With Spanish power weakening, this paper considers the separation of the Rio de la Plata colonies from that Empire and their first attempts at independence. Also early pretensions, particularly in the case of those territories that would, eventually, become Argentina. Buenos Aires was the major city then, as now. Here I consider its history vis-a-vis the archipelago based upon two events falling into this period; privateer David Jewett's belated claim on behalf of the defunct United Provinces of South America and the German Luis Vernet's business venture on East Falkland. Jewett's claim was obscure, not the least because he failed to report it to the government he supposedly claimed for. Vernet saw a commercial opportunity in the islands' wild cattle, the descendants of those left behind by the French. Harder to make money than he thought and so he turned his attention to the sealing industry, seeking a monopoly through administrative control. A colony of the United Provinces of the Rio de la Plata. In doing so he would rouse two giants, the USA and the UK.

1816 – 1829

Claims

“An authority has been assumed incompatible with His Britannic Majesty’s rights of sovereignty over the Falkland Islands.”

1816 – March 24th, a congress meets in Tucumán to consider the future of the Rio de la Plata provinces.

“The history of the Government of Buenos Aires between the years 1810 and 1833 is a confused one. The revolution against the mother-country, Spain, broke out in the Viceroyalty of La Plata in 1810; it was completed in 1816, but not until 1853 did the Argentine nation begin to inaugurate constitutional Presidents. The revolutionary junta set up in May 1810 was followed soon by the “Great Junta,” which in turn, in April 1811, suffered a purge, was soon dissolved, and gave place to the first Triumvirate. A second triumvirate was attempted in 1812, this being replaced in 1814 by a Directorate. The revolution of 1815 put an end to this...”

June 1st, in Madrid, Spain’s Council of State meet.

“The Minister of State reported on talks which had recently been held in Madrid with the Buenos Aires representative, Bernardo Rivadavia. Secret discussions had been in progress for some time ... Nothing was achieved and the talks ended with mutual hostility and recrimination.”

Sealers Indispensable and Norfolk sail for South Georgia.

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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  Citation = Lorton, Roger. Falklands Wars: Timeline History of the Falkland Islands. Wordpress 2011 Paper 5
3  Parish to Guido November 19, 1829. See below
4  Memorandum on the Falkland Islands 1947 in LCO 2/490
5  Response to Revolution: Imperial Spain and the Spanish American Revolutions, 1810-1840 Costeloe 1986 p.67
6  BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.
July 9th, from the Congress of Tucumán comes a declaration of independence for the Rio de la Plata provinces. It is argued that the Viceroyalty’s union with Spain was broken on Ferdinand’s abdication in 1808. However, not all the representatives are in agreement. 7

“We, the Representatives of the United Provinces of South America in General Congress assembled, invoking that Supreme Being, who presides over the universe, and in the name of and by the authority of the people we represent, asserting before heaven and all the nations of the earth the justice of our resolution, do hereby solemnly declare it to be the unanimous and indisputable determination of the people of these Provinces to break the bonds which have hitherto bound them to the Kings of Spain – to recover those natural rights of which they have been deprived, and to take upon themselves the character of Free Nation, independent of King Ferdinand the Seventh, of his successors, and of Spain.” 8

“In consequence whereof, and impelled both by the conduct of Spaniards and their King, we have constituted ourselves independent, and prepared for our own natural defence and against the ravages of tyranny…” 9

“The declaration by Congress of that independence which they had for many years previously maintained in fact, was a measure of the highest importance, and has been productive of a unanimity and a decision before unknown. This summit of their wishes was only to be reached by slow and gradual progress.” 10

“It is well known to all the World that, by the Revolution which took place on the 25th of May 1810, and the Solemn Declaration of Independence on the 9th of July 1816, a political Community was constituted, in the jurisdiction of Buenos Ayres, under the name, style, and title of “The United Provinces of the Rio de la Plata”. This political Community could not exist without territory, as where there is no independence of territory there can be no sovereign state, and thus as the community acquired the right of treaties, and that of competency to negotiate with foreign powers, it also acquired the right of state property (jus in patrimonium republicae). The United Provinces, consequently succeeded Spain in the rights which that nation, from whom they separated, had possessed in that jurisdiction. The Malvinas had always been a part of that country, or of that district, and, as such, they formed part of the dominion, or public property, of the new state…” 11

“The people of each of the revolted Districts of the Spanish American Provinces established their own Independence and their own Right of self-government within the Territory which they had occupied, but nothing more. If these revolted Provinces had imagined that they acquired by their Revolt all the rights of Spain, besides determining among each other in what manner those Rights were to be apportioned among them, they must also by necessity have considered themselves bound by the obligations of Spain. But they neither acknowledged these obligations nor were called upon by other States to adopt them.” 12

7 Those from Santa Fe, Entre Rios, Corrientes, Misiones and the Banda Oriental did not sign up to the declaration.
8 Declaration of the Independence of the United Provinces of South America quoted in Constitution of the United Provinces of South America, Framed, Sanctioned, and Ordered to be Published by the Sovereign and Constituent Congress on the 22 April 1819... 1819
9 Manifesto directed to all nations of the Earth, by the General Constituent Congress of the United Provinces of South America, respecting the treatment and cruelties they have experienced from the Spaniards, and which have given rise to the Declaration of their Independence, Buenos Ayres, October 25, 1816
10 Mr. Rodney to the Secretary of State Nov 5, 1818 in The Reports on the Present state of the United Provinces of South America Rodney C. A. & Graham J. 1819, See https://falklandtimeline.files.wordpress.com/2018/01/rodney-report-1819.pdf
11 Memoria and Protest to Viscount Palmerston June 17, 1833 Minister Manuel Moreno. cf. 1713 & 1810
12 Quoted in The Law of State Succession D. P. O’Connell 1956 p.34 citing the Nicaraguan agent in London's response to a letter from the Foreign Secretary of July 16, 1847
“... the Argentine Government acquired and resumed all the rights that in its territory had and exercised Spanish power. Without dominion over the territory that served him a base, the independence of the new republic would have had no meaning. The Falkland Islands, which due to its geographical area had been part of the Viceroyalty of Buenos Aires, could not correspond after the war of independence, but to the new political community that had arisen in the same territory. All civilized peoples recognize that in such a case the force of things constitutes the right. Thus the Islands were under the authority of the Argentine Republic, and all Nations, including Spain, recognized this fact.”

“... the effective possession of part of a region, although it may be held to confer a right to the acquisition of the sovereignty of the whole of a region which constitutes a single organic whole, cannot confer a right to the acquisition of the whole region which, either owing to its size or to its physical configuration, cannot be deemed to be a single organic whole ...”

“The ancient Viceroyalty of Buenos Aires, dating its movement of emancipation, as also does Chile, from 1810, declared itself independent in 1816, under the name of the United Provinces of the Rio de la Plata; but the territory, to which it in whole or in part laid claim, came sooner or later to form the four independent states of Argentina, Paraguay, Uruguay, and Bolivia. ... When the process of emancipation was complete, not a single boundary line had been actually agreed upon and defined, much less marked. Even where attempts were made to indicate them, the indications were insufficient or defective, owing to the want of precise geographical data. The earlier laws, decrees and orders of the former Spanish government, home and colonial, were for the same reason necessarily insufficient.”

“The doctrine that the boundaries of the American republics should ordinarily coincide with the boundaries of the preceding Spanish administrative divisions and sub-divisions was not embodied in any of the early treaties among the new nations, and of course not in any between them and Spain; but rather it came gradually to be accepted as a general guiding principle, in South America known as the doctrine of Uti Possidetis of 1810 and proclaimed in the Congress of Lima in 1848.”

“... regarding state succession, the British Government have consistently denied the right whereby the insurgent South American republics accepted among themselves the territorial delimitation of the Spanish Viceroyalties. In the case of both Colombia and Nicaragua, His Majesty's Government recognized the succession of the new republics only in territories which had been effectively occupied.”

“ Exactly when sovereignty is lost and gained during a chaotic revolutionary period is unclear. A revolutionary movement at the outset of its operations might declare itself the legitimate authority over a territory. But any sovereignty it might claim in its own name could not be recognized until it took de facto control ...”

“The principle of uti possidetis does not imply that a state created in the wake of a process of decolonization will necessarily acquire the same territorial rights as the previous colonial power, without regard to the

13 Títulos de la República Argentina a la Soberanía y Posesión de las Islas Malvinas I. P. Areco 1885 pp.48-49. In fact the last seat of the Viceroyalty had been at Montevideo (1810 – 1814) in the Banda Oriental (now Uruguay), whose representative had not agreed to the declaration of independence. If there had been an automatic transfer of rights, Soledad Island (the only island claimed by Spain in 1811) would have transferred to Uruguay. However, no such transfers were recognised in the 19th century.

14 Reports of International Arbitral awards: Guiana Boundary case (Brazil, Great Britain) June 1904 vol.11 pp.11-23
15 Memorandum on Uti Possidetis J. B. Moore 1913
16 Boundaries, Possessions and Conflicts in South America Gordon Ireland 1938 p.327. Proclaimed but not ratified by any of its signatories – not that the Argentine Confederation was among them.
17 Memorandum on the Falkland Islands 1947 in LCO 2/490. cf. 1848
18 The Sovereignty Dispute over the Falkland (Malvinas) Islands L. S. Gustafson 1988 p.21
geographic territorial unity of the colonial empire, and the occupation of the territory in question by the newly created state... In consequence, it has to be concluded that Argentina did not acquire the Islands in 1816 automatically after independence, without regard to the principle of effective occupation. Spanish territorial rights over the Islands continued.”

“(Argentina) argues that it inherited the former Spanish colonial territory in accordance with the uti possidetis doctrine when it became independent, a disputed doctrine in international law.”

“... unilateral declaration of independence” (or UDI) is a term commonly used to refer to the unilateral act by which a group declares that it is seceding and forming a new state. ... many attempts at unilateral secession fail, and even those that succeed take time. Thus a declaration of independence is a necessary, but not a sufficient, condition for unilateral secession...”

“Although it is often stated that the uti possidetis principle was proclaimed by the newly independent republics, in fact very few constitutions actually used the expression uti possidetis. Of forty-three constitutions examined from the period 1811 to 1850, only one (Costa Rica) mentioned the uti possidetis principle. ...”

“With their independence, the United Provinces of the River Plate inherited the Spanish rights to territories in the region, amongst them the Falklands/Malvinas Islands, with all the prerogatives and attributes of the old metropolis as the consequence of the legal principle that the accessory follows the principle (Accesorium Sequitur Principale)... in the case of the transfer of rights from Spain to Argentina, no previous convention or legal provision existed to unnerve or weaken the full rights acquired by the Spanish succession.”

“After 1790 Spain’s rights in the Falklands were restricted, so any rights inherited from Spain were restricted in the same way, since Argentina cannot have inherited more than Spain possessed.”

# Researcher’s Comment: Claiming and attaining are very separate situations. Attaining independence and gaining Statehood, different again. Spain’s persistent maintenance of its claims to its colonies up to the mid 1830s undoubtedly kept its rights, or at least some of them, alive. For the UP/Argentina to gain sovereign rights, it needed more than a declaration. It needed effective control over the territory claimed. Neither the (hardly) United Provinces, nor the Confederation that followed in 1829, could claim effective control over very much due to the internecine wars that filled so many of the years between 1816 and 1860. As events would prove, neither the UP or Confederation were able to gain effective control over the Falklands archipelago and without it, there could be no sovereignty.

Juan Martín de Pueyrredón y O’Dogan becomes Supreme Director of the United Provinces of the Rio de la Plata.

“At length, in 1816, the Congress of Tucumán assembled and appointed Juan Martín de Pueyrredón “Supreme Dictator” of the United Provinces of La Plata. For three years Pueyrredón ruled with an iron hand, restraining the outbreak of anarchy...”

British sealers Admiral Colpoys and Norfolk hunt at South Georgia.
In August, Portuguese Brazil invades the east bank of the Rio de la Plata (Banda Oriental).

“...Ferdinand VII had expected King John VI to assist in squelching the disorders. ... The new turn of events in August 1816 dashed all hopes for any Hispanic-Portuguese effort against the insurgents. Consequently, Madrid now had to take into account the attitude of the government at Rio de Janeiro towards any proposed expedition to Buenos Aires. On its position hinged the size of the force projected to achieve the pacification of the Viceroyalty of La Plata ...” 27

**August 14th**, a letter is sent to the San Juan Governor, in the name of General José de San Martín.

“The government is desirous of ending the misery of those who are held in jails, dungeons or other prisons located in the territory of these provinces, as a result of their reprehensible conduct/excesses and to preserve public peace. With the purpose of rendering them useful to the State under the guidance of expert chiefs that shall draw them away from their misplaced past and turn them into honourable citizens that shall serve the common good, His Excellency has decided that you provide that all the persons of the high class that are imprisoned in the jurisdiction under your command sentenced to the jails of Patagones, Malvinas or other places be sent to this capital city,...” 28

“The letter is evidence that while becoming a free nation Argentina was exercising sovereignty over the Malvinas Islands.” 29

“...1) The letter is not written by San Martin, only signed. Those of us who study the numerous correspondence and offices of the Liberator notice at first glance that this letter does not correspond to the Great Captain. Noticeable differences can be observed between the calligraphy of the letter (of anonymous clerk) and the particular known letter of San Martin. 2) The letter is not addressed to the Minister of War, Antonio Berutti, ... It is addressed (as shown at the bottom of the second sheet) to the Gov. of San Juan, and the text is a transcript of the orders of the Minister of War, Berutti. That is to say, San Martin was only resending the order received from Buenos Aires to the Governor of Cuyo. Obviously, the mention of the Malvinas in 1816 as a territory of the United Provinces of the Rio de la Plata in that document and the signature of San Martin are a flight of imagination ... to reaffirm the claims of sovereignty based on historical documents.” 30

“...if there were any such soldiers, they were in San Juan, not in the Malvinas. Far from being a "display of Argentine sovereignty" it might equally indicate that the war minister and San Martin did not regard the islands as Argentine territory...” 31
Researcher’s Comment: Contrary to many claims of relevance, all this circular demonstrates is that San Martin, if he was the originator which is disputed, was very out of touch. There had been no garrison on Soledad for five years, and certainly no prison.

British sealer *Grand Sachem* hunts at South Georgia.

**October 25**th, in Buenos Aires, a *Manifesto* is announced, addressed to all nations by the *General Constituent Congress of the United Provinces of Río de la Plata*, to explain the reasons for its breach with Spain.

> “The government of Spain has accused the United Provinces of Río de la Plata, before the nations of the world, of perfidy and rebellion, and has denounced as perfidious and rebellious, the memorable declaration of independence... We shall wave all discussion with respect to the right of conquest, of papal grants, of other titles by which Spaniards have supported their domination; it is unnecessary for us to recur to principles which may give rise to theoretic disputes,...”  

**November 28**th, a Spanish merchant ship, *Carmelo*, short of supplies, arrives at the old garrison site at Soledad.  

> “Church. Burnt ceilings and altar, and cast down a front of its walls. House of the Commander. Burned and cast down its walls and doors. House of the second Commander. Burned its roof, doors and windows with only the walls. Hospital. Burned its roof. All its beams, doors and windows, and demolished a front of the main room. Presidio house. Burned on one side with doors and windows. Barracks of the troop. Idem, burned and cast down their walls. Navy Barracks. Idem, in everything like the previous one. Warehouse and supply room. Everything burned with only the walls. Powder store. Idem. Idem. Smithy. Demolished the room of the forge. Bakery. Only structure that was good in everything, both its furnaces and its walls and divisions. Batteries. Cast down their walls and embrasures. This island is found on the northern side with an abundance of cattle and horses, in view of the fact that only four leagues away we have seen more than a thousand horses and more than six hundred cattle. There are also two boats on this island, one apparently of His Majesty called the Gloria, thrown as the attempt to sink (it) in a drift Point of the Entry, and the other that is not known if it was Spanish, scuttled in the Beach.”

32 Quoted in Rodney & Graham 1819 p.215
33 *Carmelo* loaded with a cargo of yerba-mate, had left Rio de Janeiro in September, 1816 bound for Valparaiso carrying letters to the Viceroy of Lima and the Captain General of Chile. Owing to problems that it encountered, *Carmelo* returned to Brazil in late December, 1816 without achieving its mission.

34 *Andres Villalba* to *Jose Garcia de Leon y Pizarro* No.413 in *Estado del puerto de la Soledad en las Islas Malvinas*, Estado 99, N.14. Villalba would seem to have been the Spanish *charge d'affaires* at Rio de Janeiro. The extent of the destruction is surprising. *cf. January, 1817*
1817 — January 9th, Spain’s charge d’affaires at Rio de Janeiro, after interviewing Piloto Quintana, reports to First Secretary of State, José García de León y Pizarro, in Madrid on; “... the state in which is the establishment that we occupied in the Maluinas islands.”

Volunteer arrives in the Falklands en-route for New York. Samuel B. Edes, in the sealer Pickering, out of Boston, visits the Falklands on his way to South Georgia.

“After reconnoitering about the Falkland Islands, without finding seal enough to warrant us in leaving a gang there, ...”

Britain’s old settlement at Jasons Town by the harbour of Egmont remains a favoured resort of whalers.

“The English again formed a small settlement in Port Egmont in 1817, principally as a place of refreshment for the Whalers.”

“... the British crews were exercising Britain’s rights under the 1771 agreement and the Nootka Sound Convention...”

April 6th, George W. Erving, US Minister to Spain, writes to Secretary John Quincy Adams.

“With respect to the colonies... here the two governments cannot agree. Spain in the true spirit of her system, insists on their returning to their ancient unqualified allegiance, & her pretensions are still upheld by calculations on the flattering intelligence, true or false, which she every now & then receives from various parts of South America. England... desires that the trade to them may be open.”

On the same day Invincible, a privateer acting under a 'commission' of Buenos Aires and commanded by American, David Jewett, attacks and seizes the General Gates.

April 13th, a minute of the office of the Secretary of War in Madrid, notes that Quintana’s assessment of Port Soledad of November, 1816, has been passed to the Minister.

May 15th, Reglamento Provisional de Corso is introduced to regulate the actions of privateers employed by the Buenos Airean Government and signed into law by both the Supreme Director, Juan Martin de Pueyrredon, and Matias de Yrigoyen, the Minister for War and the Navy.

“... littoral states strong and weak alike relied on private vessels for maritime support. Those private vessels, known as privateers, were invested with power to act on behalf of a state through letters of marque and reprisal. Instead of oceans policed by national navies, private vessels and their captains sailed their vessels on behalf of states.”

35 Ibid. On this letter's arrival at Madrid in April, 1817, it was passed to Spain's Secretary of War.
36 Voyages and Discoveries in the South Seas 1792-1832 E. Fanning 1924
37 Fore and Aft: or, Leaves from the Life of an Old Sailor William Dane Phelps 1871
38 Army and Navy Chronicle (New Issue) vol.6 January 1 to June 30 1838 p.165-166. In The Pictorial History of England G.L. Craik 1841, the reference had changed; “In 1817 some private individuals formed a settlement there ...” although both appear to have originated with an entry in The Penny Cyclopedia of the Society for the Diffusion of Useful Knowledge 1837 which is most accurately reflected in the Chronicle.
39 Pascoe 2020 p.56
40 Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations W. R. Manning 1925 vol. III
41 See 1815 & 1820
September 17th, at a Council of State meeting in Madrid, Spain’s Minister of Justice, Juan Lozano de Torres, urges the departure of the River Plate expedition as soon as possible. The Council sanctions the expedition and approves General Vigodet’s plan which calls for Soledad Island to be used as a staging post. 44

“From what Vigodet said, it follows that the islands would come to play the role of supply base and rest in the long journey that was to lead the expedition...” 45

September 20th, the Gazeta de Buenos Aires reports that two soldiers, Fransisco Andrade and Luis Villada, are sentenced to 10 years imprisonment with hard labour in “Patagónicas.” 46

October 29th, in Washington, Don Manuel Aguirre meets Secretary Adams. Aguirre hands over credentials signed by Supreme Director Pueyrredon authorising him to act on the UP’s behalf in the United States. 47

October 30th, President Monroe asks a number of questions regarding South American recognition.

“Is it expedient for the United States to recognize Buenos Aires or other revolted province? ... Is it expedient to act as was accorded in the previous May and suspended, i. e. to send a commission to South America to report on the progress of the revolution and the probability of its success?”

“Adams argued successfully against the expediency of acknowledging the independence of Buenos Aires, and urged that the next despatch from the United States Legation in Madrid be awaited before assuming any new attitude toward Spain;...”48

Aguirre is informed that he will not be viewed as a Minister from Buenos Aires, but merely as an agent.

In November, Sea Fox under Capt. Fanning arrives off East Falkland seeking seal oil and skins while the Bordelais, a French ship under the command of Camille de Roquefeuil sails by the archipelago.

“I wished that it (France) would again occupy those islands, which, it is true, would not furnish any rich produce but ... would be useful to our fisheries, ... Spain, which is on the point of being excluded from South America, could have no interests in preventing us: and even the power which embraces the world with its colonies and squadrons, could hardly look with a jealous eye on the occupation of this desolate coast.” 49

November 28th, the sealer, Admiral Colpoys, commanded by James Todrig, is wrecked at South Georgia. 50

December 3rd, a provisional government is established for the United Provinces.

“The general Congress of the United Provinces, assembled at Buenos Ayres, on the 3d of December, of 1817, established, by a provisional statute, a temporary form of government, ... The Congress is comprised of deputies from the different provinces. It actually consists of twenty-six members... The Congress are to be chosen by electors, who are to be voted for by the people in the primary assemblies...” 51

44 The Falkland Story 1592 – 1982 M. Cawkell 1983 p.31. Despite these decisions, little action appears to have been taken.
46 Malvinas: Soberanía, Memoria y Justicia. Vol.II: Balleneros – Loberos – Misioneros Sergio E. Caviglia 2015 p.34. This author suggests that Patagónicas; “... was the name usually used to refer to the Falkland Islands and/or islands of the South Atlantic.” These prisoners were actually sent to the facility at Carmen de Patagones; where Villada led a revolt in 1818 and where he died. cf. August, 1816
47 Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848 C. F. Adams (ed) 1874 vol.4 p.14
48 Early Diplomatic Missions from Buenos Aires to the United States 1811-1824 S. F. Bemis 1939 p.60
49 A Voyage Round the World 1816-1819 Camille de Roquefeuil 1823
50 Voyages to South Georgia 1795-1820 A. G. E. Jones 1971 and Wrecks, Hulks and Other Vessel Remains at South Georgia, Falkland Islands Dependencies R. Headland 1984
51 Mr. Rodney to the Secretary of State Nov 5, 1818 in Rodney & Graham 1819
December 4th, Washington sends out three commissioners, Caesar Augustus Rodney, Theodorick Bland and John Graham, to ascertai the condition and prospects of the La Plata provinces and Chile.

“We sailed in the United States' frigate the Congress, from Hampton Roads on the fourth of December, (1817,) and touched, as directed, at Rio Janeiro, where we delivered the despatches committed to our charge to Mr. Sumpter the minister of the United States resident there. After a stay of a few days, we proceeded thence, direct for the River Plate ...” 52

American sealer Jane Maria hunts at the Falklands. A brig, Sea Fox, is also moored there.

December 24th, Secretary John Quincy Adams has a further meeting with Aguirre.

“He gave me a copy of the Declaration of Independence of Buenos Ayres of 9th July, 1816, and read to me in English a paper urging the acknowledgment of that Government by the United States.” 53

1818 — February 18th, a merchant, Luis Vernet arrives in Montevideo en-route to Buenos Aires where he intends to set up a trading company with partner Conrado Rücker. 54

March 29th, in Washington, Aguirre receives a letter from Pueyrredón, addressed to President Monroe, requesting formal recognition of the United Provinces by the United States of America.

April 21st, in Buenos Aires, the US Commissioners receive information about the United Provinces from Foreign Minister Gregorio Tagle.

52 Report of Theodrick Bland Esq. on South America November 2, 1818. Bland went on to Chile.
53 Adams 1874 vol.4 p.30
54 Vernet arrived on the USS Congress. The partnership lasted until 1821 when Vernet established an estancia and a cattle business 100km south of Buenos Aires. Vernet was born in Hamburg of French Huguenot stock. Well educated and multilingual, he spent periods in both the USA and Portugal before settling in Montevideo. His first name was variously styled 'Luis,' 'Louis' or 'Lewis' usually dependant upon where he was or who he was corresponding with. cf. 1823, 1824, 1828, 1832, 1833

1818 Pinkerton, J., A Modern Atlas, from the Latest and Best Authorities, Exhibiting the Various Divisions of the World with its chief Empires, Kingdoms, and States; in Sixty Maps, carefully reduced from the Larges and Most Authentic Sources published by Dobson (Philadelphia, USA)
“The Nation is styled The United Provinces of South America. The number and denomination of each, with its Intendancies and Chief Towns and Districts (Cabezas de Pardido), according to the former state of the Viceroyalty, appear in Document No.1... Out of the fourteen provinces, into which the territory of the ancient Viceroyalty is now subdivided, there are nine in the hands of the patriots... and those occupied with troops or under the influence of the Spanish army, are the other five, whose names are Potosi, Plata or Charcas, Cochabamba, La Paz and Puno... The territory of the United Provinces contains 145,000 square leagues. ... These Provinces have been, de facto, independent of Spain since the year 1810, when they openly made war upon her in Peru, in Paraguay, and in Montevideo... It was not the proclamation of independence which gave origin to the rights of the Americans; it merely recognized them as they had before existed, and had been claimed since the memorable epoch of the 25th of May, 1810.” 55

Tagle also provides tables showing the produce of the provinces together with the nation’s income and valuations. One inventory lists eight vessels of war and eleven ‘private armed vessels’.

“I send you, gentlemen, the statements and notes, which exhibit the present situation of the United Provinces of South America, in order that, with the information they may afford, his excellency the President of the United states of North America, may proceed in his steps in relation to these countries, in the way most conformable to his high intentions, and to the greater prosperity and aggrandizement of the new world.” 56

# Researcher’s Comment: The reports of the US Commissioners are important as they form the first detailed examination of the United Provinces of the Rio de la Plata; its territories and product. A comprehensive assessment based upon information provided by the provincial governments. Supplemented with the Commissioners’ own observations. Britain would not go through a similar process of evaluation until 1824. At no time was it suggested to the US Commissioners that the United Provinces included the territory of the Falklands archipelago, or any part of it.

May 8th, in Madrid, a military committee convenes to reconsider the La Plata expedition.

“... after three hours of often rambling and irrelevant discussion, nothing positive was achieved.” 57

July 24th, in Washington, John Quincy Adams sees President Monroe regarding a letter from Commissioner Bland.

“... Bland’s letter ... contains much information concerning the state of the country, a decided opinion that they will never again submit to the dominion of Spain, and an opinion equally strong that the Government of the United States ought not at present to recognize that of Buenos Ayres. He has a very bad opinion of Puieyrredon, and still worse of his Secretary of State, Tagle.” 58

August 1st, in Madrid, Ministers meet again to review the River Plate expedition proposals. After some discussion over the available resources, and Spain’s lack of funds, they inform King Ferdinand that an expedition in 1818 now appears unlikely.

56 Note dated April 22, 1818 in Rodney & Graham 1819 p.245
57 Response to Revolution: Imperial Spain and the Spanish American Revolutions 1810-1840 M. P. Costeloe 1986 p.77/78
58 Adams (ed) 1874 vol.4
French statesman, the 5\textsuperscript{th} Duc de Richelieu, in an attempt to facilitate an accord between Spain and the United Provinces, proposes that one of the Spanish princes should be crowned at Buenos Aires. \textsuperscript{59}

In \textbf{October}, at the conference at Aix la Chapelle, Britain defies attempts by Spain to reassert authority over its American colonies.

“At the Congress of Aix-la-Chapelle in 1818, for example, (Castlereagh) blocked hostile moves by France and Russia against Buenos Aires.” \textsuperscript{60}

\textbf{November 2\textsuperscript{nd}}, Commissioner Bland reports on the geographic area claimed by the United Provinces.

“To the South of latitude thirty-eight degrees and a half; and between the Andes and the Atlantic, as far as the straits of Magellan, is, at present, entirely in possession of the various tribes of Patagonian savages, over whom the colonial Government exercised no authority, nor asserted any claim, other than a right of pre-emption and of settlement in their territory against all foreign nations; to which rights and benefits the independent Government claims to have succeeded.” \textsuperscript{61}

\# Researcher’s Comment: Worthy of note. No mention of the archipelago at 52° South.

\textbf{November 5\textsuperscript{th}}, Commissioner Rodney also describes the United Provinces.

“It was composed, at the commencement of the Revolution, of the 9 Provinces, or Intendencies following:- Buenos Aires, Paraguay, Cordova, Salta, Potosi, La Plata, Cochabamba, La Paz and Puno... The territory of the United Provinces is computed to contain 150,000 square leagues, although it probably exceeds that quantity.” \textsuperscript{62}

\textbf{November 7\textsuperscript{th}}, after assisting US President Monroe with a speech due in Congress, John Quincy Adams notes that the President cannot acknowledge the government in Buenos Aires.

“... they pretend to the sovereignty of the whole Viceroyalty of La Plata, while Portugal is in possession of Montevideo, Artigas of the Banda Oriental, Paraguay under other separate government, and the Spanish royalists in five other provinces.” \textsuperscript{63}

\textbf{November 16\textsuperscript{th}}, President Monroe delivers his annual Message to Congress.

“The civil war, which has so long prevailed between Spain, and the provinces in South America, still continues without any prospect of its speedy termination.... the government of Buenos Ayres declared itself independent in July 1816, having previously exercised the power of an independent government, though in the name of the King of Spain, from the year 1810: that, the Banda Oriental, Entre Rios, and Paraguay, with the city of Santa Fee, all of which are also independent, are unconnected with the present government of Buenos Ayres: that Chili has declared itself independent, and is closely

\textsuperscript{59} Pan-Americanism: its beginnings J. B. Lockey 1970 p.92.
\textsuperscript{60} The British in Argentina: Commerce, Settlers and Power 1800-2000 D. Rock 2018
\textsuperscript{61} Report of Theodorick Bland, Special Commissioner of the United States to South America, to John Quincy Adams on the condition of South America November 2\textsuperscript{nd} 1818 in Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations William R. Manning 1925 vol.1 pp.382 & 389.
\textsuperscript{62} Rodney & Graham 1819. No mention is made of the Falklands or of any claim to the archipelago. Graham made few comments and generally went along with Rodney's report and opinion that the USA should recognise the United Provinces as a sovereign state. Bland took a very different view, hence his separate report. Bland's views appear to have been the more convincing in Washington. Caesar Rodney was appointed Minister Plenipotentiary to Buenos Aires in 1823.
\textsuperscript{63} Adams 1874 vol.4 p.167
connected with Buenos Ayres: that Venezuela has also declared itself independent, and now maintains
the conflict with various success; and that the remaining parts of South America, except Monte Video,
and such other portions of the Eastern bank of the La Plata as are held by Portugal, are still in the
possession of Spain, or, in a certain degree, under her influence.”

1819 – January 14th, Spain announces penalties for any foreigner joining their rebellious colonists.

“News reached England that ships of war flying the Spanish flag had orders to cruise against the merchant
ships of every country presuming to trade with her insurgent Colonies.”  

British whalers, Anne, Grand Sachem, King George, Dove, Recovery and Mary Ann, hunt at South Georgia. 

February 3rd, the British sealer Indispensable is reported as lying near South Georgia with 120 tons of oil. 

February 19th, Capt. William Smith in Williams, sights Livingstone Island in the South Shetlands.

“... at least 144 ship-based sealing expeditions worked in the South Shetland Islands between 1819 and 1827,
120 of them in the first three seasons 1819-22. The ships in the 1819-22 seasons took a minimum of 300,000 fur seal skins (as indicated in the incomplete historical documents), and perhaps as many as 800,000 to 900,000 skins. There is no estimate of the total amount of elephant seal oil obtained.”

April 27th, British sealers Arab and Echo hunt at South Georgia.

April 28th, Echo arrives back in England from South Georgia with oil and seal skins valued at £1,400.

May 4th, sealer Norfolk reported hunting at South Georgia.

May 6th, Arab arrives back in London with 300 casks of oil and 5,000 seal skins worth £3,700.

May 22nd, Grand Sachem reaches Gravesend with 150 casks of oil and 180 seal skins.

May 25th, in Buenos Aires a proposed constitution is published for public consumption – Constitution of the United Provinces of South America framed, sanctioned and ordered to be published by the Sovereign and General Constituent Congress on the 22 April, 1819.

The document is immediately rejected by the other Provinces.

“... after the Constitution of 1819 was promulgated, Pueyrredón resigned and anarchy broke out. ... The attempts of the various governments set up in Buenos Aires to extend their authority over all the provinces of the former Viceroyalty of La Plata proved as unsuccessful as their efforts to arrive at some stable form of administration.”

“On the fall of Juan Martín de Pueyrredón in 1819, political order collapsed and the now incongruously named United Provinces became fiefdoms of local warlords, the so-called caudillos.”

64 History of England: from the great war of 1815 Spencer Walpole 1912 vol.2 chap.9
65 The typical route of both American and English sealers was first to sail to the Cape Verde Islands to take on salt for the preservation of the seal furs, and then head for the Falklands to get fresh water and prepare for the harsher conditions before continuing on to South Georgia or even further south. Many of the vessels would over-winter at the Falklands.
66 Jones 1971
67 But did not, at that time, claim them for Great Britain. See October, 1819
68 Charting the Sealing Islands of the Southern Ocean Michael Pearson 2016 p.21
69 Memorandum on the Falkland Islands 1947 in LCO 2/490
70 Rock 2018 p.50
June 8th, Mary Ann arrives at Limehouse with 690 casks of oil and 900 salted seal skins.

In Buenos Aires, Joseph Herring, with the backing of British merchants, fits out the Esperito Santo for a seal hunting voyage to the South Shetland Islands with a British crew and flying the British flag.

A noted Buenos Airean shipowner, Patricio Lynch, acquires Braque, a French frigate for refitting as a privateer.

“Privateers were privately owned vessels authorised by governments in times of war to prey upon enemy trade and shipping. They were required to carry commissions (letters of marque), act in accordance with specific instructions and transmit prizes to ports to be legally adjudicated in courts of maritime jurisdiction.”

At East Falkland, the American sealer Hersilia leaves behind 2nd Mate Nathaniel Palmer to obtain supplies of fresh beef from the wild cattle when it sails in search of the Aurora Islands.

August 17th, German merchant, Luis Vernet, marries Maria Saez Perez in Montevideo. Vernet is introduced to and ex-Captain of the Militia, Jorge Pacheco. Vernet is persuaded to make a loan to Pacheco.

September 9th, short of cannon, Patricio Lynch writes to Matias de Irigoyen, Minister of War and the Navy.

“I wish to assemble a corsair frigate of 475 tons and 30 to 34 guns at this port... I lack the armament and ammunition that I cannot find for sale in private hands and I must disturb his excellency to apply for the arsenal,... under the conditions of article 5 of the Corsair Ordinance. If His Excellency wishes to grant it, I hope he will issue the orders to the respective commands of Marina and gun room, and grant a corsair licence for the vessel... Commander is Don David Jewett.”

October 16th, instructed to confirm his previous sighting in February, Captain William Smith, commanding the British merchantman Williams, lands on King George Island. He claims the South Shetland Islands for Britain.

“The San Telmo, a Spanish man-of-war, was wrecked, without survivors, on Livingstone Island in the South Shetlands in 1819, and possibly ante-dated this discoveries of William Smith in that year.”

November 15th, the US agent in Valparaiso informs Washington of Smith's discovery.

In December, Hersilia returns to West Falkland to pick up Palmer having failed to find the mythical Aurora Islands. Hearing of Smith’s claim, Hersilia’s commander, James Sheffield, sails south in search of the new sealing grounds.

“A paper in manuscript, however, gives a decidedly different account of the sailing of the Hersilia to the Shetlands, the credit of which is attributed to Nathaniel B. Palmer. This paper reads as follows: "On this voyage he and a sailor were left upon one of the Falkland Islands to obtain provisions for the brig, while the Hersilia went in search of the fabulous Auroras. Soon after the departure of the brig, the Esprito Santo from Buenos Ayres hove in sight off the island, and 'Young Nat,' as he was then called, piloted her into the harbour,

71 Privateering and Piracy in the Spanish American Revolutions Matthew McCarthy 2012. Lynch, of Irish stock, was the great-great-grandfather of Che Guevara.
72 See 1828, 1830 & 1831
73 See 1821 & 1823
74 Smith again took possession on January 22nd, 1820 whilst accompanied by Edward Bransfield, who had been ordered to survey the new island by the senior British naval officer at Valparaiso. The South Shetland Islands were formally annexed by Britain in 1908. cf. 1908
75 Memorandum on the Falkland Islands Dependencies January 12, 1947 in LCO 2/490. In fact the circumstances and location of San Telmo's sinking are unknown. Wreckage was discovered on Livingstone Island, but there is no evidence that that was where the vessel met her end.
76 It may be assumed that the discovery became common knowledge from this date.
and found that she was 'bound to a place where there were thousands of seals, but refused to divulge the situation. Three days after, the Hersilia returned, and Young Nat told Capt. Sheffield about the Espirito Santo and said he could follow her, and find the sealing ground. Capt. Sheffield, having great confidence in his second mate, followed his advice, and in a few days discovered the South Shetlands, at that time unknown to the continent of North America. The Espirito Santo was anchored there, and much surprised to see the brig, but their admiration for 'Young Nat's' skill was so great that they even assisted in loading the Hersilia, and she returned home with 10,000 of the finest skins.”

At Cadiz, 14,000 men, supplies and transport ships still await the long-planned expedition to the River Plate.

“... we are threatened anew by the formidable Force preparing by the implacable pride and obstinacy of Spain...”

December 25th, Esperito Santo arrives at the South Shetland islands. Joseph Herring raises the Union Jack and the crew spend the next 33 days taking seals.

“... on Christmas Day 1819 some of her crew landed on Rugged Island, raised the Union Jack and claimed the islands for Britain (not knowing that they had already been claimed in October by Captain Smith of the Williams).”

A Russian expedition led by Fabian Gottlieb Thaddeus von Bellingshausen arrives at South Georgia in Vostok and Mirny where they map the south coast. In one of the fjords, Bellingshausen meets two English three-masted sealers which had been hunting seals there for four months.

“The Russian vessels Mirnii (Capt. Thadeus Bellingshausen) and Vostok (Capt. Michael Lazarev) met sealers from the English vessels Indispensable (Capt. Brown) and Mary Ann (Capt. Short) when they arrived on 27 December 1819... They had been working on the Island for four months, sleeping under upturned shallops and using penguin skins to fuel the try-pots.”

Bellingshausen sails on to the South Sandwich Islands; finding more of them than Cook had observed.

Captain Smith and the Williams, now chartered by the Royal Navy, return to the South Atlantic to survey the South Shetlands, accompanied by Lieutenant Edward Bransfield.

“The treaty of Tordesillas (1494) under which the Spaniards and the Portuguese divided the New world between them, whose provisions specifically extended to the South Pole, would have the effect of awarding the South Shetlands to Spain. ... Spain has, however, never advanced any claim to the South Shetlands. ... Bransfield produced the earliest chart of the South Shetlands.”

77 Stonington Antarctic Explorers Edwin Swift Balch in Bulletin of the American Geographical Society vol.41, no.8 (1909) pp.473-492. Headland (Chronological List of Antarctic Expeditions and Related Historical Events 1989) says that, at the time of the British claim, the mate aboard Williams was Joseph Herring, who recognised the sealing potential. Herring, together with British merchants at Buenos Aires, fitted out Espirito Santo which accidentally met up with Hersilia at the Falklands, en-route to the newly discovered islands. It was as a result of this meeting that Hersilia found its way to the South Shetland Islands.

78 Nouveaux Supplemens au Recueil de Traites ... Tome III 1842 p.145. 'Formidable' is a questionable description. Some members of this force had been camped at Cadiz for four years, beset by a diminution in their martial abilities and, for at least one period in 1819, yellow fever.

79 Although fitted out at Buenos Aires, this vessel appears to have been an all British enterprise. An account of the voyage by Herring was publish in The Imperial Magazine, July, 1820

80 Pascoe 2020 p.59

81 The Status of Sealing in the Sub-Antarctic Atlantic Robert Cushman Murphy in The Scientific Monthly vol.7 1918


83 Memorandum on the Falkland Islands Dependencies January 12, 1947 (Foreign Office) in LCO 2/490
1820 – January 1st, in Spain, a dispute over the 1812 Constitution provokes a revolt leading to King Ferdinand’s detention. Without orders, the La Plata invasion force at Cadiz starts to disperse.

“The army was known for its liberal persuasion and for its discontent over wages, promotions, and most important of all, over the prospect of being sent to fight in the far-distant American land... The uprising of the expeditionary force ended any hope of sending a single large force to America, and guaranteed the independence of Buenos Aires and perhaps the entire continent.” 84

A French vessel arrives at Port Egmont.

“It is proper thus to mention what the Islands are capable of affording now, for the reports of several years ago do not apply to the present time. An instance of this occurred in the case of a French ship which arrived at Port Egmont in the year 1820, for a cargo of seal skins and oil. The captain was a lieutenant in the French navy, and his ship was elegantly and expensively fitted out. It appeared that the voyage was projected upon the foundation of his father having, forty-two years before, been at this port, and at that time found the beaches lined with sea elephants and seals. The son expected the same to be still the case; but as none were to be found, he abandoned the voyage, with great loss, no doubt...” 85

January 7th, with Braque renamed Heroína, Patricio Lynch writes again to Minister de Irigoyen.

“With my corsair frigate Heroína receiving its provisions, recruiting its crew and preparing to set sail within 15 days, I take the liberty of writing to you ... The name of the ship shall be as above mentioned, unless you decide otherwise; its letters of marque or commission shall be those of a warship of the state set to sail for a year;... its captain Don David Jewett, that of Colonel ... as was promised to him and as he deserves, having served on the Bark Invincible with the rank of Lieutenant-Colonel with honour ... I’m thinking of giving him six lieutenants but I have yet to decide which, among the various applicants should be the first and which the second, and for this reason I request that you grant me commissions in the following manner: that of first lieutenant with the rank of captain, and the other lieutenants, 2nd, 3rd, 4th, 5th and 6th, with their ranks, all according to proper procedure and that of second lieutenant in favour of Don Luciano Castelli... I also request that you send me general and specific instructions that your Excellency may wish to communicate to the commander of the ship.” 86

January 8th, Niles’ Weekly Register estimates 15 to 20,000 American seamen are engaged in privateering.

January 15th, Heroína is granted a ‘corsair’ license by Supreme Director Jose Rondeau under the regulations of 1817; authorising the pursuit and capture Spanish ships.

David Jewett is commissioned Colonel in the National Marine Service. 87

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84 The Buenos Aires Expedition and Spain's Secret Plan to Conquer Portugal, 1814-1820 T. E. Anna 1978. Spain had not given up its hopes of regaining the territory around the Rio de la Plata, but was defeated by its own inefficiency and the changing political mood in Spain. Spain would not formerly abandon its claims until after King Ferdinand's death in 1833. cf. 1836. It is an unfortunate coincidence that just as the expeditionary force disbanded, the rebellious United Provinces also fell apart.

85 A voyage towards the south pole, performed in the years 1822-24 J. Weddell 1825. Weddell did not provide a name for the vessel but Victor, a French sealer commanded by Jean-Baptiste Jardin, is known to have visited the Falkland Islands around this time.

86 Lynch to Yrigoyen January 7, 1820 in AGN X 512. It was common practice to issue blank, but signed, Commissions. As for instructions; none have ever been found, nor is there any evidence that any were issued.

“There is scarcely a Buenos Ayrean privateer which has not committed piracy of every description – it appears that at Buenos Ayres itself commissions of Artigas have been sold to the Captains of the Buenos Ayres privateers, who have gone to sea, and used one or the other commission as suited their purposes... There is not a day passes but we hear of new crimes of this description committed under the flag and commission of Buenos Ayres by people of every other nation; for, to find among them a native or even a genuine citizen of Buenos Ayres, is almost without example” 88

“...authorisation to capture enemy ships on behalf of the Supreme Director of the United Provinces of South America, written the first in French and the second in Spanish, and given to the first Captain of Heroina David Jewitt on the 15th January 1820 ... expressly declaring that the Heroina was a Buenos Ayres War Sloop and was aimed to fight against the Spanish flag... reprimanding and punishing all excesses committed against friendly or neutral flagships.” 89

“David Jewett, an American corsair from the port of Baltimore,... offered his services to the patriot governments established in the Southern Cone. He thus obtained corsair licenses from Chile, the United Provinces of the River Plate and Brazil. ... Jewett was appointed Captain of the frigate, which, with its 475 tons, 34 cannon and almost 200 crew, was one of the most powerful ships to leave the port of Buenos Aires. At the beginning of 1820, the Supreme Director Jose Rondeau granted him the rank of Army Colonel in service of the Navy. He thus received instructions to fly the national flag over the abandoned Falkland Islands, and deposit a group of convicts there.” 90

“As privateering developed in Britain in the 16-18th centuries, the privateer 'commission' and 'letter of marque' were two different entities. The former was issued against specific non-state targets, whereas letters of marque were issued against citizens of enemy sovereign states. However, by the 19th century, at least in the sources I’ve used, the two terms seem to have become synonymous and were used interchangeably... So, if Jewett received a ‘commission’, I would assume it was granted specifically to take command of a privateer, just as if he’d been issued with a letter of marque – the difference being merely one of terminology...” 91

**January 30th**, Smith and Bransfield discover the Antarctic Peninsula.

**February 11th**, Juan Pedro Aguirre is appointed Supreme Director of the United Provinces.

**February 14th**, on sailing into Berkeley Sound, the French corvette, Uranie, founders.

“At 11pm, when in the proximity of Penguin [Hog] Island, we were overtaken by calm [and decided] to anchor,... Despite the efforts of the crew and the working of all our pumps, the water had already reached the height of the orlop deck... fear of seeing the corvette sink persuaded me to slip the cable... to stand in for the sandy cove... therefore at 3am the Uranie reached the inevitable termination of her voyage, at the place we have so properly named the Anse de la Providence!” 92

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88 John Quincy Adams to John B. Prevost July 10, 1820.
89 From the Portuguese court record of 1822. cf. May 6, 1822. See also the footnote to April 6, 1817 for a discussion on the spelling of Jewett/Jewitt.
90 Falklands or Malvinas Conrado Etchebarne Bullrich 2000 p.93. To hold more than a single corsair licence was in contravention of the United Provinces's regulations. There is no evidence that Jewett received instructions regarding the Falklands and this is the only suggestion that I have seen with regard to the transportation of convicts to the archipelago. Bullrich provides to sources.
91 In correspondence with Dr. Matthew McCarthy of the Maritime Historical Studies Centre, University of Hull 26.9.13
92 Account of Louis de Freycinet quoted in The Uranie site(s): Report of an inspection and the context of the survivor's camp, wreck and wreckage emanating from the loss of La Corvette du Roi L’Uranie at the Falkland Islands in 1820 Dr. M. McCarthy 2002
Port St. Louis in 1820 from the Freycinet Collection

From the Freycinet Collection
“Commodore Freycenet (sic) had performed a voyage of science almost round the world, and after having spent nearly three years, was returning home when this distressing accident happened. ... the crew got safe to land.”

February 15th, Uranie’s crew make camp near their ship.

February 16th, Supreme Director Aguirre dissolves the National Congress and the United Provinces becomes just a loose association of autonomous territories without central government. General Francisco Ramirez unites the provinces of Entre Ríos and Corrientes into the Republic of Entre Ríos, while Bernabé Aráoz announces the Federal Republic of Tucumán.

“... in the year 1820, hope was entirely extinguished. Very early in that year a revolutionary movement took place against the supreme authority of the country, having been fostered chiefly by resistance to the project of France for the coronation of the prince of Lucca. This produced a general dislocation; and the nation subdivided itself into as many states as there are provinces, each assuming the form of a sovereign independent body...”

“... a State of Confusion and Disorganisation arose in 1820, which threatened annihilation to all hopes of the Establishment of any permanent System of Order;... a Reign of Anarchy in Buenos Ayres, the General Government was broken up, and the Military Chiefs by turns assumed the directing authority:- The Provinces became alarmed at their own disorganized State:-- they separated from each other, and assumed each the attitude best calculated for the maintenance of its respective independence:--...”

“The authority of Buenos Aires was long disputed even by her sister provinces. Hence the "Years of Anarchy" (1816-1829). And if the term "Government of Buenos Aires" is here used it is for convenience.”

February 18th, Manuel de Sarratea takes over as Governor in Buenos Aires.

February 22nd, British sealer Indispensible hunts at South Georgia.

March 6th, Sarratea is replaced by Juan Balcarce; who is replaced 5 days later by Manuel de Sarratea.

“Zinny, in his history of the Governors of the Argentine Provinces, gives a list of twenty-four successive Governors of the Province of Buenos Aires during the year 1820, and then, unable to complete the list, takes refuge in an 'etcetera'. ... One day, June 20, brought three successive Governments.”

“An atmosphere of unreality surrounds many of the events of the decade 1820-1830. In the evolution of the Argentine national organization, these years are characterized by both anarchy and the assertion of local independence, the beginning of a long and bitter struggle between the 'centralists' at Buenos Aires and the 'federalists' of the provinces. With the one short exception of the Presidency of Bernardino Rivadavia (February 1826-July 1827), the central administration was suspended and the provinces were delivered up to the personal government of political chieftains.”

93 Weddell 1825. The journal of Rose de Freycinet refers to the location as French Bay.
94 McCarthy 2002. The vessel was not totally abandoned until March 29, 1820, by which time all that could be saved had been placed ashore. Rose de Freycinet records the ‘large number’ of horses and cattle they were able to butcher for food.
95 Also known as the “terrible year”, 1820 saw the fledgling nation dissolve. It was not until 1826 that Rivadavia was elected as the first President of a reformed United Provinces. The Republic of Entre Ríos only lasted some 12 months.
96 Nuñez to Parish June 15, 1824
97 Paris to Canning June 25, 1824 in FO 6/4
98 Memorandum on the Falkland Islands 1947 in LCO 2/490
99 Who lasted until May 2, 1820
100 A History of the Argentine Republic F. A. Kirkpatrick 1931
101 Memorandum on the Falkland Islands 1947 in LCO 2/490
March 19th, a shallop from General Knox, moored in West Point harbour, discovers the wreck of Uranie.

March 21st, Colonel David Jewett, the privateer Heroïna and its crew of 200, sail from Buenos Aires.

“The necessity for having an effective crew, and the impossibility of getting men of good characters, had induced him to take some out of the common prison.” 102

“The Buenos Aires government regarded him as a privateer and no more; his function was simply to capture Spanish ships...” 103

# Researcher’s Comment: Worthy of note, in light of subsequent events, that when Jewett sailed he knew full well that there was no United Provinces. Not of South America, nor of the Rio de la Plata. Central government had collapsed and with it any semblance of a nation.

March 29th, Capt. John Galvin, in Mercury, also enters Berkeley Sound.

“The Mercury … dropped anchor. The American informed us that he was flying the flag of rebels in whose service he was and that the purpose of his voyage was to transport cannons to Valparaiso.” 104

With Capt. Galvin prepared to abandon his employment, Freycinet negotiates passage to Rio de Janeiro.

April 8th, Capt. Orne of General Knox, hearing rumours that the remains of Uranie are to be burnt, seeks Freycinet’s permission to salvage what he can.

“But Louis does not wish to burn anything nor allow anything to be taken, not knowing whether the (French) Government will send a rescue party to salvage all those objects, many of which, such as anchors, cannons, masts, etc, are very valuable. He is going to reply that unless he wishes to pay for it, the captain has no right to take away this material. I believe that he has no intention of purchasing anything whatsoever and his conscience will be lax enough for him to return after our departure and brazenly take what has been refused him.” 105

April 18th, in Spain, the new Council of State decides to put the La Plata expedition on hold.

April 25th, Freycinet speaks to Weddell, whose ships Jane and Beaufoy are now moored at Port Egmont. The French commander gives Uranie’s rigged boat to Weddell.

“He appeared to be very grateful and told us that, out of greed, Captain Orne had concealed the tragedy which had befallen the Uranie… I have heard that he asked what my name was and has called this small sloop The Rose.” 106

April 27th, after arranging for dispatches to be taken to the French Embassy in London, aboard the British whaler Sir Andrew Hammond, Freycenet, his crew and passengers from the Uranie, depart aboard Mercury. 107

May 21st, Hersilia arrives back at Stonington with 8,868 seal skins valued at over $22,000.

July 5th, John Murray Forbes is appointed as the USA’s Agent for Commerce and Seamen in the Province of Buenos Ayres. John Quincy Adams give Forbes his instructions.

102 Weddell 1825
103 Pascoe 2020 p.60
104 Quoted in McCarthy 2002 citing Rose de Freycinet’s account. Weddell described Mercury as a ‘patriot’ vessel
105 Ibid. Some items were subsequently ditched into the sea as Galvin considered his ship overloaded once Uranie’s crew, passengers, stores and rescued research materials had been taken aboard.
106 Ibid.
107 En-route to Rio de Janeiro, Galvin sold the ship to Freycenet.
“... Buenos Ayres and Chili (sic) have, ... combined maritime operations with those of their war by land. Having no ships or seamen of their own, they have countenanced and encouraged foreigners to enter their service, without always considering how far it might affect either the right or the duties of the nations to which those foreigners belonged. The privateers which, with the commissions and under the flag of Buenos Ayres, have committed so many and such atrocious acts of piracy, were all either fitted out, manned, and officered by foreigners, at Buenos Ayres, or even in foreign countries, not excepting our own, to which blank commissions, both for the ships and officers, have been sent...” 108

**July 11th**, in the House of Commons; “... Dr. Lushington argued the broad principle, that England ought to recognize immediately and fully the independence of Buenos Ayres.” 109

**July 27th**, Heroina attacks a Portuguese ship, the Carlota, which is en-route to Lisbon.

“... we got sight of a heavy ship of war or strong armed ship at 10 o'clock in the morning and immediately made all sail in chase, which from the near equality of sailing, we were unable to come up with, until after midnight.... On coming up with the chase, the weather being clear moon-light, we being to windward and within half musket shot, she from appearances confirmed the first opinion that she was a ship of war. At this moment and before hailing, she fired a shot, which passed between the foremost and bowsprit end. Then hailed her several times, to which at length received an indistinct answer, by some understood "Portuguese."

I ordered him to send an officer and boat on board, which being repeated several times, and as often refused, I found it necessary to enforce the demand and assured him both in Spanish and English, that unless he complied I should fire into him, and being again refused, I ordered Lieut. Edwards to fire from the Fore Castle of the upper deck one gun across his fore-foot elevating the same, which was accordingly done, and as soon as fired, was returned from the ship with a full broadside of round grape and langrage and musketry and repeated with a brisk fire, being then within a short pistol-shot distance – I ordered the batteries to be opened upon her which was continued for the term of fifteen minutes close action, when she was silenced for the space of two or three minutes – hearing cries and groans on board of her, I immediately ordered a cessation of firing, supposing her to have struck, when she directly resumed the action, then at half pistol-shot distance which I as soon returned with two broadsides, when they cried for quarter, stating that they had struck on which I despatched Lieut. Edwards and the necessary officers and men to take charge for the night; she proved to be, as you will perceive by the documents herewith presented, the ship Carlota of 22 heavy guns besides small arms with a crew of 62 men and 14 passengers from La Bahia...” 110

“... in capturing a neutral ship, Jewett left the path of legality and became a pirate. From then on, all his acts were illegal; it was not possible to commit piratical acts and remain a legal privateer. Pirates were subject to "universal jurisdiction" – they were hostis humani generis "an enemy of the human race"], so that any court, in any country, was entitled to punish them and to confiscate their ship.” 111

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108 John Quincy Adams to John Murray Forbes July 5, 1820
109 Manning 1925 vol.3
110 Jewett to the Supreme Director February 1, 1821. Langrage was a cannister of shrapnel. Buenos Aires was not at war with Portugal so this appears to have been an act of piracy. It is possible, however, that Jewett was also carrying a second Commission or Letter of Marque, from José Artigas of the Banda Oriental (modern Uruguay), which was at war with Portugal. The carrying of two such authorities may have been technically illegal under the Buenos Airean regulation, but it was not unusual and the regulations rarely enforced.
111 Pascoe 2020 p.61
August 19th, a conspiracy to mutiny is discovered among members of the Heroïna’s crew. Following a swift court-martial, Jewett executes two officers and four sailors for their involvement. 112

“... in September 1820, Jewett decided to head back to the Falklands to pursue his official mission, and allow his crew to recover.” 113

“Some of his crew complained that they had not come to wage war on the Portuguese flag and began to plot against him, whereupon he had several men shot on deck for mutiny...” 114

September 20th, in Buenos Aires, Martín Rodríguez takes command of the province. 115

“In 1820 there were 23 changes of government in Buenos Aires,...” 116

“... Martin Rodriguez offered to Pacheco compensation for what the State owed to him, the usufruct of the wild cattle existing in the Malvinas Islands.” 117

“After months of upheaval, the situation stabilised towards late 1820. In Buenos Aires, now a self-governing province, General Martín Rodríguez, a cattle rancher and Indian fighter, became governor.” 118

October 17th, US sealers Hero and Express moor in Berkeley Sound.

October 20th, Hero sails for West Point Island.

October 23rd, approaching the Falklands, Heroïna and Carlotta run into a storm.

“... we encountered a very violent Gale from N.W. To W. during which we entertained much apprehension for the safety of both vessels, and in the height of the gale lost sight of the Prize, since which I have no intelligence of her...” 119

“... Jewett now had only the Heroïna; he had lost half his firepower, many of his crew were sick with scurvy and men were dying, so in desperation he decided to sail further south to the Falklands, where his crew could recover but could not desert him.” 120


October 26th, Hero returns to Berkeley Sound where he finds Emeline, Express and Catherine. 121

112 Weddell 1825 p.110. Reports differ.
113 Bullrich 2000 p.94. Jewett’s only known ‘official mission’ was privateering.
114 Pascoe 2020 p.61
115 Following months of turmoil when a Governor's reign could be counted in weeks, Rodriguez finally brought stability; remaining in office until 1824.
116 Headland 1989
117 Caillet-Bois (6th ed.) 1982 p.192. Caillet-Bois stated that, in late 1820, and in recognition of a debt owed by the Government, Rodriguez suggested to Jorge Pacheco that, in lieu of that debt, he accept a usufruct (licence) to hunt the wild cattle in the Falkland Islands. Caillet-Bois asserts that this suggestion held no appeal until 1823 when Pacheco’s business partner, Luis Vernet, persuaded him to take up the offer. If Caillet-Bois is correct then this would suggest that the Falklands had been a consideration in 1820 and provide some circumstantial support to the supposition that Jewett was given an instruction to go to the islands. If so, at this time, Rodriguez could not have been aware that Jewett had yet to arrive there. There is no clear evidence of any of this and Caillet-Bois’s interpretation is disputed. cf. August, 1823
118 Rock 2018 p.50
119 Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2. Wherever Carlotta had gone, the prize crew had gone too.
120 Pascoe 2020 p.62
121 These vessels appear to have remained in Berkeley Sound for less than 24 hours.
October 27th, Hero, Express and Frederick sail from the Falklands for the South Shetland Islands where Hersilia has already arrived after a voyage from Stonington of 85 days. 122

Privateer Heroina enters Berkeley Sound as the light fades.

“The state of the Heroina on entering this port cannot be adequately described and scarcely imagined. Only ten effective seamen calculated to do the duty... to attend the sick, the dying, and to bury the dead – without the most distant hope of relief, but from the salutary effects of the fresh earth, and a partial cessation from the heavy duty of working the ship through a series of tempestuous weather and severe cold, the fatigue of which, helped on by despondency, from witnessing the rapidity of the hand of death, increased by terrors, and sufferings from the violence of the weather – left me all but abandoned – in this situation I entered the Bay of this port on the 27th (civil) day of October, 1820, at the close of the same. Finding myself in a situation to bring the ship to an anchor, and unable to reach the port, I ordered it to be done, being then about ten miles distant from the ancient town of Soledad.” 123

October 28th, alone in Berkeley Sound, Jewett considers his situation.

“Under the dilapidated state in which I found the remains of this once hospitable place, I was compelled to form tents with the shattered sails of my ship, to shelter the sick which was done as easily and early as possible. I was enabled to reach a safe anchorage for my ship, when on landing the sick and affected, the sudden change of air, and effect of the earth, gave an equally immediate termination to the existence of many, and relief to others. The limited resources for vegetable supplies, and the laborious exercise of the chase gave but a partial refreshment to the sick and those able to do duty.” 124

“So many of Jewett’s crewmen were sick or had died of scurvy that there were not enough fit men to take the ship to Port Louis, so he anchored "about ten miles from the ancient town of Soledad"...” 125

October 31st, the American schooner Huntress, commanded by Captain Burdick, moors up at Bense Harbour in the Falklands. Jewett realises that the archipelago is the centre of a booming industry.

“... he found more than thirty sail of vessels engaged there in the seal fishery, besides others which were recruiting the health of their crews after whaling or sealing voyages in the Antarctic regions. By the crews of these ships numbers of cattle and pigs were killed, as well as horses, the wild descendants of those taken there by Bougainville and his successors.” 126

November 2nd, moored at Port St. Salvador, Jane’s captain, James Weddell, receives a letter from Jewett.

“While lying in this port in 1820, I had a letter brought me from the commander of a patriot national frigate of 30 guns, then at anchor in Port Louis; and to convey an idea of the kind of claim made by the South Americans to these islands, I shall subjoin his letter...” 127

122 Public Ledger & Daily Adviser June 12, 1821
123 Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2
124 Ibid
125 Pascoe 2020 p.62
126 Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836... Vol. II Proceeding of the Second Expedition, 1831 – 1836... R. Fitzroy 1839. These numbers may well have come from Luis Vernet and therefore need to be treated with caution.
127 Weddell 1825. There is only evidence of this one letter being sent by Jewett at this time. No other captain appears to have received one. This begs the question whether the nationality of the vessel was important to Jewett or simply whether there were no ships within sight.
“National Frigate Heroïna at Port Soledad:

Sir, I have the honour to inform you of the circumstance of my arrival at this port, commissioned by the supreme government of the United Provinces of South America to take possession of these islands in the name of the country to which they naturally appertain. In the performance of this duty it is my desire to act towards all friendly flags with the most distinguished justice and politeness. A principal object is to prevent the wanton destruction of the sources of supply to those whose necessities compel or invite them to visit the islands, and to aid and assist such as require it to obtain a supply with the least trouble and expense. As your views do not enter into contravention or competition with these orders, and as I think mutual advantage may result from a personal interview, I invite you to pay me a visit on board my ship, where I shall be happy to accommodate you during your pleasure. I would beg you, so far as comes within your sphere, to communicate this information to other British subjects in this vicinity. I have the honour to be...”

# Researcher’s Comment: Worthy of note. Weddell published in 1825 but called used the name, Port Louis. Bougainville had actually called it Port St. Louis in 1764. To the Spanish, Puerto Soledad, after 1767; the name that Jewett used. The Spanish name appears to have been unknown by the majority who used the port.

“Jewett’s commission did not order him to go to the Falklands, and whatever he may have told Weddell or others, there is no evidence that he was commissioned to take possession of the Falklands. The idea is illogical; he was a privateer looking for Spanish prizes, to help the United Provinces in the war with Spain while making a profit for Patricio Lynch and partners.”

Capt. Weddell walks the 7 or 8 miles from Port St. Salvador to Berkeley Sound, to find the Heroïna.

“Captain Jewitt received me with great politeness, and not withstanding the mutilated and worn out state of his crew, he assumed an air of power and authority beyond my expectation. He told me his business was to take possession of the Falkland Islands for his government, and that everything necessary for an establishment would be procured from Buenos Ayres so soon as he could purchase a cutter, of which there were several among the islands. It evidently appeared, however, that his principal business was to refresh his crew; for never, since the time of Lord Anson, perhaps, had an instance occurred where the scurvy had been so destructive to a ships company.”

Other ships arrive.

# Researcher’s Comment: The number of ships, and their locations around the archipelago, was not well recorded. Opinions differ as can be seen below. All were in competition with each other, however, so it would not be an unreasonable supposition that they were dispersed far and wide. As for Berkeley Sound, the eye-witness James Weddell noted only that there were 'several'.

128 Ibid. The wording is ambiguous. Jewett’s ‘commission’ was as Captain of a privateer in accordance with the 1817 Regulations; which does not provide a power to take possession of territory. The armador, Patricio Lynch, had requested “general and specific” instructions before Heroïna sailed, but there is no evidence that any were given. José María Rosa, a 20th century Argentine and Peronist revisionist historian, has asserted that Jewett’s orders came from Manuel de Sarratea; Governor of Buenos Aires at the time that Heroïna sailed, but no proof for this was offered. That so much documentation from Lynch and Jewett survived, but not this, is suspicious.

129 Pascoe 2020 p.63
130 Ibid. See the footnote to April 6, 1817 for a discussion on the spelling of Jewett/Jewitt.
“When Jewitt arrived at La Soledad, he found disseminated in the Islands, more than 50 foreign Vessels. I will name some of them:- ENGLISH – Ship, Indian, Capt. Spiller, from Liverpool; Brig, Jane, Weddle, from Leith; do., Hette, Bond, from London; do., George, Richardson, from Liverpool; Cutter, Eliza, Powell, Liverpool; do., Sprightly, Frazier, from London. AMERICAN – Ships, General Knox, Eucane, Newhaven, and Governor Hawkins; Brigs, Fanning and Harmony; Schooners, Wasp, Free Gift, and Hero – from New York and Stonington…”

“The number of vessels of various nations then on the coasts of the islands were not less than fifty, the majority of which were from the United States.”

“In 1820 the government of Buenos Aires entered in formal and solemn possession of the Solidad of Malvinas, as successor in the rights of the Crown of Spain by virtue of its Independence, and that act of possession (was by) marine colonel Daniel Jewitt. When this officer arrived in a warship in the Falkland Islands, he found in that port and in the other islands more than fifty foreign ships,…”

“At the time the following vessels were recorded there: British – Eliza (George Powell), George (John Richards), Hetty (Ralph Bond), Indian (Ferdinand Spiller), Jane (James Weddell), and Sprightly (George Fraser); United States – Fanning, Free Gift (Thomas Dunbar), General Knox (William B. Orne), Governor Brooks (Nicolas Withem), Harmony (Nathaniel Ray), Hawkins, Hero (Nathaniel Brown Palmer), Newhaven, O’Cain (Jonathon Winship), and Wasp.”

**November 3rd**, Weddell helps Jewett move the *Heroina* to a more suitable anchorage near Bougainville’s old settlement. The scurvy ridden sick are billeted in the old bakery.

**November 4th**, Weddell returns to his ship, which he sails around to Berkeley Sound.

**November 6th**, Col. Jewett holds a ceremony at the old Spanish garrison site in Berkeley Sound.

“...In a few days, he took formal possession of these islands for the patriot government of Buenos Ayres, read a declaration under their colours, planted on a port in ruins, and fired a salute of 21 guns. On this occasion the officers were all in full uniform, being exactly that of our navy, which but ill accorded with the dilapidated state of the ship; but he was wise enough to calculate the effect of such parade, upon the minds of the masters of ships who were in the islands;…”

“Recently they (the Falklands) have been taken possession of, in a formal manner, as belonging to the United provinces of South-America.”

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131 One report places Indian at Valparaiso on November 28, 1820 which makes it unlikely that she was at the Falklands.
132 O’Cain?
133 Unlikely as Hero reportedly sailed on October 27, 1820 bound for the South Shetland islands, where it found Free Gift.
134 Report of the Political, and Military Commandant of the Malvinas (Informe del Comandante Politico y Militar de Malvinas) L. Vernet 1832
135 The Falkland Islands, a Memoir, descriptive, historical, and political R. Greenhow 1842.
136 De Quesada a Bayard, 4 de Mayo de 1887 in Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278. This appears to be a straight lift from Vernet (1832).
137 Headland 1989. ‘There’ being the archipelago (4,700 square miles). How many were at, or near, Berkeley Sound is unknown and much disputed. When the *General Knox* left she took 5,000 Fur Seal skins and 600 barrels of Elephant Seal oil. Hetty took 15,000 Fur Seal skins back to Britain, while Sprightly carried 9,200.
138 Weddell 1825
139 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 ... J. Purdey 1822 p.33
“In 1820, the Government of Buenos Ayres took formal and solemn possession of the Malvinas, in the person of the Colonel of its navy, Mr. Daniel Jewitt. ... Jewitt took possession, firing a salute of 21 guns, with the artillery which he landed.” 140

“In 1820, a Buenos Ayrean Man of War called the Heroinde (sic), took formal possession of these Islands, at Port Louis; the Heroinde had been at sea for a length of time, her crew had been in a state of Mutiny, they were very Sickly, and she was a mere wreck on her arrival; It is doubtful whether her Captain was authorised by his Government to take possession of the Islands, or whether it was not a ruse of his, to assume an authority over some Sealing Vessels; he however left no garrison.” 141

“... on this date the Government of Buenos Aires recovered the possession of the Malvinas Islands, (demonstrating) eloquently the importance that it attributed to this place, ..., to dominate the navigation and to secure the territory against all foreign power.” 142

“... the abandonment by Spain of the Falkland Islands, which were thus left uninhabited for some 10 year, results in the consequence that they must be regarded as having during this period, become terra nullius. Any claim, therefore, by the Argentine to found a title to the Falklands upon the doctrine uti possidetis cannot, in our view, be sustained; since the Falklands were not part of the Spanish Dominion...” 143

“If Argentina acquired sovereignty over the Falklands in 1820, therefore, as the act of formal possession purports to claim, it cannot be by transfer from Spain, but only by occupation, the only other of the accepted modes of acquiring sovereignty open to it at the time. ... What is directly relevant is the question of whether the islands were res nullius. For this it would not in any way be sufficient to show that there had been an act of dereliction by Britain, which as we have seen cannot be proved, and which is denied by British publicists. It would also be necessary to prove that there had been an act of dereliction by Spain. There is no evidence that this is the case. Indeed, Spain’s refusal to recognize the new state of affairs in the Americas, and in particular her attempt in the 1820s to reconquer the Rio de la Plata itself, is strong supporting evidence to the contrary. If, therefore, Spain was the sovereign power in the Falklands in 1811, it was still the sovereign power in 1820, and, for that matter, in 1833, for the brief period of Argentine occupation was much too short to enable Argentina to gain a title by prescription, even in the absence of Spanish protests. ... it must be stated as a matter of historical fact that in 1820 'Argentina' simply did not exist, and the 'United Provinces' were wholly disunited. ... in claiming sovereignty over the Falklands in 1820, Colonel Jewitt acted effectively not on behalf of the Government of the United Provinces, since it did not exist, but the municipal government of the province of Buenos Aires. ... The point is, however, that in no way can we regard its colonial jurisdiction as having extended to the Falklands, and consequently this act was invalid.” 144

“... Jewitt had publicly claimed possession in the name of Argentina, whose government could later confirm or deny his claim The government would confirm Jewitt's claim.” 145

140 Vernet 1832. See the footnote to April 6, 1817 for a discussion on the spelling of Jewett/Jewitt. For a transcription of Vernet's 1832 report see https://falklandstimeline.files.wordpress.com/2012/02/1832-report-vernet.pdf
141 Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835 in ADM 1/43
142 Areco 1884 p.49
144 Sovereignty and the Falklands Crisis P. Calvert 1983. See April 6, 1817 for the spelling of Jewett/Jewitt.
145 Gustafson 1988 p.22. In fact there is no record of any adoption or confirmation of Jewett's claim by the Government of either Buenos Aires, or of the United Provinces.
“... a few ships taking part in the rush to the South Shetlands put in to Berkeley Sound – Weddell says “several vessels”, so there were perhaps a handful or so. On 6 November some of their captains watched as Jewett held a ceremony of “taking possession” of the Falklands.” 146

# Researcher’s Comment: An act much argued over as to its actual importance. Surprisingly, for all the claims made, there is only one eye-witness account of the ceremony, that by James Weddell. The man who did not believe any of it. As for Jewett, he failed to mention both the letter and the ceremony in his only known report. Nor are there any known reports from his officers or crew, and for all the ships alleged to be in the area, not one recorded the event taking place. Also worthy of note is that Jewett knew that there was no such place as the United Provinces of South America as he had witnessed the UP’s break up before he had departed the Rio de la Plata. Also worth noting is, according to Weddell, that this ceremony took place under the colours of Buenos Aires. A provincial government, representing only itself. A revolted city of an old Spanish colony, unrecognised as independent by any other existing and established nation. Countries are capable of making territorial claims. Buenos Aires was no country. Mentioned by Luis Vernet in his report to the US envoy in 1832, this event did not feature in the protests by Manuel Moreno in 1833 or 1834.

James Weddell, unconvinced by Jewett's ceremony, believes that the Colonel is more interested in gaining the salvage rights to the Uranie – the remaining equipment on which would help repair Heroïna.

“... as he had laid claim to the wreck of the French ship before mentioned to the entire exclusion of several vessels which had arrived, bound to New Shetland, he was aware that an authoritative appearance was necessary. In fact he struck such a terror on the minds of some ship-masters, lest they should be captured or robbed, that one of them proposed taking up arms against him...” 147

“Captain Weddell ... ridicules the whole proceeding; insinuating his belief, that Jewitt had merely put into the harbour in order to obtain refreshments for his crew, and that the assumption of possession was chiefly intended for the purpose of securing an exclusive claim to the wreck of the French ship Uranie...” 148

“... this national vessel of Buenos-Ayres was a common pirate infesting the high seas, and of the same character with those of the Barbary States, and incapable of securing to that nation, by any act, any of those rights which are regarded as legitimate, by nations..” 149

“Weddell was in no doubt that Jewitt’s principle business in putting into the islands was to refresh his crew and that taking possession was subsidiary. ... The un-United Provinces were in a state of unrest. There was no Supreme Government. There were in the year 1820 at least twenty-four governments. Described by Argentina’s historians as ‘the terrible year,’ it was the most anarchic. There was no Supreme Government in Argentina’s early history. It is highly unlikely that one of these governments, during its brief reign, would have had time to think of the islands let alone task Jewitt to take possession.” 150

Jewett makes no attempt to impose any conditions on the ships anchored around the islands, nor is any restriction applied to regulate the sealing activities that most the ships there are indulging in; Heroïna remains in Berkeley Sound.

146 Pascoe 2020 p.64
147 Weddell 1825
148 Greenhow 1842. See the footnote to April 6, 1817 for a discussion on the spelling of Jewett/Jewitt.
149 Baylies to Livingston 1833 quoted by Pascoe & Pepper in The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981 D. Tatham (ed.) 2008 p.311
150 Cawkell 1983
“To all the captains (Jewett) passed them a written official notice of the inauguration on behalf of the Argentine Republic, and notified them of the prohibition of fishing in the banks and hunting amphibians on the coast, and (that) it was prohibited to kill cattle on the same islands, under penalty of seizure and remittal of the offenders to Buenos Aires to be tried there.” 151

November 9th, Jewett sends a letter to Capt. William B. Orne of the General Knox. 152

“Sir, I have the honour to inform you of my arrival at this port, to take possession of these Islands, in the name of the Supreme Government of the United Provinces of South America. The ceremony was publicly performed on the sixth day of the present November, and the National Standard hoisted at the fort under a salute from this frigate, in the presence of several citizens of the United States, and subjects of Great Britain. It is my desire to act towards all friendly flags with the most distinguished justice and hospitality; and it will give me great pleasure to aid and assist such as may require them, to obtain refreshments, with as little trouble and expense as possible. I have to beg of you to communicate this intelligence to any other vessels of your nation, whom it may concern.

I am, Sir, your most humble servant, D. Jewett.”

“Jewitt could not enforce his demands, however, since his vessel was in a poor condition, and many of his crew had scurvy. As a result, General Knox (Capt. W.B. Orne) was able to return to Salem on 6 June, 1821 with 5000 seal skins, 600 barrels of whale oil and a copy of Jewett’s letter, no doubt ignored, to inform those sealers about to depart for the islands.” 153

# Researcher’s Comment: It is difficult to know what to make of all this. If Jewett had a mandate from Buenos Aires it has never been found, and no South American government acknowledged his claim before 1832. Even then only obliquely by the provincial government of Buenos Aires in 1832. All very strange. Reminiscent almost of a conspiracy, but to what end? Weddell certainly thought the whole charade was about gaining control of the Uranie, a wreck that had lain unattended on a beach for nine months. Surprising that anything was left to salvavage. Or perhaps the privateer felt the need to give himself some authority in the islands so as to legalise the taking of a prize?

What can be said is that, without a known formal mandate or instruction, and with no adoption or confirmation of his action by a national government, it seems Jewett’s claim in 1820 had no legal consequence. Merely an intriguing detail of history.

November 11th, Capt. Burdick moves Huntress to Hope Harbour.

“I found two Ships and their Shallops, one from New Haven, Bound to the East’d, and the other from Salem had been lying here two years past and with a part of a load of oil and a few skins. The former left New Haven last March, was the Huron, Capt. Davis.” 154

151 De Quesada a Bayard, 4 de Mayo de 1887 in Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278. All evidence to the contrary. There is only one letter known to have been written after Jewett's ceremony, as there is only one example of a letter written before it.
152 Orne clearly was not present for the ceremony on November 6, 1820 and was probably out at West Point Island. This letter may have been handed to one of Orne's tenders and is only the second letter that Jewett is known to have written.
153 Dickinson 2007 p.43
154 The Voyage of the Huron and the Huntress: American Sealers and the discovery of the continent of Antarctica E.A. Stackpole 1955

27
Hero arrives at the South Shetlands Islands, where it joins Free Gift. 155

November 20th, Weddell sails from the Falklands.

November 25th, George sails from the Falkland Islands for the South Shetlands. 156

November 27th, Heroina’s Captain of the Troops, Laureano Anzoátegui, writes to Jewett referring to him as ‘Commandant of this Island’ (singular).

December 12th, Jewett deems his crew to have recovered sufficiently to be taken back on board.

December 14th, Cora (Robert Fildes) hunts at the South Shetland Islands; “He described the number of fur seals as "incalculable"...” 157

Jewett seizes the US schooner, Rampart, claiming that the vessel has a cargo of cotton, wool indigo and cocoa, bound for Spain.

“Towards the close of 1820, being at the Falkland Islands, an American schooner entered, which he captured, and sent to their consignee, at Buenos Ayres.” 158


“(The ship’s) express purpose is to cruise for the remaining four months, not to vegetate in this Port as we are...” 159

Jewett relieves Anzoátegui from his post and awaits the arrival of suitable prey. 160

“...Jewett and his crew did nothing in the Falklands except "vegetate". Jewett dismissed and arrested Anzoátegui for insubordination and had him confined ashore. But Jewett himself was frustrated too, as there was not a single ship he could capture – after the sealing ships had left for the South Shetlands, Berkeley Sound was usually empty.” 161

February 1st, Colonel Jewett prepares a 13 page report about his journey for the authorities in Buenos Aires in English. He makes no mention of his act of possession of the previous November, but does ask to be relieved.

“Should the disposition of Government place this ship again in Commission it will be found necessary to give her the requisite repairs, and advisable to change most of the Officers, and a great part of the
crew. Persuaded that my misfortunes will be sufficient to induce the Supreme Government to provide for my immediate relief, from my present painful and distressed situation, by sending a Commander of their confidence to supercede (sic) me – I rest assured that my supplication will be granted as early as possible.” 162

“... in that letter he suppresses some very important details. He does not mention that he put the Carlota’s crew and passengers aboard another ship (another piratical action after the capture of the ship); he mentions the mutinies but does not say that he had some men shot, or that the Carlota’s Portuguese nationality was their motive. And he says not a word about "taking possession" of the Falklands! That last omission is highly significant – he had had no contact with Buenos Aires for almost a year, and when contact was finally made, he chose not to inform the government that he had laid claim to the Falklands. If he had been ordered to take possession of the Falklands he would scarcely have omitted to mention that he had done so.” 163

With a prize crew aboard, Rampart is sent to Buenos Aires to have its case adjudged by the courts there. 164

**February 16th**, Rampart arrives at Buenos Aires with Jewett's report and papers.

> “She was detained by the Heroine Privateer of this Port (Buenos Aires), off the Falkland Islands, upon suspicion of having Spanish property on board.” 165

**February 18th**, Daniel W. Clark, Mate of the brig Hersilia, writes home from the South Shetland Islands.

> “We are now loaded with fur skins, having taken upwards of 18,000 of superior quality; but being anxious to obtain a second voyage before I return to the United States, we have agreed to send our cargo home by the schooner Express and brig Federick, Pendleton, both of Stonington, then to proceed round Cape Horn into the Pacific Ocean, in search of a second cargo, which I doubt not will be obtained soon. As for getting another cargo in these islands, it is utterly impossible, for there is scarcely a seal left alive. The country is full of vessels from most quarters of the globe, and I am certain that one half of them will not obtain half a cargo. Our being the first vessel in the country, and getting possession of the best ground, is the reason why we succeeded in a valuable cargo. There are now lying in this port 12 sail of American vessels; among the number is the ship Huron, Davis, of New Haven, it is a climate I am glad to leave. We have already had accounts of nine sail of English vessels being lost in these islands, and one American ship called the Clothier, from Stonington ... The brig Aurora, of New York, has lately arrived...” 166

> “At least thirty sealing voyages were ... made from New England in 1820-1821, including to the Falkland Islands. ... Sealing was now dominated by the Americans.” 167

**February 24th**, US Commercial Agent Forbes, aware of Rampart’s seizure, complains to Patricio Lynch and submits a written protest to the Governor.

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163 Pascoe 2020 p.68

164 Very little is known as to the circumstances of the seizure of this vessel. Lloyds List Tuesday June 12 1821 noted only that a report dated March 10, 1821 had stated that the cargo had been 'condemned'.

165 Lloyds List Tuesday June 12 1821

166 Published in the Public Ledger & Daily Advertiser June 12, 1821

167 Dickinson 2007 p.43

29
“... which was delivered by a confidential person into the hands of one of his Aids du Camp... to request that the discharging of the Schooner Rampart might be suspended until the Captain should be regularly notified and present and that the regulations for Privateering of 1817 might in all things be observed.”

**February 26th**, Forbes learns that the ‘discharging’ of Rampart has already commenced.

**February 27th**, the provincial government of Buenos Aires orders Colonel William Robert Mason to replace David Jewett as commander of Heroína.

“As a consequence of a request by Cnl Mr. David Jewitt commander of the national warship Frigate Heroine located at port Soledad in Falkland, and aware of the maritime documents and other circumstances which distinguish you, I have been inclined to name you to go to the named port on one of the ships destined by the Agents to the named ship Heroine, taking the necessary provisions for her. You are to receive the command of her and all that belongs to her including the Documentation on the ship, and the instructions for its voyage given to Cnl Jewitt. ... with respect of the wages which you may obtain on this task as in everything else concerning it you will have to add yourself to the instructions of the Agent Patrick Linch (sic) so long as they are not in contradiction with those set by the Government for Commander Jewitt and whose punctual observance is recommended. ...

For the best achievement of the objectives to which you are destined you are authorised to recruit people that you consider necessary for this, with a warning that the cost of this, and the transport of recruits are to be made using one of the allocated ships to conduct you. It will be on to the account of the builders and Agents of the Heroine whose lower rank officers you will name according to what you consider fit and timely. As this Government has been informed that the captain of the troops attached to the Heroine Mr. Lauteano Anzoátegui was suspended from his employment by Cnl Jewitt, you will make sure that this officer be immediately put back in the same, unless you are stopped and this solution is not convenient. ... The Government expects you to do this with delicacy and confidence demanded by its importance...”

“... the government appointed the British-born Colonel William Robert Mason to replace Jewett as captain of the Heroína. ...They gave Mason no land-based role (such as governor), and in the orders given to Mason ... they said nothing that implied that they were on Argentine territory. Mason was merely appointed captain of the Heroína and was ordered to continue the privateering voyage.”

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# Researcher’s Comment: Was the Government in Buenos Aires aware of Jewett’s act of possession? There is no evidence that they were, but it seems strange that the disaffected Capitán Laureano Anzoátegui would not have mentioned it. He undoubtedly submitted some report, if only to argue his case against Jewett. If papers have survived, they are not to be found. However, if Buenos Aires was aware, then that government very specifically did not order Mason to do anything but take command of Heroína and leave the Islands.

**February 28th**, orders are issued for the displaced Commander of Troops.

“The unfortunate events and contrasts that the national Frigate Heroine has suffered during the expedition have moved the Commander Cnl. Mr. David Jewitt to request his removal from the command of that ship. As was done with record which now is concluded.

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168 Archivo General de la Nación Argentina. Fondo Corsarios Sala X. What these were remains unknown. See 1820. For a discussion on the spelling of Jewett/Jewitt, see the footnote to April 6, 1817
169 Pascoe 2020 p.68
The Government putting together the reasons for which it has support, it has decided to let her know the named to succeed in command of the said Frigate will be Lieutenant Colonel Mr William A. Mazon (sic) for this task he must march straight away on one of the ships bound to conduce supplies, people, articles that are necessary in order to continue the cruise, it is agreed to warn you that in this respect you are taking the named Lieutenant Cnl Mazon as Commander of the named Frigate and put yourself at his orders with the troops under your command with which according to your superiors you will continue serving the fatherland under the direction of your superiors with the delicacy and honour that characterise you.” 170

There is no acknowledgement of any sovereignty claim by Jewett.

“Jewett’s act was not for some time officially adopted as its own by the Government of Buenos Aires.” 171

“... the symbolic acts performed by David Jewett in 1820 were not followed by an immediate settlement,..” 172

“... the government’s reaction strongly suggests that they knew nothing about (Jewett’s claims) and did not see the islands as Argentine territory.” 173

Following a further complaint, the Governor of Buenos Aires denies receiving Forbes' letter of the 24th. To this, Forbes provides a copy. Responding, the Minister for War tells Forbes that he has no “official Character,” a response regarded by the American agent as; “highly offensive.” 174

Buenos Ayres, March 10, “In our last Report we stated the detention and arrival here of the American Schooner Rampart, Farran, from Lima to Cadiz. She was detained by the Heroine Privateer of this Port, off the Falkland Islands, upon suspicion of having Spanish property on board. The cargo, consisting of cotton, wool, indigo, cocoa, &c., has since been condemned.” 175

March 1st, Agent Forbes demands the return of his passport – causing consternation within the Buenos Airean Foreign Ministry.

March 9th, Forbes is summoned to a conference with Luca, Secretary to the Buenos Airean Government. Forbes complains of the; “... total disregard which had been shewn to my representations in the case of the American Schooner Rampart lately brought in here as a Prize; I then, producing the Prize Regulation of 1817 in Spanish and English, went through several articles, the observance of which had been wholly neglected in that Case. Mr. Luca confessed his incompetence to speak on that matter, as it belonged to the Department of War.... He said that he would lay the subject before the Governor and take his orders on it.” 176

March 10th, US Agent Forbes informs Washington of events.

“... the American Schooner Rampart, Capn. Farrin, was brought in here, a Prize to the Heroina, Capn. Jewett, Captured at anchor at the Falkland Islands. In this case every possible irregularity has been

170 Bernhardt 1911
171 Memorandum Respecting the Falkland Islands G. de Bernhardt 1911. Mason was not tasked with any responsibility in the Falklands, nor was he named a governor, as is sometimes asserted.
172 Peña & Peña 2018
173 Pascoe 2020 p.68
174 Despite having been received by the Governor and having had his papers accepted. In later correspondence, Forbes informed John Quincy Adams that he’d been told that his treatment was a reaction by some officials to the USA’s reluctance to recognise the United Provinces as an independent country.
175 Lloyds List June 12, 1821
176 It would be a further 6 months before Forbes was able to speak to Rivadavia. By which time Rampart's cargo was gone.
committed. The Crew has never been examined, the Hatches have never been sealed, the Cargo has been discharged without notification to the Captain and to cap the Climax, we know and hope to prove that the Captor was cruising under two Commissions, but such is the arbitrary military despotism which reigns here and such is still the more arbitrary despotism of poverty and want of means, that I have very great doubt if the best arguments and the strongest Proofs will avail anything against them.”

March 22nd, sealer Spring Grove sails off the coast of Beauchene Island.

April 9th, Huron arrives back at New Island for the austral winter. Also at the Falklands are Charity, Henry, Aurora, Nancy and several other British and American vessels.

April 11th, in Buenos Aires, German merchant, Luis Vernet, signs an agreement with a Jorge Pacheco, whereby Vernet agrees to pay for Pacheco's support until such time as money owed by the Buenos Aires Government to Pacheco is paid. The government’s debt to Pacheco is some 100,000 pesos.

April 21st, Colonel Mason arrives at Puerto Soledad aboard a Dutch ship.

April 22nd, Jewett signs over Heroina's documents to his replacement, William Mason.

“When Jewett was released of his command, Guillermo Mason took over the 'Heroina' and for a few days he ruled the islands, thus becoming the second military commander there.”

April 23rd, Colonel David Jewett leaves the Falkland Islands in the same ship that Mason had arrived in.

May 13th, Capt. William Mason departs Soledad Island in Heroina. No signs of Heroina’s presence remain.

“... in 1820 the Government of Buenos Ayres, ..., took again possession of them but left them uninhabited.”

“No acts of occupation followed the ceremony of taking possession and Jewett's frigate, the Heroina, was subsequently condemned in the United States as a pirate.”

“But Jewett did not leave marks of ownership on the Islands on behalf of the United Provinces and he failed to report his actions to Buenos Aires. Buenos Aires did not return to the Islands within a reasonable time to exert peaceful and continuous occupation. A territory abandoned even by a lawful occupier who does not leave behind signs to prove his reservation of dominion and his intention to return, remains presumed terra derelicta, liable to be taken by any other power.”

177 John M. Forbes to John Quincy Adams March 10th, 1821. Pascoe (2020 p.68) gives the date as the 17th.
178 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.
179 Stackpole 1905
180 Vernet had been loaning money to Pacheco from 1819 and the debt had risen to some 63,333 pesos. The agreement was that when the government debt to Pacheco was finally repaid, Vernet would get 50%. Quite how such a large sum had come to be owed to a Captain has, surprisingly, never been explained. Pacheco died in 1833 without ever seeing any money from Buenos Aires. Vernet applied for half of that owed in 1835; a request approved by a judge. It is not known whether Vernet ever received it either. See 1823.
181 Destefani 1982. There is no evidence that Mason exercised any control during the period of 20 days that he was there.
182 What happened on Jewett’s return to Buenos Aires is unclear. It is known that there was an inquiry into the mutiny, and that Jewett was absolved of any blame. Within a short period however, amid rumours of a dispute, Jewett departed for Brazil where he joined that country’s navy. From Brazil he would eventually wage war against his old employers and advise US Commander Duncan on the lay-out of Berkeley Sound before the Lexington raid of 1831
183 Vernet's Memorandum Presented 7 May, 1852 in CO 78/43. In fact, nothing was left behind, not even a flag. There is no evidence that Mason was even aware of Jewett’s act of possession.
184 Memorandum on the Falkland Islands 1947 in LCO 2/490
185 Peña & Peña 2018
June 6th, General Knox arrives back in Salem, Massachusetts.

June 8th, the communication from Jewett to Orne is published in the Salem Gazette. 186

“Captain Orne, who arrived here on Tuesday last from the Falkland islands, has furnished us with the following act of sovereignty, for publication:-

(Circular)

National Frigate Heroïna

at Port Soledad Nov 9, 1820

SIR, I have the honour to inform you of my arrival at this port, to take possession of these islands, in the name of the Supreme Government of the United Provinces of South America. The ceremony was publicly performed on the sixth day of this present November, and the National Standard hoisted at the fort under a salute from this frigate, in the presence of several citizens of the United States, and Subjects of Great Britain.

It is my desire to act towards all friendly flags with the most distinguished justice and hospitality; and it will give me pleasure to aid and assist such as may require them, to obtain refreshments, with as little trouble and expense as possible.

I have to beg of you to communicate this intelligence to any other vessel of your nation, whom it may concern.

I am, Sir, your most obed’t, humble servant.

D. Jewett

Colonel of the Marine of the United Provinces of South America,

Commander of the frigate Heroïna

To Capt. Wm. B. Orne, ship General Knox of Salem”

June 11th, in the Caledonian Mercury.

“The Heroine privateer, from Buenos Ayres, put into Port Solebad (sic), Falkland Islands, in consequence of mutiny and sickness. A new crew has been forwarded.” 187

June 16th, in the USA, Niles' Weekly Register reports.

“..."D. Jewitt, colonel of the marine of the united provinces of South America and commander of the frigate Heroïna" has taken formal possession of the Falkland Islands, "in the name of the supreme government" of the provinces aforesaid.” 188


186 See https://falklandstimeline.files.wordpress.com/2019/01/salem-gazette-june-8-1821.png
187 Featured under 'Lloyds Marine List – June 8' in the Caledonian Mercury June 11, 1821
188 See the footnote to April 6, 1817 for a discussion on the spelling of Jewett/Jewitt.
189 The Globe July 19, 1821 No.5810 p.3. There were a few changes to the original published in the Salem Gazette which has been taken by some to suggest that more than one letter was sent. An editor’s need to fit an item into a particular space seems more likely.
America.

From the Salem Gazette of June 8.

Falkland Islands.

Captain Orne, who arrived here on Tuesday last from the Falkland islands, has furnished us with the following act of sovereignty, for publication:-

(Circular)

National Frigate Heroina at Port Soledad
Nov 9, 1820

SIR, I have the honour to inform you of my arrival at this port, to take possession of these Islands, in the name of the Supreme Government of the United Provinces of South America.

This ceremony was publicly performed on the 6th day of this present November, and the National Standard hoisted at the fort under a salute from this frigate, in the presence of several citizens of the United States, and subjects of Great Britain.

I am, Sir, your most obedient, humble servant.

D. Jewett
Colonel of the Marine of the United Provinces
of South America, Commander of the frigate
frigate (sic) Heroina

To Capt. Wm. B. Orne, ship General Knox of Salem,

August 3rd, four British newspapers, including the Times of London, reproduce the Salem Gazette notice. 190

"We copy from the board of the New England Coffee-house the following official account of the occupation of the Falkland Islands, by a Naval force, in the name of the "Supreme Government of the United Provinces of South America." We are at a loss what particular Authority to recognise by this title; though there is no doubt that the capture is made on account of the Independent interest. These Islands lie to the east of the Straits of Magellan, 180 miles from Cape San Juan, and 315 from Cape Horn."

"There was no formal protest about Colonel David Jewett's action in taking formal possession of the Falkland Islands in November 1820. There was no British diplomatic representation in Buenos Aires at the time and there is no reason to suppose that HMG knew of Jewett's action when it took place. It should, moreover, be noted that the act of possession was made in the name of a government which was not recognised either by

190 Reproduced or otherwise announced in the Morning Post, Morning Chronicle, Public Ledger & Daily Advertiser and the Evening Mail of London. Further announcements were made in the Bristol Mirror (August 4, 1821), Leeds Intelligencer (August 6, 1821), Tyne Mercury (August 7, 1821), Kentish Weekly Post (August 7, 1821), Taunton Courier (August 8, 1821), Belfast Commercial Chronicle (August 8, 1821) and the Yorkshire Gazette (September 1, 1821). See https://falklandstimeline.files.wordpress.com/2018/04/the-times-newspaper-aug-3-1821-inside-page.pdf and https://falklandstimeline.files.wordpress.com/2018/04/the-times-aug-3-1821-detail.pdf

191 This from The Morning Post August 3, 1821 No. 15,720 p.2 and was followed by an accurate reproduction of the Salem Gazette item.
Britain or any other foreign power at the time. The Islands remained without any effective government and Jewett quickly returned to Buenos Aires...” 192

August 4th, the Bristol Mirror announces:

“Falkland Islands – Col. D. Jewitt, who styles himself "Colonel of the Marine of the United Provinces of South-America, and Commander of the frigate Heroine," took possession of these Islands on the 6th of November last, in the name of his Government.” 193

August 20th, the Salem Gazette notice appears in the Gaceta de Madrid. 194

August 24th, La Gazeta de Buenos Ayres is replaced as an official organ by Minister Bernardino Rivadavia.

“... under the direction of the Ministry of Government it will organize and publish an official register, and must include all laws, orders and decrees and acts of a general effect or that demand a circular communication.”

September 1st, Rivadavia finally speaks to speaks to Forbes about Rampart.

“I ... again received an apology for his delay in the long promised Conference.... I then stated, .... That I was instructed by my government to make the strongest remonstrance on this subject. To all these observations Mr. Rivadavia replied that this evil would no longer exist, that there would soon be given an order recalling all privateers;...” 195

Once again, James Weddell sets out from England in Jane. Accompanied by the Beaufoy, commanded by Capt. Michael McLeod, the vessels sail for the Falklands via the Cape Verde Islands.

October 21st, in Buenos Aires, a decree for the regulation of fishing on the Patagonian coast is proclaimed. 196

“The Honorable Junta, having taken into consideration the Project of Law concerning the Fishery on the Coast of Patagonia, and the encouragement of that Establishment, which Project Your Excellency in your Note of the 1st instant advises them to approve, have, in their Sitting of the 20th instant, sanctioned the Articles contained in the Project in the manner following:

Art.1. It shall be lawful for the Natives and Inhabitants of the Provinces to export from, and import into, any point of it, as well as to re-export, free of all Duties, the produce of the Fishery, as well as that of the chase of amphibious animals, of the Patagonian coast, in National Vessels; - if they employ in it Foreign Vessels they shall pay one dollar per ton, on their departure from that coast...” 197

193 The Bristol Mirror August 4, 1821 No.XLVII – No.2430 p.2
194 “Facsimile reproduction of a fragment of the Gazette of Madrid where it is stated that the news that is transcribed from the Malvinas Islands has been taken from "England, London, August 3." Information provided by an uncertain source. Yet to be confirmed. The Gaceta de Madrid was a publication that ran from 1697 to 1936. An organ of the Spanish Court from 1762. See https://falklandstimeline.files.wordpress.com/2018/04/gaceta-de-madrid-agosto-20-de-1821.pdf
195 John M. Forbes to John Quincy Adams Sept 2, 1821. Forbes sought compensation for the vessel's owners but despite his complaints he was unable to gain any satisfaction. However, the pressure was sufficient to cause Buenos Aires to reconsider its use of privateers, annulling all privateer commissions on October 6, 1821. British & Foreign State Papers 1821 – 1822 p 386. cf. British & Foreign State Papers 1828 – 1829 p.1198
196 Fitte (La agresión norteamericana a las Islas Malvinas 1966) refers to the fishing law of 22 September, 1821. Other sources, including Congressional session papers, to October 21/22, 1821. This may reflect the gap between this decree being signed off and then being publicised. There had been a lot of confusion during that period as governments rose and fell within weeks.
197 Signed by Santiago Rivadavia (younger brother of Bernardino) who was President of the Buenos Aires Provincial Board. cf. 1828, 1829, 1831, 1879 & 1882

35
“... where the unsettled shore, although under the nominal sovereignty of one nation, is in fact possessed by independent uncivilized tribes, the right to exclude other nations from the use of the shores, stands on a much less stable footing. This is the case with all the continent of South America to its extremity, from the Rio Negro or Rio Saules, in latitude 41, and also with the adjacent islands of Terra del Fuego and Staten land. On the Pacific side, the Arancaunians [Araucanians], and on the Atlantic the Puelches, Patagonians, and other tribes, are perfectly independent. To the common use of these shores, therefore, there can be no reasonable objection. How far the present Government of Buenos Ayres is entitled to the extent of territory necessary to establish a right over these fisheries, even supposing them to be attached to the Sovereignty of the country, is another important question to which your attention must be turned, and which we have not the means of determining here. The Vice Royalty of Buenos Ayres under the Spanish Government comprehended several provinces on both sides of the La Plata, these now form separate Governments as far as their unsettled state will allow us to judge of their condition: But that Patagonia was ever included in the Province of Buenos Ayres proper, is not believed. A project was formed by the Spaniards in 1778 of forming settlements there, but although the settlers came out to Monte Video, the project was abandoned, and the whole of the continent, and Islands of Terra del Fuego and Staten land remain as unsettled and desert now as they were found at the time of their discovery.”

“... but no allusion is made to the Falkland Islands...”

“... the law of 22 (sic) October 1821, which was provincial law of the Junta of Buenos Aires, ..; was simply a decree that was intended to establish some surveillance in those coasts. ... it had not been authorized by the General National Congress, ...”

“This law proves the full and absolute jurisdiction that the government of Buenos Aires exercised over the Patagonian coasts and adjacent islands.”

November 6th, a Buenos Aries tribunal, examining the 1820 mutiny on Heroina, approves Colonel David Jewett's actions in suppressing it.

November 10th, the Buenos Aires Argos print a report from Europe.

GIBRALTAR – Agosto de 1821 – El coronel Jewett de la marina de las Provincias Unidas de Sur de America, y comandante de la fragata Heroina, en circular fecha 9 de noviembre de 1821 en el puerto de la Soledad, previene (?) haber fomado (?) el 6 posesion de las islas Falksand (sic) en nombre de dichas provincias. (Redactor de Cadiz)

198 US Secretary of State Livingston to Francis Baylies, January 26, 1832 in Diplomatic Correspondence of the United State, Inter-American Affairs: vol.1 Argentina 1831-1860 William Manning 1932
199 Greenhow 1842
200 Congreso Nacional: Camara de Senadores: Sesión de 1882 p.311. cf. 1879 & 1882
201 De Quesada a Bayard, 4 de Mayo de 1887 en Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278. None of the articles referred to adjacent islands.
203 A little hard to read. There was no reaction from the government of Buenos Aires; indeed it is not clear which government was actually in power. By this time Luis Vernet had moved from Montevideo to establish an estancia on the Rio Salado, some 100 km south of Buenos Aires. It is tempting to speculate that he saw this item in the Buenos Aires Argos. cf. 1823
“Whatever may have been Jewitt’s motives, or the value of the declaration of right made by him, his act was not for some time officially adopted as its own by the Government of Buenos Ayres.” 204

“... in 1820 Britain had not yet recognised the independence of the South American republics from Spain. It was unnecessary, then, for her to protest against Jewett’s actions because any actions in the name of an independent Argentina were not considered legitimate.” 205

“Buenos Aires clearly remained ignorant of Jewett’s making a claim to the Falklands until a report arrived in November 1821 from British sources: the Buenos Aires paper El Argos of Saturday 10 November 1821 printed a brief report from the Spanish newspaper Redactor of Cádiz, datelined "Gibraltar, August 1821", saying that "colonel Jewett" had taken possession of the "islas Falksand" [sic!]. ... Buenos Aires knew nothing about Jewett’s “possession-taking” when they appointed Mason (since Jewett kept it secret), they knew about it from 10 November 1821, the day of the announcement in El Argos. But they showed no reaction; they neither formally announced the possession of the islands nor set up any presence there.” 206

At the Falklands, Jane and Beaufoy meet up with American sealer Charity and all sail for the South Shetlands.207

**December 6**th, Captain George Powell and Nathaniel Palmer, on the British sealer Dove, discover the South Orkney Islands.

**December 7**th, Capt. Powell lands; claiming the South Orkney Islands for Britain.

“Captain Powell states in his journal that on that day he landed on these islands and took possession of them in the name of King George the Fourth, leaving a bottle containing a note of this transaction, and naming the island on which he landed ‘Coronation.’...” 208

British sealers Enchantress, Hetty, John, Pomona, Sprightly, Jane, Beaufoy, Jane Maria, Wasp, Livonia, Robert and Grace lie at the Falklands.

1822 — **January 15**th: Buenos Aires issues a second decree prohibiting; “... fishing for amphibians on the coasts of Patagonia, until further resolution.” 209

**February 12**th, in Spain, a Cortes committee reports on the approach to dealing with the revolted colonies.

“... all treaties between Spanish leaders and American governments (such as that of O’Donju with Iturbide in Mexico) should be null, as respects the acknowledgment of independence;...” 210

During **March**, Weddell and McLeod set sail for England.

**March 8**th, US President Monroe tells the House of Representatives that Colombia, Chile, Peru, Buenos Aires and Mexico are; “in the full enjoyment of their independence,” and had “a claim to recognition by other Powers which ought not be resisted.”

**March 9**th, Joaquin de Anduaga, Spanish Minister to the USA, writes to John Quincy Adams.

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204 Greenhow 1842. See the footnote to April 6, 1817 for a discussion on the spelling of Jewett/Jewitt.
205 Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands.’ John Muffty in The Historical Journal, 29.2 1986 pp 427-432
206 Pascoe 2020 pp.69-70
207 Around this time Weddell also met up with Charles Barnard who recounted the story of his marooning in 1813; a story that Weddell mentioned in his 1825 book; albeit inaccurately.
208 FO 371/4 Admiralty to the Colonial Office 24 January 1906
209 Caillet-Bois 1982 p.187. Again there was no mention of the Falkland Islands.
210 Ireland 1938 p.326
“Sir: In the National Intelligencer of this day, I have seen the message sent by the President to the House of Representatives, in which he proposes the recognition by the United States of the insurgent Governments of Spanish America. ... what is the present state of Spanish America, and what are its Governments, to entitle them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced, who disappear the next. ... Where, then, are those Governments which ought to be recognised? where the pledges of their stability? where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it? and, in fine, where the right of the United States to sanction and declare legitimate a rebellion without cause, and the event of which is not even decided? ... I think it my duty to protest as I do solemnly protest, against the recognition of the Governments mentioned, of the insurgent Spanish provinces of America, by the United States, declaring that it can in no way now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to reunite them to the rest of her dominions.” 211

“It is widely accepted by writers on international law that official protests have the effect of keeping a claim alive, though without changing or strengthening it. Anduaga’s letter was a valid protest asserting Spain’s claim to her territories in South America (including the Falklands of course). That protest kept Spain’s claim, such as it was, alive for some while longer.” 212

March 19th, in Washington, the Committee on Foreign Relations opines that the nations of Spanish America are de facto independent.

March 20th, Heroina is challenged by the Portuguese frigate Pêzola off Gibraltar. Mason surrenders. Forty-five members of the Heroina’s crew “spontaneously” confess that her employment is piracy. 213

April 22nd, the British brig, Romeo, arrives in the Rio de la Plata from the Islas Nuevas. 214

May 2nd, in London, the House of Commons debates Spain's South American colonies.

“Lord Londonderry ..., in answer to the questions of Sir James Mackintosh, (said) that whilst this government had neither formally recognized, or entered into any correspondence that would imply a recognition of, these new governments, it had nevertheless considered them as governments de facto;..” 215

May 6th, Mason stands trial at the Admiralty Court in Lisbon. 216

“The Commander, it appeared in evidence, was a North American of the name of William Robert Mason, and his commission was dated in April, 1820, authorising him only to molest Spanish vessels, enjoining, and imposing on him the obligation to avoid every abuse of his trust, and all irregularities on the high seas which might implicate the Buenos Ayres flag. In his cruize he was directed to overhaul every vessel, both armed and traders navigating under the Spanish flag, and examine their commissions and papers to see if they were legal, and the use made of them, and also to punish all excesses committed against neutral and friendly vessels.

211 Manning 1932
212 Pascoe 2020 p.75
213 Francis Baylies to Edward Livingston January 1, 1833
214 AGN Sala X 42-3-10. A name for the Falklands, translated from the French name given them by Frézier (1716) or a reference to New Island which is one of the most westerly of the Falklands' group? cf. Pascoe & Pepper 2008 p.5
215 Manning 1925 vol.3
The Heroïna was fitted out and commissioned as a vessel belonging to the Government of Buenos Ayres. On examination, however, 45 men, composing the crew, spontaneously confessed, that this corvette pursued a system of piracy, robbing all the vessels they could. From the depositions, it appeared, that early in August, 1820, in the latitude of La Isla de Flores, they met a Portuguese vessel, called the Carlotta, bound with a cargo from Bahia to Lisbon, which they captured, after an action of two hours. The crew were put in irons five days, and then sent on board a vessel accidentally met with. The captain of the privateer afterwards had two officers and four sailors shot; and his prize, the Carlotta, was lost in a storm.

Towards the close of 1820, being at the Falkland Islands, an American schooner entered, which they captured, and sent to their consignee at Buenos Ayres. On the 14th June, they captured the Spanish brig of war, Maypu, bound from Lima to Cadiz and armed her to accompany them on their piratical expedition. In the latitude of Cabofrio, they chased the Portuguese brig, Infante Don Sebastian, firing at her, but being unable to come up with her, they chased a Portuguese galley to leeward, and the captain having come on board the Heroïna, near Cape St. Vincents, accompanied by a slave, the pirates had the latter hung up to compel him to declare where his master kept his money. On the 12th July, 1821, they captured the Portuguese ship Viscondessa de Rio Sceo, near Bahia, which they took to the island of St. Vincents, conveying on board the privateer the greatest part of the moveable effects, and after selling the hull, they shipped the cargo in the American brig Aligator, and conveyed it to the island of Boa Vista, where it was transshipped on board the brig Hunter of London, for the purpose of going to Buenos Ayres. Numerous other similar cases are detailed in the proceedings.  

Found guilty, Mason is sentenced by Jose de Figueredo, Auditor General of Marine, to imprisonment.

“Even supposing the Corvette Heroïna to belong to the Government of Buenos Ayres, or to any private individual authorised to arm her, & was appointed to wage war against the enemies of the Republic; notwithstanding all this there is no doubt of her being a pirate and not a legal privateer, in virtue of the facts proved in the process: because all and every prize she took ought to have been competently tried and condemned, before any person should be suffered to touch any of the cargo ... circumstances that were never observed ... in direct violation of the instructions printed by the Buenos-Ayres Government in 1817, and which the Commander of the Heroïna was ordered to observe.”

“A great deal of money was made and lost by speculators, at the time privateering was allowed in Buenos Ayres. The last vessel that sailed was the Heroïna (formerly the French Braak), commanded by a North American, named Mason...”

“Thus the Portuguese prize court ruled that both Jewett and Mason had committed piracy, Jewett in capturing the Portuguese Carlota and the American Rampart, and Mason in seizing the Portuguese Viscondessa do Rio Seco. ... Jewett escaped conviction and imprisonment only because he was not present in court ... Since by definition pirates operate outside the law, they cannot perform legitimate acts of territorial sovereignty. In international law Jewett’s “act of possession” at Port Louis was invalid.”

217 Morning Chronicle Friday, June 7, 1822
218 Following an appeal by Sir Edward Thornton, Mason only served 2 years. Of the 126 officers and crew aboard the Heroïna, none were identified as nationals of Buenos Aires; although 6 were recorded as “Spaniards,” and a further 26 as “creoles.”
219 Copy of the sentence of the Auditor General of Marine, Lisbon 1822 in Manning 1932
220 Love 1825
221 Pascoe 2020 p.70
In June, David Jewett leaves Buenos Aires to take up a post in Brazil. 222

“In Buenos Aires Jewett did not enjoy a good reputation, particularly amongst the community of North American residents who considered him to be a bandit and a pirate. John Murray Forbes, who was head of the US diplomatic delegation in Buenos Aires from 1820 to 1831, wrote several letters to the North American Secretary of State, John Quincy Adams, complaining about Jewett’s activities, whom he accused, amongst other things, of using corsair licences of convenience from Buenos Aires, or from the Uruguayan caudillo Artigas and also of changing the flags on his frigates to suit his own purposes.” 223

In London, a map by John Purdey is published by the chart-seller R. H. Laurie, showing the Falklands archipelago with West Falkland Island named the Great Maluina or Falkland Island. East Falkland Island – depicted as dramatically smaller than its partner – is named Soledad or Little Maluina. The chart also features in a book. 224

222 Peter Pepper in Tatham (ed.) 2008 p.310
223 Bullrich 2000 pp.95-96
224 Memoir, Descriptive and Explanatory, to accompany the new Chart of 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. The chart could be purchased separately. Laurie described himself as “chart-seller to the Admiralty.” See https://falklandstimeline.files.wordpress.com/2019/02/3.png and https://falklandstimeline.files.wordpress.com/2019/02/4.png
“22. FALKLAND’S ISLANDS, the MALUINAs of the Spaniards.-These islands have borne different names, successively imparted by the older navigators. They are supposed to be the PEPE’s LAND of Cowley 1584 (sic),\(^{225}\) and Sir Richard Hawkins, ten years after, 1594, called them VIRGINIA and MAIDEN LAND, in honour of Queen Elizabeth. In 1639, Captain Strong gave the name of FALKLAND to the strait which divides the two larger islands, and this name has since been extended to the whole group. In 1706 they were visited by some French from St. Maloes, whence the name of MALOUINEs and MALUINAs, given them by the French and Spaniards. An attempt was made by M. de Bougainville, in February, 1764, to establish a small colony on the eastern island. Their port was in the Bay of Accaron, or Berkeley Sound. Wood was procured from the Strait of Magallan, for the construction of dwellings, and a fort of clay, dedicated to St. Louis, was erected. European grain was sown with success, and the cattle in creased.

The court of Spain, however, claiming the islands, the French establishment, after it had existed two years, and amounted to one hundred and fifty individuals, was withdrawn; Spain refunding the expenses of the speculators. In 1764 the English took possession of the western island, and formed a settlement at Port Egmont, on the north side, which was continued, at the risk of a war, until 1774, when, being found totally use less, as a commercial station, the islands were abandoned to Spain, who seems to have made no use of them, than a place for the transportation of convicts. Recently they have been taken possession of, in a formal manner, as belonging to the United Provinces of South-America.\(^{226}\)

An atlas is published in Philadelphia by Cary & Lea entitled A Complete Historical, Chronological, and Geographical American Atlas, Being a Guide to the History of north and South America, and the West Indies... to the Year 1822. There is an entry for the United States of South America.

“This extensive portion of South America was formerly known by the name of La Plata or Buenos Ayres; but since the revolution the name has been changed to the United Provinces of South America. The United Provinces are situated between 12° and 40° 45’ S lat and 51° 10’ and 69° 45’ W long. It is bounded north by Peru and Brazi; east by Brazil; south by Patagonia and the Atlantic Ocean; and west by Chili and the Pacific Ocean, and Peru. Its mean length, from north to south, is about 1800 miles...”\(^{227}\)

June 21\(^{st}\), Spain’s Court circulates a ‘Manifesto’ to European Governments, and the United States, regarding the “dissident Spanish provinces of America.” This informs Spain’s allies that King Ferdinand has never renounced his, “...legitimate acknowledged rights.”\(^{228}\)

August 3\(^{rd}\), Adeona, under the command of Capt. Low, sails from the River Plate for the Falklands.\(^{229}\)

August 8\(^{th}\), in London, Minister George Canning outlines his views regarding acceptance of new States in South America. He outlines three “recognitions” - 1) The recognition de facto of what is; 2) a more formal recognition of Diplomatic Agents, and; 3) recognition de jure which professes to decide upon title and restrict the rights of the former occupant.\(^{230}\)

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225 William Ambrosia Cowley visited the islands in 1684  
226 Purdey 1822 p.33. My emphasis. cf. 1774 & 1820  
227 Clearly no recognition in 1822 that the United Provinces of South America had extended to the Falklands archipelago at 52° South Latitude.  
228 Manning 1925 vol.3 p.2017  
229 There were two British Lows commanding sealing vessels, brothers William and Andrew. There is no information as to which this was, but it is likely to have been Andrew who was most associated with this particular vessel. cf. 1827  
230 FO 139/49 quoted in The Creation of States in International Law James Crawford (2\(^{nd}\) ed.) 2007
September 17th, James Weddell departs England in the brig, Jane, bound once again for the southern oceans. Jane is accompanied by the Beaufoy, now commanded by Matthew Brisbane. 231

In October, Wasp, (Benjamin Morrell), meets up with Henry (Capt. Robert Johnson) at New Island. In preparation for the Congress of Verona, Lord Londonderry asks the Foreign Office for information on South America. All available records are collected together by a clerk, Woodbine Parish.

October 14th, sealer Fanny, arrives at New Island Harbour.

In November, Wasp and Henry arrive off South Georgia.

“(Morrell’s) ship’s boats allegedly circumnavigated the Island in three days without seeing seals.” 232

Robert Schofield, an English born resident of Buenos Aires; “In the latter part of the year 1822... applied to the Government of the Colony (Buenos Aires), for the right to kill the Cattle on the East Falkland Island;...” 233

November 20th, a French ship Coquille, commanded by Louis Isidore Duperrey, on a round-the-world voyage, moors in Berkeley Sound. 163 specimens of the islands’ flora are collected for botanical examination. 234

“...I fixed my observatory on the 25th near the old Establishment of St. Louis, in French Bay... Several officers and the master gunner were appointed to procure fresh provisions during our stay. Every day they sent on board either in beef, hogs, hares, geese, and ducks, a quantity more than sufficient for the crew of the corvette.” 235

“As I went to visit Port Louis, the first step I took on the strike placed me in front of a tomb: a slate was used as a tomb inscription and a mausoleum for a poor English sailor whose ashes rested in peace at such a great distance from his homeland. The silence of death that Reigns on these lands, interrupted only by the screaming voices of a few water birds, a cloudy sky, a sun without strength, reddish Meadows, mountains of sandstone with whitish hue, brick houses of which there are only ruins left, all gave rise to many reflections on this Antarctic land, unproductive and thrown at the borders of the world.” 236

“...they pitched their tents among the ruins of Port Louis, and remained till 18 December. The expedition was led by Louis-Isidore Duperrey (1786-1865), who wrote a long account of it,4 as did his naturalist, René Primevère Lesson (1794-1849). They used only Bougainville’s French names for places in the islands, as did Freycinet in 1820. Like the United States, France did not regard the islands as Argentine, British or Spanish territory, and the French involvement in the islands in the 1820s and 1830s worried the British government.” 237

231 Weddell 1825
232 Dickinson 2007 p.67
233 Protest of Schofield’s widow – December, 1832 in FO 6/499. Unconfirmed. The Schofields had arrived in Buenos Aires in January 1821. Robert Schofield appears to have given his wife an account of events which could not subsequently be substantiated. cf. 1823 & 1824
234 Duperrey had accompanied Freycinet aboard Uranie, so he knew Berkeley Sound. It may be that his purpose also included an inspection of the Uranie and to assess the potential for recovery. See 1820.
235 Quoted in the Morning Advertiser July 24, 1823. The author was not identified.
236 Voyage Autour du Monde enterpris par Order du Government sur la Corvette la Coquille Rene Primevere Lesson 1838 between pages 50 & 51. Lesson was the surgeon and a naturalist aboard La Coquille.
237 Pascoe 2020 p.75
1823 – January 27th, Caesar Augustus Rodney is appointed Minister Plenipotentiary to the Government of Buenos Aires, by the President of the United States. 238

“The relations of the United States with Buenos Ayres, however, hitherto, so far as they have been sustained by agents of the respective governments have been informal and disconnected. ... Its internal convulsions and revolutions have been many, and are yet far from being at their close... The first establishment of the Buenos Ayrean government was under the ambitious and aspiring title of "the Independent provinces of South America." It was afterwards changed for that of the Independent provinces of La Plata, which it is believed still to retain. But it is far from embracing within its acknowledged authority all the provinces situated on that river, and for the last two or three years, its effective government has been restricted to the single province of Buenos Ayres.” 239

238 One of the USA's 'Commissioners' sent out to assess the status of the United Provinces in December, 1817, Rodney was enthusiastic with regard to US recognition of Buenos Aires. Congress, designated to transport Rodney and his family to Argentina, was first ordered to take a new US minister to Spain and as a result of this diversion, the newly appointed Minister did not arrive in Buenos Aires until November, 1823. cf. December, 1823

239 John Quincy Adams to Caesar Rodney May 17, 1823
“At that time the territory of the United Provinces included Uruguay, parts of today’s Bolivia, Peru, and Chile, and on some maps even Paraguay, but not Patagonia or the Falklands. In recognising the United Provinces, the US did not accept that the Falkland Islands belonged to Buenos Aires...” 240

During **February**, James Weddell on **Jane** penetrates into the Southern Ocean further than anyone before him.

“... during the progress of his fishing voyage he penetrated into 74..15 South Latitude between 28 & 30 West Longitude where he found a fine open sea, which appeared to be free from ice and icebergs as far as could be seen to the southward from the Masthead of the Vessel.” 241

**February 5th**, Capt. Low in **Adeona** hunts at the Falkland Islands. 242

In **April**, **Jane** and **Beaufoy** hunt for seals at South Georgia.

**April 14**th, in London, Foreign Secretary Canning addresses the House of Commons.

“With respect to the provinces in America which have thrown off their allegiance to the crown of Spain, time and the course of events appear to have substantially decided their separation from the mother country:... Spain has long been apprized of His Majesty’s opinions upon this subject... As Spain had now an active and powerful European enemy, it became necessary for England to declare in what light she looked upon the struggling provinces of South America: for as Spain still retained the dominion de jure over them, though she had lost the dominion de facto; as France might send forth her fleets and armies to seize and conquer them: and as, at the conclusion of the war, arrangements might be made between the two nations regarding the conquest or the cession of them, the British government had felt itself called upon to state, that it considered the separation of the colonies from Spain to have been effected to such a degree, that it would not tolerate for an instant any cession which Spain might make of colonies, over which she did not exercise a direct and positive influence. To such a declaration the British government had at last been forced.” 243

**April 30**th, the **Hebe** is reported as “spoken to” off the Falklands, bound for Lima. 244

**May 11**th, James Weddell and Matthew Brisbane arrive back at New Island for the austral winter.

**July 4**th, Buenos Aires agrees a **Preliminary Peace Convention** with Spanish Commissioners. 245

“... the Cortes mediated opening negotiations with the Colonies on the basis of Colonial independence, negotiations, which were, in fact, subsequently opened, and carried to a successful termination with Buenos Ayres, though they were afterwards disavowed by His Catholic Majesty.” 246

In the area of the Rio de la Plata, a long spell of dry weather creates problems for the cattle ranches; made worse by the Government in Buenos Aires refusing to allow prices to rise.

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240 Pascoe 2020 p.75. The Banda Oriental (Uruguay) had been annexed by Brazil in 1821, following its invasion of Montevideo in 1817.
241 FO/6/6/43. Reported to London on June 21, 1824.
242 Reported as “spoken to” in the Caledonian Mercury June 16, 1823
243 Canning’s fear that France would tilt the European balance of power by seizing Spain’s old colonies in the Americas made him a little over-eager to recognise as nations, territories that were not yet fully formed; had not achieved a central government or had been unable to gain control over all the territory that they claimed. For example, there was no central government in the United Provinces at this time.
244 Gore’s Liverpool General Advertiser August 28 1823
245 Manning 1925 vol.3 p.1499
246 George Canning to the Chevalier de Los Rios, Minister of His Most Catholic Majesty March 25, 1825. cf. 1825
“The year of 1823 was one of great drought, and the cattle perished by thousands: the beef market was in so
terrible a condition, that scarcely any were to be had, and what there was, was very bad …” 

August 5th, in Buenos Aires, Jorge Pacheco and Luis Vernet agree to become partners in a business venture.
Their plan is to hunt the wild (feral) cattle on Soledad Island. Vernet is to fund and organise an expedition.
Pacheco is to use his contacts to obtain the usufruct (licence) from the provincial government. 

“In 1823 the United Provinces of the Rio de la Plata, which had declared their independence of Spain in 1816,
did not possess a real national government. The governor of the province of Buenos Aires, General Martin
Rodriguez, was acting as the chief executive of the so-called United Provinces.”

“... descended from domestic animals (the cattle brought by Bougainville and the Spaniards). ... Pacheco and
Vernet at once saw a source of profit in exporting their valuable hides.”

The agreement provides for the venture to be sub-contracted to another; but, if that does not happen, then
Vernet is to go to East Falkland to supervise the operation.

# Researcher’s Comment: This is the start of Vernet’s story. Very much Vernet’s story, as he is the one who told
it. Sadly, Vernet was not always truthful. His version of events had it that Pacheco was owed a large sum of
money by the Government. Exactly which Government is not clear. That of 1810, the United Provinces or
Buenos Aires? And 100,000 silver pesos was a very large sum of money, but no explanation was ever offered
as to how Pacheco had come to be owed this sum. According to Vernet’s story, he had been lending money to
Pacheco since 1819, which had amounted to 2,000 silver pesos by 1823. Their agreement was, apparently, that
when Pacheco was paid, Vernet would receive 50%. 50,000 pesos for 2,000. Such was Vernet’s story. He also
added that Pacheco was aware of the wild cattle because he was related by marriage to an ex-comandante-
gobernador of the Spanish garrison at Soledad.

However, an Argentine historian of some note, Caillet-Bois, has it that Pacheco was first informed of the cattle
and the idea of hunting them by another military man involved in Buenos Airean politics – General Martin
Rodtiguez. A name that comes up more than once as this story unfolds. Caillet-Bois did not provide any source
for this assertion, but it should be noted that he was granted unusual access to the Vernet family papers. Vernet
was also creditor to another man, an Englishman named Robert Schofield. All in all, a story that sounds like a
story.

Adeona returns to Liverpool with a cargo of 4000 fur seal skins from the Falklands.

August 19th, US Minister Rush reports from London that the British are on the verge of recognising one or more
of the new American States.

“The measure in question was, to send out one or more individuals under authority from this government to
South America, not strictly diplomatic, but clothed with powers in the nature of a commission of inquiry,...” 

247 Five Years Residence in Buenos Ayres during the years 1820 to 1825 ... G. T. Love 1825
248 See September, 1820
249 South America and the Monroe Doctrine 1824 – 1828 William Spencer Robertson in Political Science Quarterly vol.30
No.1 (Mar. 1915) pp.97 & 98
250 Pascoe 2020 p.77
251 Caillet-Bois 1982
252 Pascoe (2020 p.77) indicates that it was Buenos Aires that owed the money. Province or the City is not stated.
253 Liverpool Mercury August 15, 1823
254 Manning 1925 vol.3

45
August 20th, asked about British intentions, Foreign Secretary George Canning writes to US Ambassador Rush.

"1. We conceive the recovery of the Colonies by Spain to be hopeless. 2. We conceive the question of the Recognition of them, as Independent States, to be one of time and circumstances. 3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them, and the mother country by amicable negotiation. 4. We aim not at the possession of any portion of them ourselves. 5. We could not see any portion of them transferred to any other Power, with indifference."

"Although officially neutral in the wars for independence, Britain made it clear that it would never allow Spain to reimpose its commercial monopoly in Spanish America and insisted that the region must remain open to British trade. With the Royal Navy in complete command of the Atlantic, Britain was also able to guarantee that no other European power intervened in Spanish America on behalf of Spain. Meanwhile, unofficially, 6,000 British officers and men fought alongside the insurgents, especially in Venezuela and Colombia, Peru and Bolivia."

August 23rd, Jorge Pacheco petitions Governor Martin Rodríguez.

"The island of Solitude, one of the seven with the general name of Malvinas, abounds in seals, and must have some cattle and horse, which are abandoned on the Island: the roughness and rigidity of its climate has it deserted, and at the disposal of one or another foreign navigator, who may wish to occupy it at any moment:..." 

"On this point, your petitioner directs his speculation towards exploiting the skins and oils of sea lions, as well as the meat of cattle of proper age and condition; to that end reconstructing the buildings of the old penal settlement and compromising himself to deliver them in serviceable condition to the Government should it believe the rehabilitation of that settlement convenient."

"Don Jorge Pacheco and myself, convinced of the right of this Republic, and seeing it recognised by the tacit and general consent of all Nations during the 3 preceding years, solicited and obtained from the Government the use of the Fishery, and of the Cattle on the Eastern Malvina Island, and likewise tracts of land thereon, in order to provide for the subsistence of the Settlement we should establish there..."

"Pacheco's wife Dionisia Obes was the sister of Cipriana Obes, wife of Bernardo Bonavía, who had served three tours of duty as Spanish commandant in the Falklands between 1802 and 1808. ... it was no doubt through this connection that Pacheco and Vernet learnt about the wild cattle on East Falkland..."

August 28th, the partnership's request is approved.

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256 Cipriana Obes, Bernado Bonavia's widow, also applied for a licence for the Falklands but did not use the concession granted. See Caillet-Bois 1982 p.199 fn.24 and Las Malvinas Entre el Derecho y la Historia M. G. Kohen & F. D. Rodriguez 2016 p.141.

257 Quoted from Pacheco's letter in Caillet-Bois (6th ed.) 1982 p.194. The full letter appears never to have been published.


259 Vernet 1832. Despite this reference to '3 preceding years', Vernet’s 1828/29 correspondence with the provincial Government suggests that he was unaware of Jewett’s 1820 act of possession when Pacheco petitioned the government in 1823. As will be seen later, Vernet’s 1832 report from which this quote comes, is believed to have been partly written by one Dr. Valentin Alsina – who may have been putting words into Vernet's mouth. cf. 1832

260 Pascoe 2020 p.77. It has been suggested that Cipriana Bonavia also applied for a licence to kill wild cattle on Soledad Island. Nothing more is known.

261 AGN VII, 127 doc.22. An act of a provincial administration, not the national government; there being none between 1820 and 1826.
“It not being within the power of the government to concede an exclusive privilege, or any right of property in the lands referred to, but nevertheless desiring to reconcile the interests of the petitioner within the limits of the authority it exercises, it concedes to him the permission that he requests to go to the Island of Soledad, one of the Malvinas, to make use of it in the terms that he has proposed, but in the knowledge that such a concession can never deprive the State of its right to dispose of that territory of the world as it might consider to best serve the general interests of the province, which will be ascertained in the future in accordance with how the resources provide the means of establishing himself there effectively and permanently. Return to the petitioner this original document, which decree will serve as sufficient authority." 262

“On the 28th of the same month the decree on the petition was announced, and Pacheco was granted the requested permission: To go to to the Island of Soledad, one of the Falklands, and to use it in the terms proposed, but in the knowledge that such a concession could never deprive the State of its right to dispose of that territory in the way most convenient to the general interests of the Province, and which will occur as soon as its resources give it the power to establish itself in it in an effective and permanent way...” 263

“Vernet said later that when he embarked on the enterprise he was unaware of any British claim ...” 264

Englishman Robert Schofield immediately applies to Pacheco and Vernet for a concession under their usufruct; offering 20 reales per head of cattle processed and 5 thousand silver pesos in advance.

# Researcher’s Comment: Signed by the Governor, Martin Rodriguez, and Chief Minister Bernardino Rivadavia. A rare government indeed where the two most senior officers sign a licence to hunt at a place that others hunted with impunity. The issue of this licence does not appear to have been made public.

Schofield was a drunk. Already in debt to Vernet, he had to have borrowed the 5,000 silver pesos – from Vernet probably. It is difficult to understand why Pacheco would place his fortunes in the hands of an alcoholic. Worth noting that the licence was for Soledad only. Spain’s island.

August 29th, Pacheco and Vernet accept Schofield’s offer. 265

“The 1824 expedition began with reckless financial extravagance, which left Vernet with debts that burdened him for much of his life. ... Schofield undertook to pay Vernet and Pacheco 20 reales for each animal slaughtered in the Falklands ... and at once began to squander the partnership’s money. He bought two ships: the cutter Rafaela (for 3,000 pesos), which they fitted out for sealing, and the American brig Fenwick (5,000 pesos); he chartered the British brig Antelope for 1,000 pesos a month, and hired the mainly English-speaking crews of all three ships.” 266

Another citizen of Buenos Aires notes; “An Englishman has lately undertaken a speculation which has cost him a considerable sum, to have the exclusive privilege of taking cattle in the Falkland Islands – in fact to be sole proprietor for a term of years. ... the chances of his success are very doubtful. Buenos Ayres claims the jurisdiction of these islands, and those claims will not cause such a dispute as in the year 1770. The voyage to them is made in about fourteen days.” 267

262 My emphasis. The phrase, “territory of the world,” is particularly intriguing. Suggestive of a land unowned.
263 Vernet 1832
264 Cawkell 1983 p.32
265 cf. FO 6/500/337
266 Pascoe 2020 p.79 citing AGN VII 130 and AGN VII 141
267 Quoted in Love 1826. Source not provided.
A provisional contract is drawn up as Schofield has to attend to business in the Banda Oriental.

“The concession was similar to that given to the cattle herders south of the Salado River in the Province of Buenos Aires. In return for the right to exploit the cattle and horses (Vernet) was tasked with renovating the existing buildings in Port saint-Louis. Governor Martin Rodriguez and his Minister Bernardino Rivadavia – the future Argentine President, signed the decree authorising the concession. Pacheco, already 62 years old – an advanced age for those times – and Vernet had other business including his sister’s estancia south of the Salado River, and a salting house on the Valdes Peninsula in Patagonia. It was therefore decided to subcontract the livestock exploitation on East Falkland to an Englishman, Robert Schofield.” 268

In September, Woodbine Parish applies for the position of Consul-General in Buenos Aires.

September 22nd, Foreign Secretary George Canning agrees to Parish’s appointment.

“The Admiralty will prepare a Ship of War to take you out, and a person who is not to be called so, but will in fact be a Political Agent, will go with you. You will be joined with him in Commission to report upon the state of things in the provinces of La Plata, and he will return to England with the result of the information so collected, and should that be satisfactory enough to justify the recognition of the New State, he will probably eventually be named Minister... You will have two Vice-Consuls with you, to be placed where you find it desirable upon your arrival at Buenos Ayres, and as you know Charles Griffiths, Mr. Canning will be very willing to appoint him as one of them.” 269

Another agreement is reached between Canning, and the French Ambassador, Jules de Polignac, resulting in the Polignac Memorandum. Under this accord, both countries agree not to assist Spain in the retention of her South American colonies. This opens the way for diplomatic relations with Buenos Aires, Colombia, and Mexico.

October 7th, Weddell and Brisbane sail from the Falklands towards the South Shetland Islands.

In Buenos Aires, Schofield organises two ships for the expedition; a cutter, Rafaela, and a brig Fenwick. Neither is in good condition and there are debts attached to Rafaela which Vernet has to pay off. Schofield also charters the British brig Antelope. Pacheco and Vernet hire Pablo Areguati to oversee the expedition. 270

October 10th, Woodbine Parish is formally named as British Consul-General to Buenos Aires. Tasked primarily with the promotion of trade between Britain and the United Provinces.

“He will recollect always that his character is purely a commercial one, and his object expressly of a conciliatory nature.” 271

Parish is reminded that his function is also to keep the Secretary of State for Foreign Affairs appraised of events in Buenos Aires, and of anything that may; “…affect British Commerce.”

“The first treaty between Great Britain and Argentina would be the appointment of Woodbine Parish, Esq., Consul on December 15, 1823 by the King of Great Britain, to which the government of the State of Buenos Aires acquiesced in response to the patent letter addressed by George Canning to the Minister of Government. It is considered the recognition of the independence of Argentina by the United Kingdom.” 272

268 Bullrich 2000 p.97
269 Planta to Parish Sept 22, 1823
270 It was stipulated in the Vernet/Pacheco contract that, in the event of the venture being sub-contracted to a 3rd party, a person of their choosing would also go to the island to oversee the sub-contractor’s work.
271 Sir Woodbine Parish and Early Days in Argentina Nina Louise Kay-Shuttleworth, 1910 Appendix II (an alternative title - ‘A life of Sir Woodbine Parish’ appears inside the covers, and the work is occasionally referenced under that).
272 La cuestión Malvinas en los tratados anteriores a 1966 Enrique Aramburu 2001

48
December 2nd, President Monroe declares that the USA will not accept future colonization in the Americas.

“... as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers... We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as he manifestation of an unfriendly disposition toward the United States...” 273

Britain’s Foreign Secretary Canning responds that the USA has no right; “... to take umbrage at the establishment of new Colonies from Europe in any unoccupied parts of the American continent.” 274

“... it seemed that even Ferdinand would have to acknowledge that the end of the road had been reached. Yet, not unexpectedly, he did not and ignoring both the British and the United States warnings, he circulated the courts of Europe inviting them to attend a conference in Paris where Allied support 'in adjusting the affairs of the revolted Colonies of America' would be discussed.” 275

December 18th, as the Schofield expedition is about to depart, Pacheco writes again to the local Government.

“The citizen Don George Pacheco, with due respect, says to Your Excellency as follows:

That the expedition being about to weigh anchor for the Port of Soledad in the Malvine Islands, in order (to) improve that Island which Y.E. has granted him, Don Pablo Areguati, late Captain in the Army, goes out with the same in consequence of an agreement entered into between him and the petitioner and that, as for the purpose of making itself respected both by the natives and by foreign vessels as also of promoting the Interests of the State and of (the) Petitioner, it is desirable that there should exist some authority, Your Excellency is requested to be pleased to confer upon Don Pablo the title of Commandant of that point, without salary. Thus will not only that deserted island be taken possession of, but the foreign shipping will be made to pay the duty of anchorage of which an exact account will be rendered to the treasury for Areguati intends to form a militai and to officer it properly, in order that the settlement may make an appearance worthy of the mother country, to which end he takes out arms and ammunition on account of those concerned; and if Y.E. would be pleased to direct some iron ordnance to be shipped it would serve as a defence against pirates in those deserted regions, and might also be of use if the Government should wish to have prisoners sent thither. 276

273 My emphasis. Known as the Monroe Doctrine, although the initiative had come from Canning, who had suggested a united front against the Holy Alliance in Europe. However, John Quincy Adams advised Monroe to present an 'American' position rather than make any joint announcement with the British. Concerned about Russian pretensions in north-west America, Monroe’s announcement went further than Canning had proposed. For all Monroe’s bravado, the US navy was in no position to enforce his doctrine without the sea power of the British Royal Navy to back it up. 274 Canning viewed the defence of existing colonists as one thing; preventing the colonisation of empty lands, another. 275 Costeloe 1986 p. 215 276 From ‘natives’ to ‘deserted’ in one leap? The wording would suggest that Pacheco, at least, did not see the islands as a possession of Buenos Aires, which makes the suggestion of charging ‘duty’ an incompatible one unless there was to be an act of taking possession – to which ‘natives’ would be no impediment. Sadly Pacheco’s original letter appears to be lost.
It is my design to carry sheep to the settlement, and to lay out pasture grounds sufficient for about 2,000 merinos, in order to spread their breed all over those islands. To shew that I mean to accomplish what I propose I have caused this petition to be signed by my sureties. Accordingly I supplicate Y.E. in right of your high authority to grant me the necessary lands and to order the above commandant to give me possession of them as I am a citizen of this Province and am willing to defend that territory as a sacred property of this State. I flatter myself that my petition is just & deserving of Y.E. Approbation.”

Accordingly I supplicate Y.E. in right of your high authority to grant me the necessary lands and to order the above commandant to give me possession of them as I am a citizen of this Province and am willing to defend that territory as a sacred property of this State. I flatter myself that my petition is just & deserving of Y.E. Approbation.”

Governor Rodriguez responds immediately. 278

“(The) Government, considering it a duty to protect commerce and to encourage every branch of industry in the Country has thought proper to grant to the petitioner the lands that he solicits, under the express condition to make manifest its measurements under fixed boundaries, in order to obtain the titles of property, Gov’t reserving to itself to take the necessary measures on this and the other points solicited by the petitioner.” 279

Pacheco’s grant of land, albeit undefined, is granted subject to a survey.

“... in discharge of a bona fide debt of £20,000 due to him from that Government...” 280

“... the favour granted by the Govt was uncertain and vague; and my right to lands without boundaries and known limits would have been doubtful.” 281

“The concession to land made to certain adventurers, Pacheco and Vernet in 1823, and to Robert Schofield a little later, had the paper backing of the Government of Buenos Aires and no more than that.” 282

No mention, however, is made of any title for Areguati.

“In 1823, the Government appointed Don Pablo Arequati, Commandant of the Malvinas.” 283

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277 Original in AGN VII, 127, doc.23. Copy in FO/78/1/33 & 34. In seeking a grant of property, this letter goes a lot further than mere permission to exploit the wild cattle and seals.

278 Again, no public announcements. That said, the expedition itself was probably public knowledge as preparations involving two ships and the resources to survive on a ‘deserted’ island would have been hard to hide. This quote is Vernet’s translation for Parish made in April, 1829 (FO/6/499 f.11 & 12). A version he provided in 1852 (FO 78/1/33) as part of his request for compensation differs slightly - “The Government, having made it a duty to protect commerce and to encourage every branch of industry in the country, have been pleased to grant to the Petitioner, as a favour, the lands he solicits, under the precise obligation to make good his title of property, the Government reserving the power of providing for this, as for all other points in the petition of the memorialist.”

279 Copy in AGN VII, 129, doc.50. Copy in English in FO 6/499 f.11 & 12. My emphasis. Kohen & Rodriguez (2016 p.143) argue that Rodriguez’s reply granted a title to Areguati under, “other points.” What is clear, however, is that the provincial government was reserving its position on these “other points” and that Areguati sailed without knowing whether any title had been granted. cf. February, 1824.

280 CO/78/43 – Monsieur Vernet’s Case 1852. cf. 1828 & 1835

281 Pacheco to Balcarce January 5th, 1828 in FO 78/1/36

282 Memorandum on the Falkland Islands 1947 in LCO 2/490

283 Vernet 1832. There is simply no evidence to support this assertion.
“... the Government of Buenos Aires, incapable of impressing its authority beyond its own provincial boundaries, was wholly unable to exercise any effective control over a group of islands more than a thousand miles from its own capital.” 284

“In reality this was only a request, he did not get appointed.” 285

“... the Buenos Aires government were keeping a low profile – here again one is entitled to speculate that they deliberately avoided doing anything that might offend Britain.” 286

On the same day in England, Woodbine Parish is interviewed by Minister Canning who; “.. having satisfied himself that Parish was not so young as he looked... wound up by asking him what he thought of having the entire responsibility of the Commission thrown upon him, now that Roche could not arrive in time to sail ... The answer was prompt... (he) had no fear but that he should be able to carry out his instructions alone quite as well as in conjunction with anyone else...”

However, so little is known of the political situation in the United Provinces that Parish is given a list of questions to be answered, including; “1st. Has the Government so constituted already notified by a public act its determination to remain independent of Spain and to admit no terms of accommodation with the mother country? 2nd. Is it in military possession of the country?” 287

Canning lays out his basic requirements for the recognition of a new State.

“.. substantially capable of maintaining an independent existence, of carrying on a government of its own, of controlling its own military and naval forces and of being responsible to other nations for the observance of international laws and the discharge of international duties. These are questions of fact.” 288

Parish, provided with the traditional 3 snuff boxes, embossed with images of the King, as diplomatic gifts, is reminded that his objectives are primarily commercial, rather than political.

December 23rd, without an official title, Areguati acknowledges that his task is only to tame; “... cattle which I shall manage for the benefit of the financiers of the expedition to the Malvinas.” 289

“Vernet paid him 100 ounces of gold as an advance on wages for three overseers (capatazes) and 23 peons who accompanied him to his new post. The overseers were to earn 40 pesos per month, and the peons 17 pesos.” 290

December 25th, Spain’s King Ferdinand abolishes the 1820 Constitution; “... in his dominions in America.” 291

December 26th, Schofield sets about purchasing supplies for the expedition. He also hires three ‘capatazes’ to oversee the hunting – Juan Ganto, Aniceto Oviedo and Estanislado Argüello. 292

December 27th, US Minister Rodney presents his credentials to the Governor of Buenos Aires.

December 29th, after being loaded with the expedition’s supplies, and fitted out for sealing operations, Rafaela sails towards the Falkland Islands under Capt. James Hastie.

284 Memorandum on the Falkland Islands 1947 in LCO 2/490
285 Gobernadores que nunca fueron Mario Tesler in Clarin June 6, 1974
286 Pascoe 2020 p.80
287 Kay-Shuttleworth, 1910 p.267
288 Quoted in The Creation of States in International Law 1. Crawford 2007 (2nd ed.)
289 Pablo Areguati, receipt, signed Deciembre 23, 1823 in AGN VII 2-3-3. See Bernhardson 1989 p.169
290 Berhardson 1989 p.170
291 Ireland 1838 p.327. Reinstating absolute monarchy in the Americas. At least in theory.
292 Pascoe 2020 p.81 citing AGN VII, 127, doc 33
1824 – January 6th, Consul-General Parish and Consul Charles Griffiths sail from Britain on HMS Cambridge.


In the South Atlantic, Weddell and Brisbane separate. Brisbane in the Beaufoy remains at Tierra del Fuego while Weddell in the Jane sails along the Patagonian coast and then on to the Falklands.

January 24th, Ferdinand VII of Spain decrees that his Government has no authority to negotiate the recognition of any revolted Spanish-American colony.

February 2nd, after a long and difficult journey, Pablo Arequati arrives on East Falkland aboard Fenwick.

“... we arrived here on the 2nd of this month without any mishap but with only five thin horses, all injured from being in the Ship. With them we could not even survey the field. On foot, we have gone up to five leagues, and we find no Cows at all, but only groups of bulls, in fours and sixes...”

“... it seemed to me ... that they might be profitably occupied for the purposes of colonization, and particularly in catching and taming the wild cattle there abounding in great quantities on East Falkland Island, and also of killing seals. I therefore in the year of 1823 (sic) occupied that as First Settler, and imported Guachos...”

February 9th, passages from the US President’s speech to Congress appear in Buenos Airean newspapers.

February 12th, from Soledad, Pablo Areguati sends despairing letters to Pacheco and Vernet.

“We are without meat, without ship’s biscuits, and without gunpowder for hunting. We support ourselves by chance captures of rabbits, since there is no fat meat since we cannot go out to slaughter as there are no horses. I have resolved to tell you that we are perishing. We stay under boards during the worst of the cold and snows at this time; we have no Boat to go to the Island to cut straw, as no one from the two Ships will give me one since they need them. The Captain of the Brig that brought us has helped us as much as he could; he is entirely a man of goodwill, but the Captain of the Schooner did not behave well.”

Rafaela leaves to go sealing.

293 The Oriental Herald and Colonial Review 1824 – 1829. Correspondence suggests that Vice-Consul Richard Pusset sailed on the mail packet ship three weeks later (FO 6/6)
294 AGN VII, 132 doc.7
296 Areguati is assumed to have made for Berkeley Sound where there was some chance of finding shelter at the old Spanish presidio. It was also likely to have been the place where Rafael could be found with reasonable certainty.
297 Areguati a Vernet February 12, 1824 in AGN VII 129. Doc 51
298 Vernet to Labouchere December 1836 in CO 78/43. Original emphasis. Written more than 30 years later, and in pursuit of compensation. In the same letter, Vernet would claim to have started the seal fishery on East Falkland Island, despite seals having been hunted there for 50 years before Areuguati’s arrival cf. 1856
299 Areguati a Vernet February 12, 1824 in AGN VII 129. Doc 51. Also Caillet-Bois (6th ed.) 1982 p.196/7. A reference to Rafaela, although elsewhere she is referred to as a ‘cutter.’ These letters may have been given to another ship, but cannot have arrived in Buenos Aires until after Antelope had sailed from there.
300 Details are scant as Rafaela was never seen again. Caillet-Bois (6th ed. 1982) speculated that the vessel was lost on rocks at the Falklands.
“... the fact that the ship "Rafaela" on which they arrived was armed, prove that the Government if Buenos Aires took the necessary measures to exercise its authority over the Falklands/Malvinas.”

“... she was bought by the expedition, so she was not a government ship but a private one. And at that time all ships, even small ones like the Rafaela, carried a few guns for defence, since there were many threats at sea.”

Areguati sends Fenwick to Carmen de Patagones to fetch more horses, despite their limited use on the wet ground.

“... (they) could not get over the bogs as fast as the cattle, consequently (we) could not catch those that ran, and those that did not run were old bulls that would give battle and often kill horses while many more were wounded.”

February 14th, as yet unaware of Areguati’s condition, Vernet and Pacheco confirm Schofield’s contract. This stipulates that he will kill 20,000 head of cattle each year, once he has 100 horses on the island; “.. which should be within four months.”

“... at a subsequent period, he (Schofield), however, obtained a Grant including his Right in possession of the Land, with all and every the usual Liberties and privileges; which said Grant passed through the regular Forms, and was deposited in the Colonial Archives.”

“... Vernet says in his "Memoirs" that Schofield was "indebted to us ten thousand Dollars" (i.e. Spanish silver dollars or pesos), and he had "taken to drinking very hard";

March 1st, Antelope, with Robert Schofield, his family, and 26 horses aboard, sails for the archipelago.

“A letter from Buenos Ayres mentions that the Government was forming a settlement at Port Louis, one of the Falkland Islands, and that 100 settlers has already gone there, and more were preparing to follow them. This settlement may prove eventually very useful to vessels bound round Cape Horn.”

# Researcher's Comment: There may have been no public announcements, but news of Schofield's expedition was in the public domain. The French Port St. Louis had been renamed Puerto Soledad in 1767, but this was apparently not well known. However, references to Port Louis were to the Spanish island and unlikely to raise eyebrows in London.

Also on the ship is Emilio Vernet, as a representative of the Pacheco/Vernet partnership.

301 The Malvinas/Falklands Between History and Law M. G. Kohen & F. D. Rodriguez 2017 p.105. Sealing was a dangerous business in the 1820's, particularly with so many privateer licences issued. As a result sealing vessels regularly went armed at that time.

302 Pascoe 2020 pp.80-81

303 Memorial (draft & undated) by Luis Vernet in AGN VII 2-4-6. See Bernhardson 1989 p.170

304 Caillet-Boise 1982. Caillet-Bois suggests that, although unhappy with Schofield’s preparations, Vernet had other business with other partners regarding an expedition to the San Jose peninsula. That left him unable to cancel the agreement with Schofield.

305 Protest of Schofield’s widow – December, 1832 in FO 6/499. Schofield would seem to have given his wife an alternative version of reality. cf. 1822 & 1832

306 Pascoe 2020 p.81

307 Morning Advertiser May 13, 1824. This was picked up and repeated by 8 London and regional newspapers/journals. There were no settlers however.

308 Exact date of departure unknown, so I have opted for the date provided by Caillet-Bois (2nd ed. 1952 p.198), which he described as “possible.” Sailing time to the Falklands was at least two weeks with fair weather.
Emilio Vernet carries instructions from his brother. 309

“... assemble all who were found there, and in the presence of the assembled the office of Commander of the Island was (to be) delivered to Areguati, “declaring that all persons should be informed (of the decree), and that they recognize (the) commander so that order may be preserved and excesses avoided.” It was also provided that "Any vessel arriving, whether by watering, living or otherwise, shall be charged (for) the right of anchorage.”...” 309

“In fact neither Pacheco nor Areguati was given any official position by Buenos Aires. ... that instruction was issued only by Vernet, one of the commercial investors in the scheme, not by the government.” 310

March 2nd, Weddell and Jane arrive off New Island.

March 12th, Weddell relocates to Port Egmont.

March 15th, two Spanish warships moor up in the harbour of Port Egmont – the 70 gun Asia, accompanied by the 20 gun Aquiles (Achilles). 312 Weddell makes contact and is invited to dine with the commander, Capitán de Navio Roque Guruceta. 313

March 19th, Jane sails for England.

March 26th, Antelope arrives in Berkeley Sound at the site of Bougainville's Port St. Louis. Despite the journey being uneventful, only six of the 26 horses remain alive. Only three are in any condition to work.

“... a Mr. Schofield, an Englishman, brought a party hither for the sake of jerking and of salting down the beef of the wild cattle, bred from those left by the French, and of curing their hides, with those of the wild horses, for the Buenos Ayres market...” 314

Stepping ashore, Emilio Vernet discovers that nothing has been achieved. No dwellings have been constructed as many of the men that arrived in Fenwick are refusing to work due to the harsh conditions and few supplies. In particular a lack of wine and bread. Areguati, who has failed to take any action other than to send Fenwick to the Rio Negro for more horses, has been expecting Antelope to bring the missing supplies. 315

“... Captain Adams says the Fenwick went twice from Port Louis to Rio Negro and back, and took about 70 horses to the Falklands.” 316

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309 There is no evidence that the government had relented and agreed to the request of a title for Areguati. Nothing was either gazetted or made public. No documentation has been found to confirm any grant.
310 Caillot-Bois 1952 pp.197-198. The usufruct granted by the provincial government contained no right or power to impose charges.
311 Pasco 2020 pp.80-81
312 Partial account in Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20160032529. This notes a voyage for Asia of 62 days. Aquiles had left Spain on January 13, 1824. These ships were en route to Callao in support of a Spanish fleet there, but remained at Egmont repairing the vessels and refreshing the crews until March 27, 1824. Whether they had chosen Egmont, rather than Puerto Soledad, for any specific purpose is not known. Sadly, the ships’ logs do not appear to have survived after the crews of both ships mutinied in March 1825.
313 Ann Savours in Tatham (ed.) 2008 p.556
314 The Athenaeum Journal of Literature, Science and the Fine Arts: From January to December 1833 p.497 The article is referred to as being: “... from the pen of an officer...”
315 There is no evidence of any ceremony to confer a title upon Areguati or to take possession of the island. Cawkell (2001) suggested that the ceremony did not take place due to the interference of Schofield, an Englishman, but sadly provided no source for this. The reason may be simpler – Areguati was not prepared to stay.
316 Pascoe 2020 p.82 citing Adams to Vernet June 15, 1838 in AGN VII, 127 doc.33

54
March 31st, Woodbine Parish, after a delay in Brazil, finally arrives at Montevideo aboard HMS Cambridge. He completes his journey to Buenos Aires on a packet ship.

“It is worth highlighting that before Argentine independence was recognised and diplomatic relations established, Great Britain had appointed a Consul in Buenos Aires, who had arrived in March 1824. The Consul could not possibly have ignored Pacheco’s attempt to establish a settlement that same year.” 317

April 2nd, Buenos Aires Governor Martin Rodriguez is succeeded by Juan Gregoria de las Heras. 318

Rivadavia negotiates a one million pound loan with Barings Bank of London on behalf of Buenos Aires. 319

“The 1824 Loan was an attempt to take advantage of a favourable period on the London money market, at a time when the Government of Buenos Aires could not raise money locally at less than 14%.” 320

April 3rd, on Soledad, seeing sails in the distance and assuming them to belong to Fenwick, Schofield sends a message for the captain to allow any horses he has to swim ashore. The ship is then to return to Carmen de Patagones for more. However, the sails belong to a British sealer, Adeona, under Capt. Andrew Low. 321

April 4th, Emilio Vernet writes a letter to his brother, Luis, outlining the problems that he has discovered.

“Your concern regarding Schofield has proved only too well-founded. for it is not merely that he acted like an unwise person; it is now becoming clear that he is a great swindler and an arch-rascal, to whom no agreement is too sacred to break.” 322

Emilio writes that the craftsmen that had arrived on Fenwick all wish to leave again on Antelope. He had only managed to persuade a mason, a carpenter and a smith to remain for a few more months.

April 5th, in Buenos Aires, Woodbine Parish formally presents his credentials; giving Bernadino Rivadavia and General Las Heras snuff boxes as diplomatic gifts. 323

“The 1824 Loan was an attempt to take advantage of a favourable period on the London money market, at a time when the Government of Buenos Aires could not raise money locally at less than 14%.” 320

The crew of Adeona salvage wood from a wreck in Berkeley Sound. Captain Low is challenged by Areguati and told that the fishing rights are now privately owned and vessels may be charged for mooring. 325

317 Kohen & Rodriguez 2017 p.106. Quite who would have bothered to inform Woodbine Parish of Schofield’s expedition is not apparent. There is certainly no evidence that Parish was aware of it. Having compiled the history of Spain’s South American colonies for Lord Londonderry in 1822, Parish would likely have viewed East Falkland Island as Spanish.
318 Rodriguez had taken on the role on September 20, 1820. Despite being granted dictatorial powers he was unable to unite the country.
319 It is surprising difficult to pin down an exact date for this loan.
321 Adeona was the only ship described as being there at that time (Emilio Vernet to Louis Vernet April 8, 1824 in AGN Sala VII legajo 132 Doc 8). Of the two Low brothers, Andrew Low was most associated with this ship in the 1820’s.
322 Information supplied by Graham Pascoe and Peter Pepper in 2018 from documents in AGN VII 132 doc.28
323 FO/6/3. Garcia may have received the third.
324 Buenos Ayres Gazette April 5, 1824
325 False Falklands History at the United Nations: How Argentina misled the UN in 1964 – and still does Pascoe & Pepper (internet published) 2012. Uranie had foundered in Berkeley Sound in February, 1820. No other wreck is recorded there in 1824. It is surprising that that after 4 years there was much left to salvage.
“The Brig Adiona (sic) of Grenock, which came here a few days ago, has now to our misfortune also taken the best wood from the wrecked ship. He now threatens to denounce us as pirates to the English Government. We are constantly and principally, since it is now winter, threatened by pirates, so it would we think be very good to send 6 or 8 men from Buenos Aires merely with the duty of keeping guard here but under Areguati’s command.” 326

"... a very clear British reaction: a threat by the captain of the Adeona to denounce the group from Buenos Aires to the British government as "pirates". The captain of the sealing brig Adeona (as correctly spelt) at this time was apparently Andrew Low, related to her later captain William Low. His threat to denounce the expedition to the British government shows that he regarded the islands as British property and saw Areguati and his men as intruders. No wonder Emilio asked for guards to protect the expedition. But he did not get them." 327

April 7th, Parish is granted his Exequatur by the; “Minister Secretary of the Foreign Relations and the Government in the State of Buenos Ayres ...” 328

# Researcher’s Comment: State of Buenos Aires? After the collapse of central Government in 1820, the province and city of Buenos Aires would seem to have held pretensions to be a nation. Parish would quickly discover that the United Provinces of the Rio de la Plata did not exist in anything but name.

April 12th, Parish, in a long interview with Minister Rivadavia, tells him of George Canning’s speech to Parliament of the previous year. He then explains Britain’s attitude towards Spain and its old colonies. Parish asks for details to be provided in answer to the questions asked by Canning with regard to the situation within the United Provinces. He asked that this should include a description of the territory being claimed by and the organisation of its Government. Rivadavia confirms to Parish that his government will not negotiate with Spain until Madrid recognises its independence.

“Canning’s instructions to Parish (duplicated to his other consular commissioners) bore signs of the recent international rivalries visible in the Monroe Doctrine and the Polignac Memorandum. They proclaimed with great emphasis that Britain had no intention of establishing colonies or protectorates in Spanish America – but neither should any other country. Thus the British government sought "friendly political and commercial intercourse that His Majesty could not be induced by any consideration to enter into any engagement which might be considered as bringing them under His dominion. Neither, on the other hand, would His Majesty consent to see them...brought under the dominion of any other power."...” 329

Parish concludes a ‘Postal Convention’ with Rivadavia.

“... the British mail-packets were to have special privileges and to remain 10 days in port; a courier being despatched with the mails for Chile 3 days after the arrival of the packet.” 330

326 Emilio Vernet to Louis Vernet April 8, 1824 in AGN Sala VII legajo 132 Doc 8. The arrival of HMS Rinaldo, in August, raises the possibility that Low may well have reported the encounter with Areguati. There is no indication from the correspondence, that Pablo Areguati attempted to impress Low with his title of Commandant.
327 Pascoe 2020 p.83
328 Original (signed by Bernadino Rivadavia) and translation in FO/6/6/1
329 Rock 2018 p.54 citing FO 6/1
330 The English in South America Michael G. Mulhall 1878
April 25th, Parish writes to Canning; "Rivadavia has promised me a detailed Report upon the Constitution of the Government of this State;..." 331 However, Minister Rivadavia resigns his position as 'Chief and Foreign Minister of Buenos Aires'. 332

On the island of Soledad, Schofield, accompanied by 12 others, abandons the expedition. He sails to the San Jose peninsula in Antelope. Finding Luis Vernet there, the men demand their wages as Schofield has no money. 333

"... Schofield, however, cut short his stay in Malvinas,... Schofield's behavior was so extravagant that, had he proposed to ruin the company, he would not have done it better. ... (Schofield) was always drunk, but even in his moments of lucidity, his departure from the islands appeared to him as strange as a dream of which (he) had a vague memory. He could not answer any of my questions and frankly confessed that he knew nothing of the matter." 334

"In late April 1824 Schofield suddenly sailed in the Antelope, taking the stores and abandoning the expedition, which then collapsed. He took a dozen men but left Areguati and the rest behind. He went to the coast of Argentina where Louis Vernet was killing cattle; Vernet recorded bitterly that the men demanded their wages, which he himself paid." 335

# Researcher’s Comment: Schofield spent the next 18 months drinking himself to death. He died in October, 1825; the cause given as consumption and alcohol abuse. His widow had returned to England in December, 1824. From there, in 1832, she petitioned the Buenos Airean Government for compensation for rights she believed that her husband had held from that Government over Soledad's wild cattle. A search of the Buenos Aires archive revealed only debts, not rights. Schofield would seem to have spun a different tale to his wife than the one told by Luis Vernet. Unless, of course, Vernet’s story was not the real story.

May 12th, with Rivadavia gone, Woodbine Parish repeats his request for information to Don Ygnacio Nuñez. Chief Officer at the Ministry of Foreign Affairs.

"Dear Sir, I Entreat you to bear in mind the request which I made to Senor Rivadavia, concerning a slight sketch of the origin, progress, present state and form of government of this country; together with a summary of its revenues and military strength. It is my wish that it should comprise all those points on which it may seem desirable that my Government (for whose inspection I solicit it) should be informed. No one is better qualified for that purpose than you Sir; and I shall feel infinitely obliged if you will take the trouble to furnish me with it, as soon as your occupations will permit. On another occasion, when the Commissioners of North America came to this city; Senor Tagle gave a similar exposition to Mr. Rodney." 336

“As Parish set up a consular registry, he realised there were now far more people from the United Kingdom in Buenos Aires than he had expected, some of them very wealthy. He informed Canning that "the magnitude of British interests here exceeds all others; half the public debt of the country and the best part of the valuable property in the place is in the hands of His Majesty's subjects." ...” 337

331 FO/6/3/114
332 There is no obvious connection between the interview with Parish and Rivadavia's resignation. More likely to have been connected to changes brought in by the new Governor of Buenos Aires. Rivadavia had been Rodriguez's man.
333 Exact date unknown. Schofield subsequently claimed to have been so drunk that he was unable to recall how he’d travelled from the archipelago to the San Jose peninsula. Or why.
334 Luis Vernet quoted in Caillet-Boise 1982 p.198 fn.25
335 Pascoe 2020 p.83
336 FO/6/3. For the information provided by Gregorio Tagle to the US Commissioners, see 1818. Otherwise see June, 1824
337 Rock 2018 p.56
May 17th, Capt. Low, sails Adeona from the Falklands for the Clyde. 338

May 22nd, George W. Slacum is appointed US Consul to Buenos Aires.

May 26th, Parish, Rodney and Forbes attend a banquet where toasts are drunk to the 'State of Buenos Aires'. Fenwick returns to Soledad with a further cargo of horses.

June 3rd, Parish writes to the other Provinces.

“(His) Majesty's Government being desirous to obtain the most accurate Information, with respect to the actual State of these Provinces, I have the honor to request that Your Excellency will do me the Honour to furnish me with such Information with respect to the Extent, Population, Productions, and Resources of your Province, as you may consider it may be desirable to His Majesty's Government to be acquainted with... If any good Geographical Map is to be obtained of the Province, I should also be glad to be furnished with a Copy thereof.” 339

June 5th, General Carlos Maria de Alvear arrives in Britain seeking support against the Holy Alliance.340

June 7th, from Berkeley Sound, Pablo Areguati and Emilio Vernet sail for Buenos Aires in Fenwick. Remaining behind are seven gauchos and their foreman, Aniceto Oviedo. Left to hunt the wild cattle as contracted.

# Researcher’s Comment: Schofield’s expedition was an utter failure. From the arrival of the first ship in February, to the day that the last of the gauchos were taken off in July, 1824 the whole enterprise had lasted less than six months. There is no evidence that Areguati ever received an official title or, if it had been granted, that he had accepted it. Contrary to a few outrageous claims, Areguati was not Argentina’s 3rd ‘Governor.’ Once the last gachos were rescued there was nothing to show that they had ever been there. No flags flying. No marks and signs. A few horses. Nothing more. Certainly no effective control by anyone.

“Despite the failure of the attempt to establish a permanent settlement, the importance of Areguati’s appointment lies in the will of the government of Buenos Aires to establish an authority to reside on the islands and in the physical presence of Areguati on the islands as commander for most of 1824.” 341

“...Areguati was only in the islands for four months ..., and his authority did not even extend to the members of his own expedition, still less to British sealers, who threatened to denounce them to the British government.” 342

June 15th, Nuñez responds to Parish’s request in a long letter detailing the political history of Buenos Aires after 1810 and the administrative arrangements of the Province.

“That part of the province, lying between the rivers Paraná and la Plata on the north and east, and the Salado on the south and west, forms a tract, the greater diameter of which, taking it from the rivulet of the middle, which is between 33 and 33½ degrees of south latitude, to the mouth of the Salado in the Ensenada de Sambozombou, which is in the 36th degree, may contain about 66 straight leagues, inclining from north-west to south-east, and cutting the meridians at an angle of about 50 degrees. The less diameter, in the middle, is 23 straight leagues, which give a surface of 1518 square leagues. Beyond that tract settlements have also been extended to 37 degrees south, following the sea coast; and in the

338 Public Ledger & Daily Advertiser August 14, 1824
339 FO/6/3/211
340 An alliance of European monarchies committed to facilitating the return of Spain's colonies.
341 Kohen & Rodriguez 2017 p.105. 4 months and 3 days to be precise.
342 Pascoe 2020 p.80

58
same direction the Guard of Kaquelhuincul has latterly been established, 38 maritime miles to the south of the pass de las Piedras on the Salado, some 55 to the west of the south point of Cape Antonio, and 65 to the north east of the Mountains del Volcan. ... Since the above description was given, however, the country of Buenos Ayres has been extended 50 leagues more to the South...” 343

“Foreign minister Rivadavia delegated the task of writing the report on the all-important city and province of Buenos Ayres to his secretary Ignacio Nuñez, who had the reports printed when he was in Europe a year later, in a book of over 300 pages, in London in Spanish and English, and in Paris in French.” 344

Reference is made to outstanding sovereignty claims to the Banda Oriental (Uruguay), Paraguay and Upper Peru, but Nuñez makes no mention of any pretensions to the Falklands archipelago.

June 25th, Woodbine Parish sends Ygnacio Nuñez’s memorial to the Foreign Office in London; together with the responses from the other Provinces and his own conclusions.

“The United Provinces of la Plata, or, as they are sometimes called, the Argentine Republic, comprise, (with the exception of Paraguay and the Banda Oriental, which have become separate...) the whole of that vast space lying between Brazil and the Cordillera of Chile and Peru, and extending from the 22nd to the 41st degree of south latitude. The most southern settlement of the Buenos Ayreans as yet is the little town of Del Carmen, upon the river Negro.” 345

# Researcher’s Comment: Nuñez’s memorial is important. Before Britain could make a decision about recognition, Canning needed to know just what it was that was being recognised. In order that he could meet Canning’s requirements, Parish clearly asked for information relating to the composition of the country. That the official response failed to mention a claim to the Falkland Islands clearly demonstrates that Buenos Aires did not have such pretensions at that time. Either that, or Buenos Aires chose to hide the information.

The information provided was consistent with that given to the US Commissioners in 1818. Either way, Britain’s decision to negotiate a treaty was based upon the information provided. Fanciful then, for modern commentators to assert that the subsequent treaty with Britain amounted to a recognition of Argentine rights to the archipelago.

Argentine Republic? The name ‘Argentina’ predated the Viceroyalty and was derived from an Italian word for silver. Plata in Spanish. Both references to the Silver River down which ore from the mines had travelled under Spain’s rule. Never adopted formally by Spain, the name was in informal use from the 17th century. 1827 before the territory would take the name Argentine Confederation. Rather later for ‘Republic.’

“In an 1824 report to Woodbine Parish, ..., the merchants credited the Rodriguez government with having engineered a great increase in prosperity by promoting trade. On that basis, Parish advised George Canning, ..., that ‘the benefits of a good government, which has been at last established, are now quite sufficiently known and understood to ensure the support of all classes of the people.’...” 346

343 Nuñez to Parish June 15, 1824 published in 1825 by Nuñez as An account, historical, political, and statistical, of the United Provinces of Rio de la Plata, with an appendix, concerning the usurpation of Monte Video by the Portuguese and Brazilian governments. The last sentence suggest that Nuñez had copied the information provided to the American commissioners. See https://falklandstimeline.files.wordpress.com/2018/01/an_account_historical_political_and_stat.pdf
344 Pascoe 2020 p.84
345 FO/354/7 Woodbine Parish Papers. My emphasis. The Falklands’ archipelago are situated ten degrees of latitude further south than this description; which is consistent with the reports of the limits of the Viceroyalty (1774) and the information provided to the US Commissioners (1819).
“Nunez's response is simply consistent with the request. It begins with a brief historical summary of the causes of the revolution and the subsequent Argentina independence, then it makes mention of certain principles on which government is based and ends giving a summary statement of the various branches of the administration (government, war, relationships foreign and finance). In no section does it refer to the territorial composition of the United Provinces (or Buenos Aires province upon which depended the Falkland Islands). The British representative in Buenos Aires, present in the capital since March 1824, asked nothing about (the islands)”  

“Once established in Buenos Aires, Parish quickly decided the country met the standards of internal stability Canning required.”

“Woodbine Parish wrote an 85-page report for Canning based on Núñez, in which he mentions Patagonia as part of the United Provinces: he says 24 representatives in the Congress of the United Provinces had been assigned to Buenos Aires, 24 to the rest of the country, and "one for the settlement on the coast of Patagonia," but he does not mention the Falklands. The conclusion is clear: to both Núñez and Parish the Falkland Islands were not part of Argentina.”

July 2nd, Fenwick arrives back at Buenos Aires, in a poor condition and leaking badly. She is sold to help meet the expedition's debts. In particular the wages of the Captain, crew and gauchos.

“... Areguati was soon busy paying off the employees: the capatazes Juan Gauto and Estanislado Argüello were paid off on 12 July, and 16 others soon afterwards.”

July 22nd, in London, General Alvear has a private interview with Foreign Secretary George Canning.

“... Canning gave him a cool reception. ... (proceeding) to cross-examine him in a hasty and almost irritable manner. ... The Foreign Secretary... asked a few questions concerning the characteristics of the political institutions functioning in the River Plate, such as the extent of authority attributed to the Executive and to the Congress.... He also asked Alvear about the real authority of Buenos Aires over the other River Plate Provinces. Alvear answered that the capital had no authority over the Provinces... The conference ended with Canning's request to see Alvear's credentials. Alvear promptly refused this request, fearing that it was a strategy to make him reveal official papers concerning his mission to the United States.”

Canning hands Alvear a list of questions he wishes answered about the 'State' of Buenos Aires.

July 24th, General Alvear responds to the questions given him by the Foreign Secretary.

“What is now understood by the State of Buenos-Ayres, is the Territory which composed the ancient Vice-royalty of that name. ... Buenos Ayres, Montevideo, Paraguay, Cordova, Mendoza, Tucuman, Salta, Santa-Fe, Corriente, La Rioja, Catamarea, Santiago del Estero and Entre-Rios. ...”

2013 citing Great Britain and Argentina Klaus Gallo 2001 p.142
347 Kohen & Rodriguez 2016 p.148. Parish was seeking information from an aspiring new State. Not his function to put words in their mouths.
348 Rock 2018 p.54.
349 Pascoe 2020 p.85
351 Ibid. pp.83-84
352 This interview appears to have been arranged by a private trading company in London (Hullett Brothers & Company) which acted as Bernadino Rivadavia's agents. Canning found relationships between diplomats and commercial establishments troubling. As we still do. A few days after this meeting, Alvear left for the USA where he hoped to be recognised as a Minister for Buenos Aires.
The present State of Buenos Ayres is composed of the same Territory that it comprehended under the Spanish Dominion, with the recent addition of the establishments on the Patagonian Coast.”  

Alvear encloses additional information.

“It is of importance to observe that all the Provinces, about to meet in Congress, have enjoyed for the last fourteen years, and upwards, without interruption, their full Independence, that is to say, ever since the 25th of May 1810. The Fortress of Montevideo the only point which the Spaniards retained in the whole extensive Territory of the State, was obliged, in 1814, to surrender to the Liberating army of the United Provinces of the River Plate, which laid siege to it.”

On the same day, a British sealer, Susannah Ann (John Robinson), rescues Aniceto Oviedo and the remaining gauchos from Soledad Island.

“... a Mr. Schofield, an Englishman, brought gauchos and horses from Buenos Aires for the purpose of catching the wild cattle, which had multiplied and spread themselves all over the East Falklands; but he failed in his speculation.”

Lieut. John Moore commanding HMS Rinaldo, arrives at the Falklands.

“... this place appears to have been settled by the Spaniards.”

He writes in Rinaldo’s Remarks Book of his first visit to the old Soledad garrison site in 1814; “By a paper I found in the Governor's house it appears they left it in April 1811 (sic)...”

Luis Vernet arrives back in Buenos Aires; “Everything was lost.”

“The difficulties of any new company were in this one so (very) great, which discouraged director Schofield, abandoned it the following year, losing more than thirty thousand pesos, and ruining himself, who died shortly after in Buenos Aires leaving his widow and small children destitute.”

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354 FO/6/6/53. Alvear did admit that Paraguay was separate at that time. Importantly, Alvear did not mention the Falklands specifically, only ‘establishments’ on the Patagonian coast.

355 FO/6/6/65

356 Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty’s Sloop Snake January 1835 ADM 1/43

357 Remark Book, HMS Rinaldo 1st July to 30th November 1824 Misc. Papers vol. 50 (AD.2). Gough (1992) places Rinaldo at Soledad on July 1st, 1824 although this is not supported by the records. It is known that HMS Rinaldo, a packet (postal) ship, sailed from Falmouth, England for the ‘Brazils’ on 16, July, 1824 and left Rio de Janeiro for England on 19, September that same year; arriving November 8, 1824. This places the Royal Navy vessel in the South Atlantic in August/September and the entry in the Remarks Book suggests that it is likely that Lieut. Moore returned to Berkeley Sound during that period. But why? It is tempting to speculate that he was investigating a complaint by Capt. Low following Low’s encounter with Areguati. cf. 1814

358 Quoted in Caillet-Boise 1982 p.198. Losses recorded in the expedition’s account book were recorded as 29,311 pesos. Perhaps more importantly, the land granted to Pacheco had not been surveyed – a requirement of that grant.

359 Areco 1885 p.50
**August 12**th, Oviedo and the gauchos arrive back at Buenos Aires; to be paid off.

“The 1824 expedition had been an utter failure; it had not exported a single cattle-hide; it had not made a survey of the island (required for the grant to be valid under the terms of the grant of 18 December 1823), and it had made a loss of 29,311 pesos and 3 reales. That loss remained a millstone round Vernet's neck for the rest of his involvement with the Falklands.” 360

**August 16**th, in Buenos Aires, Parish is sent a file by the Foreign Ministry.

“*The papers which the Minister has the honor to send herewith contain all the Laws and Decrees particular by the Legislative Bodies of the Country which are not published in the Official Register of Buenos Ayres.*” 361

**August 23**nd, London grants to Woodbine Parish the power to negotiate a treaty; “... which shall place on a regular and permanent footing the commercial intercourse that has so long subsisted between His Majesty's subjects and those States.” 362

“The sudden appearance of this treaty question arose from the need of Canning and Lord Liverpool to formalize commercial relations as well as recognition. Nevertheless, they needed still further evidence of the stability and unity in the River Plate...” 363

**August 24**th, an announcement is made by the government of Buenos Aires.

“*An Official Register shall be organised and published under the direction of the Ministry of Government. The Register shall be composed of all the laws, decrees, and orders, of a general tendency, or which demand a circular communication. ... Every thing inserted in the Register shall be considered to be officially communicated and published.*” 364

**September 3**nd, Bernardino Rivadavia arrives at the port of Falmouth in south-west England. 365

**December 6**th, Beaufoy, under Matthew Brisbane, hunts seals on the Patagonian coast.

**December 9**th, the Battle of Ayacucho in Peru effectively marks the end of Spanish rule in South America. 366

**December 30**th, Foreign Secretary George Canning informs the USA that the British Government has decided to recognise the existence of three new American States – Mexico, Colombia and Buenos Aires. 367

“What, then, was the state of things in the Spanish-American colonies at the time that the English Government thought itself justified in entering into diplomatic relations with them? In the first place it is to be observed, that the resistance of the insurgents to the Spanish authorities had been protracted for nearly twenty years. Over and again the Government of Spain had itself invoked the mediation of Europe. ... the principles to be

360 Pascoe 2020 p.84
361 Parish Papers FO/354/6. Mainly consisting of the reports of the proceedings of the National Congress between 1816 and 1819. Not included were any papers relating to the Falklands.
362 Canning to Parish August 23, 1824 in FO/6/2/25. This authority came with a number of caveats and Parish had to delay opening a negotiation until the Government of Buenos Aires had obtained the consent of all the other Provinces to act on their behalf. This authority appears to have preceded the arrival of Parish's correspondence of August.
363 Gallo 2001 p.152
364 Decree Relative to the Publication of the Acts of Government in Nuñez 1825. There had been at least two previous official Gazettes announced by Buenos Aires following the declaration of independence in 1816.
365 FO/6/6/88
366 Costeloe 1986
367 Manning 1925 vol.3 p.1527
deduced from this transaction are clear and intelligible enough. Where the Spaniards had practically abandoned the struggle to re-establish their sovereignty, the State, the independence of which was thus established de facto beyond the probability or almost the possibility of reverse, was admitted to be entitled to recognition.” 368

“In the last months of 1824 Canning decided to press for the recognition of the River Plate. In spite of his doubts and suspicions about the stability of the political situation... Parish’s despatches had certainly done a lot to persuade Canning to take this decision. Around 3500 Englishmen were now residing in Buenos Aires, and 39 English commercial houses were already operating in the city...” 369

December 31st, Britain’s decision becomes known to Spain.

“Spain’s position rested on a single, consistent policy; recognition of independence would not be granted. That fundamental position was maintained throughout the reign of Ferdinand VII ...” 370

1825 – January 1st, Spain’s First Minister, Francisco Cea Bermúdez, writes to Britain’s Foreign Secretary, George Canning.

“The King will never consent to recognise the new states of Spanish America and will not cease to employ the force of arms against his rebellious subjects in that part of the world.” 371

“... Spanish king Fernando VII got wind of Britain’s intention to recognise the United Provinces; Spain insisted that South America was eternally Spanish, and strongly objected to Britain’s recognition of any part of it as independent. On 21 January 1825 the Spanish foreign minister Francisco de Zea Bermúdez (1779-1850) made a formal protest to the British chargé d'affaires at Madrid, saying "rebellion does not constitute a right", and accusing Britain of "disowning the legitimate rights of the King of Spain". ... Zea Bermúdez’s letter was a valid diplomatic protest by Spain against Britain’s recognition of the independence of what became Argentina. Protests are a universally recognised way of keeping claims alive ... and Spain’s protests upheld Spain’s rights (such as they were), at least for a while.” 372

January 4th, reported in London’s Morning Chronicle.

“Mr. Canning communicated to all the Foreign Ministers, in the afternoon of Saturday last, at the Foreign Office, that the Cabinet of his Britannic Majesty had come to the resolution of acknowledging the independence of Mexico and Colombia, and that Commissioners would be sent to those States, charged with full powers to conclude Treaties of Commerce between them and this country, founded on that recognition. The recognition of Buenos Ayres, which has long possessed a settled Government, may soon be expected. We understand that some further information, respecting its extent and external relations, is wished for before recognizing this State.” 373

January 16th, George Slacum arrives in Buenos Aires as Consul for the United States.

January 21st, the Court of Spain formally protests Britain’s decision to recognise the independence of its old colonies.

368 Letters by Historicus on some Questions of International Law W. V. Harcourt 1863
369 Gallo 2001 p.155
370 Costeloe 1986 p.5
371 Quoted in Establecimiento de relaciones diplomáticas entre España y Argentina, Paraguay y Uruguay Juan Carlos Pereira 2004
372 Pascoe 2020 pp.85-86
373 Morning Chronicle London: Tuesday January 4, 1825
“As to Buenos Ayres, England herself hardly can tell who it is that commands, or what form of Government exists there at present. … H. M. considering that no act of proceeding of a third power can alter or weaken, much less destroy, the Right of His Sovereignty … He neither acknowledges, nor ever will acknowledge, either directly or indirectly the independence of the Governments, which have established or shall hereafter establish themselves in Mexico, Terra-firma, Buenos Ayres, or any other part of His Trans-marine Dominions. …

H. M. declares also, that if, … the Gov*, of H. B. M. shall persist in carrying into effect the conclusion of Treaties of Commerce with them, and the consequent diplomatick recognition which the communication of the English Minister announces, H. M. protests and will protest in the most solemn manner against these measures, by which the Treaties existing between the two Powers will be violated and the legitimate and imprescriptible Rights of The Throne of Spain attacked in the most serious manner.” 374

“So far, then, as any practical rule can be deduced from historical examples it seems to be this – When a sovereign State, from exhaustion or any other cause, has virtually and substantially abandoned the struggle for supremacy it has no right to complain if a foreign State treat the independence of its former subjects as de facto established; nor can it prolong its sovereignty by a mere paper assertion of right…” 375

“… as late as 1822 and 1825 (Spain) asserted her claim to the whole of South America (thus including the Falklands) by protesting against the recognition of the United Provinces of the River Plate by the United States and Britain. Those protests preserved Spain’s rights at least for some time, during which Spain’s continuing claim was an encumbrance on Argentina’s claim.” 376

January 23rd, with no central government existing in the United Provinces, a Congress of the Provinces grants Buenos Aires specific powers to conduct negotiations with Britain on their behalf. 377

January 28th, Buenos Aires recognises Woodbine Parish as Britain’s accredited Minister Plenipotentiary with powers to agree a treaty of friendship and commerce. Garcia is appointed to represent the United Provinces. 378

February 2nd, following negotiation, a Treaty of Amity, Commerce, and Navigation is signed.

“Art. I. There shall be perpetual amity between the dominions and subjects of his Majesty the King of the United Kingdom of Great Britain and Ireland, and the United Provinces of Rio de la Plata, and their inhabitants.

II. There shall be, between all the territories of His Britannick Majesty in Europe, and the territories of The United Provinces of Rio de la Plata, a reciprocal freedom of commerce: The inhabitants of the two countries, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part of the said territories respectively; … and, generally, the merchants and traders of each nation, respectively, shall enjoy the

374 Francisco de Zea Bermudez, Minister of Foreign Affairs, to His Britannic Majesty's Charge d'Affaires, Madrid. Manning 1925 vol.3 p.1533. See Art.3 of the 1809 Treaty between Spain and Great Britain.
375 Harcourt 1863 p.9
376 Pascoe 2020 p.50
377 John M. Forbes to John Quincy Adams January 23, 1825. A Congreso General had commenced its deliberations in December, 1824 with the aim of reforming the United Provinces after its 1820 break-up but had not reported. Agreements would be reached in February, 1826, that allowed for a new President and national government to be elected. The Congress also produced a draft-Constitution. See below.
378 Noticias históricas de la República Argentina Ignacio Nuñez 1857
most complete protection and security for their commerce; subject always to the laws and statutes of the

two countries respectively.

III. His Majesty the King of the United Kingdom of Great Britain and Ireland engages further, that in all
his dominions situated out of Europe, the inhabitants of the United Provinces of Rio de la Plata shall
have the like liberty of commerce and navigation, stipulated for in the preceding Article, to the full
extent to which the same is permitted at present, or shall be permitted hereafter, to any other nation.” 379

“As to the Treaty of Amity, Commerce and Navigation of 1825 not making a reference to the Malvinas or
Falkland Islands, its text does not suggest that such reference should have to have been included. The document
declared friendship and freedom of navigation with no reference to territorial rights. Moreover, at the time of
its signing, no Argentine settlement was on the Islands.” 380

“... diplomatic recognition does not even confirm recognition of the extent of territory held de facto, let alone of
de jure rights to territory, still less recognition of mere claims to territory that is not physically held. That
would be absurd, as diplomatic recognition is always mutual – if it included recognition of claims to territory,
then Argentina would also have recognised Britain’s claim to the Falklands. ... Britain asked Buenos Aires and
all the Argentine provinces for descriptions of their territories and products, and they submitted detailed
accounts of themselves, including the extent of their territories without mentioning the Falklands. The United
Provinces clearly did not include the Falkland Islands.” 381

February 3rd, the agreement is sent to a Constitutional Convention of the Provinces for ratification.

“In many respects it restated the treaty of 1810 between Britain and Portugal applied to colonial Brazil, which
in turn imitated treaties between England and Portugal as far back as the seventeenth century. Under the 1825
agreement, the so-called most favoured nation principle ensured that tariff duties on British goods would
never be higher than goods from other countries. The treaty exempted British merchants from the forced loans
and military service of the kind Pueyrredón threatened to impose in 1818. They were granted religious
freedom, a dispensation inherited from long ago agreements with Portugal.” 382

February 15th, Buenos Aires proposes that Don Bernardino Rivadavia, already in London, be appointed as
Minister Plenipotentiary to the Court of St. James with Senor Don Ygnacio Nuñez as Secretary of the Legations
to both London and Paris.

February 18th, following three days of heated discussions – held in camera – the Convention approves the

379 Articles II and III permitted Argentine merchants/traders to operate within British territory. See
https://falklandstimeline.files.wordpress.com/2018/03/treaty-of-amity-commerce-and-navigation-between-his-majesty-
and-the-united-provinces-of-rio-de-la-plata-february-2-1825.pdf

380 Peña & Peña 2018
381 Pascoe 2020 p.86
382 Rock 2018 p.56

65
Their great object has been to defeat the negotiations by persuading the natives that Great Britain is only working for her own Benefit and will certainly humbug them. That a Treaty is no Recognition and that the United States are their only sincere friends; - and ought to have the first place in their Estimation. They are very much out of humour at the Result.” 383

February 19th, the Treaty is ratified by General Juan Gregoria de las Heras. 384 Parish writes to Canning.

“... fresh Credentials have been prepared in the name of the United Provinces for the Agents of this Government at present employed on Diplomatic Missions abroad, and Mr. Garcia informs me, it had been determined to send to Mr. Rivadavia, general Powers to act as Minister Plenipotentiary in the name of the nation, with the Courts of France, Holland, and Spain, with instructions to him, to endeavour to bring the former Governments to enter into Relations with these Provinces, and with respect to the latter, to avail himself of any circumstances which may arise, to come to any better Understanding with the Government of H.C. Majesty.

It was his intention also to have sent to him similar Credentials for the Court of St. James; but I suggested to him, that it appeared to me to be more convenient for all Parties. Especially now that our own Treaty was signed, that His Majesty's Government should be previously consulted, as to the footing upon which they would wish any Diplomatic Relations between the two Governments to be placed;... Mr. Garcia agreed ...” 385

“The people of each of the revolted Districts of the Spanish American Provinces established their own Independence and their own Right of self-government within the Territory which they had occupied, but nothing more. ... when their political existence as independent States was acknowledged by other Countries, they contracted severally with those Foreign Countries such new Treaties as were applicable to their respective geographical limits and political condition; and neither they nor the foreign Powers with which they treated even thought of considering them as Inheritors of any of the Rights or Obligations arising out of the Treaty Engagements of the Spanish Crown.” 386

“When two nations have a territorial dispute and establish diplomatic relations, it is elementary that one or both reserve their rights or declare that the establishment of diplomatic relations does not in any way affect their respective positions. At the time, the government in Buenos Aires was intensifying its exercise of sovereign rights over the islands.” 387

# Researcher’s Comment: This was a commercial treaty, nothing more. It did not contain any specific recognition of the United Provinces as an independent State and is often referred to as de facto recognition, not de jure. That would only come with the 1850 treaty.

Also, there was no sovereignty dispute in 1825 as Buenos Aires did not announce its pretensions to the Falklands until 1829. In 1825, the only human activity in the archipelago was that of whalers and sealers, nearly all British or from the USA.

383 Parish to Planta Feb 18, 1825 in FO 6/8/83. Original emphasis. cf. 1823
384 Supplément au recueil des principaux traités d'alliance..., Friedrich Murhard & Friedrich Saalfeld 1828 vol.10 Pt. 2
385 Parish to Canning, February 19, 1825 in FO 6/8/108. This trebling up of responsibilities was probably seen as a means of reducing costs, but would cause some consternation back in Europe. Parish's comment about a consultation with London over the precise nature of the diplomatic relations would seem to accentuate the commercial nature of this treaty which did not include any specific recognition of the United Provinces by Britain.
386 Quoted in O'Connell 1956 p.34 citing the answer to a letter by the British Foreign Secretary (?) of July 16, 1847 from Nicaragua's agent in London
387 Kohen & Rodriguez 2017 pp.107-108. ‘Elementary’? At the time, Buenos Aires was doing nothing in the Falklands. No flags, no administration, no representatives. No people. No activity at all.
February 22\textsuperscript{nd}, Griffiths is tasked with taking the Treaty to London for ratification. He sails with Nuñez who is carrying Rivadavia’s credentials. \footnote{Nuñez 1857. See also \textit{The Papers of Henry Clay Volume 4: Secretary of State 1825} Hopkins (ed.) 1982}

March 25\textsuperscript{th}, Foreign Secretary George Canning responds to Spain’s January protest in a letter addressed to Ambassador Camilo Gutiérrez de los Rios. \footnote{Original in Spain’s \textit{General Archivo de Indias ES.41091.AGI/21/STATE, 91, N.42}. See \url{https://falklandstimeline.files.wordpress.com/2018/06/canning-to-zea-march-25-1825.pdf} See also Manning 1925 vol.3 p.1547. cf. 1809 & 1814}

“The questions which remain to be examined, are, whether in treating with \textit{de facto} Governments now established beyond the danger of any external assailment, Great Britain has violated either any general principle of international Law, or any positive obligation to Treaty. To begin with the latter, as the more specific\textsuperscript{sic} accusation. M. Zea brings forward repeatedly the general charge of violated Treaties: but as he specifies only two that of 1809, and that of 1814, it may be presumed that he relies on them alone to substantiate this charge. … \footnote{Original emphasis. See 1809 and 1814}

To come now to the second charge against Great Britain, the alleged violation of general international Law:- Has it ever been admitted as an axiom, or ever been observed by any nation or Government, as a practical maxim, that no circumstances, and no time, should entitle a \textit{de facto} Government to recognition? … \footnote{My emphasis.}

M. Zea concludes, with declaring that His Catholic Majesty will protest in the most solemn manner against the measures announced by the British Government, as violating existing Treaties; and the imprescriptible rights of the Throne of Spain. Against what will Spain protest? It has been proved that no Treaties are violated by us; and we admit that no question of right is decided by our recognition of the New States of America. … \footnote{The Undersigned is directed, in conclusion, to express the anxious hope of his Government, that a discussion, now wholly without object, may be allowed here to close.} The Undersigned is directed, in conclusion, to express the anxious hope of his Government, that a discussion, now wholly without object, may be allowed here to close.”

“Canning’s distinction between \textit{de jure} and diplomatic recognition and his application of it to the Spanish-American colonies are significant. … this recognition ‘of right’ reflected the then influential principle of legitimacy.” \footnote{Crawford 2007 p.378}

“In 1825, Great Britain effectively recognised Argentine independence,… This implied respect for sovereign authority, which includes or implies respect for territorial integrity.” \footnote{Kohen & Rodriguez 2017 p.107. Canning’s letter actually proving quite the contrary.}

“In 1825 Spain still claimed the Falklands, and maintained her rights there by protesting,…” \footnote{Pascoe 2020 p.86}

Austria, Prussia, France and Russia object to Britain’s unilateral \textit{de facto} recognition of the United Provinces.

“… there can be no doubt that under the rules of the prevailing international order Spain was the sovereign authority in the Americas.” \footnote{Calvert 1983. This opinion fails to appreciate the effects of the 1790 Nootka Sound Convention.}
April 3rd, Matthew Brisbane moors the sealer Beaufoy at New Island for the austral winter. 397

April 19th, a group of thirty-three revolutionaries led by Juan Antonio Lavalleja, supported by troops from Buenos Aires, cross the Rio de la Plata to ferment resistance to Brazil's occupation of the Banda Oriental. 398

April 27th, US Secretary of State, Henry Clay instructs his envoy in Spain to urge a cessation of attempts to regain lost Spanish territory in the Caribbean and South America.

May 8th, Griffiths and Nuñez arrive in England. They are to operate two Missions. One to London, the other to Paris. Secretary Canning writes to Parish to complain about this doubling-up. Britain does not wish to share a Minister with France. 399

"Having laid these despatches before the King, I have received H.M's Commands to express to you HM's entire satisfaction at the conclusion of the Treaty of Amity Commerce with the United Provinces of Rio de la Plata, in a manner so exactly conformable to your Instructions..."

May 10th, in London, the Treaty of Friendship, Commerce and Navigation is ratified by Britain. Exchanged at a conference held with Bernadino Rivadavia. Ygnacio Nuñez, Secretary to the Legation, publishes an updated version of the 1824 description of his country that he, when Secretary to the Foreign Ministry, provided to Woodbine Parish. He lays out the political organisation and geography of the United Provinces, including longitude and latitude readings for the main towns. Nuñez places the most southerly of the United Provinces' settlements at latitude 37° S and the southern boundary at 37.5° S plus 50 leagues. 400

July 5th, a new post of Permanent Under Secretary for the Colonies is created within the War and Colonial Office. The position is given to Robert William Hay.

July 23rd, Griffiths returns to Buenos Aires with news that Woodbine Parish is appointed British chargé d'affaires in Buenos Aires, pending the arrival of a Minister.

"The names and the titles always signified something;... Consul-General or Charge d'Affaires where the regime in power was not officially recognised ... or diplomatic relations were otherwise politically complicated or incomplete, or where a more junior diplomat was minding shop in the absence of a fully fledged Head of Mission."

August 6th, Parish, in his new capacity, is officially presented to the Governor of Buenos Aires.

September 23rd, the British brig, Bahia Packet, arrives in the Falklands in need of repairs.

"On the 22d made the island of Bauchain (sic), and on the 23rd, came to anchor in a bay of the Falkland Isles, and sent the whale boat, chief mate, and crew, on shore, in pursuit of inhabitants; but am sorry to say we found nothing but wild horses, pigs, and fowls; and after several days search, we found the remains of a Spanish ship of war in a fresh water pond, inland, sanded up, and which we purchased, with the use of spades, kedge anchor, and tackles, and recovered nails, bolts, &c., to secure our rudder to run for the River Plate,..." 402

397 Brisbane remained around the islands until September 27, 1825
398 Portuguese Brazil had invaded the east bank of the Rio de la Plata in 1816; maintaining its occupation after Brazil's own declaration of independence in 1822. Buenos Aires considered the eastern bank to be its own territory 'inherited' from Spain. cf. 1828.
399 Canning to Parish May 24, 1825 in FO 6/7/21
400 Nuñez 1825. Forty-two places of interest are listed with their latitudes and longitudes together with descriptions of the various provinces. No mention was made of the Falkland Islands. See
401 The Spanish Ambassador's Suitcase Matthew Parris & Andrew Bryson 2012
402 Caledonian Mercury January 1, 1826
September 25th, the USA's envoy in Spain, Alexander Hill Everett, reports back to Washington.

“... (the Minister) remarked repeatedly, that the King would never abandon his claim to these His ancient and rightful Possessions;... I said to him, however, that I regretted to hear from him so decisive a declaration of the King's resolution not to acknowledge the new States; that my Government had hoped that the battle of Ayacucho, and the recognition of England, would have been considered by his Majesty as settling the question,...” 403

September 26th, Canning writes to Parish expressing his concerns regarding the renewed dispute between Buenos Aires and Brazil over the Banda Oriental. 404

September 27th, after a stay of 6 months, Matthew Brisbane sails Beaufoy away from New Islands.

October 11th, despite the issue of Rivadavia's credentials not having been resolved, together with the King's initial reluctance, and the misgivings of the Duke of Wellington; King George IV declares his intention to receive Rivadavia as the Minister from Buenos Aires. 405

October 20th, US Envoy Extraordinary and Minister Plenipotentiary Everett reports again from Madrid following a conversation with Minister Zea.

“He said that they were, and always had been, ready and willing to accept any proposal for mediation, or to treat directly with the colonies, upon the basis of their previous submission to the King's sovereign power; but that they would never consent to negotiate in any way upon any other terms;...” 406

“... non recognition was with the king an article of faith. His conscience, his religion he might call it, would forever prevent him from thinking of such an arrangement.” 407

November 25th, in Buenos Aires, Luis Vernet, in debt due to the losses incurred by the Schofield expedition, decides upon a second attempt to exploit Soledad’s cattle. Vernet’s brothers, Emilio and Carlos, agree to go, as does his brother-in-law, Loreto Sáez. Twenty-five gauchos contract to hunt the cattle. 408

“... on 25 November 1825 an agreement was drawn up listing 28 men; Vernet's brothers Emilio and Carlos were to go to the islands too, plus his wife's brother Loreto Sáez.” 409

In December, Manuel de Sarratea arrives in London as charge d'affairs for the United Provinces. He is to replace Bernadino Rivadavia.

December 10th, George Norris, captain of the sealer Sprightly, out of London, lands on an island far to the east of South Georgia, naming it Liverpool Island and claiming it for Britain's King George IV. 410

403 American State Papers, Senate, 19th Congress, 1st session Foreign Relations: Vol.5 p.795 also British & Foreign State Papers 1825-1826 p.432
404 FO/6/7/52
405 Rivadavia does not appear to have waited, and left Europe in something of a huff.
406 American State Papers, Senate, 19th Congress, 1st session Foreign Relations: Vol.5 p.796
407 Zea Bermudez quoted in Costeloe 1986 p.220
408 Among the gauchos was Manuel Coronel, who had been on the 1824 expedition. See 1841.
409 Pascoe 2020 p.90 citing AGN VII, 129, doc.56
410 Bouvet Island; first sighted by a Frenchman on January 1, 1739 but lost again. Norris' was the first recorded and undisputed landing and claim. However, Bouvet Island was not visited again until 1927 when a Norwegian expedition stayed there for a period and also claimed it. Britain renounced its claim in favour of Norway in November, 1929.
December 26th, Secretary Canning informs Parish that Lord Ponsonby is to be appointed; “... His Majesty’s Envoy Extraordinary and Minister Plenipotentiary to the United Provinces.” 411

December 31st, in Buenos Aires, Luis Vernet and a Frenchman, Aristide Sacristie, enter into a contract with Jorge Pacheco. This is to allow Vernet and Sacristie to make use of Pacheco’s grants. Sacristie and his associates are to invest 3,400 silver pesos while Vernet is to find a further 11,600 pesos of shares. 15,000 pesos in all. 412

“This business was next entered into by Louis Vernet, a German by birth, bought up in the United States, and latterly engaged in Mercantile affairs at Buenos Ayres...” 413

“... at the end of 1825 he formed with several friends a company with which he hoped to make a new expedition to the fascinating islands.” 414

“... for almost two years from July 1824 to June 1826 there was no Argentine presence whatever in the Falklands – but plenty of British and American ships, upholding the customary rights they had acquired over the previous 60 years, and the British ships were continuing the exercise of special rights accepted under the Nootka Sound Convention by Spain, which had not given up its own rights in the islands.” 415

With a war with Brazil feared, the shareholders form a shell-company to provide a cover suitable to pass muster with any Brazilian blockade of the Rio de la Plata. The British merchant company of Green & Hodgson become the erstwhile owners of the company, with papers backdated to December 10th. A further document, also dated December 10th, cancelling the agreement, is signed by the parties. 416

# Researcher’s Comment: A deception with two purposes. The first was to present a British face to the enterprise as Brazil was expected to blockade the Rio de la Plata. Secondly, belligerent captains, such as Low, could be shown documents suggesting that the venture was a British one. A pre-dated document cancelling the agreement ensured that Green & Hodgson could not seize the shares.

1826 – January 3rd, Luis Vernet takes all of his papers, including those from Green & Hodgson, to the British Consulate. Vice-Consul Poussett appends his signature to the documentation. 417

“... the British consulate’s seal affixed to said grants, lulled me... into security...” 418

“I got certified by the British Consulate at Buenos Aires, with no other intention at the time than to ensure respect (as to their authenticity,) from foreigners who might touch at the islands...” 419

“... it would appear Vernet had become aware of Britain’s interest in the islands as before sailing,... he took his grant to the British Consulate where it received their stamp..” 420

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411 Canning to Parish December 26, 1825 in FO 6/7/95
412 Information provided by Graham Pascoe and Peter Pepper (AGN VII, 129).
413 Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty’s Sloop Snake January 1835 ADM 1/43. “This Business” being the pursuit of wild cattle on the Islands.
414 Caillet-Boise 1982 p.198
415 Pascoe 2020 p.87
416 Information supplied by Graham Pascoe and Peter Pepper.
417 Signing is all Pousett allegedly did – no suggestion of any certificate, nor the attachment of the Consulate’s stamp. Quite what meaning was supposed to have been drawn from a bare signature is unclear, although many Argentine historians (see below) have made hay with this minor detail – claiming it as an acknowledgement by a British official of Argentine rights. If anything, it was an acknowledgement of British authority.
418 Vernet to Parish 23 July 1834, PRO FO 6 501, fol. 148 verso quoted in Pascoe 2020 p.91. No seal was afixed.
419 Vernet to Lord Stanley April 26, 1858 in CO 78/43. Thirty-two years after the claimed event, Vernet sent two letters on this day, one public, one private. This is from the latter. cf. 1824
“These writings were certified by the British consul in Buenos Aires, Richard Ponfsett (sic), on January 3, 1826. There was not the slightest reaction. If they were British Islands, the British representative in Buenos Aires would have objected to the concessions made by a foreign government. Not only he did not react, but the British Consul certified the authenticity of the documents relating to such Argentine concessions.”  

“On 3 January 1826 all those papers were **countersigned** by the British vice-consul in Buenos Aires, Richard Poussett, who merely confirmed the authenticity of the signatures, quite possibly without reading the documents – it was not necessary to know the content of documents in order to confirm that they were valid where issued. The consulates of many countries offered (and still offer today) an authentication service: the consular officials state officially that the signatures are authentic and that the documents are valid in the country of issue. Vernet seems to have assumed that in presenting his documents to the British consulate he was informing the British government of his activities and demonstrating that he was not concealing anything. But he was mistaken.”

# Researcher’s Comment: Unconfirmed. Signing is all Poussett allegedly did – no suggestion of any certificate, nor the attachment of the Consulate’s stamp nor any seal. For all the information available, I am unable to find any documentary evidence in support of this event. Poussett left no entry in the Consular records; and there is nothing in the British archives. Argentine historian, Caillet-Bois, who was granted extensive access to the Vernet family papers, makes no mention of it at all. Which leaves only one source, Luis Vernet – the story teller. For such an important, and oft-quoted, event, it is strange that nothing has ever been published. Quite what meaning is supposed to be drawn from a bare signature is unclear, although many Argentine historians have made hay with this detail. Claiming it as an acknowledgement by a British official of Argentine rights although, on the face of it, it could only be recognition of British authority. In 2020, Britain’s mission to the United Nations claimed in a letter to the Secretary General, that the Consulate had provided British permission to Vernet. The jury remains out.

**January 12th**, Vernet’s expedition sails in a British ship, Alert, intending to collect horses en-route.  

“... your memorialist being determined to persevere in the undertaking, proceeded himself to the Island in January, 1826 to superintend the operations.”

“... in 1826 Louis Vernet, a naturalised citizen of Buenos Aires, undertook a purely private venture to establish a small settlement at Puerto de la Soledad.”

“The Alert left Ensenada on 12 January 1826 with the gauchos hidden below decks, and as a British ship she was allowed to pass, but only in ballast; the vital horses were not allowed through.”

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421 Kohen & Rodriguez 2016 p.141. No documents cited. In the light of what was certified in 1828 – handwriting – it is not known what, exactly, was certified on this occasion, if anything. Poussett may only have been authenticating a copy. **cf. 1828, 1852, 1856 & 1858**


423 Caillet-Bois (1982) talks of gauchos being hidden in a warehouse before departure and then below decks due to the Brazilian blockade that Vernet needed to circumvent. There was also a ban by the local government on the movement of horses out of the province. All connected, with Brazil’s occupation of the Banda Oriental.

424 *Vernet’s Memorandum Presented 7th May, 1852* in CO 78/43. **cf. 1828, 1829 & 1852**


426 Pascoe 2020 p.91
January 26th, Vernet arrives off Carmen de Patagones, where he has arranged for 200 horses to meet him. However, Vernet finds his access blocked by the Brazilian ship, *Maria da Gloria.* Alert diverts towards Bahia Blanca; “... which was then in the hands of the Indians.” 427

January 29th, arriving off Bahia Blanca, Alert proves to have too deep a draught to sail up the river.

February 6th, a *Congress of the Provinces* vests executive power in a new office of President. Bernardino Rivadavia is elected, reuniting – temporarily – the United Provinces for the first time since 1820.

February 28th, in London, Lord John Brabazon Ponsonby is formally appointed *Minister Plenipotentiary and Envoy Extraordinary* to the River Plate Provinces. In addition to his other duties, Ponsonby is tasked with negotiating a peace between Brazil and the United Provinces in their dispute over the Banda Oriental.

March 6th, after travelling up-river from Bahia Blanca, Vernet is finally in a position to trade with the Indians.

March 16th, following protracted talks and an exchange of gifts, Vernet is permitted to send men to obtain horses. Manuel Coronel takes four other gauchos and 100 gold doubloons.

“At the end of March they returned empty handed, bringing an order from the local commandant not to trade with the Indians – that was a privilege of Rio Negro residents. Vernet sent them back to Rio Negro with an explanation of their mission.” 428

May 4th, Vernet’s gauchos return with horses. Alert has only room for 50, so Vernet sends the rest to the San Jose peninsula. Under the control of 16 gauchos, including Jean (Juan) Simon, a Frenchman.429

May 13th, Vernet sets out for the Falklands.

“... a repeat of the 1824 expedition, a purely commercial cattle-slaughtering scheme with gauchos but no women, since there was no intention to found a settlement.” 430

May 26th, HMS *Adventure* and HMS *Beagle* are ordered to the south Atlantic by Britain’s Admiralty, to undertake a hydro-graphic survey of Patagonia and Tierra del Fuego.

In June, English sealers *Star* and *Sprightly* hunt around the archipelago. 431

June 8th, in Britain, the question of the obligations of the new South American States is raised.

“The Spanish colonies in South America which seceded in the early portion of the nineteenth century did not regard themselves, speaking generally, as bound by the treaties of Spain. The British Foreign Office was advised by the King’s Advocate on 8 June 1826 that a convention of 1790 relating to fishery rights in the South Seas ‘will not, I conceive, be applicable to the present state of South America.’ ...” 432

# Researcher’s Comment: This was clearly a reference to the 1790 Nootka Sound Convention.433 Perhaps more importantly, if the newly recognised nations of South America had not inherited the duties and obligations of Spain, then neither could they have inherited Spanish rights.

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428 Pascoe 2020 p.91
429 Simon would eventually become the capitaz on East Falkland, and would be murdered there. See 1833.
430 Pascoe 2020 p.88
431 *Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826* in CO 78/01 This record was started by Vernet, on his arrival at Soledad.
432 O’Connell 1956 p.34 citing *FO 83/2366, Appendix no.3*
433 See 1790
June 9th, Vernet's expedition finally sails into Berkeley Sound. Mid austral-winter, his gauchos, seeing snow for the first time, have to be persuaded to leave the ship to obtain fodder for the remaining stock. A third of the horses have died of stress and hunger, while the remainder are in poor condition. 434

“Arriving now on a bleak desert island in the middle of winter, with a scarcity of provisions, and dying horses, was a sad initiation to the great enterprize of catching and domesticating wild cattle. The gauchos considered themselves deceived and would not leave the ship. Again I was advised to abandon the undertaking and to return to Montevideo...” 435

“Spain behaved in 1811 very much in the same way as Britain had in 1774, withdrawing from the Islands and leaving behind signs of possession. The animus derelinquendi did not exist in either case, which is essential to consider a territory res nullius and open to be occupied by others. The thesis that in 1826 Argentina occupied a territory that was res nullius is therefore not sustainable.” 436

“... for almost two years from July 1824 to June 1826 there was no Argentine presence whatever in the Falklands – but plenty of British and American ships, upholding the customary rights they had acquired over the previous 60 years.” 437

Luis Vernet commences a record of ships entering Berkeley Sound.

“Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9th June, 1826.” 439

“... running from June 1826 to January 1832 ... There were 9 ships that visited Port Louis in 1826; 22 in 1827; 11 in 1828; 16 in 1829; 23 in 1830; 26 in 1831, and 2 in January 1832. Some ships paid several visits; the 109 entries in 5½ years represent 61 individual ships, of which 26 were American, 22 British, 6 French, 4 from Buenos Aires, 2 from "Malvinas" and 1 Swedish.” 440

June 11th, with the weather improving, Vernet is finally able to step ashore. The surviving 35 horses are released to feed and recuperate.

“... two days after a spell of fine weather set in, which melting the snow discovered the beautiful green tussock fields, and the great expanse of country covered with verdure, which cheered every man's spirit.” 441

434 Alert had actually arrived off Berkeley Sound on the 3rd, but bad weather prevented an approach for nearly a week. During this time the horse feed ran out.
435 Quoted in Bernhardson 1989 p.171
436 Peña & Peña 2018
437 Pascoe 2020 p.87
438 See 1882
439 CO 78/01. Generally referred to as the Port Louis Sailing List (See Pascoe 2020). However, the document supplied by Luis Vernet to Woodbine Parish listing arrivals is headed Arrivals at Port Soledad in the Falkland Isles... The names Port Soledad and Port Louis are very much interchangeable from this time. See 1829.
440 Pascoe 2020 fn.4 p.91
441 Quoted in Bernhardson 1989 p.171
“The length of time from 11 June 1826, when Louis Vernet landed on the southern shore of Berkeley Sound, to 7 November 1831, when he finally left the islands by his own decision, was less than 5½ years, and he was absent for about half that period. During those 5½ years there was a constant turnover of people at the settlement at Port Louis – of the 25 men who landed with Vernet in June 1826, exactly two were still there five years later in June 1831 (Juan Gregorio Sánchez and Dionisio Eredia); all the others had left and been replaced by roughly as many new men. Many people spent only a few months at the settlement before leaving again – they spent less time in the islands than many of the British and American sealers and whalers, who are usually regarded as temporary visitors.” 442

**June 16th**, after five days of struggle, the expedition finally reaches Puerto Soledad, at the head of the Sound. With the expedition short of horses, Vernet’s gauchos are fortunate to find 22 of those abandoned in 1824, sheltering in the ruins. Also at the port is the sealer *Sprightly*, and a brig, *Star*.

“A silence of death reigned over the place, silence that was only interrupted by the screech of the marine birds: “a cloudy sky, a sun without force, red meadows, mountains …” (A) brick house totally in ruins, such was the picture that faced the head of the company…” 443

“The crews of the *Sprightly* and the *Star* helped to make Port Louis habitable and built several houses for Vernet and his men, using stone from the ruins of the former French and Spanish buildings. The largest new building was Vernet’s own house, which he called "the principal house", … it was of one storey with a large roof garret, and was intended to be shaped like an H turned on its side. The southern block was 80 feet east to west and 25 feet north to south (24.6 metres by 7.7 metres);…” 444

**June 22nd**, a congress of representatives of the revolted Spanish colonies meets at Panama.

“That congress was summoned by Bolivar, and was intended primarily to induce the Spanish-American states to form a united league against Spain, and force her to grant them recognition. … the question of a purchase scheme, of paying a sort of tribute in return for recognition, was discussed. It was eventually rejected. Canning had instructed Dawkins to offer the good offices of England for reopening negotiations with Spain, but refused to recommend or give an opinion on this purchase scheme.” 445

In Buenos Aires, Consul Walter Cope is attached to the British Legation.

**June 24th**, Vernet initiates a reconnaissance of the territory around Puerto Soledad.

“… which led them to the summits towards the South; Then they recognized the land between the east coast and the mountain chain. On his return, he was lucky to discover a conspiracy that (he) managed to abort.” 446

In **August**, the American sealer *Yankey*, arrives in Berkeley Sound. 447

**August 17th**, Vernet has to suppress a further rebellion by disenchanted gauchos.

**September 9th**, *Alert*, carrying Luis Vernet, sails for the San Jose peninsula to collect the remaining horses.

442 Pascoe 2020 p.88
444 Pascoe 2020 p.92. Never finished, a plan of the building is in the Public Records Office at Adm 1.43
445 The Later American Policy of George Canning H.M.V. Temperley in the *American Historical Review* vol.11 No.4 July 1906. Britain was represented following an invitation from Bolivar.
446 Caillet-Bois 1982 p.202. Amongst the gauchos that accompanied Vernet were Jean (Juan) Simon (French by birth), Manuel Coronel and Aniceto Oviedo. The latter had been on Schofield’s ill-fated 1824 expedition. cf. August, 1833
447 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01
They almost immediately encounter bad weather which forces them to change course. 448

“... the first of several long absences, this time for over eight months. In the two years from his arrival he spent less than four months in the Falklands: three months from June to September 1826, and then less than three weeks in June 1827, after which he was away again till August 1828, leaving affairs at Port Louis to his brother Emilio (Jean Émile, b.1800), who remained at Port Louis without interruption from June 1826 to March 1831.” 449

September 15th, Britain’s envoy-extraordinary and Minister-Plenipotentiary, John Ponsonby, finally arrives in Buenos Aires on HMS Ranger.

“In September 1826, Lord Ponsonby arrived from England charged to mediate between the Belligerents:- No Secretary of Legation was appointed and I was desired to do the duties of that office, an arrangement which as Mr. Canning signified to me he was induced to propose because my intimate knowledge of the State of Affairs, and acquaintance with the leading Persons of the Govt. of Buenos Ayres, he expected would enable me to render to his Lordship the most effectual assistance.” 450

September 19th, Ponsonby presents his credentials to the Government of the United Provinces.

September 23rd, Lieut. George Bynon, in Buenos Airean Corvette Chacabuco, stops off at Soledad Island. 451

September 26th, with Alert taking on water, Vernet arrives at Montevideo; “... it is feared (she) will be condemned.” 452 “The ship is declared unseaworthy and is put up for auction.” 453 A number of the company’s shareholders, disturbed by the problems encountered, arrange to sell their shares back to Vernet.

“Shuffling figures, signing documents to which he always faces with honesty, raising money and contracting new mortgages, Vernet, as a prey of a devilish fever, negotiates, always negotiates, (and) always finds friends who help him to prop up the company...” 454

October 1st, British sealer Uxbridge (William Low) visits Puerto Soledad.

October 22nd, a sealing brig Port Captain, out of New York, arrives in Berkeley Sound. 455

October 31st, now without a ship, Vernet uses what little money the Alert fetched at auction, to pay off debts.

November 20th, the United Provinces of the Rio de la Plata signs a Treaty of Friendship, Alliance, Commerce and Navigation with Chile.

“... to guarantee the integrity of their Territories, and to co-operate against whatever Foreign Power should attempt to alter, by force, their respective boundaries, as recognized before their emancipation, or, subsequently, in virtue of special Treaties.” 456

448 It seems likely that Emilio Vernet had remained behind to oversee the settlement. Over the next few years, Luis Vernet would spend very little time on the islands with absences ranging between 3 and 8 months.
449 Pascoe 2020 p.91
450 Parish to Palmerston June 4, 1832 in FO 354/9 at 3
451 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01
452 Lloyds List Tuesday December 12, 1826
453 Alert was sold off in October; resulting in another loss for Vernet.
454 Caillet-Bois 1982 p.202
455 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01
456 Quoted in Moore 1913. cf. 1855 & 1977
December 12th, in London, Secretary Canning explains to Parliament, the reasons for his recognition of a few South American States.

“Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain "with the Indies." I called the New World into existence, to redress the balance of the Old.” 457

A British whaler, John Palmer, hunts near Soledad Island. 458

December 24th, a draft-Constitution of the Argentine Republick is presented to representatives of the Provinces at the General Constituent Congress in Buenos Aires only to be rejected. 459 The United Provinces become dis-united once again.

December 28th, an English merchantman, Mary Ellen, stops off in Berkeley Sound en-route to Lima.

1827 – January 4th, William Low in Uxbridge sails into Berkeley Sound. 460
January 14th, English sealer Sprightly arrives off the old Spanish garrison site. 461
January 18th, a French whaler, Triton, anchors in Berkeley Sound, commanded by John Upham. 462
January 21st, English whaler Partridge stops off at Berkeley Sound. 463

January 28th, a French surgeon, L. Gautier, on board Triton, writes to a friend in Nantes.

'Port Louis, ile Falkland'

“Captain Low is leaving immediately for England. We are going to leave the island to go to our destination. We have found at this place all that we were promised by the Spaniards, we have eaten much local game and fish. Captain Upham has taken on two passengers here – an American belonging to the ‘Sprei’ and a Spaniard from the island of Chiloe. Captain Norris of the ‘Sprei’ is a little better of the scurvy. Please excuse my style of writing. They are hurrying me to have lunch and go ashore to advise Captain Norris, who is sailing in Captain Low’s ship.” 464

February 11th, the English sealing brig Star, and the American schooner Science, anchor at Puerto Soledad. 465

March 9th, Lord Ponsonby writes to George Canning to inform him that the provinces have all rejected the central authority of Buenos Aires, declaring against the proposed constitution and, in some cases, recalling their representatives from Congress.

457 HC Deb 12 December 1826 vol.16 cc350-98. Canning's attitude towards the emancipation of the Spanish American colonies had far more to do with European power politics than it did with any high moral attitude towards the rights of man. French involvement in Spain threatened to affect the balance of power in Europe, to Britain's disadvantage. Hence Canning's desire to separate Spain from its old dominions.

458 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01
459 A draft-Constitution had been proposed as early as 1813, but it would be 1859 before one was eventually agreed. cf. 1853 & 1859

460 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01. Uxbridge returned on the 27th and sailed on January 31st, with its destination noted as “Home.” Sealers, Adeona, Mercury and Uxbridge were all part owned by Andrew and William Low.

461 Ibid.
462 Ibid.
463 Ibid.

464 This pre-stamp letter was handed to Capt. Low for posting in England; which he did on July 20th. It is addressed to Monsieur Goupilleau, Courtier de Marine, demeurant sur la Fosse, a Nantes, France. Sprei was Sprightly.

465 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01
Ponsonby also describes the inhabitants of the Banda Oriental as; “wild and savage, but not more so than here (Buenos Ayres), and, I believe everywhere else on this continent.”

In Buenos Aires, President Rivadavia denounces the provincial governors as rebels and anarchists.

“By early 1827 Rivadavia’s presidency, barely six months old, was on the brink of dissolution. Four provinces – Córdoba, La Rioja and its client, Catamarca, and Santiago del Estero – had formed a military alliance to resist the Constitution.”


April 4th, English sealers Sprightly and Lively lie at anchor Berkeley Sound.

May 22nd, Hugh Crawford arrives at the Falklands.

“... and having only one cask of water left on board, put into Berkeley Sound, and anchored about two miles up; watered easily, and procured some fine beef at two pence per pound, from Don Vernet’s brother (then there,) who sent it down in a whaleboat from the settlement, and with it a letter warning that officers not to kill any of the cattle or wild pigs...”

“He was surprised to find Vernet’s settlement, where Emilio Vernet was in charge.”

May 31st, after a frustrating journey, via the San Jose peninsula where he found no horses awaiting him, Luis Vernet finally returns to Puerto Soledad in Idris.

“... (matters)... were somewhat improved, but still without product... The horses were beginning to be useful; but they were too few.”

An English merchant brig Doris, arrives in Berkeley Sound.

June 19th, after renewing the gauchos' contracts for a further year, Luis Vernet again sails for Montevideo in Idris.

American sealer, Eliza Ann, hunts at the Falklands.

July 7th, all central authority in the United Provinces ceases once again.

“Rivadavia quitted his post in July 1827, and the national congress was dissolved.”

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466 Kay-Shuttleworth 1910 p.332
467 Argentina, 1516-1987: From Spanish Colonialism to Alfonsin D. Rock 1987 p.103
468 Langdon traded between England and Tasmania, with the Falklands as a regular port of call after 1827. His first vessel, the Lusitania was followed by Hugh Crawford, then Wanstead and finally Thomas Laurie.
469 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01.
471 Pascoe 2020 p.92
472 The gauchos herding the horses at San Jose had given up the wait after more than 12 months; their endeavours frustrated by the local tribes that had stolen much of the stock. It is likely that some of these gauchos traveled to Soledad with Vernet. This is conjecture but there is an abiding belief among many in Argentina that one, Antonio Rivero, travelled to Puerto Soledad in 1827. I can find no clear evidence for it, and no Argentine historian claims it, but acceptance that he did so is widespread. cf. 1833
473 Quoted in Caillet-Bois 1982 p.203
474 Luis Vernet would not return until August, 1828. One gaucho, Manuel Coronel, after being some 12 months on the island, chose to leave with Vernet. However, Coronel would return in 1831. cf. July, 1831 & November, 1841
475 The Monthly Chronicle November & December, 1841
“... as rumors spread of a cattleman’s revolt in Buenos Aires and both the mercantile interests and the British abandoned the administration, Rivadavia resigned. Another bitter spate of civil war supervened.” 476

“On the fall of Rivadavia, the provincial governors once more took charge as occurred eight years previously on the political demise of Pueyrredón. The return of self-rule in Buenos Aires led to the election of Manuel Dorrego, one of the ex-president’s leading opponents, as governor.” 477

July 28th, American sealer Sarah Atkins, moors in Berkeley Sound. 478

August 18th, Manuel Dorrego, recognising the autonomy of the provinces, is elected as Governor of Buenos Aires.

“By the Dover Packet, which arrived from the River Plate, we learn that another change has taken place in the Government. The Congress having been dissolved, and Dorrego being named the President of the Province at Buenos Ayres, so that there is no longer any head of the Republic; or rather, there is no longer any Republic.” 479

“To placate the caudillos, Manuel Dorrego, ... nullified the Constitution, re-acknowledged the autonomy of the provinces, and himself reassumed the title of governor of Buenos Aires. The former United Provinces were now the Confederation of the River Plate, or the Argentine Confederation. To end the Brazillan blockade, Dorrego declared support for peace on the east bank and eagerly accepted an offer of mediation that Rivadavia had ignored from the British envoy, Lord Ponsonby.” 480

September 4th, an English merchant brig Vulture, calls in at Puerto Soledad.

Back in Buenos Aires, Luis Vernet buys out the remaining shareholders of the association formed in 1826. 481

October 1st, Uxbridge, under Capt. William Low, returns to the archipelago for the sealing season; joined at Berkeley Sound by the American sealer Sarah Atkins. 482

English sealer Mercury hunts at the Falkland Islands; as does US whaler Decator.

October 14th, Salmon, a merchantman out of Boston, takes on water at Puerto Soledad.

October 25th, Mercury arrives in Berkeley Sound, followed by Adeona five days later.

October 31st, in Buenos Aires, Luis Vernet and Jorge Pacheco settle upon a new plan to convert the struggling commercial enterprise into a potentially profitable political venture.

“... having realised the natural advantages that it might provide the country, I (Vernet) conceived the project of establishing a Colony directly subordinate to Buenos Aires which at the same time would give the state the benefit of putting the sovereignty over the coasts and islands of the south beyond doubt...” 483

“Initially motivated by the great advantages that it would bring Republic of establishments in the South, and having had good success some tests that I did in agriculture, I decided to exhaust all my resources and use all my relationships, to undertake a formal colonization to ensure those advantages, and build...”

476 Rock 1986 p.103
477 Rock 2018 p.77
478 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01.
479 Roscommon & Leitrim Gazette Saturday 17 November 1827
480 Rock 1986 p.103
482 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01
483 Quoted in Pascoe & Pepper 2008 p.13; citing AGN, Sala VII, Legajo 129, doc.59
the foundations of a national fishing, which has been at all times, in all countries, the origin and cradle of merchant and military marinas.” 484

Pacheco writes to the Governor of Buenos Aires seeking clarification of the 1823 grants of land made to him by the previous government of Martin Rodriguez in 1823.

“... the former Grants count undetermined and vague and my possession would also have been doubtful, as well as uncertain, my rights to lands without, limits or determined points... I am led to hope from the superior integrity of your Excellency that you will fix the grants to the lands that I have pointed out in this petition, news being at same time that the decree to be issued may be held a sufficient title for possession... I pray your Excellency may be pleased to grant as I have solicited.” 485

“Pacheco, moved by Vernet, puts a new presentation to the Government, requesting that it complete the decree of December 18, 1823, since the lands (granted) had no precise limits. He asked, therefore, (for) the corner that exists in the S.E. part of the island on the Bay of Choiseul and the land located on the banks of the San Salvador Bay and on the east coast, from Bomport in the direction of the Rincon.” 486

In Brussels, Philippe Vandernaellen publishes a map of the Falklands archipelago – Iles Malouines ou Falkland. Amer. Merid. no. 41. 487

484 Vernet quoted in Areco 1885 pp.50-51
485 Quoted in Parish to Aberdeen April 25, 1829 in FO 78/1/16-18
487 See https://falklandstimeline.files.wordpress.com/2019/01/1827-philippe-vandernaellen-bruxelles.png
1828 – January 5th, with no response having arrived, Luis Vernet prepares his own petition.

“I Don Luis Vernet, in the most respectful and most proper manner present myself before Your Excellency to state, that, being desirous of the prosperity and aggrandizement of this country I have thought it right to undertake the establishment of a colony in the Island of Soledad, one of the group called Malvinas. But as for this purpose I stand in need of the protection of the Government and of all that aid that which is to be extended not only to the Head of this undertaking but also to the new Colonists, I have thought it would be fitting that, for the furtherance of this important object, Your Excellency should be pleased to grant to me the rights of possession and property, and to protect me in the same, with regard to all such lands in those Isles as have not been ceded to Don George Pacheco, as also in the islands called Statenland on the coast of Tierra del Fuego.

I shall engage to establish the Colony within three years from the grant of permission, and to be under the immediate authority of the Government of Buenos Ayres, together with the Colonists, who will be treated as citizens of the Republic and will enjoy the corresponding rights. It will also be an express condition that in case the Colony should require to be extended to other Islands, in consequence of the encouragement given to the settlers, I shall be bound to refer to the Government for its determination ...

After the establishment of the colony, the settlers to be likewise free from all duties whatever during the first thirty years of the settlement and to enjoy the exclusive right of fishing on the coasts of the Tierra del Fuego, of the Malvine Islands and of the other Isles of the Republic, ...

It ought to be considered that Government, in permitting the establishment of a colony in the Malvine Islands on the above conditions, only resumes or recovers a Territory which in a manner was abandoned, but the acquisition of which by the Spaniards cannot extinguish the right of this Government to take possession of them. There is no other method of preventing other nations from executing their plans than the foundation of a Colony. The Governments of all civilized nations have such a right.

The Malvine Islands being in a manner deserted must belong to the first occupant; they are situated entirely beyond the boundary of the Province. I have in the present application no other object that that Y.E. should acquire rights and should exercise your jurisdiction over those islands. I have pointed out the only manner of acquiring those rights.

The colonization of those islands would be attended with incalculable benefits, such as increase of population, extension of territory, acquisition of excellent ports, introduction of a new branch of commerce by taking fish, and by means of that occupation the creation of seamen, all of them natives who in process of time might render the Buenos Ayres marine formidable. I accordingly solicit Y.E. to grant me as above.”

This petition is submitted to the Government of Buenos Aires that same day.

“I represented the nature of the island and its fitness for furnishing thousands of settlers with a means of procuring an easy livelihood, provided the property of some land was granted to them and provided the Government would make some advances of money to the settlers, to maintain them until their industry could be brought into action:..”

488 FO 78/1/29 & 30 also FO 6/499. My emphasis
489 Memoria (draft & undated) by Luis Vernet quoted in Berhardson 1989 p.173
“... your Memorialist perceiving that, by regular Colonization, the Islands might be made very valuable;... (I) proposed to the Government of Buenos Aires, (then in nominal possession of the Islands), to establish a Colony thereon...” 490

“I could ... undertake with success the forming of a Colony of European Settlers, provided my expenses would be guaranteed by the property of the Lands of the East Falkland Island. I therefore solicited from the Buenos Ayres Government (who was still to the best of my knowledge and belief the sole proprietor of the Falkland Islands) the remaining lands of that Island on condition of placing a Colony thereon at my expense, within three years.” 491

“Vernet's petition is contradictory because the Falklands/Malvinas could not be at the same time terra nullius and be able to be claimed by Argentina by right of Spanish inheritance, a personal opinion that bears no legal weight because he was not at the time a representative of the government of Buenos Aires.” 492

General Juan Ramón Balcarce, Minister of War, immediately signs a decree on behalf of the government. 493

“The Government, considering the great advantages which will accrue to the Country by peopling the Islands, of which the property is solicited, which, besides the increase that will necessarily be afforded to the commerce, with foreign Nations, new channels of national prosperity will be opened by encouraging the important branch of fishing, in as much as the inhabitants of the Republic will gain much by the sums flowing in from foreign countries; that in the present war with the Emperor of the Brazils, and in any other in which the Republic hereafter may be engaged, nothing will be more useful than to have in those islands a point of support for maritime operations, and to be able to open to the Privateers secure parts into which to send their prizes; that for the settlement and extension of the territory on the Southern Coasts and for the improvement of their ports nothing can be more beneficial than the colonization of those Islands; and, finally, that the immense expenses necessary to be incurred into carrying into execution an enterprise of this nature, cannot be compensated otherwise than by the property of lands which must be granted, if we would not lose the opportunity of greatly benefiting the nation and the right and jurisdiction over them – pursuant to the provisions of the law enacted the 22nd Oct, 1821 does from this moment grant to Don Luis Vernet, inhabitant, and merchant of this City, all the territory which in the Island of Soledad shall happen to be uncultivated, with the exception of those granted to Don George Pacheco by a Decree dated 18 December 1823, and which is ratified by the Decree of this day’s date, the Government reserving to itself an extent of ten square leagues in the Bay of San Carlos, and in the Isle of Statenland: to the effect, and on the condition that within the term of three years to be computed from this date a colony shall be established, and that, after the expiration of them, information shall be given to the Government, for it to provide what it may deem expedient for the internal and external administration. And the Government desiring to contribute as much as possible to the establishment and prosperity of the Colony, Decrees likewise. 494

1 That the colonists shall be exempt from paying any kind of contribution, excepting what may be necessary for the support of the authority or authorities to be established, from all duties on shore and

490 Vernet's Memorandum Presented 7, May, 1852 in CO 78/43. My emphasis.
491 Vernet to Earl of Derby April 26, 1858 in CO 78/43
492 Peña & Peña 2018
493 A decree of the Province of Buenos Aires; the last National Congress having dissolved in July, 1827. This all appears to have been done with some haste, and without any obvious consultation. cf. 1821, 1879, 1882 & 1887
494 The 1821 decree concerned the regulation of fishing on the coasts of Patagonia; no mention being made of the Falkland Islands. This would become an issue in 1879 and 1882. cf. 1821, 1823, 1879 & 1882

81
from all maritime imposts of exportation and of the importation of articles needed for the support of the Colony, for the term of Twenty years to be reckoned from the date of the expiration of the three conceded for the establishment of the Colony;

2 That for the like term of Twenty years, and with exemption from the payment of duties, the Colony shall enjoy the fishery near the two islands whose property is granted, in all the Malvine Islands, and on the coasts of the Southern Continent of the Rio Negro de Patagones;

3 That in case the population should extend to the other islands within the three years conceded for the establishment of those granted, the Director of the Colony shall be obliged to state it to the Government to enable it to provide what may be necessary.

And to answer the proper ends (the) Petitioner shall receive the testimonies solicited by him from the Supreme Secretary’s Office of the Government.”

This decree is not published in the official Gazette, or the journals.

“The Government, ... issued a Decree on the 5th of January, 1828, whereby, in conformity with the spirit of the Law enacted by the Honorable House of representatives, on the 22nd October, 1821, granted me the right of property to the lands on the Island, ...”

“Unlike the earlier concession of 1823, which had granted only the "usufruct" (the right to exploit the natural resources), this decree actually "ceded" the freehold of the island itself to Vernet, which led him to describe himself later as "Owner of the East Falkland Island" or "sole proprietor with small exceptions of the whole East Falkland Island with all that it contained". ... but of course no other country recognised any rights of Buenos Aires to any part of the islands; to all other countries his concessions were null and void.”

# Researcher’s Comment: Busy day. After two months with no reply to Pacheco’s submission, Vernet supposedly composed a report, submitted it and received approval all in the space of one working day. And approval by the Governor yet again. Clearly, not a busy man. From a hunting licence in 1823 to a grant of property five years later based upon a very questionable 1821 fishing regulation (see 1882).

Add to that, that this decree, which appears to have assumed that the Island of Soledad was terra nullius, was kept entirely secret and this whole event can hardly be claimed to be a display of confident sovereign authority.

“It is said that officers in the Buenos Ayrean army, relations of Mrs. Vernet, had claims upon their Government, which they agreed should be liquidated by receiving certain sums of money from Mr. Vernet; in consideration of which the Government made over to him their pretended right of property in the Falklands and Staten Land.”

“It does not give him any rights, because the law of October 22, 1821, which was the provincial law of the Junta de Buenos Aires, did not authorize the assignment of that territory.”

495 FO 78/1/31-34. Different translations exists, all with slight variations.
496 Vernet 1832. My emphasis. Spirit is a word used when a text does not actually state that which the observer had hoped it would. cf. 1882
497 Pascoe 2020 p.95. cf. 1882
498 Fitzroy 1839
499 Senator Francisco J. Ortiz: Senate debate into compensation for the heirs of Luis Vernet on August 11, 1882.

82
“There was no protest from the British Government, despite this being a public act exercising sovereignty and with the knowledge of the active British representative in Buenos Aires...” 500

“Despite the importance of a legal document which not only granted lands reputedly belonging to the Nation but also awarded fishing warrants and tax exemptions, the decree was not published in the Gazette of Buenos Aires. To date no clue has been found as to the reason for such omission, which gave Great Britain grounds to justify not protesting Argentina’s act of possession in the Islands.” 501

“Vernet’s 1828 concession was later ruled null and void in Argentina too. In 1882 the Argentine government declared in the Argentine Congress that the decree of 5 January 1828 was invalid since it had been issued only by the provincial government of Buenos Aires, not by the whole Congress of the Argentine Federation, which alone had the power to cede national territories. That was stated by the future Argentine foreign minister Francisco J. Ortiz in a debate during the session of 29 July 1882...” 502

Matthew Brisbane, in the British sealer Hope, sails from the Port of London for the southern seas. French whaler Ocean, stops off at Port Louis.

**January 11th**, in possession of a copy of the decree drawn up by the Government’s senior clerk, Luis Vernet takes it to a Buenos Airean Notary Public, Josef Ramon de Basavilbaso, to have further replicas made.

“... he (Vernet) divided Isla Soledad into eleven sections... and contacted German, British, Scottish, Dutch and American companies, to whom he submitted a copy of the relevant official documents, a report issued by the government of Buenos Aires, information on living conditions, the economical and geographical situation of the Falklands/Malvinas and a model contract for the concession of lands to the potential settlers, as well as the conditions for settlement. For example, article 1 states: "All settlers whatever nation they come from shall respect the country's authority and therefore its laws." ... (fn.) From May 1829 to October 1831, the document was sent to Vernet’s agents abroad, for the colonization of sections II to XI.” 503

Luis Vernet acquires the services of a ship in Montevideo, an American brig, Osprey; “... because the waters immediate to Buenos Aires continued to be patrolled by Brazilian warships.” 504

**January 15th**, English merchantman Rolla, arrives in Berkeley Sound en-route to London.

**January 30th**, Vernet goes to the British Consulate in Buenos Aires with a copy of the land grant of January 5th, as made out by Basavilbaso, and asks for it to be validated. Onto the bottom of this copy, Consul Charles Griffiths writes out a statement, appends his signature beneath that and adds the stamp of the British Consulate.

“**These are to certify that the aforesaid is the true and proper hand writing of Don Josef Ramon de Basavilbaso, and that he is a Notary Publick practising as such in this City. In Testimony whereof I have hereunto set my hand and append the Seal of this Consulate to serve as occasion may require.**” 505

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500 Kohen & Rodriguez 2016 p.153. This is not true, and the authors’ knew it when they stated it. No publication in either the official gazette or any of the journals. Moreover, Vernet did not seek to advertise the decree or the rights given him by way of warning to others; something he would quickly do in 1829 following the decree issued at that time. This decree was not for public, or international, consumption.

501 Peña & Peña 2018

502 Pascoe 2020 p.95

503 Kohen & Rodriguez 2017 p.113 citing Archivo de Luis Vernet – Documento No.3. No tangible evidence is offered and I can find no suggestion in any other source of such actions in 1828. Vernet did send out this information following the public decree of June, 1829 however.

504 Caillet-Boise 1982 p.204. It appears that this ship foundered in an attempt to enter the River Salado where horses awaited, and more money was lost.

505 My emphasis.
“...in order that these grants may not be disputed by foreign fishing vessels, which frequented those Islands, your Memorialist got them certified by the British Consulate in Buenos Ayres;...” 506

“And moreover, both these grants were legalized by the British Consulate at Buenos Aires at the time...” 507

“...Luis Vernet had applied for and been granted a Falkland Islands land grant at the British Consulate in Buenos Aires on 30 January 1828.” 508

“All Vernet did was to have the Decree of January 5th, 1828 certified at the British Consulate in Buenos Aires. This certification was given on January 30th, 1828 and was signed by the British Consul Charles Griffiths. It was a typical consular legalization by which a Consulate in a foreign country certifies that an official document is signed and sealed by the competent authorities of the State in which the Consulate is located or has jurisdiction. This function of "legalization" of foreign official documents is conducted even today by consulates worldwide. Why...? Because his intention was, as he did, to send all the documentation to Europe in order to attract European settlers to the Falklands... It was a way to prove that he was (running) the establishment with state authorization...” 509

“...on 30 January 1828 Vernet paid another visit to the British consulate in Buenos Aires to have his concession document authenticated, as he had done in 1826. Such authentications were mere routine bureaucratic acts, so it was again done by the vice-consul, who was now Charles Griffiths. It seems likely that he did not actually read the document (which was not necessary for authenticating it), and like Vice-Consul Richard Poussett in 1826, Griffiths failed to inform London about it.” 510

“The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. ...The civilian population, .. had previously sought and received British permission to reside on the Islands, ...” 511

February 17th, Capt. Kenney of the sealer Sarah Atkins, breaks up a gunfight between two gauchos. One of the protagonists, Dionisio Ortiz, is sent back to Buenos Aires.

April 23rd, Matthew Brisbane's ship, Hope, is wrecked off South Georgia; the crew managing to get ashore. 512

506 Vernet’s Memorandum Presented 7, May, 1852 in CO 78/43. My emphasis.
507 Vernet 1858. My emphasis. To legalise something is simply to – “make (something that was previously illegal) permissible by law.” I have included three versions of Vernet's reasoning as there were some inconsistencies in his descriptions between 1852 and 1858; notably the change from 'certified' to 'legalized.' cf. 1952 to 1858
508 Britain's charge d'affairs at the UN, Philip Parham to the Secretary-General August 2, 2010 in UN Document A/64/887
509 Kohen & Rodriguez 2016 p.166. Vernet only used the term 'legalized' in a few of his letters in 1858, all previous correspondence using the word 'certified.' cf. 1852 & 1858
510 Pascoe 2020 p.96
511 UK Permanent Representative to the UN Secretary-General February 20, 2020 in UN Document A/74/721
512 British Packet and Argentine News, May 2, 1829. cf. May, 1829
Buenos Aires defaults on its 1824 loan from Barings Bank. 513

May 24th, Emilio Vernet organises the erection of two flagpoles at Puerto Soledad.

May 25th, 1810’s revolution in the Spanish Viceroyalty of the Rio de la Plata, is celebrated at Puerto Soledad.

“... At sunrise three cannon shots were fired and the flags of both Great Britain and Buenos Aires were hoisted; 10 at noon, three more cannon shots were fired, and three more in the evening. After lunching meat roasted with hide on and cakes especially prepared for the occasion, we practised target shooting until dusk. People organized a ball at the cooper’s ranch, which lasted all night.” 514

“... the population behaved consonantly with Argentina’s sovereignty over the territory in which they were located. One example is that of the observance of the national holidays of May 25th and July 9th.” 515

“No reason has been given for the hoisting of the British colours along with the Argentine flag.” 516

“The fact that the settlement hoisted a British flag has embarrassed more than one Argentine writer. ... there was not a single British person there.” 517

# Researcher’s Comment: It can be argued that the Vernets, aware of Britain's longstanding claims, were 'hedging their bets' by raising both flags.

June 15th, at Patagones, Vernet acquires 31 negro servants and workers captured by Privateers. Six of them are children, one only five years old (purchased for 160 pesos each). 518

“Vernet was also accused of having black slaves, but contracts with a Labor broker indicate that these were freed slaves who chose indenture. One such contract contains the following clause: "The freed slave Julia, in use of her free spontaneous liberty, offers herself to serve don Louis Vernet for the term of ten years given that the terms of the following provisions are fulfilled..." These provisions bound Vernet to feed, clothe, and provide her medical care, and to "treat her according to servants of her class." Vernet also pledged to educate his servants...” 519

“... there were 18 men and 12 women from the purchase tickets ... on July 15 of that year. ... The tickets have a typical form, so only the data of the individual vary: name, age, time in which will serve Vernet, price, black ship from which it was taken and name of the Corsair ship that captured it.” 520

“... he purchased a human cargo: 19 black men and 12 black women. Six of them were children, bought at Rio Negro for 160 pesos each: a girl aged five, the others about 14, "indentured" for 10 or 13 years. Five of them had been taken from the slaving brig Buen Jesus, captured by the privateer Presidente in July 1828, and one

513 Surprising no-one, except, possibly, Barings Bank. cf. 1824, 1838, 1842 & 1853
514 Quotation from Emilio Vernet's diary in Marcelo Vernet 2011. With Luis Vernet still in Buenos Aires, operations on Soledad Island appear to have remained under the control of his brother. It is not clear why Emilio would wish to fly the Union Jack. Unless informed by letters passed to sealers headed in the right direction, it is unlikely that Emilio was even aware of the January decree. And a ball? Unless other settlers had been sent, there were no women. The 1810 revolution was not actually much of a revolution as the rebels declared loyalty for King Ferdinand. cf. 1810
515 Kohen & Rodriguez 2017 p.110
516 Peña & Peña 2018
517 Pascoe 2020 pp.98-99
518 Arranged, it seems, with one Fernando Maximo Alfaro, a Puerto Rican by birth. The five year old signed up for 13 years service. See Tras su manto de neblinas... Presencia de afroargentinos del tronco colonial en las Islas Malvinas en el siglo XIX Norberto Pablo Cirio 2019 p.7
519 Bernhardson 1989 p.193 citing Vernet y Fernando Alfaro, contract, Julio 15, 1828 in AGN VII 2-3-6
520 Cirio 2019 p.5

85
was from the slaver Goldfinch, but the origin of the 25 others is obscure. Some Argentine ships assisted Britain's suppression of the slave trade, but the fact that some "liberated" slaves were then sold in Argentina, as shown by Vernet's purchase, did not exactly contribute to ending it."

# Researcher's Comment: They were not paid, could not own land and could not leave. Why they would therefore ‘choose’ indenture, and how the girl aged 5 could offer herself, is hard to understand. The only applicable term, is 'slaves'.

**June 30th**, Adeona, Mercury and Uxbridge sail from the Patagonian coast for the Falkland Islands, en-route to Britain, carrying letters from the surveying vessels Adventure and Beagle.  

"The day after the Indians left us, a boat came from the Adeona, to acquaint us that, in a day or two, she and her companions, the Uxbridge and Mercury, intended to leave the Strait for the Falkland Islands; upon which I prepared letters for England and a report of my proceedings for the Secretary of the Admiralty. The ships passed by on the 30th, and took my letters."

In **July**, Vernet purchases a polacca, Luisa, to take the slaves out to Soledad island. He also charters an American brig out of Salem, Combine, to transport 65 horses.

**July 9th**, on Soledad, Emilio Vernet celebrates the 1816 declaration of independence.

"Good weather with ice and some rain showers. Southwest wind and snow. We did celebrate this [day of the oath of independence of Buenos Aires] with a black dance until midnight. It was freezing hard at night."

**July 31st**, Lord Ponsonby transfers to Brazil, leaving Woodbine Parish as charge d'affaires in Buenos Aires. In London, Stephen Henry Fox is appointed to replace Ponsonby.

"Lord Ponsonby having brought about the opening of a negotiation for peace sailed for Rio de Janeiro and I became again solely charged with H. M.'s affairs in the United Provinces."

**August 14th**, Mercury arrives in Berkeley Sound.

**August 27th**, following negotiations, a peace agreement is signed by Brazil and Argentina. Under the terms of the Treaty of Montevideo, both agree to recognise the independence of the Republica Oriental del Uruguay.

"Uruguay joined Paraguay as the third independent state to arise from the ashes of the former Viceroyalty of the River Plate."

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521 Pascoe 2020 p.99  
522 Adeona's commander, Capt. Andrew Low, who had challenged Areguati in 1824, appears to have died of scurvy around June 14th. It is likely that William Low commanded Uxbridge. cf. 1824, 1826 & 1833.  
523 Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836... Vol. I Proceeding of the First Expedition, 1826 – 1830, under the command of Captain P. Parker King Parker King P. 1839 p.149  
524 Also known as Tiburtina or Fiburtina. An 1813 law banning the importation of slaves into the Viceroyalty was ineffective and slavery in Argentina was only legally abolished by the Constitution of 1853. It would be 1860 before slaves were granted complete freedom. As there is no evidence of other indentured slaves being taken to the Islands, it would appear that Carmelita and Gregoria were among these. During the period 1828 to 1832, 4 of the slaves died and 2 absconded. 4 remain unaccounted for. cf. 1828, 1833, 1842, 1845 & 1846.  
525 AGN Fondo Luis Vernet VII-141  
526 Parish to Palmerston June 4, 1832 in FO 354/9  
527 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826 in CO 78/01.  
528 Rock 1987 p.103
“(Ponsonby) opposed allowing control over Montevideo by either of its two large neighbors, Brazil or the United Provinces. He contended that whoever dominated Montevideo would control the entire region north of Montevideo to the distant Republic of Paraguay... If either of its neighbors gained permanent possession over Montevideo, it would "injure, if not control...the trade of England to China, India and all the eastern trade of the Pacific." Such dangers would increase if the dominant local power formed an alliance with the United States or France.”

August 29th, Luis Vernet arrives back at the settlement on Combine, after 14 months away from the Islands. Only 37 horses have survived the journey.

“In the beginning, Vernet surveyed Pacheco’s land, which comprised three distinct estancias: one at Choiseul Sound, another on the west side of Salvador Bay, and the other between present-day Fitzroy and Port William. With the data acquired, Vernet mapped both his and Pacheco’s property, as well as the Government reserve at San Carlos.”

“On 15 July 1828 (sic), Vernet arrived on the Islands with his wife, his children and 15 English colonists, 23 Germans, as well as gauchos and indians to work on the land. He made various changes to the names on the Islands; Puerto Soledad became again Puerto Louis and Bahia de la Anunciacion became Bahia Louis. Puerto Hermoso (later Port Stanley) became Puerto Williams.”

Vernet also sets about warning sealers and whalers that they should no longer hunt in those waters.

“...fishing vessels trafficked between the islands began to avoid contact with the colony: they rarely contributed to the port... When one of them arrived, he received the best deal. I have not talked to only one of them who was not instructed previous dominion of the Spaniards, of the prohibition of frequenting those seas imposed by these and the act of sovereign ranged by the Republic in 1820. Admonished for that the fishing continued there, everyone promised but none he complied, and the colony without any repressive force, looked sterilized and ridiculous...”

September 2nd, the slaves indentured to Luis Vernet arrive in Berkeley Sound.

“Upon rising, they received orders for the day’s tasks; during the summer, these orders were given the previous evening, to take advantage of longer days, with sunrise as early as 4am. Indoor work was reserved for inclement weather. Eleven of the blacks, along with two English sailors, were assigned to a man contracted for catching and salting mullet. When fishing was impossible, these individuals were employed in construction and roofing. ... Another task assigned the black servants was brickmaking. They were also to build a hen run and help tame a dairy herd.”

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529 Rock 2018 p.84 citing Ponsonby to Dudley Jan 18, 1828 in GRE/E/607
530 Bernhardson 1989 p.174
531 Bullrich 2000 p.100. In fact Puerto Soledad was not renamed Puerto Louis (without the St.) until August, 1829.
532 Vernet quoted in Areco 1885 p.52
533 AGN Sala VII Legajo 141. Noted in Emilio Vernet's diary. Also Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9th June, 1826 in CO 78-01 which notes the vessel's purpose as “freights by the settlement.”
534 Bernhardson 1989 p.194
“... Vernet purchased 31 black people in Argentina and took them to the islands; for a while in 1828-9 they formed the majority of the population of Port Louis. Most were adults, but some were children, with one girl aged only 5. The documentation of their lives is sadly very sparse, but some of them were "new" slaves taken from slave ships coming from Africa, while others seem to have spent some time in South America. They no doubt spoke one or more West African languages among themselves, plus a little Spanish in communicating with the South Americans. The blacks were theoretically "indentured labourers" who were to be released after a term of years, but they were not paid in money, they could not own land, they were not free to come and go as they pleased, and their original African names were never used – some men and boys were given a surname in Spanish, often a name of a month, such as "Marzo", "Abril", "Julio" or "Octubre", but most women and some men were given no surnames. They were slaves in all but name, and we shall refer to them as slaves, as did some people at the time.” 535

**September 15**th, **Combine** sails with 700 hides, 300 seal skins and 200 dozen rabbit skins and three gauchos.
“... which realised enough profit to pay for her charter and some extras...” 536

Argentina’s armies in the Banda Oriental return home. Those troops under General Juan Lavalle march to Buenos Aires, and those commanded by Jose Maria Paz head to Cordoba.

“Both immediately made a bid for power ... in Buenos Aires the hapless Dorrego was seized...” 537

“In Buenos Ayres, again, the termination of the war was the commencement of ruinous and disgraceful civil dissensions, in which nothing was respected but force, and the people allowed themselves and their government to be made the sport of military adventurers.” 538

**November 16**th, Vernet sails from Port Louis aboard **Luisa** with a cargo of salt beef, hides and tallow.

**December 1**st, Juan Lavalle seizes power in Buenos Aires.

**December 3**nd, General Lavalle presents himself as Governor of Buenos Aires to the British, French and US representatives. After consulting, the envoys agree to delay recognition of the new regime. 539

**December 13**th, an American merchantman, **Post Captain**, en-route to New York, stops overnight at Port Soledad; the first vessel to arrive at the settlement since September. 540

Governor Manuel Dorrego is executed by firing squad.

“As civil war erupted, in weeks Lavalle too lost control when the self-styled Federales of Buenos Aires, the late Dorrego’s sympathisers, rebelled under General Juan Manuel de Rosas.” 541

**December 31**st, Luis Vernet arrives back in Buenos Aires.

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535 Pascoe 2020 p.89. The boy Octubre’s body washed up in 1833 after he had gone missing at the time of the **Lexington** Rain of 1831/32. He may have attempted an escape from the US warship.
536 Ibid. p.100
537 Rock 1987
538 Annual Register 1829 p.238
539 Kay-Shuttleworth 1910 p.350
540 Vernet 1832. During 1827, 22 vessels had visited Port Soledad. Throughout 1828 the number was only 11, with 7 including just 2 sealers in the first half of the year; before Vernet’s return. Only one of the vessels that visited after July, 1828 was listed as a sealer – **Mercury**. This does not support Vernet’s suggestion that it was the attempt to enforce his rights over the seal fisheries that drove the sealers away from Puerto Soledad. It is more likely that fewer sealers was the result of fewer seals. Indeed, there is little evidence that Vernet attempted to seriously assert his right over the fisheries until after the 1829 decree. Certainly no reports from the vessels concerned reached England or the USA.
541 Rock 2018 p.78
January 7th, HMS Chanticleer under Capt. Foster arrives in the South Shetland Islands where he takes; “... formal possession of the lands about the islands on the 7th January, 1829, landing at Cape Possession, Hoseason Island.”

In 1829 the surveying was considerably extended by Captain Henry Foster, in HMS Chanticleer, who visited various parts of the South Shetlands.

January 9th, Capt. Foster sets up a base on Deception Island; remaining for 3 months.

Sealers Adeona and Mercury return to Berkeley Sound.

January 20th, American sealer Sarah Atkins calls into Puerto Soledad.

March 7th, in the Buenos Aires El Tiempo:

“Treatment of Prisoners – Three of the prisoners captured in the action on the 7th Feb., were shot on the 10th March. The Chief Mesa had been shot on the 16th Deb. "Of the remainder, some have been condemned to hard labour, to be transported, &c., for the term of seven years, at present to the Island of Martin Garcia, until the establishment at the Islas Malvinas (Falkland Islands) is to be arranged, to which place the prisoners are ultimately to be sent, to fulfil their term of banishment."...”

Some time in early 1829 the Buenos Aires government decided to set up a "presidio" in the Falklands, which was presumably why it had reserved ten square leagues for itself around San Carlos under Louis Vernet's concession of January 1828. A presidio was the last thing Vernet wanted – it was a frontier garrison, something between a military outpost and a prison settlement, since much of the army was made up of convicts guarding other convicts. Vernet wrote to the government to protest, saying that a presidio would dissuade many families who would otherwise go to his establishment. The government, however, ignored his protest.

On the same day, Matthew Brisbane, marooned on South Georgia since April, 1828, sails for Montevideo in a shallop built with materials salvaged from a wreck. Ten of the crew remain behind on South Georgia.

March 12th, General Lavalle announces the formation of a new force for the defence of Buenos Aires, to be made up of foreigners, the 'Batallon del Comercio Extrangerio'. The order is signed by Admiral Brown.

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542 Field 1928 paras.271 & 272. The South Shetland Islands would seem to have been taken into the formal possession of the UK on at least three occasions, cf. 1819, 1820, 1843, 1892 & 1907
543 Memorandum on the Falkland Islands Dependencies January 12, 1947 in LCO 2/490
544 January 13th and 16th respectively. The third of the Low ships, Uxbridge, arrived on February 13th.
545 Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9th June, 1826 in CO 78-01. Variously described as being 'American' or "of these islands" suggesting the Vernet’s may have chartered her on occasion.
546 Reported in the Morning Advertiser Saturday June 13, 1829. A draft letter in the Argentine archive – AGN VII, 131, doc.147 – suggests that Vernet may have protested, arguing that a presidio/penal colony could have a negative impact on his establishment.
547 Pascoe 2020 p.106 citing AGN VII 131 doc.147
“During the efforts to repel the threat, Lavalle ordered the military enlistment of British townsmen. Threatening to banish anyone refusing to obey the order…” 548

March 13th, HMS Tribune, a frigate of 42 guns, arrives in Berkeley Sound.

“Captain Wilson found in Berkeley Sound, in the Eastern Island of the Falklands, excellent water, abundance of fish, and a good supply of fresh beef, some settlers from Buenos Aires about 50 men and women and children being at that port, and having as they stated about 17,000 head of Cattle on the Island. The Western Island is not inhabited.” 549

“... the admiralty had been informed by Rear-Admiral Sir Robert Otway, the officer in charge of the south American station based at Rio that... whilst searching for pirates and privateers in the region of the Plate, one of his captains had put into Berkeley Sound and found the island in possession of a German overseer named Vernet...” 550

“Emilio Vernet records in his diary that he spent a night aboard the ship on 15 March, and on 18 March bought shoes, socks and tobacco from her purser. The Tribune had been sent by the commander-in-chief on the Royal Navy's South American station, Rear Admiral Sir Thomas Otway, to the Falklands and the coast of Patagonia to "show the flag" and check for any pirates or captured prizes. Captain Wilson of the Tribune reported to Otway that he found all in order in Berkeley Sound, and there were "some settlers from Buenos Ayres (about 50 men women and children" present.” 551

March 15th, Parish writes to Lord Aberdeen.

“In a sentence lately passed upon some Convicts, and signed by the acting Government of Buenos Ayres it was expressed that they were to be banished to Martin Garcia; "until the establishment at the Falkland Isles should be ready for their reception." This, and the circumstances of this Government having taken upon itself at various times to grant to individuals privileges to form temporary Settlements in those Islands for the purposes of Sealing and taking the Wild Cattle which are to be found there, induces me to bring the pretensions of this Government to the Sovereignty of those Islands under your Lordships notice, not being aware that His Majesty has ever formally relinquished his ancient claims to them, ... It was the practice of the Spaniards previously to the South American Revolution constantly to maintain a guard in one of those Islands over Convicts who were sent there for punishment, and also a small vessel of War, which, as well as the guard, was annually relieved from Buenos Ayres... this practice was discontinued, but the Buenos Ayreans have not the less ever considered the Territory as belonging to them, and as far as I can learn, they now have some idea of re-occupying it in the same manner and for the same purpose as the Spaniards did.” 552

“Parish's attention was first called to the question early in 1829, when the Buenos Ayreans proposed a scheme for the detention of prisoners and convicts in the Islands. Parish at once communicated the intention of the Buenos Ayres Government to the Foreign Office...” 553

548 Rock 2018 p.78
549 Otway to John William Croker 2 April 1829 no.28 Adm. 1/31 also in FO 78/1 at 66. HMS Tribune’s arrival is confirmed in Emilio Vernet’s diary and Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9th June, 1826 in CO 78/01. Tribune had been sent out from the British station at Rio de Janeiro to search for pirates and privateers around the coasts of South America and at the Falklands. Tribune remained until the 19th.
550 Cawkell 2001 p.57
551 Pascoe 2020 p.102
552 FO 6/499 Dispatch No.17 also FO 78/1/11-13
553 Kay-Shuttleworth 1910

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“... it would be well to note that what prompted Britain's charge d'affaires in Buenos Ayres to draw Lord Aberdeen's attention to the islands was the apparent intention of the Buenos Ayrean government to establish a penal colony there. Such an establishment would have constituted an undeniably formal Argentine presence in the Falklands, and it was this possibility, together with other formal assertions of sovereignty, against which the British Government reacted. Britain might not object to the presence of individuals on the Falklands, but any formal foreign activity in a 'British' possession constituted a challenge to her sovereignty which could not be allowed to pass without protest.” 554

“Great Britain did not oppose the Spanish settlements or Argentine acts of possession between 1775 and 1828. This argument is quite strong; Even when Great Britain may have considered that the question of sovereignty with Spain was relegated to further debate in 1771, the noticeable lack of interest since then does impair the British claim. The inaction of the British government in the face of Argentine acts of possession does as well. But it seems probable or at least possible, that ... Great Britain might have taken Argentine activity in the Islands as just another display of the frequent private endeavours in fishing and whaling.” 555

March 16th, despairing the political situation, Parish writes to Ponsonby; “I remain unwillingly, an idle pensioner disappointed in every expectation I was led to form from my services in South America.” 556

March 18th, after further announcements of military conscription for foreigners, Parish protests and points out that the demand breaches the Treaty of 1825. France also protests, forcing Lavalle to rescind the order.

April 9th, Matthew Brisbane arrives in the town of Rio Negro; where he reports the loss of the Hope.

April 11th, General Rosas gives his troops orders to shoot all foreigners. 557

April 12th, William Langdon, now in England, writes to the MP, Thomas Potter MacQueen.

“Having captained a merchant ship during five trips to New South Wales and returned to London via Cape Horn, I have seen the need to establish a colony in the Falkland Islands in order to provide ... water, supplies or repairs in case of accident. ... Numerous boats are now used commercially in New South Wales and Van Diemans land exclusively prisons ships and whalers. Most of them are forced to anchor in one of the Brazilian ports for water, etc..., if they return by the Eastern route. All this would be absolutely unnecessary if there was an established colony ... I was in Berkeley Sound ten months ago and found the islands held by a German director and about 20 men ..., [who] had been sent there by a company of merchants of Buenos Aires [which] obtained a concession from the government of that state, and its aim was to kill the cattle to remove the skins... ” 558

MacQueen “entreats” on Langdon's behalf.

“... while England slept a foreigner was stealing a march on her.” 559

April 20th, in Buenos Aires, Parish receives a note from Luis Vernet.

“There exist now in Soledad Island 10 white inhabitants, 10 seafaring men, mostly English and Americans, 18 Negroes indentured for 10 years, 12 Negro girls, 52 in all, a brother and brother-in-law

554 Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands.' J. Muffty 1986
555 Peña & Peña 2018
556 Parish to Ponsonby March 16, 1829 in Rock 2018 p.80
557 British Packet April 11, 1829 in Rock 2018 p.78
558 Quoted in Caillet-Bois 1952 p.418. Also FO 78/1/54
559 Cawkell 2001 p.57
of Mr. Vernet. There are prepared to embark for the Falklands, eight families including Mr Vernet, and seven single men – Germans. 33 individuals in all. There are going to Staten Land 4 families and 6 single men – English. In all 18 Individuals. 103 people in all.” 560

# Researcher’s Comment: Parish’s enquiries following the March 7, 1829 newspaper announcement seem to have led him to Luis Vernet. It is likely that they met in April, 1829, apparently for the first time, and that Parish asked for information about the Soledad settlement.

“... having trained and seasoned a considerable number of Horses, and caught and domesticated therewith, much cattle – I carried thither, several German Families to form dairy farms...” 564

“Parish also asked to see Vernet; he paid a third visit to the British consulate in late April 1829, and this time he met Parish, showed him his concession documents and gave him a translation of his 1828 petition and concession, plus a memorandum dated 20 April 1829 listing the people living at Port Louis or about to go there...” 562

April 23rd, Matthew Brisbane sails from the Rio Negro in the Triunfo, bound for Buenos Aires.

April 25th, following up on his concerns, Woodbine Parish writes to Lord Aberdeen.

“With reference to my despatch no. 17 of the 15th Ultimo upon the subject of the Falkland Islands, I now enclose for your Lordships information copies of the Grants which have been made by the Government of Buenos Ayres of the Isle of Soledad, as well as of Staten Land, whereby your Lordship will observe the terms upon which a Mr Charles (sic) Vernet has undertaken to form Settlements in those places. I have procured these papers from Mr Vernet himself, a very intelligent person, who has passed three winters there, and is now returning with several Colonists to be located according to his Agreement with the Government.

I understand from him that he will have sent to Soledad, and Staten Land in this year, and the last, about one hundred persons altogether, of different Nations, as the accompanying list (N°3) sets forth:- Mr Vernet states the climate of Soledad to be by no means severe, and that although as yet he has not course grain, he has cultivated Potatoes, and other European Vegetables with the greatest success, and doubts not that the Settlers will be able very soon to provide entirely for their own sustenance:- That Island abounds also with good peat for fuel, and timber adapted to every purpose may be procured from Staten Land:- Of the Fishery on the adjacent Coast, Mr Vernet expects to make a considerable profit. The chief object however at present is to increase the stock of Cattle which he has found in Soledad, and which he calculates at from 15 to 20,000 head.

He would I believe be very happy if His Majesty’s Government would take his Settlement under their protection:- He sails for the Falklands with his family in about a month, and intends to pass he says some years there in promoting the objects of this Colony.” 563

560 Parish to Aberdeen April 25, 1829 in FO 78/1/16-18
561 Vernet to Labouchere December 1856 in CO 78/43
562 Pasco 2020 p.106
563 Vernet to Labouchere December 1856 in CO 78/43. Also FO 6/499 & FO 78/1/16

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“You cannot doubt the veracity of Parish, especially as the document is intended for ministers... Moreover, our knowledge of the documentation leads us to believe that there must have been a manifestation of recklessness by Vernet, torn, possibly, by reservations and counterclaims to make him the business manager of His Majesty. But I doubt that Vernet at that time was well informed about the legitimacy of our titles, and, therefore ... said the words reported in Parish’s note.”

Woodbine Parish encloses for Aberdeen’s consideration.

“Letter of Petition from Louis Vernet to the Governor & Captain General of the Province of Buenos Ayres, 5th January 1828; Buenos Ayres Government Decree Buenos Ayres January 5th 1828; Letter of Petition from Louis Vernet & George Pacheco to the Governor of Buenos Ayres, 18 December 1823; Decree issued to Louis Vernet & George Pacheco Buenos Ayres 18th December 1823; Copy of a business report and further petition made by George Pacheco made available to the British Consul 20th April 1829; Memorandum received from Mr Vernet as to the present state of his Colony in the Falkland Islands, dated Buenos Ayres, 20th April 1829.”

# Researcher’s Comment: Notably absent from this list of papers received from Vernet are the Consular ‘certifications’ of 1826 and 1828. Parish seems to have remained ignorant of them. That Vernet did not include the copies signed by the Consulate is intriguing. Rather begs the question, whether Vernet had his own doubts about their veracity?

“... for the information of the British Government, and in order to shew them the good faith with which your Memorialist was acting, (I) handed to the British Charge d’Affairs, Sir Woodbine Parish, translations of these Grants, and at the same time stated to that Gentleman, your Memorialist’s exact position and the Title under which he held the **Eastern Island**, and represented to him that if the Islands should ever come under the British flag, (in which case your Memorialist felt assured that his rights as first Settler, would be fully acknowledged), he would be most happy to render his best services towards the Colonization of them and the General prosperity of the Islands, as a British possession...”

“Vernet, who was essentially a businessman, had meetings with Parish in May (sic), 1829, where he stated, as Parish reported to London, his willingness to accept British protection. The British Government did not pay attention to his suggestion.”

Carmelita, one of Vernet’s indentured slaves, gives birth to a son, Jean José Simon. The father is Jean (Juan) Simon, the foreman of Luis Vernet's gauchos; “... the son of Juan Simon, Vernet's agent at Port Louis, who was born in the year 1828 (sic) at Port Louis.”

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564 Caillet-Bois 1982 p.305
565 Parish to Aberdeen April 25, 1829 in FO 78/1/16-18
566 Vernet’s Memorandum Presented 7, May, 1852 in CO 78/43. My emphasis. cf. 1823, 1825, 1826, 1828 & 1852
567 Bullrich 2000 pp.99-100
568 CO 78/43. Recorded as 1828 in Governor Moore’s report of December, 1858, the exact date is unknown. Moore’s record appears to be inaccurate. If Jean Simon was involved in the transport of the indentured slaves to East Falkland Island the earliest he could have consummated a relationship with Carmelita was July, 1828, while still in Patagones. That would place a birth in April, 1829. If Simon had not helped transport the slaves, the earliest consummation would have been in September, 1828, after their arrival in the islands. That would move the birth to June, 1829. Cirio (2019) gives the year of birth as 1831, but no date.
April 26th, following defeat at the battle of Márquez Bridge, Juan Lavalle is besieged by General Rosas.

“... one party ruled in the city and another in the country;... the only efficient law was the sword. As to the confederation which formed the Argentine Republic, it no longer existed. While the country districts of one province were fighting bitterly against its capital, the different provinces had their armies in the field, and were fighting equally bitterly against each other.” 569

May 2nd, Capt. Brisbane finally arrives in Buenos Aires where he completes a Public Instrument of Declaration and Protest recording the loss of the Hope, which is submitted to the British Consulate in Buenos Aires. 570

May 4th, Brisbane reports to the Consulate in Buenos Aires.

“He volunteered immediately to return to South Georgia, in the hope of saving the remainder of his men...” 571

“Parish paid the £75 13s 9d (seventy-five pounds, thirteen shillings and ninepence) at once to Brisbane for his crew’s immediate needs in Buenos Aires, and on 30 May wrote to the Treasury in London asking for approval of the payment, which was granted.” 572

May 15th, Parish, seeing that an American ship (Betsey/Betsy) is about to sail south from Buenos Aires under a charter contract with Vernet, negotiates an agreement with both its master, Oliver Keating, and Luis Vernet, for the ship to assist Brisbane in rescuing his shipwrecked crew. 573

“... for the sum of one thousand Spanish Milled Dollars for every calendar month that she may be at (Brisbane’s) disposal... The only object of this Charter is to enable Captn Brisbane to deliver his Seamen that were wrecked upon the Island of New South Georgia in the Schooner "Hope" of London and are presumed still to exist upon said Island...” 574

May 18th, on Soledad, Emilio Vernet records in his diary that a gaucho, Antonio Rivero, is at the settlement. 575

“Simon[,] S. Centurion and Anto Rivero slaughtered 2 cows in the camp and brought hides and meat.” 576

“That date makes it highly unlikely that Rivero took part in the fighting surrounding the Lavalle coup, as asserted by Martiniano Leguizamón Pondal, and impossible that he arrived in the Betsey since she did not leave Buenos Aires till June 1829. ... When Rivero arrived in the islands is not recorded; he may perhaps have been present in 1828, but the fact that Emilio does not record him before May 1829 suggests that he arrived in one of half a dozen ships that touched at Port Louis in the first few months of 1829, ...” 577

569 Annual Register 1829 p.242
570 British Packet & Argentine News May 2, 1829
571 Parish to Bidwell June 1, 1829 in FO 6/28/48
572 Pascoe 2020 p.103
573 Parish to Bidwell June 1, 1829 in FO 6/28/48
574 FO 466/3. Consul Charles Griffiths witnessed the agreement. Brisbane then submitted a petition for a further 1,730 pesos for provisions and clothing for his crew. Handed over on May 20, 1829. Kohen & Rodriguez (2016) believe that this act of rescue was in some way an assertion of sovereignty by Buenos Aires over South Georgia. Their reasoning is hard to follow.
575 Leguizamón Pondal in his book Toponimia Criolla en las Islas Malvinas (1956) asserted that Rivero was an army officer who left Buenos Aires with Vernet on June 16, 1829. What little evidence there is, is to the contrary. cf. 1833
576 Emilio Vernet’s diary quoted in Pascoe 2020 p.102
577 Pascoe 2020 p.102

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May 20th, Brisbane makes out a formal affidavit at the British Consulate absolving his crew of any responsibility for the wreck. He receives further funds for the necessary supplies for his rescue mission.

June 2nd, at the Foreign Office, Barrow writes to Hay with regard to the Falklands.

“\[I don’t know whether your recent enquiries respecting these Islands, concerning which the enclosed gives some information, had any reference to our settling them, as I think it would be wise to do – but if not, the sooner we proceed to do so the better – \] Remember they are virtually ours, being ceded to us by Spain in full right of occupancy, ... The people of Buenos Ayres can have no pretensions whatever to them." 578

June 5th, in receipt of reports from both Rear-Admiral Otway, and Parish, the Foreign Office recommend that the Government take action. Britain's rights to the islands have not lapsed. 579

“These islands are not mentioned in any subsequent treaty with Spain; and no trace has been found of any such correspondence as you suppose may have taken place whereby Gt. Britain agreed to a permanent cession of them... Great Britain, being then in possession, declared on withdrawing her troops from the Islands in 1774 that they were "the sole right & property of Great Britain." Whatever right we possessed then, we appear to have still." 580

June 9th, Luis Vernet submits a request to the Lavalle administration in Buenos Aires. 581

“Exmo. Lord
D. Luis Vernet as the founder of a new colony in the Malvinas Islands before V. E. (Your Excellency) respectfully I present myself and say: after the predecessors of V. E. have competently authorized me to direct this foundation to which I have already given a start at my expense, I thought it appropriate to represent to the superiority the advantages and utility of building a fort for the safety and respect of the establishment itself in the new colony. It's all about manifesting V. E. the reasons of convenience that cannot be hidden, and I will only ask that I be helped with some battery cannons with their corresponding kit, ammunition and other details (on) the note that I attach.

The honorable Board of Representatives in previous years issued a law on the protection of fishing and of its nationals, it has not, however, had any significant effect since it is indispensable [that a] warship crosses those seas for the cause of which foreign nations have enjoyed complete freedom of fishing to the detriment of the inhabitants and the State, which could have reported huge amounts if it had dedicated itself to collecting the amount per ton established by that law. I also find it very convenient that a small vessel with a rotary barrel of colisa (?) be placed at my disposal for the sole purpose of assigning it to the collection of the (duties) by pointing out the fixed points to which I must send it, taking care to inform the government of the collection religiously.

This vessel could also serve as a conduit for timber from the Strait of Magellan that should be used for the construction of the fort, and also to maintain efficient communication between these islands and the Rio Negro and Buenos Aires. Although I did say V. E. that an armed vessel crossing those seas is indispensable for fishing, but in order not to tax the state, a small sailing vessel can be made available

578 FO 6/499
579 Gough 1992
580 John Backhouse to Hay 5 June 1829 CO 78/1/3

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which, at the same time as it is useful, saves the state the costs of a larger vessel. I must also present V. E. that the announcement of a prison on the island of la Soledad where the old one was has caused many families who could have been encouraged to that establishment to withdraw, and if it is not to erase the impression that this announcement gives on the island of the new colony, it may perhaps cross the European emigration company in which I am committed to promoting.

I therefore believe it is my duty to plead with V. E. that by a special decree the re-establishment of the former prison on that island be prohibited; but in the event that the Government wishes to restore it, I, for my part, will take care to indicate one of the immediate small islands that are most appropriate for this purpose by committing myself to provide all the aid that is within my reach for the construction of the prison. V. E. will not fail to know the greatest advantage of a presidio on a small island where everything is in sight, and the dangerous in an extensive island where elements are presented to disrupt the order that is the first thing we must guard in the foundation of every colony.

Anyway, I think V. E. nothing will fail to make it contribute to its promotion as so interesting to the greatness and prosperity of the Republic that it seems that due to the circumstances of war and revolution it had not been possible to contract a company that must eventually strengthen its political existence and respectability with other nations. Therefore=

I ask and I beg that having presented myself, it be served to command as I leave exposed for being of Justice.

Luis Vernet" 582

“It is evident that the Seal Fishery in those Islands, is exhaustible,... Foreigners who only seek present and immediate utility, without considering the future, effect the slaughter in a pernicious manner. They set fire to the fields and slaughter indiscriminately, and in all seasons, even in that of bringing forth young. In consequence of this, and of the constant and great concourse, has ensued the present diminution of Seals, of which there are now scarcely the twentieth part of what there were in 1820. It is not impossible that this valuable species may return to its former abundance, by means of a well regulated slaughter, and some years of respite. But while Foreigners continue to slaughter, it is impossible, and the species will become extinct. If this takes place, the Colony is undone, for the slaughter is the great allurement... I perceived the danger to which this disorder exposed the Colony... For this reason I requested the Government to furnish me with a Vessel of War, to enable me to cause the rights of the Colony to be respected.” 583

“Such a request, moreover, if satisfied, would not constitute an overstepping of the new authorities; it was just one more step that was added to the series begun years ago, ... (by) then Governor (Rodríguez).” 584

June 10th, the provincial government of Buenos Aires issues a decree.

582 AGN X-293
583 Vernet 1832.
584 Caillet-Bois 1982 pp.205 & 208. This appears to be an attempt to justify Vernet's submission to an unelected government that had seized power. If the government lacked any legal basis, nor would its actions and decrees.
Political and Military Command of the Malvinas

“When by the glorious Revolution of May 25, 1810 these Provinces separated themselves from the Dominion of the Mother Country, Spain held the important possession of the Falkland Islands, and of all the others around Cape Horn, including that known under the name of Tierra del Fuego: that possession being justified by the right of being the first occupant, by the consent of the principal maritime powers of Europe and the proximity of these islands to the Continent that formed the Viceroyalty of Buenos Aires, unto which government they depended.

For this reason, the Government of the Republic having succeeded to every right which the Mother Country previously exercised over these Provinces, and which its Viceroyals possessed, continued to exercise acts of Dominion in the said Islands, its Ports and Coasts, notwithstanding circumstances have hitherto prevented this Republic from paying the attention to that part of the Territory which, from its importance, it demands. Nevertheless, the necessity of no longer delaying such precautionary measures as shall be necessary to secure the rights of the Republic; and at the same time to possess the advantages which the productions of the said Islands may yield, and to afford to the Inhabitants that protection of which they are entitled, the Government has agreed and decreed, as follows: 585

Article 1:- The Falkland Islands and those adjacent to Cape Horn in the Atlantic Ocean, shall be under the command of a Political and Military Commander, appointed immediately by the Government of the Republic.

Article 2:- The Political and Military Commander shall reside in the Island de la Soledad, on which a Battery shall be erected under the Flag of the Republic.

Article 3:- The Political and Military Commander shall cause the Laws of the Republic, to be observed by the Inhabitants of the said Islands, and provide for the due performance of the Regulations respecting Seal Fishery on the Coasts.” 586

# Researcher’s Comment: June 10th, 1829 was the 59th anniversary of the surrender of Britain’s garrison at Port Egmont in 1770. Coincidence? Perhaps.

Worth remembering that 1) Spain had not been first occupant. It had been the second occupant of Soledad Island behind the French; and third, behind the British, in the archipelago. 2) The principle maritime powers in 1767 were Britain, Spain and Holland. Britain and Holland had not given any consent to Spain. 3) Proximity was not the term used in the 1760s. Adjacency was. At 100 leagues distant, the Falklands had not been considered adjacent to South America by any nation except Spain. 4) The Viceroyalty was of the Rio de la Plata. Not Buenos Aires. The last seat of the Viceroyalty had been at Montevideo. 5) The Lavalle administration did not represent the ‘Government of the Republic.’ Also, there was no natural right of inheritance by a revolting colony; nor any legal right under international law as it stood then. In 1829, Spain still considered the provinces as their territory and would not begin the process of recognition until after 1836.

This decree carried two signatures. One belonged to the Minister of Finance and Foreign Affairs, Salvador Maria del Carril. The other was from an old friend, Martin Rodriguez, who had returned to Buenos Aires with Lavalle. Rodriguez may be seen as the driving force behind the Buenos Airean attempt to seize control of the islands.

585 My emphasis throughout. cf. November, 1982 for a British statement to the UN describing inheritance as a “myth.”
586 British & Foreign State Papers 1831-1832 p 314. Signed by Martin Rodriguez and Salvador Maria del Carril. In modern times, Argentina has emphasised that it was Rodriguez, rather than Lavalle, that signed in 1829; claiming that Rodriguez was ‘acting Governor’ of Buenos Aires. However, the record shows Juan Galo Lavalle as the de facto Governor of Buenos Aires between December 1, 1828 and June 26, 1829.
Caillet-Bois (1982) believed that it was Rodriguez who had first suggested the wild cattle venture to Pacheco in 1820. Pacheco’s licence and land grant of 1823 also carried Rodriguez’s signature. This was the biggest leap yet. From a request for a fisheries protection vessel to a governorship. One further departure from previous licences and decrees was that this enactment was published.

“... I demanded a warship from the government, that would enforce the rights of the establishment. The government knew this truth but could not then send me the ship, deciding to invest me with a public character, and issued the two decrees of June 10 (1829), restoring for one the government of Malvinas and Tierra del Fuego, and nominating me for the other to carry out this position.” 587

“The Buenos Ayres government has taken possession of the Falkland Islands, which, with Tierra del Fuego, are erected into a military government, the seat of which is fixed at the island of La Soledad.” 588

“... to acquire the sovereignty of regions which are not in the dominion of any State, it is indispensable that the occupation be effected in the name of the State which intends to acquire the sovereignty of those regions; That the occupation cannot be held to be carried out except by effective, uninterrupted, and permanent possession being taken in the name of the State, and that a simple affirmation of rights of sovereignty or a manifest intention to render the occupation effective cannot suffice; ...” 589

“Coinciding with the anniversary of the first expulsion of the English from Puerto Egmont, on June 10, 1829, General Martín Rodríguez appointed governor of the islands to Luis Vernet, a native of Hamburg,...” 590

“The Decree, published on June 13th, appropriately based Argentine rights upon Spanish inheritance and negated any other means of acquisition of sovereignty such as the occupation of terra derelictae, as claimed by Vernet, or usucapio...” 591

“Despite the chaos, on 10 June 1829 Vernet managed to get hold of General Martín Rodríguez, Lavalle’s governor of Buenos Aires, and at Vernet’s request Rodríguez made the Falklands into a "comandancia", the political entity below a "gobernación" in the old Spanish imperial hierarchy. A gobernación would have had a governor, but a comandancia only rated a "Comandante Político y Militar"... At any rate, the date of the decree, 10 June, was noteworthy in the history of the Falklands – it was the date on which the British had been expelled from Port Egmont in 1770...” 592

A second, unpublished, decree grants the title of ‘Civil and Military Commandant’ to Luis Vernet.

“The Government of Buenos Aires having decreed on this day that the Malvinas Islands adjacent to Cape Horn in the Atlantic sea be ruled by a political and military commander and keeping in mind the capabilities of Luis Vernet, has decided to appoint him, as it is being done by means of this document, for said position as Political and Military Commander of the Malvinas, bestowing on him all the authority and jurisdiction necessary to fulfill his job.” 593

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587 Vernet quoted in Areco 1885 p.53
588 London Evening Standard Thursday September 3 1829. The publication of the decree was widely reported in Britain.
589 Reports of International Arbitral awards: Guiana Boundary case (Brazil, Great Britain) June 1904 vol.11 pp.11-23
590 El Problema de las Malvinas Raimundo D. Alejo 1982
591 Peña & Peña 2018. Usucapio is prescription/adverse possession.
592 Pascoe 2020 pp.102-103
593 Quoted in Destefani 1982. Also AGN VII 128.
The latter, on issuing a copy to Vernet, described it as a 'Diploma' (see below). A difference, and there clearly was one, that is not immediately apparent. All the papers relevant to the events of December, 1831, were placed before Congress by Governor Rosas in 1832. Notably this 'Diploma' was not among them.

“... the Government, either believing me to be the most proper person, or to save the expense of a salary, ..., thought it expedient that the Director of the Colony should also be Civil and Military Governor; and, by another distinct Decree, although of the same date, it nominated me to fill this office...”

“... in... 1829 (up to which time the British Government had not exercised any act of Sovereignty) your Memorialist was offered the appointment of Governor of these islands by the Buenos Ayrean Government, and finding, that, notwithstanding his frank avowal of preferring to be under the protection of the British Flag, ..., no change of flag had then been made, your Memorialist accepted the said appointment with the view of affording at least some protection to his rising Colony, and not with reference to any political question.”

“Vernet's Colony was distinctly in the nature of a private venture with the paper backing of the Buenos Aires Government. Vernet himself later admitted that the foundation of the Colony was entirely his own work, that he received no assistance at any time from the Government, that he received no salary as "Governor," and that the Islands paid no taxation.”

“By two decrees of June 10, 1829, the government of Buenos Aires created the Political and Military Command of Malvinas, and appointed Louis Vernet its ... Commander. As from that date, Vernet's actions could compromise the government of Buenos Aires of which he had become a representative.”

June 11th, Minister del Carril issues copies of both orders to Luis Vernet.

“The undersigned Minister Secretary of Government has the honor to direct Mr. Luis Vernet under the terms 1, 2 and 3; 1st. The Decree that the Government has issued on this date establishing the Civil and Military Command of the Malvinas Islands and their adjacencies; 2nd The Diploma for which His Excellency appoints Mr. Vernet Civil and Military Commander of that establishment; 3rd The instructions agreed upon by the Commander of the above-mentioned Islands. The Government hopes that Mr. Vernet will respond to the confidence His Excellency has in his knowledge and zeal for the public service.”

Vernet's request for a warship is not granted; however he is provided with 4 cannon, 50 rifles and ammunition, 20 quintals of iron, a bellows and blacksmith equipment, carpentry, construction and farming tools.

“Another decree signed by Salvador Maria del Carril in June 1829 (without indicating a day, probably the 10th), orders the Minister of War to surrender to Vernet four guns, rifles and other weapons "for the formation of a battery in the Isle of Solitude"...”

594 Vernet 1832. Also AGN, Fondo Luis Vernet Sala VII 2-4-6
595 Vernet's Memorandum Presented 7, May, 1852 in CO 78/43
596 Memorandum on the Falkland Islands 1947 in LCO 2/490. My emphasis.
597 Peña & Peña 2018
598 Quoted in La agresión norteamericana a las Islas Malvinas Ernesto Fitte 1966 p.17. My emphasis. See also Caillet-Bois 1982 p.208 fn.44 citing Archivo General de la Nacion, Documentacion donada, Archivo de Vernet. The reference to 'instructions' is intriguing.
599 Archivo General de la Nación Argentina. Fondo Luis Vernet. Sala VII 2-4-6
600 Kohen & Rodriguez 2016 p.155
June 13th, the Provincial Government of Buenos Aires publishes its decree entitled: Political and Military Command of the Malvinas, in the city's journals.  

“One of the most important measures of the current Government has been the political and military organization of the Malvinas Islands, and the lands adjacent to the Strait of Magellan. Although our navy is in its infancy, we can take great advantage of the Islas Malvinas. The territory is very fertile, its climate less rough than its latitude (suggests). The quadrupeds, which the Spaniards released there, have multiplied, and it is estimated that there will be no less than 40,000 head of cattle, with a number of horses. ... Another source not less copious is the fishing of sea lions of which their coasts abound.”

“... June 1829 before a Buenos Aires Decree regarding the administration of the Falkland Islands appears in the Registro Nacional. By this time, it is true, the Government of Buenos Aires had gained the recognition of both the United States and Great Britain. But the foundations of that government seemed no more stable than in the earlier days of anarchy.”

Vernet has a seal made.

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601 For example La Gaceta Mercantil June 13, 1829 p.2
602 La Gaceta Mercantil June 17, 1829 page 2
603 Memorandum on the Falkland Islands 1947 in LCO 2/490
“... with which he stamped all his documents.. in the center the 'Arms of the Country and in contour the inscription Comandancia of the Malvinas and adjacencies.'...” 604

“While he was in Buenos Aires Vernet had a circular printed in English to give to captains of ships visiting the Falklands. On one side it bore Vernet's translation of the comandancia decree and on the other a warning against "fishing" (mainly sealing) and shooting cattle – since almost all ships visiting the islands had English-speaking crews, English was the only usable language. ... In his warning on the other side, Vernet promotes himself to governor, though he was only a CPM (a mere commandant), and he warns that offenders against the laws governing the "fisheries" may become "a lawful prize".” 605

**June 19**th, with **Betsy** (Capt. Keating) ready to sail, Luis Vernet posts a letter to Woodbine Parish inviting an investment in the new colony; “I need a partner; amongst traders I cannot find any.” 606

“No one better than you could stimulate Settlers from England.” 607

The letter includes details of plots of land. 608

“... your Memorialist,... confidently relied on British protection in any case of necessity, and did not, for a moment, hesitate to embark the whole of his own property, and a large portion of that of his friends in England, and the United States, and on the Continent of Europe, in founding the Colony, and in bringing to the Island several English, German and other families.” 609

“Vernet's land concession applied only to East Falkland and Isla de los Estados. Accordingly, this map shows only East Falkland; a sizeable corner of West Falkland should appear at top left, but is silently omitted.” 610

In London, Parish’s letter of March 15th, is copied to Secretary of State for War and the Colonies, Sir George Murray, for his consideration. 611

“Brisbane boarded the Betsey together with Vernet and his family (his wife María, known as "Mariquita", and their three small children Emilio, Luisa, and Sofía); the children's British governess Miss Robinson; two British families; one Spanish-speaking family; five German families and 16 bachelors – 57 people in all. The "colonists" or "settlers" were almost all British or German; Vernet did not want South Americans except as gauchos.” 612
June 21st, sailing via Montevideo for supplies, Vernet writes again to Parish.

“... I believe that if you entered the business you would make big profits just as I have. I offer you a share of my companies in the Falkland Islands, not more than half or less than a quarter. I would leave this up to you (provided) you would cover a proportional part of the expenses that I have had up to now plus interest, plus 25% as compensation for the work that I have had up to now, and for the concessions of land, cattle, etc. (You) can do more than anyone else for its of prosperity, since (you) have only to point out to (your) government the advantages that its warships would have that go around the Horn to touch at the islands instead of the ports of Brazil...” 613

“... still aboard the Betsey, he wrote to Parish again with the same offer of half shares, but now saying he would like to obtain inhabitants "of the Shetland Islands, of Norway, of the northern parts of Holland and

613 Quoted in Caillet-Bois 1982 p.227 fn.27. Also AGN VII 129 doc.71
Germany, of Switzerland or the highlands of Scotland and the bays of Ireland.” Those two letters express his concerns at the time – he did not have the funds to develop his colony himself and thought his best chance of success was to obtain British funds and British settlers, plus others from northern Europe.”

June 23rd, La Gazeta Mercantil names Luis Vernet as the; “… Comandante politico y militar de las islas.”

“The Decree which ordered that a Governor should be named was published by the press; but the other under the same date, in which I was appointed Governor, was not published. This circumstance has doubtless given rise to the idea that I had appropriated to myself this title…”

June 26th, Parish notifies London of the decree gazetted on the 13th; “… formerly asserting the Rights of the Republic to those Islands.”

“I believe that the steps lately taken by Mr Vernet to increase his Colony, at the Isle of Soledad, have drawn the attention of the Buenos Ayrean Authorities to the subject, and have led to this measure. But, I do not learn that they at present contemplate taking any further steps in pursuance of their Decree, beyond the conferring upon Mr Vernet himself the Honorary appointment of Political and Military Governor of his own Settlement.”

June 27th, an agreement is reached between General Juan Lavalle, Provisional Governor and Captain General of the Province of Buenos Ayres, and the Commandant General of the Country Districts, Juan Manuel Rosas; “… in order to put an end to the disturbances which have afflicted the province,…” Elections are to take place.

June 29th, the Foreign Office forwards Parish’s April 25th letter to Secretary Murray.

July 2nd, Sir John Barrow, Permanent Secretary to the Admiralty argues for an immediate return of British forces to the archipelago in a letter to Robert Hay, Permanent Under-Secretary for the Colonies. Barrow asserts that under the; “Law of Nations … priority of discovery must give way to priority of occupancy.”

July 9th, Foreign Secretary, George Hamilton-Gordon, Lord Aberdeen, requests a legal opinion regarding British title to the archipelago. Lord Dunclas writes to the Advocate-General, Sir Herbert Jenner.

“… the Government of Buenos Ayres has recently claimed them as an appendage to their territory, on the ground of right derived to them from the Crown of Spain; and Lord Aberdeen directs me to request that you will be pleased to take these the circumstances into consideration, and report to His Lordship your opinion how far the interval of non-occupation by any British force from the year 1774 to the present time or any portion of the previous transactions already referred to, can be held to invalidate the former claim of this country to the islands in question.”

614 Pascoe 2020 p.105
615 Ibid. p.207
616 Vernet 1832. Also Archivo General de la Nación, Fondo Luis Vernet Sala VII 2-4-6. My emphasis. cf. 1832.
617 FO 6/499 and FO 78/1/40. This appears to confirm that Parish had not been aware of the pretensions of Buenos Aires before April, 1829, when the newspapers had reported the likelihood of a new presidio on the Islands. It also emphasises that Parish continued to view the activities of Vernet as purely a business concern; i.e., “his own” settlement rather than a Buenos Airean settlement. Vernet only ever referred to “his” settlement or Colony.
618 London Courier & Evening Gazette Thursday September 3, 1829
619 Quoted in The British Reoccupation and Colonization of the Falkland Islands, or Malvinas 1832 – 1843 Barry Gough 1990 citing CO 303/146
620 FO 83/2227/95. Quoted less accurately in Caillet-Bois 1982 p.423
July 10th, London's War and Colonial Office expresses surprise at the Buenos Aires Government; “.. assuming to themselves the right to dispose of the Islands and the projects which they have in regard to them.” 621

“... (The Right)… to these Islands has always been maintained in our discussions with the Spanish Govt., as well on the ground of prior discovery, as of prior settlement, and it is clear that Spain has acquired no additional Right to them since the period since her supposed claims were successfully resisted by Great Britain.” 622

July 14th, *Betsey* arrives in Berkeley Sound with its passengers and settlers. Once back at the settlement, Vernet resolves to; “... employ all my resources and avail myself of all my connections in order to undertake a formal colonization which should... lay the foundation of a national Fishery which has been at all times and in all countries the origin and nursery of the Navy and Mercantile Marine...” 623 This leads Vernet to the decision that a formal act of “dominion” will take place in August; on the anniversary of Saint Rose of Lima’s death. 624

“The Betsey brought 57 people; 16-20 of them sailed on to Statenland but eventually went back to Buenos Aires. Only about 40-45 of the settlers, mostly Germans or British, remained for a while at Port Louis and temporarily brought its population up to around 95-100 – the exact number is not recorded, though it is clear that the population did not rise much above 100 at this time. Even that figure was not maintained for long, as tensions arose among the Germans and the Spanish speakers.” 625

Around the same time, the American sealer *Harriet* arrives in San Salvador Bay where its commander, Capt. Pendleton, is presented with a copy of Vernet’s sealing restrictions by Matthew Brisbane. 626

“Captain Brisbane ... is the person who was formerly with Mr. Weddell in his voyage to South Georgia. He has since associated himself with Mr. Vernet in his speculation in the Falklands.” 627

Maria Vernet commences a diary. 628


“It appears to me that the interval between the cessation of the power of old Spain and the consolidation of that of the new governments in South America would be the best time for our resuming our former possession of the Falkland Islands... I have not spoken with Lord Melville on the subject, but I believe he is very sensible of the importance in the naval point of view of the occupation of those islands.”

July 25th, Wellington responds.

“It is not clear to me that we have ever possessed the sovereignty of all these islands. The convention certainly goes no farther than to restore to us Port Egmont, which we abandoned nearly sixty years ago. If our right to the Falkland Islands had been undisputed at that time and indisputable, I confess

621 Colonial Office Papers 10 July 1829, PRO CO 78/2 FO. 160v in Ware 1984
622 CO 78/2. Which discussions and when are not made clear by the note.
623 Vernet 1832 p.420
625 Pascoe 2020 p.107
626 Cawkell 2001 p.52. It seems that during the voyage from Montevideo, Brisbane and Vernet became firm friends and Brisbane agreed to work for him.
627 FO 78/1/111 Woodbine Parish to Earl of Aberdeen November 20, 1830
628 Which she would keep for just five months from July 14 to December 1, 1829.
that I should doubt the expediency of now taking possession of them. We have possession of nearly every valuable post and colony in the world and I confess that I am anxious to avoid to excite the attention and jealousy of other powers by extending our possessions and setting the example of the gratification of a desire to seize upon new territories. But in this case in which our right to possess more than Port [Egmont] is disputed, and at least doubtful, it is very desirable to avoid such acts. 629

I am at the same time very sensible of the inconvenience which may be felt by this country and of the injury which will be done to us if either the French or Americans should settle upon these islands, the former in virtue of any claim from former occupancy, the latter or both from any claim derived by purchase or cession from the government of Buenos Ayres. 630

That which I would recommend is that the government of Buenos [Ayres] should be very quietly but very distinctly informed that His Majesty has claims upon Falklands Islands and that His Majesty will not allow of any settlement upon, or any cession to, individuals or foreign nations of these islands by Buenos Ayres, which shall be inconsistent with the King’s acknowledged right of sovereignty. I think that this is all that can be done at present. It will have the effect of impeding any settlement or cession by Buenos Ayres and as we may suppose that the French and Americans will hear of this communication they will not be disposed to act in contravention to it unless determined upon a quarrel with this country.” 631

July 26th, elections for President take place in Buenos Aires. The result appears to favour the Unitarians – the party of Lavalle. 632 Rosas, a Federalist, and his army remain encamped some 20 miles from the city.

July 28th, in London, Sir Herbert Jenner’s legal opinion is given.

“I am humbly of opinion that the right which this country acquired by the original discovery and subsequent occupation of the Falkland Islands cannot be considered as in any manner affected by the transactions, which occurred previously to the year 1774. So far from those rights having been abandoned they have always been strenuously asserted and maintained, particularly in the memorable discussions with Spain referred to in your Lordship's letter, which terminated in the restoration of the English Settlement and Fort which had been taken by the Spanish Forces.

The claim, therefore, to these Islands, now advanced by Buenos Aires, cannot be admitted upon any supposed acknowledgement or recognition of the right of Spain by this Country; if it is capable of being maintained on any ground, it must be upon the supposition, that the withdrawing of the British Troops in 1774, and the non-occupation of these islands since that time, amounted to a virtual abandonment of the right originally acquired, and that, being unoccupied, the Islands in question reverted to their original state, and liable to become the property of the person who might take possession of them. But I apprehend that no such effect is to be attributed to either or both of these circumstances.

629 My emphasis.

630 I can find no indication of any renewed interest by the French government following the peace negotiations of 1801/02 that led to the Amiens treaty. Certainly nothing from the 1820's. The reference to the USA is also hard to understand although a few rumours of American interest were occasionally reported from Rio de Janeiro where both Britain and the USA maintained naval forces. America's increasing influence in South America was a constant cause of concern in Britain throughout the 1820's.

631 Correspondence and Memoranda of the Duke of Wellington 1877 vol.6 p.41
632 London Courier & Evening Gazette Friday October 9, 1829
The symbols of property and possession which were left upon the Islands sufficiently denote the
Intention of the British Government to retain these rights which they had previously acquired over them,
and to reassume the occupation of them when a convenient opportunity should occur.”  633

August 4th, at the Foreign Office in London, Barrow writes to Hay; “Our intention is to order our ships that
pass Cape Horn to call at Port Egmont & assert our sovereignty of that Island at least.” 634

August 8th, Lord Aberdeen sends instructions to Parish.

“The information contained in your dispatch of the 15th of March and 25th of April respecting the
measures which have recently been adopted by the Government of Buenos Aires has engaged the
attention of His Majesty’s Government. It appears that the Republik (sic), attempting to execute the full
rights of sovereignty over these Islands, has made grants of land, and has conferred exclusive privileges
upon certain individuals to a term of years. These acts have been done without deference to the validity
of the claims which His Majesty has constantly asserted to the sovereignty of the Falklands; and it is
therefore essential that the proceedings of the Republican Government should not be permitted to injure
the rights of His Majesty. Those Rights, founded upon the original discovery and subsequent occupation
of the islands, acquired an additional sanction from the restoration by his Catholic Majesty of the
British Settlement in the Year 1771, which in the preceding year had been attacked and occupied by a
Spanish Force, and which act of violence had led to much angry discussion between the Governments
of the two Countries.

It cannot be entertained that the abandonment of this Facility in the Year 1774 by the British
Government is in any degree to be considered as ... to invalidate His Majesty’s just pretensions.

The Naval Force was withdrawn, and the settlement relinquished, in pursuance of a system of
economical retrenchments adopted at that time, ... the symbols of possession and property were left
upon the Islands. When the Governor took his departure the British flag remained flying; and all those
formalities were addressed which indicated the rights of ownership ...(and) the intention to assume the
occupation of the territory at a more convenient season. His Majesty’s Govt are aware of the increased
importance of those Islands.

The change in political condition of South America, and the nature of our relations with the various
States ... with the great extension of commerce in the Pacific (sic) Ocean, will render mighty desirable
the possession of some secure points from where our shipping may be supplied and if necessary, refitted.
In the event of our being engaged in War in the Western Hemisphere, such a station would be almost
indispensable to its successful prosecution.

It is not in my power at the present moment, to inform you of the final determination of His Majesty's
Government with respect to those Islands; and whether it shall be thought proper to resume possession
of a settlement which had been extinguished for a time, although never abandoned. The question is one
of much delicacy, there being important consequences, and demanding therefore, the most mature
deliberation. ... in order to preserve entire the rights of His Majesty, and to prevent all injury from the
proceedings of the Government of Buenos Ayres, you will inform that Govt of the existence of His
Majesty's pretensions in their full force. You may also give it to be understood that His Majesty will not
view with indifference, nor can he recognise any cession of territory by the Govt. of Buenos Ayres,

633 Jenner to Aberdeen July 28, 1829 no.40 FO 83/2227 at 102-105
634 FO 6/499. Original emphasis.
either to individuals or to any foreign nation, which shall be found incompatible with the just rights of Sovereignty to which His Majesty lays claim, and which have heretofore been exercised by the crown of Great Britain.” 635

**August 10th**, Vernet distributes a Circular to vessels moored near to Puerto Soledad.

“All masters of vessels engaged in the fisheries on any part of the coasts under (this) jurisdiction, will ... desist, since a reincident will expose them to becoming a lawful Prize to any vessel of war belonging to the Republic of Buenos Aires, or to any vessel, which the undersigned may think proper to arm in use of his authority, for executing the laws of the Republic. The undersigned further warns against the practice of shooting cattle on the East Falkland Island, the same being private property, and however innocent the act may be in those that are not aware of the circumstances, it becomes of course highly criminal in those who wilfully persist in such acts, and renders them liable to the rigour of the laws in similar cases.” 636

**August 16th**, Betsey sails from Port Louis for Statenland with some 18 of the settlers brought out to Port Louis in July. They also take one of Vernet’s slaves. The objective is to build a saw-mill to provide wood for the settlement on East Falkland. 637

After dropping off Vernet’s workers on Statenland, Mathew Brisbane is to take over the ship’s charter for his rescue mission.

“The settlement at Port Luis was very useful for seamen of all nations... and an essential relief for the survivors of shipwrecks in those desolate areas. It is worth noting in this connection the rescue of shipwreck survivors in South Georgia. ... One of the first recorded official activities concerning South Georgia is the dispatch, by Political and Military Commandment of the Malvinas Commander of the Falklands/ Malvinas [sic!], Luis Vernet, of a team to rescue castaways who found themselves in South Georgia. This happened between August and October 1829.” 638

“Emilio said in his diary that on Sunday Aug 16, 1829 a ship from the colony left for the South Shetland and South Georgia islands to take the settlers of Buenos Aires destined for the first and three settlers and ”one black” to chopping wood, a precious input that Malvinas lacked. ... The journey was extensive: the Shetlands are 1,172 km south of the Falklands – only 120 km from Antarctica –, and the Georgias 1,151 km southeast, ... which positions the exercise of national sovereignty through the Afro presence in even more distant coordinates, perhaps the most distant occurred in the African diaspora in America.” 639

“... the rescue was organised by the British Consul-General Woodbine Parish, more than three weeks before Vernet was appointed Civil and Military Commandant of the Malvinas; it was financed by the British government, and Vernet’s role was merely to transfer part of his charter to Brisbane (i.e. from Statenland to South Georgia and thence to the Falklands). Vernet had chartered the ship for a round trip: Buenos Aires – Falklands – Statenland – Falklands – Buenos Aires, but the rescue meant he did not have to pay for the third leg from Statenland to the Falklands (including the diversion to South Georgia), which was paid for by Britain, so it saved him money.” 640

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635 Aberdeen to Parish No.5 August 8, 1829 in PRO FO 6 499
637 A first attempt, which appears to have failed.
638 Kohen & Rodriguez 2016 p.163 & p.260
639 Cirio 2019 p.22. This author appears confused as to the purpose of the voyage south from Statenland.
640 Pascoe 2020 p.104
August 24th, in Argentina, Lavalle and Rosas agree to dispense with the election results, and arrange; "... a new form of Government. The senate to consist of 24 individuals, named by the Governor from the most distinguished class of the country. General Juan José Viamonte was declared Provisional Governor". 641

August 30th, at Soledad, María Sáez Pérez de Vernet notes in her diary; "Very good Saint Rose of Lima day, so Vernet has decided to take possession today of the islands in the name of the government of Buenos Aires. ... I gave everyone a hat with two ribbons, the two colours that distinguish our flag." 642

In a ceremony, Luis Vernet announces the June 10 decree by the Province of Buenos Aires.

"The political and military commander appointed by the Superior Government of Buenos Aires, in accordance with the decree of 10 June that I have just made public, has chosen this day (the) anniversary of Santa Rosa De Lima, patroness of the Americas, and to exercise again a formal act of Dominion that the Republic of Buenos Aires has over these Malvinas Islands, Tierra del Fuego and its adjacent and other territories from where the command of Patagonia ends, to Cape Horn; and to this end, the flag of the Republic has been inaugurated this day, greeting it in the best way that the nascent state of this population allows. The Commander expects that each of the inhabitants will at all times give subordination to the laws, living as brothers in Union and harmony so that with the increase of population that is expected and that the Superior government has promised to promote and protect a population born in its southern territory that honors the Republic whose dominion we recognize. Viva the Fatherland!" 643

"... (the) Governorship and the Commandantcy of the Island was reinstalled, under salutes of artillery." 644

"... after claiming from each of them subordination and industriousness, making vows so that, in those territories, a population was born "that honors the Republic, whose domain we recognize", finishing with a! Viva la Fatherland! ... A witness, among others, observed the simple ceremony: it was the North American bergatin Betsy, Captain Oliver Keating, of Boston, which – in union with its crew – witnessed the act and participated in it with its flag..." 645

"... the secret article in the Nootka Sound Convention of 1790 entitled Britain to set up an "Establishment" south of places occupied by Spain if "the Subjects of any other Power" had done so. ... Whether the Nootka Sound Convention was still in full force is debatable, and whether the Vernet operation was under the auspices of a successor state to Spain is debatable too. But what is not debatable is that if Argentina were a successor state, ... it inherited Spain's obligations as well as rights. That would mean that Vernet's activities violated Britain's rights under Article 6 of the Convention. But if Argentina was not a successor state to Spain, that would make Vernet a "subject of another power“ and ... he would have activated the secret article in the Convention." 646

641 Public Ledger & Daily Advertiser November 13, 1829
642 AGN Fondo Luis Vernet. VII-141.
643 Ibid. See also Marcelo Vernet 2011
644 Vernet 1832. Island singular. My emphasis.
646 Pascoe 2020 p.127. This author links activation to the sale of land by Vernet in 1831. Vernet's 'establishment', however, clearly dates from the ceremony in 1829. See 1790
Puerto Soledad is formally renamed Port Louis. 647

“In addition to Puerto Luis were... two smaller towns, called Rosas and Dorrego, located respectively in the gulf and port of Polacra and near the remote area of St. Augustine.” 648

Luis Vernet circulates further messages to those whalers and sealers anchored around the Islands informing them of his newly granted authority.

**September 3rd**, Parish’s despatch regarding the June 10th decree arrives in London. 649

**September 17th**, Lord Aberdeen writes to Parish.

> “Having in my despatch No. 5 of the 8th August 1829 fully explained to you the opinion of His Majesty's Government as to the rights of the Crown of Great Britain with regard to those Islands, I have now only to instruct you to address a note to the Buenos Ayrean Minister ... protesting formally in the name of His Majesty against the terms of the above mentioned Decree, as infringing these just rights of Sovereignty over the Falkland Islands which His Majesty has never relinquished.” 650

A draft-Protest is enclosed. 651

On the same day, Brisbane takes over the charter of Betsey; sailing from Statenland for South Georgia.

**September 25th**, Woodbine Parish writes to Luis Vernet. He rejects the invitation to invest in Vernet’s colony on East Falkland Island, made on June 19th.

> “I shall take an interest in your progress, I shall always be happy to know of it and of your welfare, whenever you have any opportunity of writing to Buenos Ayres.” 652

> “H.M.’s Representative Sir Woodbine Parish wished me heartily good success in my undertaking, considering that it would be very useful to the Commerce around Cape Horn... Not the slightest objections were raised against my undertaking by the British Government.” 653

> “It was ludicrous to imagine that a British consul could invest as a private individual in what Britain regarded as British territory, under the auspices of a government whose rights in that territory Britain denied. So it was natural that Parish politely declined to become involved, in his reply of 25 September 1829.” 654

General Lavalle leaves Buenos Aires.

> “The Federalists acquired the ascendency in August, and accounts received to the end of September, intimate that they are fully established in the Government, General Lavalle and other leading men in the party of the Unitarians, being about to go abroad, in a kind of honourable exile.” 655

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647 A name in common use from at least 1826. In any case, the old Spanish name of Puerto Soledad appears to have been little used by American and English sailors who kept to the French Port St. Louis without the St. Some inconsistency in later references using Puerto/Port Luis, but then Vernet was inclined to use Luis, Louis or Lewis interchangeably. 648 Kohen & Rodriguez 2016. Based upon a fabrication by Argentine historian Antonio Gomez Langenheim (1939) who invented two settlements at the sites of modern Goose Green and Johnson’s Harbour. See Pascoe (2020 pp.88-89) 649 Muffy 1986 650 FO 6/499 (draft) and FO 78/1/43 651 FO 78/1/45 – 47 652 Quoted in Vernet to Labouchere December 1856 in CO 78/43. Also AGN VII 129 doc.74 653 Vernet to Earl of Derby April 26, 1858 in CO 78/43. cf. 1829, 1856 & 1858 654 Pascoe 2020 p.105 655 Dublin Evening Packet & Correspondent Thursday December 17, 1829
Woodbine Parish assists General Rosas in devising the appointment of a permanent Government. 656

“At the conclusion of the civil war of 1828–1829, the standing of the British in Buenos Aires bore no resemblance to that of a few years earlier. Trade had slumped and investment in loans, mines and colonisation halted.” 657

October 2nd. US Secretary of State, Martin Van Burren, writes to the newly appointed US Minister in Spain, Cornelius Van Ness; “… The contest between Spain and her former colonies must now be considered as at end; yet, still entertaining vain hopes of reconquering them, she withholds her acknowledgement of an independence which has long since been recognized by the most powerful and influential Governments of Europe,…”

Royalist Spanish historian, Don Mariano Torrente, in a detailed consideration of the nation’s colonies, notes the extent of the Spanish monarch’s dominions in America.

“The King’s possessions in America occupy an immense plot that extends from 41º 43’ lat. S. to 37º 48’ lat. N…” 658

October 19th, Brisbane arrives back in Port Louis having rescued nine of the ten survivors of the wreck of Hope, that he’d been forced to leave behind on March 7th, 1829. 659

October 25th, one of Vernet’s indentured slaves, Antonio, know as the ‘Foreman of the blacks’ marries another of the slaves, Marta. 660

October 28th, a Buenos Airean decree prohibits fishing on the coasts of Patagonia. 661

November 9th, Betsy, still under charter to Luis Vernet, sails from Port Luis for Buenos Aires with a cargo of hides and salted beef. Some of the men rescued by Brisbane go with her.

November 10th, an unidentified slave at Port Louis dies of ‘gout’. 662

November 18th, Woodbine Parish receives Lord Aberdeen’s instruction and draft-Protest.

November 19th, Parish presents a Diplomatic Protest Note to the Foreign Minister, General Guido.

“The undersigned H.B.M. Charge d’Affaire has the honour to inform H.E. General Guido the Minister encharged with the Department of Foreign Affairs that he has communicated to his Court the official document signed by General Rodriguez and Don Salvador Maria del Carril, in the name of the Government of Buenos Ayres, and published on the 10th of June last, containing certain Provisions for the Government of the Falkland Islands. The undersigned has received the orders of his Court to represent to H.E. General Guido that in issuing this decree, an authority has been assumed incompatible with His Britannic Majesty’s rights of sovereignty over the Falkland Islands.

656 Kay-Shuttleworth (1910 p.358) speaks of a genuine friendship between her grandfather and Rosas. After Rosas fled to England in 1852, Parish visited him in exile. cf. 1852
657 Rock 2018 p.79
658 Historia de la Revolucion Hispano-Americaux M. Torrente 1829. His use of the present tense reveals that the Spanish King had still not abandoned his claims to those possessions. 41º 43’ lat. S was the southern limit of the Viceroyalty de la Rio de la Plata. The Falklands sit at 51º 68’. cf. 1740
659 See April, 1828 & May, 1829. Pascoe (2020 p.107) notes that one man had lost both feet due to frostbite.
660 Cirio 2019 p.7
661 See July, 1831
662 Cirio 2019 p.7

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These rights, founded upon the original discovery and subsequent occupation of the said islands, acquired an additional sanction from the restoration, by His Catholic Majesty, of the British settlement, in the year 1771, which, in the preceding year, had been attacked and occupied by a Spanish force, and which act of violence had led to much angry discussion between the Governments of the two countries. The withdrawal of His Majesty’s forces from these islands, in the year 1774, cannot be considered as invalidating His Majesty’s just rights. That measure took place in pursuance of a system of retrenchment, adopted at that time by His Britannic Majesty’s Government.

But the marks and signals of possession and property were left upon the islands. When the Governor took his departure, the British flag remained flying, and all those formalities were observed which indicated the rights of ownership, as well as an intention to resume the occupation of that territory, at a more convenient season.

The undersigned, therefore, in execution of the Instructions of his Court, formally protests, in the name of His Britannic Majesty, against the pretensions set up on the part of the Argentine Republick (sic), in the decree of 10th June, above referred to, and against all acts which have been, or may hereafter be done, to the prejudice of the just rights of sovereignty which have heretofore been exercised by the Crown of Great Britain.”

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# Researcher’s Comment: The first warning. A warning not to trespass or interfere.

“In November 1829 the British Consul-General protested against this decree; but inasmuch as by this time, in our opinion, Great Britain no longer had any claim to the Falkland Islands, we find that this protest on behalf of Britain had no justification in law which could result in its having any effect upon the status of the Falklands. ... We accordingly feel, not without some hesitation, however, that in 1832 and 1833 the Falkland Islands could be considered as having been part of the possessions of the Argentine.”

“We are convinced that the amount of activity by M. Vernet initially was in his private capacity. He paid no taxes, and he received no assistance from the government in Buenos Aires until 1829, when he was formally appointed Governor of the Falkland Islands, by decree, in Buenos Aires. That, of course, was one to which we made an immediate protest, reverting to the fact that the Islands were British.”

“The British protest of 1829 may be said to be belated, limited and made in bad faith. Belated, because the British government knew of the previous acts of public power over the islands carried out by Buenos Aires between 1820 and 1929. Limited, because it is circumscribed to the decree of June 10th, 1829, without protesting against any previous acts... And finally the protest was made in bad faith, because among the grounds for British sovereignty, Spain’s continuous presence in the islands until 1811 and Argentina’s subsequent acts are not mentioned, ...”

“In fact Britain did not know of Vernet’s concessions before 1829, since the British vice-consuls who authenticated his documents in 1826 and 1828 did not inform the British government. But the decree of 10 June 1829 was a new departure, and Britain protested at once; it is not true that the British protest was late.”

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663 Opinion of the Law Officers 1947 in LCO 2/490. The historical information provided by the Foreign Office was flawed by omissions. However, the Law Officers went on to find in favour of Great Britain’s sovereignty based upon a legal case for usucaption (prescription). cf: December, 1946, January, 1947 & 1966.
664 Legal Adviser to the FCO 1976-1984, Sir Ian Sinclair QC quoted in The Little Platoon Michael Charlton 1989 p.4
665 Kohen & Rodriguez 2017 p.127. Spain had claimed only one island in 1811. cf. 1789, 1802 & 1811
666 Pascoe 2020 p.108
November 25th, Tomas Guido acknowledges receipt of the British protest.

“The undersigned Minister for Foreign Affairs has received and laid before His Excellency the Governor the communication which HM Gov Charge de Affaires Mr Woodbine Parish has been pleased to address to him under date of the 19th November, protesting against the Decree issued on the 10th of June last, appointing a Political and Military Commandant for the Falkland Islands. The Government will give their particular consideration to this said note from Mr Parish, and the undersigned will have the satisfaction of communicating to him their resolution upon it, as soon as he receives orders to do so.” 667

“According to all forms of law, (the protest) did nothing but renew a discussion silenced and forgotten during the space of more than half a century. It is true that the Minister of the Republic, surprised by a claim of this kind, that there was no idea (such) could exist from the Government of His Majesty, limited himself to acknowledge the receipt of the protest, and to offer an express reply ... but if this reply did not come it required some time, it is not known whether (an answer) was demanded or urged by the diplomatic agents of His Majesty.” 668

“In his acknowledgement of receipt, the General the Minister for Foreign Affairs, in the ephemeral administration of Viamonte, showed the provisional government, (was) too busy to "pay particular attention" to Mr. Parish's note, .... These times of trouble and calamity, ..., the wonder is not that the answer was not long, but that the minister of the day had the leisure to announce it. The protest fell into a void, and after eight days nobody thought of it,...” 669

“... no answer was made to it, and it was kept entirely secret by the Government.” 670

“In Nov 1829 Sir Woodbine Parish was ordered to protest, (not against my own private undertakings,) but against the act of sovereignty which the Govt. of Buenos Ayres had exercised in appointing an official authority over the Falkland Islands,...” 671

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# Researcher’s Comment: Britain had had no cause to protest with regard to the Falklands since 1770. The convention of 1771 had reinstated the status quo of 1769. Britain in Gran Maluina (West Falkland) and Spain on Soledad (East Falkland). Nothing had occurred after 1774 to require a protest by either side. Minor encounters between sealers and Spanish ships simply never warranted any reports. There were certainly no reports of complaint even after the 1790 Nootka Sound Convention. In 1829 Buenos Aires was the first to challenge a status quo that had been in force for 58 years. That the protest was accepted without challenge seemed to settle the matter. Buenos Aires would later claim that they considered the question to be 'pending,' but there was no indication of this in 1829.

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December 3rd, one of Vernet’s indentured slaves, Gregoria, dies of a fever. 672

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667 FO 6/499 and FO 78/1/53. The governor was Juan José Viamonte, who had taken over after the fall of Lavell until elections could be arranged. Arranged to elect Rosas to the governorship.
668 Areco 1885 p.68
669 Les Iles Malouines: Nouvel Exposé d'un Vieux Litige Paul Groussac 1910 p.22
670 Greenhow 1842. cf. 1832 & 1833
671 Vernet to the Earl of Derby, April 26, 1858 in CO 78/43
**December 5**th, Parish informs London of his action.

“I herewith enclose for your Lordships information the copy of an Official Note which ... I presented to General Guido the Minister encharged with the Foreign Department, protesting in His Majesty’s name against the Pretensions set up in the past of the Republic to those possessions. Having explained at the same time generally to the Minister the tenor of my communication, he promised to give his immediate and serious attention to the subject.”

**December 6**th, Juan Manuel de Rosas is sworn in as Governor and Captain-General of the Province of Buenos Aires by the House of Representatives.

“A letter has been received from the agent to the North and South American Coffee-house, dated Buenos Ayres, Dec 12, 1829 the substance of which is as follows:- After stating that the old legislature of that province was reinstated on the 1st of December, it mentions the appointment of Don Juan Manuel Rosas as Governor, Don Tomas Guido as minister for foreign affairs, Don Manuel Garcia for the financial department, and Don Juan Romoso Balcarce for the war and marine.”

“In late 1829 Rosas became governor of Buenos Aires, greeted as a savior after two years of anarchy. The legislature of Buenos Aires, the junta de representantes, bestowed upon him "extraordinary facilities"... unbridled dictatorial powers... accurately depicted as the embodiment of the Federalist caudillo, a conservative autocrat dedicated to the aggrandizement of his own province and to its ranchers and saladeristas. For Rosas all other concerns were secondary, to be ignored, circumvented, or obliterated.”

Lavalle's administration is declared as having been “intrusive” and all its proceedings disavowed. 675

“... the Decrees, in virtue of which Vernet pretended to act, had emanated from an intrusive and illegal authority, and had never been acknowledged by the constitutional powers of the State, but had, on the contrary, been annulled ...”

“It has been affirmed, without evidence, that all the legislation passed by the Lavalle administration of 1829 (and this included the Decree of the 10th June, 1829) was disavowed by the Rosas Government which followed. The Registro Nacional shows only that certain of those decrees were annulled by Rosas; these do not include the vital Decree of the 10th June. Although, then, the validity of the proceedings of the Buenos Airean Government in the Falkland Islands prior to 1829 is open to question, the Buenos Aires Decree of 1829 must be accepted as the legal act of the Government of a country whose independence had been recognised by both the United States and Great Britain.”

“... the famous decree – given by the "intrusive Government," perched in power by the riot of December 1 – had no value, because the opponents, when overthrowing the unitary faction, declared the actions of this faction void.”

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673 Globe – Friday February 26, 1830
674 Rock 1987 p.104
675 Greenhow 1842. Also Field 1928 para.64. Having sailed the week before, Vernet would have been unaware of the change of regime for some time.
676 Ibid.
677 Memorandum on the Falkland Islands 1947 in LCO 2/490
678 Caillet-Bois 1982 p.206. My emphasis. It is rare to find an Argentine historian acknowledging this inconvenient fact. That said, Caillet-Bois goes on to argue that subsequent events and correspondence between Vernet and the government in Buenos Aires effectively “ratified” his position as governor.
“... (the UK) cannot invoke the "nullity" of the decrees passed to create the Political and Military Command and to appoint Vernet. Firstly, there was no such nullity, and even if it had been declared by the subsequent government, it would not be opposable in the international sphere by virtue of the principle of continuity of the State. Secondly, because the government that followed that which issued the decrees on June 10th, 1829, including Rosas', continued to act in accordance with the content of those decrees... Thirdly, if the decrees were hypothetically null and void, the only State that could invoke such nullity would be Argentina...”  

December 10th, a child, Daniel, is born to one of Vernet’s indentured slaves, Francisca.

“Daniel. He was born on Dec 10, 1829 from No.22, Francisca and unknown father. Born at 5 o’clock "mulatito". He left for Montevideo in 1832 imprisoned in the Lexington and from there to Patronage of Buenos Aires, where Vernet claimed him as a servant.”

December 12th, Betsy returns to the Falklands for another cargo from Vernet.

At South Georgia, Pacific (Capt. James Brown) hunts for seals; “... but could only obtain 256 fur seal skins and 1800 gallons of elephant seal oil before leaving in March 1830.”

December 15th, one of Vernet’s indentured slaves, Julia (14 yrs), dies after a few weeks of illness.

December 18th, the American sealer Belleville arrives at Port Louis. Two of the owners are aboard, Nehemiah Bray commanding, and Henry Metcalf. Warned of Vernet’s sealing regulations, Capt. Bray does not mention that he has left two sealing parties of 6 seamen around the island with two boats – Black Prince and General Jackson.

“Bray told no one at Port Louis about those men – to him the islands were open to all; he was happy to cooperate with Vernet but did not see him as possessing any kind of monopoly.”

December 26th, Luis Vernet writes to inform the provincial government of Buenos Aires of all he has done since his return to East Falkland Island. He again reminds them that the fishing laws need to be enforced, not least because the foreign sealers hunted when the seals were calving; “... which, if it is not prevented, will in a few years destroy the species.”

“... he demanded... a small ship of war, ten to twelve hunters, and as many men of cavalry.”

Vernet’s letter is taken by Betsy, which again sets out for Buenos Aires.

The eventual response from the Provincial Government of Buenos Aires was equivocal; referring only to the “difficult circumstances” in which the country found itself.

679 Kohen & Rodríguez 2017 p.116
680 Cirio 2019 p.9. Father’s name not stated.
681 Dickinson 2007 p.67
682 Cirio 2019 p.9. Described as the servant of Maria.
683 Information provided by Graham Pascoe and Peter Pepper. A part-owner was also aboard Belleville – Henry Metcalf. cf. 1830, 1831 & 1833
684 Pascoe 2020 p.110
685 Luis Vernet al Ministro Secretario de Gobierno 26 de diciembre de 1829 in Caillet-Bois 1982 p.210. When this was written, it is unlikely that Vernet would have been aware of the change of regime in Buenos Aires or the cancellation of the enactments of the Lavalle administration.
687 Ibid p.235. This may be an indirect reference to the protest submitted to the Buenos Airean Government by Woodbine Parish only some 4 weeks before. Sadly, Caillet-Bois provided little detail of the government's response and I am unable to identify its author. cf. March, 1832
A complicated period to sum up. A declaration of independence in 1816 followed by political division throughout the period. The United Provinces/Confederation of Argentina was not a cohesive nation. True unification would not come until much, much later – 1862 at the least. The legal position of the archipelago is no less confusing. An 1820 claim on behalf of a nation which had ceased to exist? A claim not reported by the claimant. A licence to hunt cattle by a provincial government that lacked the power to grant it? Descriptions of territory provided to the British that did not include any mention of the islands? Settlement by a German businessman after 1826? On territory still claimed by Spain? Pretensions declared by an illegal government in Buenos Aires? An illegal administration whose actions were declared null and void by those that deposed it? Conclusions are hard to draw. However, it can be said, at the least, that by the end of 1829 Britain was aware of the previously unforeseen threat by an otherwise insignificant entity. A revolted colony of Spain that London had given de facto recognition to in 1825. Despite uncertainty as to its value, England knew that it must defend its own strategic interests. Its own right. Just a warning then. In the hope that it would be enough to see off the young pretender. Vernet's fledgling colony remained blissfully unaware of the problems heading its way.

Paper 6 will examine the period of time when Puerto Louis settlement reached its short-lived peak before being thrown down – twice.