had been on that part of the island in the beginning of 1765.” 521

“The English declared of their own accord that in October 1766, they had sent their (surveyors) to the island where we live and that they had brought back a bottle found on one of the highest mountains of this island, located in the SW of the dwelling. There were indeed in this bottle the names of several officers and French inhabitants who had been until then, but it was not, as the English believe it, the act of Possession.” 522

“... a bottle with, inside, a paper bearing on one side the names of the officers who had come out on Bougainville’s first expedition and, on the reverse, the names of some who had come out subsequently. McBride (sic) sailed off at once...” 523

November 26th, the survey party returns to Port Egmont with the bottle.

November 28th, Rochford writes to Earl Chatham regarding the attitude of Minister Choiseul.

“The only essential affair that can disturb the peace of Europe is our disputes with Spain; and I here found him so sincerely terrified (if I may use the expression) at the court of Spain's taking some absurd step, that I am confident there is no reasonable proposal he would not come into, for accommodating the Manila ransom, and the affair of the islands of Falkland.” 524

Spain’s Minister Grimaldi sends a memorandum to Ambassador Fuentes in Paris, for transmission to Choiseul. This paper raises the possibility of a war with Britain.

“It's not about (Britain) but about the attack on (Spain’s) overseas possessions, the ocean empire, commercial interests and (about) setting limits to English ambition.” 525

519 Ibid. p.929
520 Cawkell (The History of the Falkland Islands 2001 p.30) dates this to November 23, 1766 and places it “in the northern part of East Falkland,” while Dunmore (2005 p.139) states that this discovery had occurred the previous September. Jordan’s Bay appears in the Carrington-Bowles chart (1770) but this name appears to have been forgotten now. There is no current designation, although the bay is easily identified.
521 McBride to Stephens (undated) in Brown 1922. Strangely, Brown concluded that the bottle was found on West Falkland Island despite the quote clearly identifying that the survey party had landed on the east side of Carlisle Sound (now known as Falklands Sound throughout its length). The track of the surveying ship, Carcass, is laid down in Carrington-Bowles’ 1770 chart. The bottle was placed on a mountain near the isthmus that joins the two parts of East Falkland Island by a Bougainville-led party in January, 1765, and the highest mountain on East Falkland (and indeed in the whole archipelago), Mount Usborne is less than a day’s trek from Jordan’s Bay. On the charts that followed M’Bride’s return to England, the lower part of East Falkland Island (Lafonia) was named French Island. See January 20, 1765.
522 Quoted in Martin-Allanic 1964 p521 citing Goebel 1927 pp.238-239
523 Cawkell 2001 p.30
524 Quoted in Anecdotes of the life of the Right Hon. William Pitt, 1st Earl of Chatham John Almon vol.3 1792
525 Grimaldi quoted in Munilla 1948 p.57 citing Grimaldi project on war with England (in French) sent to Fuentes, to deliver it to the Duke of Choiseul: November 28, 1766. A. H. N., State, 2. 841.
“Grimaldi's project represents the most serious moment of international relations, during the first stage of the incident. Peace or war were pending, in short, on the answer given by the French minister.”  

**December 2nd**, in the evening, Capt. M'Bride sails into Pembroke Sound (Port William).

“The British settlement was separated from Port-Soledad (French Bay or Accaron) by more than 180 miles of very rugged coastline;..”  

**December 3rd**, an officer is sent by M'Bride to find an observation point overlooking the area.  

“The next morning I sent an officer upon the top of a mountain that overlooked Berkeley's Sound; who returned at noon, with an account that he had discovered the French settlement. I sailed that evening from Pembroke Sound...”  

**December 4th**, M'Bride approaches Port Louis. Due to bad weather he is forced to anchor some 4 miles from the French settlement.

“I sent an officer ashore with a letter to the commanding officer demanding by what authority he had erected a settlement there, who, not understanding English, sent an officer on board with a letter to me, desiring to be informed of my intentions which when I had told him he said they would not permit me to enter the port or suffer any person to come on shore. I replied that I was determined to enter the port.”

The officer carries a letter.

Jason, Berkly's Sound (sic)

December 4

“Sir,

As Falklands islands were first discovered by the subject of the Crown of England, sent out by the Government for the purpose, and of right belonging to His Majesty, - and His Majesty having given orders for the settlement thereof, the subjects of no other power can have any title to establish themselves therein without the King's permission, - I therefore desire to be informed upon what authority you have erected a settlement upon the said islands.

I am Sir

Your most humble obedient servant,

Jn C. Macbride

Commanding officer of His Majesty's ships, at Falkland Islands. To ---

Commanding officer of a settlement in Berkly's Sund, Falklands Islands.”

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526 Munilla 1948 p.57. Choiseul's response was not returned until March 15, 1767 — “It is not possible to look at the project of war presented by Spain as a good project.” (Memorial de Choiseul A.H.N., Estado, 2.841)

527 Groussac 1910 p.116

528 Cawkell 2001 p.30

529 Quoted in Brown 1922 p.401 citing McBride to Stephens March 21, 1767

530 Ibid.

531 Reproduced in Martin-Allanic 1964 p.518 citing three sources 1) Archives of Foreign Affairs, correspondence Spain, vol. 548, folio 5337-338, 2) Archives Nationales, Colonies, F2 A 20, folios 166-169, and 3) a manuscript in the British Museum Add. 32.603, f° 38 (may now be in the British Library). See also Cawkell 2001 p.30 and Brown 1922 p.401
De Nerville returns M’Bride’s letter.

“Monsieur, the letter, which you did me the honor to write to me, was (given) to me under condition of only taking an hour to answer it. It was impossible for me to know the contents, not knowing the English language and having no one here to interpret it. I send you Sr Desperriers, an infantry captain, with an order to know from you, in the French language, what are the reasons that have induced you to enter and to anchor in this port, and what your needs might be. I have the honour to be... de Nerville Isle Malouine 4 Xbre 1766.” 532

On his arrival at Jason, the French messenger is invited to remain for supper.

“This reply addressed to the captain was placed in the hands of Sr. Desperriers, who was instructed to return to the rendezvous given to the English officer, and then to go aboard the Jason, to try and know the substance of the affair. He was (asked to) supper. The first thing he told us when he got back was that we did not have time to waste and that we had to put on our 4 pieces of 24. It was then one-thirty in the morning. He added that he understood from the long conversation he had with the English that the intention of their crown was to support their rights to the property of the Falkland Islands, discovered by the nation during the reign of Elizabeth; ... They had shown him a map of the country, more exact than ours, as to what they said, and on this map, the point of their habitation, about 40 leagues from it, in the part of the E-ENE, with a 24-piece wooden fort...” 533

The messenger, Desperriers, also says that; “The English had added that after all, they did not know why they had to visit the establishment,” because the French had yielded the said island to the Spaniards and that, for the purpose of his delivery, he (Bougainville?) had left the Ferrol in two frigates... It also seemed that they expected "to receive the order to evacuate these islands as soon as it is known that (France) ha(s) ceded our establishment to the Spaniards." Nevertheless, they had again proclaimed the rights of England over these islands: "It belonged to them," said they, "for they were the first to discover them,...” 534

De Nerville decides to prepare for conflict and to mount the few guns that they possessed.

“Captain Macbride ... came to our settlement in the beginning of December ... His pretension was that these lands belonged to the King of Great Britain; he threatened to make a forcible landing if continued resistance was opposed to him;...” 535

“The Commandant de Nerville knew no English and had no interpreter, but he sufficiently understood McBride’s intentions to send an officer ... McBride... was told that the French would not permit him to enter the port or to suffer any person to come on shore. McBride replies that his orders were to examine the islands with accuracy and this he would do.” 536

December 5th, from Brest in France, after false starts due to adverse weather conditions, Bougainville finally sails for Montevideo on the frigate Boudeuse. 537

532 Quoted in Martin-Allanic 1964 p.518 citing Aff. étr. Espagne, 548 f° 341
533 Ibid. pp.518-519
534 Martin-Allanic 1964 p.519 citing Groussac 1910 pp.160-162. This apparently refers to an unsigned letter purportedly by a Spanish administrator 'repatriated to Montevideo' by one of the Spanish frigates and refers to a conversation he had during that voyage.
535 Bougainville quoted in Moreno’s Memoria and Protest to Viscount Palmerston June 17th, 1833.
536 Cawkell 2001 p.31
537 Scavennec 2005. The intention being that Bougainville would change ships following the handover.

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“I received orders to deliver our settlement to the Spaniards, and to proceed to the East Indies by crossing the South Seas between the Tropics. For this expedition I received the command of the frigate la Boudeuse, of twenty-fix twelve-pounders, and I was to be joined at the Malouines by the store-ship l’Etoile, which was intended to bring me the provisions necessary for a voyage of such a length, and to follow me during the whole expedition.” 538

At Port Louis, McBride sends another officer, with a further message for the French commander.

“Jason, December 5th 1766.
Sir, I received the letter, which you did me the honour to write, by capn. Desperiers, to whom I explained the nature of my arrival here, and, when I have the honor to see you, shall be more particular upon that head. In the first place, I am to inform you that I am not come here with any hostile intentions. My orders are to examine these Islands accurately, which, you may do me favour to believe, I will most carefully comply with. The wind proving unfavourable, this morning, prevents me getting up. But I do propose sending a party with sufficient (arms) to defend itself, should any such attempt be made, but I should much rather execute this service in an amicable manner, which will rest entirely with you by allowing the officer who carries this freely to look over your settlement. From your answer I shall determine.

I have the honour, etc.” 539

“The British boat was met by a launch containing a captain and soldiers, all under arms. The officer was not allowed to go on shore but the French captain took the letter saying that there would be an answer. ‘I waited an hour for it, to no purpose then the wind shifted, we ran the anchor up and in 10 minutes brought up abreast of the battery in 3 fathoms of water with a spring upon the cable. The French left their guns’…” 540

Following further exchanges the French back down and allow four of M’Bride’s officers to inspect the settlement. They find it consists of 1 stone house plus 16 others built of turf housing some 130 inhabitants.

“They had three schooners which they used for coasting round the islands.” 541

The commission granted to Bougainville by King Louis of France is produced as authority for the presence of a settlement on East Falkland Island. 542

December 6th, before sailing, and in compliance with his orders, M’Bride gives the French 6 months to leave.

“Agreeable to Their Lordships’ instructions I gave them warning to remove from the islands to which their Commandant replied that they would not leave unless compelled by force.” 543

538 Bougainville 1772. It is apparent that Spain remained unaware of the full extent of Bougainville’s intentions; complaining later that a voyage to effect the delivery of the Falklands’ settlement had somehow turned into a circumnavigation across the Pacific Ocean.
539 Reproduced in Martin-Allanic 1964 pp.519-520
540 Cawkell 2001 p.31. An answer was prepared by de Nerville (in full in Martin-Allanic 1964 p.520) but it appears that circumstances changed before it could be delivered. This letter made it clear that the French were prepared to defend themselves, and to see the English as the aggressors.
541 Ibid. Translation between the two sides remained difficult. The British commander was told that 7 women were pregnant and resting, but the translation resulted in him believing that 7 had died. See Martin-Allanic 1964 endnote 179 to Chapter 21
542 Martin-Allanic 1964 p.524
543 McBride quoted in Cawkell 2001 p.31
“... the French have a very delightful harbour to the eastward of us, about 35 leagues; they have about 50 houses and about 200 men, besides women and children. I was there about December last...” 544

“... having done it, they left; and that they (the French) understand that at the end of the Island, which is divided by an arm of the sea, they (the British) settled, and armed with a wooden fort, which they had done with twelve embrasures to assemble artillery: they said that the island belonged to them... They also say that the port, which has an Island, is formidable, with a great canal, its entrance very wide, and deep, that the ships entered there, are very sheltered from the mountain ranges, and that no wind offends them...” 545

“The British believed that their settlement and their objection to the French colony had challenged France’s rights to the Islands soon enough to deny them title based on first occupation.” 546

“Unofficially the visit was a great success. The ship’s officers fraternised with those ashore, told them of their colony 40 leagues off, its fine harbour, armory and the explorations they had made. McBride was invited to visit de Nerville in his house and de Nerville to dine on board Jason but a favourable wind springing up cut short the exchange of hospitality and McBride set sail for Port Egmont.” 547

December 8th, Jason returns to Port Egmont to rejoin Carcass and Florida.

“Captain Mac Bride wanted to take advantage of the fine weather and the many crews he had on hand to improve Port-Egmont. On the 16th, they began to unload the provisions of the Florida. On the 20th, everyone was involved in the construction of a store to house these provisions, with the building and unloading operations of the ship going hand in hand. Then on the 27th, on the 28th, a quay was built, on the 28th, a house was built on the 29th, a battery, while continuing the work of the quay and the disembarkation of the provisions.” 548

December 12th, in Paris, Rochford learns of the confusion caused by Hertford’s omissions.

“Shelburne explained what he had understood by Hertford’s report of Choiseul’s first proposal, namely, that if what regarded the Falklands affair could be accommodated, the Manila Ransom would be paid in January next, without any mention of any further difficulties or necessity for negotiation. It was this prospect of a speedy settlement of a just claim, and this alone, which induced the King to listen to the proposal.” 549

“The talks stalled, and in December 1766 the Governor of Buenos Aires, Mr. Francisco de Paula Bucarelli, was ordered to explore the Falklands/Malvinas islands and the coasts of Patagonia and Tierra del Fuego up to Cape Horn in order to gather information about the location of the British settlement.” 550

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544 Extract of a letter from Mr. Richard McDonnell, on board His Majesty’s sloop the Carcass, at Port Egmont, in the island of Falkland, in the South Seas, in the lat. of 51, 30, South about 100 leagues to the northward of cape Horn, April 30, 1767 published in the Salisbury & Winchester Journal August 17, 1767
545 Groussac 1910 pp.160-161 citing No.3 Buenos Ayres y Mayo 21 de 1767. My emphasis. Another example of the two main islands of the Falklands being seen as one.
546 Gustafson 1988
547 Cawkell 2001 p.32
548 Martin-Allanic 1964 p.525
549 Rice 1973 p.432
550 Kohen & Rodriguez 2017 p.41 citing a Royal Order of December 29, 1766 in Inglaterra prometio abandonar las Malvinas Ricardo Zorraquin Becu 1975
December 17th, Wallis (Dolphin) and Carteret (Swallow) explore the Magellan Strait.

“After my first Voyage to ye Steights ... I plainly saw that a lucrative fishery for Oil might be carried from England in those parts: ...” 551

Before sailing for Port Egmont, Prince Frederick is loaded with “... several thousands of young saplings to plant there as an experiment...” 552

December 29th, a Spanish Royal Order is sent to Buenos Aires demanding a search be made for the suspected English base in the South Atlantic.

“... confirming the news that Your Excellency received upon the arrival in Montevideo of the frigates Liebre and Esmeralda, of the attempted establishment (already formed) by the English on some island of those seas or those of the south, and perhaps on its coasts, and not having been able to find the precise location, it is urgent (you being) the one in charge of discovering it, consequently (should) advise the measures for achieving this, Your Excellency must inspect the respective coast to the Strait of Magellan, and successively to Cape Horn, must be of the inspection of Your Excellency... For what your Excellency will agree with ... Puente, the part that he will be responsible for, after he takes possession of the Malouines Islands, ... And you must instruct the Captains, so that, entering the place where they find the establishment, to counter, as surprised by him, of his intrusion into the dominions of His Majesty, against the good faith of the treaties and harmony that subsists between the two nations, protesting against their contravention, (taking the opportunity) to learn about the entity of the establishment, the number of people and the extent of fortifications, returning immediately to inform Your Excellency, who will dispatch, without loss of moment, a warning to (Spain) with this news...” 553

“At the end of the period considered, France and Spain had negotiated a hand-over of the French establishment at Port Louis in exchange for compensation for the enterprise. France had not ceded sovereignty, Choiseul was far too wily for that. A hand-over of equipment, but not a cession of territory. Spain was turning its attention to the administration of the site while increasing concerned about British activity. Were they even in the same islands?

551 Carteret quoted in Charting the Sealing Islands of the Southern Ocean Michael Pearson 2016. cf. 1769
552 The History of Wallis’s & Careret’s Voyage round the World; begun in the Year 1766, and finished in 1768 Anon. 1784. Also Corney 1913
553 D. Julian Arriaga a Sr. D. Francisco Bucareli 29 de Deciembre de 1766 quoted in Angelis 1852 pp.xix-xx. Also Munilla 1948 p.54 citing Royal Orden Arriaga a Bucareli 29 de Deciembre de 1766, A.G.I Buenos Aires, 412
554 Angelis 1852 p.19
555 Munilla 1948 pp.54-55

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Bougainville was preparing to get his people off while the British were digging in at Egmont despite having doubts about the value of this new territory. At the least, Falklands Island appeared to offer a secure base with access to the Magellan Strait and the Pacific Ocean. A military outpost with huge strategic potential. How secure a base, however, was about to be tested.

**Paper 3** will examine the Spanish take-over at Port Louise; their attempts to garrison the site and the road to conflict. Spain had long considered itself a superior Empire to that of the British but Spain's power and influence were weakening. They were going to need the help of allies – most particularly the one they had just pressured into leaving.

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**Bibliography** [https://falklandstimeline.wordpress.com/bibliography/](https://falklandstimeline.wordpress.com/bibliography/)