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

Paper 7

1834 – 1852

Colonization

“I have now to acquaint you that Her Majesty's Government propose to complete the measures ... for the colonization of those islands.”

Sovereignty asserted, the British Navy did not remain. After Onslow’s departure, the islands continued without any direct authority other than an Irish Storekeeper to raise the flag on a Sunday. That absence facilitated riot and murder. A revolt against the Buenos Airean businessman Luis Vernet. This paper deals with the aftermath; the decision making process regarding what Britain should do with the archipelago; a question in abeyance since 1774.

London recognised that the islands had strategic importance but had never wished to spend any money on them. It had been the cost implications that withdrew the garrison in 1774 and money would always be the issue. If Britain had to spend, just how little could it get away with? But first, the murderous events of late 1833 had to be dealt with and the offenders brought to some kind of justice. After that? The decisions would be agonisingly slow in coming.

1834 – January 2nd, the Foreign Office forwards Minister Moreno's protest to Lord Stanley.

January 3rd, Thomas Helsby and four of the other survivors, go into Port Louis. They are captured.

“... being sent from Hog Island to the Main Land, without sufficient caution, fell into the Hands of the Murderers, and Helsby was one of them. At first they threatened to kill him, but afterwards promised him his life if he would assist them in escaping to Patagonia.”

January 7th, HMS Challenger (Capt. Seymour) arrives in Berkeley Sound. Lieut. Henry Smith steps ashore.

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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 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. NB. These papers are about the disputes surrounding the Falklands. The full research can be found here – https://falklandstimeline.wordpress.com/
2 Citation = Lorton, Roger. Falklands Wars: Timeline History of the Falkland Islands. Wordpress 2011 Paper 7
3 Lord Stanley to Lieut. Governor Moody January 25, 1843
4 Copies of the charts referred to in this paper can be found at https://falklandstimeline.wordpress.com/charts/ Many of the images contain a hyperlink to a larger version.
5 CO 78/1/267
6 Probably Tanstin Martinez, Santiago Lopez, Pascual Diaz and Manuel Coronel. None of these had taken part in the riot.
7 George Gipps, August 2, 1834 in CO 78/01
8 Tasked with bringing order to the Islands (See December, 1833). With Smith was a four man Boats Crew which included Charles Melville as coxswain. He would remain in the islands for the rest of his life and father five children. Died 1876.
“Landing at some distance from the settlement as the wind was very strong; on our way up we met a man of the name of Henry Channon who informed us of the Murders that took place here on the 26th August 1833.”  

“Captain Seymour... being anxious to visit the settlement of Port Louis, landed some distance from it (the wind being strong from SSW), intending to walk there. About a mile from the houses they were met by an Englishman named Channon, sent by the gauchos to see who they were and whether the ship was a whaler in want of beef, or a man-of-war. He informed them that the gauchos and Indians had murdered Mr. Brisbane: Dickson, who had been left in charge of the flag by Captain Onslow: Simon; and two others: and had pillaged the houses, destroying everything in their search for money. He then pointed them out, sitting under a wall, with their horses behind the remains of the Government House, ready saddled for a start on our nearer approach. They had two gauchos, prisoners, who had not been concerned in the murders, and whom they threatened to kill, if he, Channon, did not return. He also stated that one of them was willing to turn King's evidence, and would bring back all the horses, if possible, provided Captain Seymour would ensure his pardon. The whole of them, nine in number, retreated into the interior as soon as they found out it was a ship-of-war, taking all the tame horses, between fifty and sixty. As his party were not armed, Captain Seymour thought it right to return on board;...”

Helsby escapes; “At first they threatened to kill him but afterwards promised him his life if he would assist them in escaping to Patagonia. He remained in their power for three or four days, but in their hurry to escape on the Challenger coming into sight, they let him go.”

January 8th, in London, Foreign Secretary Lord Palmerston responds to Ambassador Moreno's démarche of June 17th, 1833.

“Before the undersigned proceeds to reply to the allegations advanced in M. Moreno's note, upon which his protest against this act on the part of his Majesty is founded, the undersigned deems it proper to draw M. Moreno's attention to the contents of the protest which Mr. Parish, the British Chargé d'Affaires, at Buenos Ayres, addressed, in the name of his court, to the Minister for Foreign Affairs of the Republic, on the 19th of November 1829, in consequence of the British Government having been informed that the president of the United Provinces of the Rio de la Plata had issued decrees, and had made grants of land, in the nature of acts of sovereignty over the islands in question. That protest made known to the government of the United Provinces of the Rio de la Plata:

1st. That the authority which that government had thus assumed, was considered by the British Government as incompatible with the sovereign rights of Great Britain over the Falkland Islands.

2dly. That those sovereign rights, which were founded upon the original discovery and subsequent occupation of those islands, had acquired an additional sanction from the fact, that his Catholic Majesty had restored the British settlement, which had been forcibly taken possession of by a Spanish force, in the year 1771.

9 Log of Lieut. Smith ADM 1/42. Channen (the spelling varies) had been one of Low’s crew from the Unicorn. The others were not mentioned, suggesting that they were not at Port Louis or Berkeley Sound. One of Low’s crew, at least, appears to have gone to Port Egmont with the women. See December, 1833.
10 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. Smith's account in CO 78/1/369
11 FO 78/1/99-100
12 Palmerston to Moreno January 8, 1834 in FO 6/501. Also CO 78/1.
3dly. That the withdrawal of his Majesty's forces from the Falkland Islands, in 1774, could not invalidate the just rights of Great Britain, because that withdrawal took place only in pursuance of the system of retrenchment adopted at that time by his Majesty's Government.

4thly. That the marks and signals of possession and of property, left upon the islands, the British flag still flying, and all the other formalities observed upon the occasion of the departure of the governor, were calculated not only to assert the rights of ownership, but to indicate the intention of resuming the occupation of the territory at some future period.

Upon these grounds Mr. Parish protested against the pretensions set up on the part of the Argentine Republic, and against all acts done to the prejudice of the just rights of sovereignty heretofore exercised by the crown of Great Britain. The Minister for Foreign Affairs of the Republic acknowledged the receipt of the British protest; and acquainted Mr. Parish that his government would give it their particular consideration, and that he would communicate to him their decision upon the subject, so soon as he should receive directions to that effect. No answer was, however, at any time returned, nor was any objection raised, on the part of the government of the United Provinces of the Rio de la Plata, to the rights of Great Britain, as asserted in that protest; but the Buenos Ayrean government persisted, notwithstanding the receipt of that protest, in exercising those acts of sovereignty against which the protest was specially directed.

The government of the United Provinces of the Rio de la Plata could not have expected, after the explicit declaration which had been so formally made of the right of the crown of Great Britain to the islands in question, that his Majesty would silently submit to such a course of proceeding; nor could that government have been surprised at the step which his Majesty thought proper to take, in order to the resumption of rights which had never been abandoned, and which had only been permitted to lie dormant, under circumstances which had been explained to the Buenos-Ayrean government.

The claim of Great Britain to the sovereignty of the Falkland Islands having been unequivocally asserted and maintained, during those discussions with Spain, in 1770 and 1771, which nearly led to a war between the two countries, and Spain having deemed it proper to put an end to those discussions, by restoring to his Majesty the places from which British subjects had been expelled, the government of the United Provinces could not reasonably have anticipated that the British Government would permit any other state to exercise a right, as derived from Spain, which Great Britain had denied to Spain herself; and this consideration alone would fully justify his Majesty's Government in declining to enter into any further explanation upon a question which, upwards of half a century ago, was so notoriously and decisively adjusted with another government more immediately concerned. But M. Moreno, in the note which he has addressed to the undersigned, has endeavoured to shew that, at the termination of the memorable discussions referred to between Great Britain and Spain, a secret understanding existed between the two courts, in virtue of which Great Britain was pledged to restore the islands to Spain at a subsequent period, and that the evacuation of them, in 1774, by his Majesty, was the fulfilment of that pledge. The existence of such a secret understanding is alleged to be proved; first, by the reservation, as to the former right of sovereignty over the islands, which was contained in the Spanish declaration, delivered at the time of the restoration of Port Egmont and its dependencies to his Majesty; and, secondly, by the concurrent description of the transaction, as it took place between the parties, given in certain documents and historical works.

Although the reservation referred to cannot be deemed to possess any substantial weight, inasmuch as no notice whatever is taken of it in the British counter-declaration, which was exchanged against it;
and although the evidence adduced from unauthentic historical publications cannot be regarded as entitled to any weight whatever with a view to a just decision upon a point of international rights; yet as the allegations above-mentioned involve an imputation against the good faith of Great Britain, to which his Majesty's Government cannot but feel sensibly alive, the undersigned has been honoured with the King's commands to cause the official correspondence with the court of Madrid, at the period alluded to, to be carefully inspected, in order that the circumstances which really took place upon the occasion might be accurately ascertained. That inspection has accordingly been made, and the undersigned has the honour to communicate to M. Moreno the following extracts, which contain all the material information that can be gathered from that correspondence relative to the transaction in question.

(after the extracts 13, Palmerston continues)

... M. Moreno will perceive that the above authentic papers, which have been faithfully extracted from the Volumes of Correspondence with Spain, deposited in the State Paper Office, contain no allusion whatever to any secret understanding between the two Governments, at the period of the restoration of Port Egmont and its dependencies to Great Britain, in 1771, nor to the evacuation of Falkland's Islands, in 1774, as having taken place for the purpose of fulfilling any such understanding. On the contrary, it will be evident to M. Moreno, that their contents afford conclusive inference that no such secret understanding could have existed.

The undersigned need scarcely assure M. Moreno, that the correspondence which has been referred to, does not contain the least particle of evidence in support of the contrary supposition, entreated by the Government of the United Provinces of the Rio de la Plata, nor any confirmation of the several particulars related in M. Moreno's note.

The undersigned trusts, that a perusal of these details will satisfy M. Moreno, that the protest which he has been directed to deliver to the undersigned, against the re-assumption of the sovereignty of the Falkland Islands by his Majesty, has been drawn up under an erroneous impression, as well of the understanding under which the declaration and counter-declaration relative to the restoration of Port Egmont and its dependencies were signed and exchanged between the two courts, as of the motives which led to the temporary relinquishment of those islands by the British Government; and the undersigned cannot entertain a doubt but that, when the true circumstances of the case shall have been communicated to the knowledge of the government of the United Provinces of the Rio de la Plata, that government will no longer call in question the right of sovereignty which has been exercised by his Majesty."

“In January 1834, almost on the anniversary of the attack, Lord Palmerston, Secretary of Foreign Affairs in Lord Grey's cabinet, after leaving for seven months unanswered the protest of Argentine Minister Manuel Moreno, (pays) condescending lip service with a dry explanation (so-called deduced from the documents of the old Spanish negotiation), which ended in expressing the desire that the Government of the United Provinces be satisfied and stop discussing the sovereign rights of HMB over the Falkland Islands. This first explanation remained the last. Henceforth, the motto at the Foreign Office was, as we shall see, to answer all the Argentine claims only by a polite refusal to reopen the discussion.” 15

13 These have been incorporated into these papers at the appropriate dates. A transcription of the full document can be found here – https://falklandstimeline.files.wordpress.com/2012/02/palmerston-to-moreno-1834.pdf
14 CO 78/1
15 Les Iles Malouines: Nouvel Exposé d'un Vieux Litige Paul Groussac 1910 p.14
“Fundamentally, the Republic of Argentina bases its claim to the Falkland Islands on the principle of disruption to its territorial integrity. This claim is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina.” 16

On the same day, Lieut. Smith inspects the Port Louis settlement; noting that some of the houses have been burnt and ransacked. He asks HMS Challenger to provide carpenters; “... to make the houses habitable.”

“Smith settled in Puerto Luis, which he renamed Anson’s Harbor, taking care of reconditioning the establishment where the officers who would succeed him also resided.” 17

“... a major crisis – there was a band of heavily-armed and ruthless murderers at large, who had killed the leaders of the settlement and taken all the tame horses; Port Louis was deserted, the houses had been wrecked by the murderers, and two dozen destitute and starving people including three women, a 3-year-old child (José Simon) and a 7-month-old baby (Manuel Coronel junior) were living on tiny islands in Berkeley Sound.” 18

January 9th, at Port Louis, during the day, six carpenters start to repair the main house 19, while in the evening, the search for the fugitives continues.

“Port Louis consists of 10 or 12 low houses, some built of stone and others of turfs with thatched roofs. At the time of the massacre these were mostly pulled down and plundered and the place now exhibits a sense of wild ruin, two or three only of the buildings having been repaired for the reception of the Governor and the few men with him, amounting only to 23 in all. The Government house contains one comfortable room, furnished with a stove, a table, a cupboard, an old sofa and chest of drawers and a few chairs.” 20

“... after dark, Lieutenant Smith was sent with a party of marines, and two boats, to try and take them, if they should be still about the houses, and to leave with Channon a bottle containing a crucifix, as a signal for Luna. On their landing, Lieutenant Smith took all necessary precautions, left six men in charge of the boats, and proceeded cautiously with the rest. He carefully searched every building in the place, without seeing even a trace of them. All was desolation; yet he learned afterwards from the two innocent gauchos, that Antonio Rivero and another, suspecting who the party were, had watched them closely; that at one time Lieut. Smith was near treading on them ...” 21

January 10th, at noon the Union Jack is hoisted to a 21 gun salute from HMS Challenger.

January 11th, Jose Maria Luna hands himself in and offers to give evidence against the others. 22

“... Mr. Smith left with Channon Luna’s pardon, who, on the fourth day, brought in two horses – not having been able to obtain more, as the murderers were very watchful and fearful of each other, so much so, that one of them had fallen a sacrifice to suspicion; and Luna’s desertion reduced their number to six.” 23

January 12th, Lieut. Smith takes charge of 4 midshipmen and 13 marines to start the search for the murderers.

17 Malvinas: Hombres, Ganados y Tecnologia Rural Criolla (Siglos XVIII y XIX) J. F. Jimenez, S. B. Alioto & D. Villar 2018
18 Falklands Facts and Fallacies: The Falkland Islands in History and International Law Graham Pascoe 2020 p.167
19 The house occupied by Vernet after 1826, in which both Mestivier and Brisbane had been murdered.
20 Journal of the Reverend Titus Coan February 5, 1834
21 Fitzroy 1839
22 Log of Lieut. Smith in ADM 1/42
23 Fitzroy 1839. Juan Brasido had been at odds with the others and may have threatened to give evidence against them.
January 15th, as work continues to repair the main house, another of Rivero’s prisoners returns to Port Louis. “Pasqual arrived having made his escape from the Murderers on the 12th.”

January 18th, in Argentina, the Buenos Ayres Packet publishes Minister Moreno’s Protest to the British Government of June 1833. “The document is of enormous length, and the nature of the argument precludes all abridgment.”

January 21st, HMS Challenger sails from the Falklands; “… leaving in the Colony 20 persons in toto…”

“Captain Seymour, finding that capturing the Indians would be a tedious and uncertain task, made one of the ruined houses habitable, and leaving six marines as an additional protection to Lieut. Smith and his boat’s crew, proceeded as ordered.”

Thomas Helsby sails with Challenger, as does the gaucho, Tanstin Martinez. With the departure of Challenger, Lieut. Smith takes command as the “Resident Naval Officer” responsible for the administration of the Falkland Islands and the safety of its remaining population – Charles Kussler, Antonina Roxa, Gregoria Madrid, Carmelita, two children and three gauchos; Santiago Lopez, Pascual Diaz and Manuel Coronel. Also two ‘men of colour’ and the remains of Low’s sealing crew.

January 23rd, the schooner Hopeful arrives back in Berkeley Sound, with an injured man.

January 27th, Smith records in his diary.

“9.30 arrived a gaucho of the name of Santiago Lopez who had been detained as a prisoner in the camp, with a message from Antonio Rivero, the principal of the Murderers, saying if I would promise him pardon or if he could be instrumental in apprehending the Englishmen who abetted the Murders, he would give up the horses and himself and assist in capturing the others…”

Smith responds to Rivero’s message.

“… I have it not in my power to pardon, but if he will undertake to bring in all the horses and afterwards assist to capture the Indians, I will use my influence with the Commander in Chief upon him throwing himself upon the mercy of the British Government.”

January 28th, Antarctic (Capt. Nash) arrives off Soledad Island in the American schooner Antarctic, hoping to replenish the ship’s stores. The ship moors in Albemarle Harbour, where the crew see Caroline (Capt. Storer) out of New York. The ship carries two passengers, the Reverend Titus Coan and Brother Arms.

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24 Log of Lieut. Smith ADM 1/42. Pascual Diaz; one of the 4 captured by Rivero on January 3rd.
25 The timing would suggest an acknowledgement that Palmerston’s response had been received by the Argentine Republic.
26 Morning Chronicle Monday May 19, 1834
27 Ibid.
28 Log of Lieut. Smith ADM 1/42.
29 Fitzroy 1839
30 The Falkland Islands: 1833 to 1876 S. A. Royle in The Geographical Journal vol. 151 No. 2 July 1985. Smith’s new position gained him an increase in salary of 7 shillings a day, although his duties had not been defined and no money was made available for the running of a settlement. The precise whereabouts of these people, at this time, is not very clear. Some were at Port Louis, while others had left in December, 1833, for Port Egmont.
31 Log of Lieut. Smith in ADM 1/42. Lopez was arrested with Helsby on January 3rd.
32 Adventures in Patagonia: A Missionary’s Exploring Trip Titus Coan 1880
January 30th, Lopez leaves the settlement with Lieut. Smith’s answer.

Antarctic sails into St. Salvador Bay.

“... at 4 P.M. came to anchor in this bay, having sailed nearly 100 miles. Our sail through the Sound was delightful. With a fine breeze and a smooth sea we glided along at the rate of 10 knots an hour. The Island on our left in many places presented a bold shore of perpendicular rock several hundred feet high, while in the rear the land rose to a mountain range, sprinkled here and there with patches of snow. On our right the land was low and level presenting a scene somewhat like the pampas of Patagonia. Spoke two vessels on our way, but did not understand the name of the first. The second was the little schooner Eagle which was built at these Islands from the wreck of a vessel and is constantly plying in these Seas.” 33

January 31st, Santiago Lopez returns to Port Louis having failed to find Antonio Rivero. Luna hands over a pistol, sabre and 26 dollars that he had concealed, prior to surrendering on January 11th.

February 1st, Capt. Nash encounters three gauchos and negotiates for a supply of beef.

“Of the three who appeared on the beach today, two were Indians, and the other a Spaniard. The Indians were banished here some years ago for murder. The Captain wishing to obtain some beef enquired of them if they had any bullocks on hand. They told him that they had one some 4 or 5 miles distant up the shores of the lagoon, and that they would sell it to him if he would send a boat for it. They also agreed to catch 7 more and bring them down to the vessel tomorrow. A boat was sent for the bullock, and after a long and fatiguing row against wind and tide, we found the Indians and the beef in a deep valley near the shore. It was now about sundown, and by the time we again got on board the "Antarctic" it was 10 o’clock in the evening.” 34

February 3rd, seven gauchos deliver beef to the Antarctic.

“Early this morning six men appeared on shore with eleven horses and four fat bullocks. These beeves they sell at $5 per head and receive pay in powder and ball, rum, tobacco, bread etc.” 35

February 5th, aware of the presence of an American ship, Lieut. Smith takes an armed party to St. Salvador Bay.

“... to visit the American Schooner in St. Salvador bay... found the Master was in communication with the Murderers; that they had, according to his account, supplied him with 5 Bullocks at 5 Dollars a head and were to bring him 4 more. Antonio Rivero had been on board well armed. I cautioned the Master against having any further communications with them and I should look on all persons aiding or assisting them as aggressors against His Majesty’s Government.” 36

“Feb. 5th. Governor Smith came over from Port Louis today accompanied by Captain Rea, an Indian and an escort of six British Marines. Captain Rea is in the service of the English Admiralty, and in attempting to reach the newly discovered "Grahams land" lost his vessel and is now waiting here for an opportunity to leave the Islands. The Governor and Captain Rea came on board and entered into

34 Ibid.
35 Ibid.
36 Log of Lieut. Smith in ADM 1/42
37 Lieut. Henry Rea had been attached by the British Admiralty to the sealer Hopeful which, with its tender, Rose, was headed towards the South Shetland Islands. In October, 1833 these two ships had sailed into Berkeley Sound where Lieut. Rea spoke to the survivors of the massacre and then despatched letters to Britain’s Rio station. However, in
conversation about the murderers, and having heard that Captain Nash had aided these desperadoes
the language of the Governor soon became warm and threatening, even declaring that if he had an
armed vessel he should proceed immediately to seize the "Antarctic". ... The fact was that matters had
been misrepresented to the Governor; ... When about to return to the settlement the Governor insisted
that Brother Arms and myself should accompany him and spend the night at his house, offering to send
some of his marines to conduct us back tomorrow. We accepted the invitation and at 4 P.M. set off for
the port where we arrived at a quarter past eight – distance 10 or 12 miles. There were but two horses
in the party, one of which the Gouger (sic) rode, and the other was used by Captain Rea, Brother Arms
and myself in rotation; the Governor and the Marines walking all the way. Before we arrived at the
settlement the men had taken at least a dozen rabbits, an animal which abounds on some of these
Islands.” 38

February 6th, Lieut. Smith prepares a message which he asks the Reverend Coan to take back to Antarctic, with
a request that Capt. Nash pases it on to other vessels.

“I, Henry Smith, Lieutenant in His Majesty’s Navy and Commanding at the East Falkland do acquaint
all vessels that there is an establishment at Port Louis and that the six Gauchos in the Camp are
Murderers and any assistance or support given them in exchange for beef or otherwise will be looked
on by me as an aggression against the British Government.” 39

At Port Egmont, Captain Low meets up with the Adventure and is taken on as pilot by Fitzroy.

“... trusting that the Admiralty would approve of my so engaging a person who, in pilottage and general
information about the Falklands, Tierra del Fuego, Patagonia, and the Galapagos Islands, could afford us
more information than any other individual, without exception.” 40

February 7th, Hopeful (Capt. Mallros) arrives at Port Louis from Port Egmont with 175 seal skins from Low, to
be deposited in Smith’s care.

A French warship Victorious arrives in Berkeley Sound, en-route to Valparaiso. 41

February 9th, Swallow arrives at St. Albans with the news of the massacre at Port Louis. 42

Antarctic sails into Port Louis.


Antarctic sails from Port Louis for Eagle Island.

“Captain Prior of the English Sloop which was lost in the ice in search of the newly discovered Islands
in the South Seas, takes a passage for himself and four of his crew, to New Island, on board the
"Antarctic".” 43

December, 1833, Rose was lost in pack ice and the venture abandoned. Hopeful appears to have returned to the
Falklands but the date of her arrival there is not known.
38 Journal of the Reverend Titus Coan. Gouger should be Gaucho.
39 Log of Lieut. Smith in ADM 1/42. Nash was not very willing, apparently, as Smith received the next day an;
“impertinent letter from the Master of the Antarctic.” Nash seems to have questioned whether, after Brisbane’s death,
there was any government at Port Louis.
40 Adventure had previously been Low's ship Unicorn. cf. 1833
41 Journal of the Reverend Titus Coan.
42 Evening Mail Wednesday February 12, 1834
43 Journal of the Reverend Titus Coan. Capt. Prior would seem to have been in command of Rose, the tender to Hopeful.
Rose was lost in pack ice in December, 1833.
February 14th, the British whaler Susannah Ann returns to Berkeley Sound. 44

Capt. Nash of Antarctic puts a prisoner ashore on Eagle Island.

“Mr. Johnson, who has been some time in irons was put on shore today at his own request. He is to be left here with two boats, a gun and ammunition, a quantity of provisions, his share of seal skins etc.” 45

February 15th, reported in the London Courier & Evening Gazette.

“Copy of a letter from Captain James Neilson, of the brig Swallow, dated the 15th inst., addressed to the Secretary at Lloyds:-

“According to your desire, I send you such information as I am possessed of, respecting the massacre at Falkland Islands. Spoke the Susan Ann cutter, on a sealing voyage, which left the above Islands on the 10th Dec., 1833; her commander informed me that a number of gentlemen was landed from his Majesty's ship Clio, to take possession of the Falkland Islands, and that on the 26th August, at ten o'clock, a.m., were murdered by a few old resident, principally Spaniards, although headed by two Englishmen, one of whom was known to Capt. Fergusson, and owned to the deed committed, and immediately fled into the interior, with the others. After the murder, their intention was to take possession of a small vessel stationed a short distance from the place: fortunately, she had sailed a few hours before, otherwise, in all probability, more mischief might have been committed. Capt. F. took from Berkeley Sound two women and three children, and landed them on Saunders Island, until his Majesty's ship Clio arrived, which ship had been looked for, some time previous.” 46

Adventure joins Antarctic at Eagle Island. 47 Also, Elizabeth Jane, (Capt. Albertson) a sealer out of New York.

February 18th, Antarctic moors at Port Albemarle where Capt. Nash sees Charles Adams (Capt. Staunton) out of Stonington, and Commodore Barre (Capt. Chester) from New York. Also at the port is Elizabeth Jane, another American whaler. 48

February 20th, the Reverend Titus Coan travels to New Island in a ship's boat. There he finds the whaler Hamilton (Capt. Pendleton). 49

February 27th, at Port Louis, Lieut. Smith notes in his diary.

“Sent 5 marines with Santiago Lopez, Pasquet Diaz, Charles Kussler and Jose Manuel Prado, giving Santiago the paper in Answer to Antonio Rivero's message.” 50

March 1st, a French whaler, Albatross, sails into Berkeley Sound.

March 2nd, whaler Talma (Capt. Allyn) arrives at New Island. Titus Coan negotiates passage to the USA. 51

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44 See December, 1833.
45 Journal of the Reverend Titus Coan. Johnson was taken off by Talma a week or so later, and returned to the USA.
46 London Courier and Evening Gazette Friday February 28, 1834. A confused account. Even more so than the news published only six days before.
47 Journal of the Reverend Titus Coan. Coan referred to the ship by its original name, Unicorn.
48 Ibid.
49 Coan left Antarctic two days later to take up residence on Hamilton. Capt. Nash sailed from the Falklands archipelago on the 26th.
50 Log of Lieut. Smith in ADM 1/42
51 Coan left the archipelago on March 9th.
March 6th, the Marines out in Camp, hear from Antonio Rivero.

“... he determined the following morning to betray his companions, and deliver the horses being his turn to take care of them, which he accordingly did, and the four Indians seeing the course things had taken, surrendered.”

March 7th, Smith makes a record in his log.

“Marines with Santiago came in with all the horses Antonio Rivero having betrayed them into their hands, also four indians.”

Lieut. Smith gives instructions for two of his seamen, and two marines.

“... to proceed to Port Egmont... to bring the three women, the children, Coronel, George Hopkins or any of the Englishmen who were here during the Murders, using mildness with the former and force if necessary with the latter.”

“... having been betrayed into the hands of Lieutenant Smith, by their ringleader, he examined them, they implicated the late crew of the Unicorn.. as accessories to the murders: Lieutenant Smith immediately arrested three of the crew who had remained at Port Louis, and hearing that the others were at Port Egmont, West Falkland, he despatched (in the English sealing cutter Susannah Ann) six marines, who succeeded in apprehending three more, two having left the Islands.”

“... some of the Englishmen that were in the Islands were more or less implicated in the massacre (but) there is nothing else in the Papers to justify such a suspicion.”

“... by March 1834 the British forces finally recovered the islands. Rivero and the others were taken to the British ship HMS Beagle to be tried, beginning the myth. The Gaucho Rivero represents that intrinsic motivation of revolt against colonialism in the Latin American peoples, his actions converted into little less than feats account for the creation of National but also regional memory, of the defense of identity against the colonial invasion, the protection of our culture and customs that made this simple man tired of the abuse of the invaders and with the feeling of national belonging in his veins a symbol for his eventual followers in the islands and then for a Nation that gave account of its stories 175 years later thanks to the change of state vision on the Falkland Islands.”

# Researcher’s Comment: Capt. Low and four sealers had been taken to Port Egmont in December, 1833, on Susannah Anne, together with most of the surviving settlers. In January, 1834 Low had been taken on Adventure as pilot by Fitzroy, possibly with one of his men. Adventure being the renamed Unicorn sold to Fitzroy by Capt. Low. Low returned to Port Louis on March 13th. None of these sealers were ultimately charged with any crimes.

ADM 1/42 doc 12 Letter to Rear-Admiral Sir Michael Seymour dated June 30, 1834
One of the Indians had remained at St. Salvador Bay, unable to move due to an injury to his leg.
Log of Lieut. Smith in ADM 1/42. Why these individuals were at Port Egmont is not clear.
Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty’s Sloop Snake January 1835 ADM 1/43. A somewhat ambiguous note in the margin, possible by Admiral Hamond, states; “There was nothing whatever said relative to them at that time. It was in consequence of a quarrel a long time afterwards between Channon and Jose Maria Luna merely the (unreadable) of this scoundrel.”
FO 78/1/102-103
Análisis de la toma de decisiones y del proceso de negociación en la cuestión malvinas desde 1983 hasta la actualidad. avances del proyecto Susana Pereyra & Leandro Nicolás Argento 2016
March 9th, the USS Potomac, on the homeward leg of a circumnavigation, sights the Falkland Islands.

“We stood around to the east end of the island, with the intention of going into Berkley (sic) Sound, in compliance with discretionary instructions which the commodore had received from the department to that effect.”  

“... a person by the name of Smith, of whose office or character nothing is known, has lately warned sealers not to visit these islands, still it is presumed that they can do so with perfect safety. If they are molested, it is an easy sail for one of our sloops-of-war on the Brazil station to run down there and break up Mr. Smith... If Great Britain should advance any pretensions to the exclusive use of the fisheries at the Falklands, it is to be hoped that such pretensions will be as strenuously resisted as were those of the Argentine Republic – indeed more strenuously...”

March 10th, Beagle returns to East Falkland with a cargo of wood; dropping anchor in Johnson’s Harbour.

March 12th, Captain Robert Fitzroy moors Beagle off the Port Louis settlement.

“We found a state of affairs somewhat different from that of March 1833; but though more settled, in consequence of the presence of an established authority, resident at Port Louis (a lieutenant in the navy), my worst forebodings had not equalled the sad reality.”

“... Smith, who is acting as Governor, came on board, & has related such complicated scenes of cold-blooded murder, robbery, plunder, suffering, ... With poor Brisbane, four others were butchered;..”

Naturalist, Charles Darwin writes to his friend John Henslow.

“... this little seat of discord has lately been embroiled by a dreadful scene of murder; and at present there are more prisoners than inhabitants. If a merchant vessel is chartered to take them to Rio, I will send some specimens.”

In a letter to the Colonial Office in London, George Whitington claims that he has been granted a “portion of lands” by Luis Vernet. Whitington also asserts that Vernet’s horses and boats have been “signed over” to him and that, while “several traders” were aware of the advantages to be found in the archipelago, if it was not possible to reach an agreement with the British Government, he was willing to sell his concession “immediately” to the Americans.

March 13th, the Adventure arrives at Port Louis, with its pilot, William Low; “... she had almost completed her examination of the west, south, and south-east outer coasts, in a very satisfactory manner, having been greatly forwarded and helped by Mr. Low’s minute acquaintance with every port, and almost every danger...”

Capt. FitzRoy goes ashore.

“When I visited the settlement it looked more melancholy than ever; and at two hundred yards distance from the house in which he had lived, I found, to my horror, the feet of poor Brisbane protruding above the ground. So shallow was his grave that dogs had disturbed his mortal remains, and had fed upon the corpse. This was the fate of an honest, industrious, and most faithful man: of a man who feared no...”

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58 Voyage of the United States Frigate, Potomac... J. N. Reynolds 1835 p.479
59 Ibid. pp.514-514. cf. October, 1837
60 Fitzroy 1839
61 Extract from the Diary of Charles Darwin. Antuco appears to have been a misheard 'Antonio' Rivero.
62 CO 78/43 4927 Monsieur Vernet's Case. Premature as Vernet did not agree to the reassignment of Langdon's 10 square mile plot until May, 1834. Whitington was prone to wild claims. cf. 1831 & 1840
danger, and despised hardships. He was murdered by villains, because he defended the property of his friend; he was mangled by them to satisfy their hellish spite; dragged by a lasso, at a horses heels, away from the house, and left to be eaten by dogs.”

“During one of these visits in 1834, Captain Fitzroy informed Captain Trott, whose name has already been mentioned, that the claim of Vernet to the possession of the soil of the East Falkland had been allowed by Great Britain; and that the rights of this person to the fisheries, cattle, and other privileges and property in and about the islands would be protected; in exemplification of which Captain Trott was required to desist from picking up wreck-wood on the beach for fuel, until he should have obtained permission from Vernet's agent.”

Beagle’s official artist, Conrad Marten, sketches the settlement.

**March 14th**, Susannah Anne is sent by Smith to fetch the injured Indian from St. Salvador Bay.

**March 15th**, implicated by his association with the murderers, Henry Channon is taken aboard the Beagle.

**March 18th**, Smith makes a record in his diary.

“... arrived the Gaucho Antonio Riveiro (sic). Capt. Fitzroy came to the settlement and took Antonio Riveiro on board the Adventure for security. ... arrived the Susannah Ann with the Indian.”

“... the principal murderer, Antuco, has given himself up. He says he knows he shall be hanged but he wishes some of the Englishmen, who were implicated, to suffer with him; pure thirst for blood seems to have incited him to this latter act. Surrounded as is Mr Smith, with such a set of villains, he appears to be getting on with all his schemes admirably well.”

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64 Fitzroy 1839
65 *The Falkland Islands, a Memoir, descriptive, historical, and political* R. Greenhow 1842. My emphasis. This comment suggests that Britain had given Luis Vernet permission to control the produce of East Falkland. Moot, at best. Captain Trott and his ship, Sun, had been warmed off by Lieut. Col. Pinedo in December, 1832, arriving in Montevideo in January, 1833. I can find nothing to suggest he was in the islands in 1834.
67 *Log of Lieut. Smith* in ADM 1/42. The gaucho was probably Manuel Coronel.
68 Extract from the *Diary* of Charles Darwin.
In custody are those so far implicated in the riot – Antonio Rivero, Luciano Flores, Manuel Godoy, Manuel González, Latorre and Felipe Salazar; plus a suspect, Henry Channon and the King’s witness, Jóse María Luna. Also some of Low’s sealing crew.  

March 26th, the London Evening Standard reports.

“Our occupation of the Falkland Islands continues to excite much discontent in Buenos Ayres. We confess that we do not understand the merits of the question.”

March 29th, London’s Morning Chronicle notes that on East Falkland island; “At least 7,000 head of fine wild cattle, and 500 wild horses, are roaming over a large expanse of the most excellent pastureage. Game is also in abundance, particularly rabbits, and the shores abound with excellent fish, as well as whales and seals.”

In April, Lieut. Smith arranges for Antonina Roxa to break cows caught by the gauchos in exchange for; “... every other calf of every cow she tamed.”

April 4th, FitzRoy writes to Admiral Seymour to inform him that he will keep Rivero and Channon on board Beagle when he sails; secure until they can be transferred to another vessel for transport to Rio de Janeiro. Luna, the King’s witness, is also to be held on Beagle; “… lest he should escape from the Islands, or fall a victim to the anger of his companions…”

April 6th, Charles Darwin writes to his sister; “We found that the Gauchos under pretence of a revolution had murdered & plundered all the Englishmen whom they could catch & some of their own country men.”

“... at the time of the rampage of Rivero, there was nothing remotely resembling a revolution in Malvinas.”

April 7th, Beagle sails with Antonio Rivero, Jóse María Luna and Henry Channon.

April 11th, Conway anchors in Johnson’s Harbour.

April 13th, prisoners – Luciano Flores, Manuel Godoy, Manuel González, Latorre and Felipe Salazar – are taken onto Conway together with detained ‘witnesses,’ George Hopkins, Patrick Kerwin, Daniel McKay, John Stokes and gaucho Faustino Martinez. Challenger’s marines also go board.

“Three of the prisoners were sent off in His Majesty’s Ship Beagle, and ten in the Conway in April 1834, which freed the Islands of these Criminals.”

Remaining at the settlement are; “... my own four men, two Englishmen, a Black cook, a German, 3 Gauchos, a Montevidean, three women and two children.”

69 It is not clear at this point how many sealers were detained. Certainly not Capt. Low.
70 So proficient was Roxa, that within a few years she had a large herd. To some consternation among members of the Colonial Office, and one Luis Vernet in Buenos Aires. For the history of Roxa’s arrival in the islands, see 1832.
71 FitzRoy to Seymour April 4, 1834 in ADM 1/42. This letter was handed to the French whaler Albatross, which delivered it in Rio de Janeiro on May 19, 1834, after leaving the Falklands on April 30th. FitzRoy’s letter described Channon as one of the murderers although not mentioned as such in Helby’s account. cf. George Gipps, August 2, 1834 in CO 78/01
72 Charles Darwin to Catherine Darwin April 6, 1834. This is the only reference that I have found, dating from 1833, to suggest that the murders were anything other than the consequence of a riot over a debt. Some Argentine commentators claim that Rivero was a revolutionary hero. If so, Rivero’s revolution was against Vernet. cf. 1833
73 Falklands or Malvinas: Myths & Facts M. P. Peña & J. A. Peña 2018
74 Detained witnesses? Someone was hedging their bets. This was the only reference to Martinez, who, having played no part, would seem to have been released at Rio de Janeiro. Unwilling, perhaps, to act as a witness.
75 Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty’s Sloop Snake January 1835 in ADM 1/43
76 Smith to Seymour April 13, 1834 in ADM 1/42
April 30th, in Buenos Aires, the *Gaceta Mercantil*, reports on the “vile” murders of Vernet’s employees.

“It is believed that the motive of the murders was looting and possession of the horses of which use the Indians had been deprived for three years in consideration that they were deemed too dangerous to have them.” 77

May 7th, Governor Viamonte sends a message to the *Legislature* of the Province of Buenos Aires.

“... the government (announces) that the protest led by the Argentine minister at the court of London on the violent occupation of the islands by British forces has not been satisfactorily, but the government,... does not give up its efforts.”

May 8th, Edward Lumb, in Montevideo, writes to Charles Darwin about the murders.

“Accounts rec’d from a settler called Helsby who left the Falklands in the Challenger are all the particulars we have received; This affair is classed here in its true light and is not considered of any political tendency...”

May 15th, Conway, at Valparaiso, hands over its detainees to HMS *Dublin* for transportation to Rio. 78

“His Britannic Majesty's ship Conway arrived at Valparaiso on the 13th May, having on board the following prisoners, who were connected with the late murders at the Falkland Islands, viz., Luciano Flores, Felipe Manuel Godoy, Manuel Gonzales, Latorre, F. Martinez, D. McKay, J. Stokes, G. Hopkins, and P. Kerwin. The five first mentioned are Charruas Indians; the four latter are Englishmen, and formerly belonged to the schooner Unicorn, Captain William Low. Those who are stated to be most implicated in the horrid transaction are in custody on board his Britannic Majesty's surveying bark Beagle, Captain Fitzroy, viz., Henry Chanmer (an Englishman), Antonio Rivera, and Jose Maria Luna. ... The whole are to be tried in England, and if found guilty, it is thought that one or two of the Gaucho prisoners will be transmitted to the Falklands, in order to be executed, as an example. It was generally supposed that it would go hard with the Englishmen, particularly Chanmer and Hopkins, as they are reported to have been acquainted with the intention to commit the murders, and to have supplied the murderers with powder and ball the night previous to the deed. They, it is said, surrendered themselves to the Governor on condition that he would intercede for their lives.” 79

May 23rd, reported in the *Hobart Town Courier*, Tasmania.

“Capt. Fitzroy, of the Beagle, is making a survey of the Falkland Islands. Lieut. H. Smith, late first lieutenant of the Tyne, is appointed Governor of these islands. A party of marines was also to be dispatched to form the nucleus of a new colony. A considerable number of British emigrants is already settled on the eastern island, at the head of Berkeley sound. The town is called Port Louis. There is no timber on the islands but peat is plentiful. The climate is not severe and there is good anchorage all round the coast. A cargo of timber to this colony would pay well among the settlers, and the ship might speedily fill up with oil, seal skins and salt fish.”

May 31st, from Buenos Aires, Luis Vernet agrees to the reassignment of Langdon’s 1831 grant. 80

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77 Quoted in *Falklands or Malvinas: Myths & Facts* M. P. Peña & J. A. Peña 2018
78 Log of HMS *Dublin* in ADM 51/3140. Witness, Helsby, was landed at Valparaiso under a promise to return to England when called upon to do so. He failed to keep that promise. See *Hammond to Eliot October 10, 1834* in ADM 1/42
79 The Globe Monday September 29 1834
80 Vernet to Whittington May 31, 1834 in AGN VII 132 doc.188. See October, 1831 & December, 1833. Langdon accepted
“... (Whittington) caused me a great deal of useless loss of time and trouble with his correspondence, until I discontinued it in consequence of his not contenting himself with my confirming the document he obtained from Lieut Langdon but requesting me also to make over to him all my title deeds, originals and copies, as if sold to him in consideration of a sum of money, ... he promising on his part, to claim from the British government or from Parliament in his own name, the acknowledgment of my rights of property; and also assuring me that he, as a British subject, would readily obtain an acknowledgment of the title, whereas I as a foreigner would not have the slightest chance of obtaining justice ... These irregularities and unjustifiable assertions of Mr. Whittington having induced me to discontinue all correspondence with him... he finding he could not obtain from me what he wanted, he published in one of his pamphlets that I was dead !!”  

In June, the Colonial Department’s R. W. Hay suggests that before any colonization of the Falklands can take place, it is essential that Britain publicises; “... the measures that have been taken by the Admiralty in affirmation of our rights, and especially if only a small British force is to stay there.”

June 5th, in Buenos Aires, the House of Representatives meet.

“It regretted that England had not given a decisive answer as to the Falkland Islands, but it relied on her justice.”

June 12th, in Madrid, Spanish Secretary of State, Martinez de la Rosa, announces that the Queen Regent is willing to reach a 'just and honorable arrangement' with any Spanish-American representatives that arrive before her Ministers in Paris or London.

“... the intention is to recognise unconditionally the independence of the new states,...”

June 16th, from Buenos Aires, Minister Guido instructs Ambassador Manuel Moreno to go to Paris and open preliminary negotiations with the French Government for a treaty of friendship, commerce and navigation. Guido believes that this may bring pressure to bear on the British to negotiate over the Falklands.

July 2nd, Luis Vernet writes to the Commander-in-Chief of the British base in Rio de Janeiro.

“Urgent attentions in this city having prevented me from attending personally to the maintenance of my settlement at the Falkland islands, I had sent thither, an agent, Mr. Matthew Brisbane accompanied by several assistants to do the needful until such time as I might have it within my power to re-establish my colonial business on its former footing; but these unfortunate and faithful servants having been barbarously and wantonly assassinated, my affairs there were thrown into total confusion, without having it at present in power to remedy the evil. Under these circumstances, and presuming the welfare of these Islands to be under your special charge, I take the liberty of addressing you the present letter, with a view to claim your protection, by your giving the necessary orders for securing the remains of my property from further ruin. By so doing you will not only do me a great favor in my distress, but also do a public service, since by the preservation of the remains of my settlement the foundation of new ones will be exceedingly facilitated.

£500 from Whittington as the price for this land despite having been previously informed by the British Government that Buenos Aires had had no right to grant it to Vernet. Nor Vernet to sell it.

81 Vernet letter to the Colonial Secretary dated September 6, 1852 in AGN VII 2-3-7
82 Caillet-Bois 1982 p. 392
83 London Courier & Evening Gazette Monday August 4, 1834
84 Van Ness to McLane August 6, 1834. Following the intransigence of Ferdinand, this was a big adjustment in State policy.
85 Caillet-Boise 1982 p.355
I have accordingly taken the liberty to accompany herewith a letter to the Governor of the Falkland Islands, which may in a measure serve as an instruction, begging the favor of its being forwarded by first opportunity, with a recommendation by you for its observance. The late defenceless situation of the settlement, rendered it the prey of evil inclined dealers among which Capt. Ferguson of the Susana Ann of London particularly distinguished himself, by shooting a number of newly tamed native horses, which had been intended to replace the other horses that are growing old, ... Now that there is a garrison I no longer apprehend similar outrages;” 86

Vernet's also writes directly to Lieut Smith.

“... I beg the favor of you to take charge of all my property, endeavouring to preserve it as much as lays in your power until I may be enable to return to the Settlement... I beg leave to make some observations...”

Vernet goes on to provide detailed instruction for the, “preservation of the horses,” and the, “maintenance of the gauchos.”

“You will have observed that horses thrive outdoors, even in winter as long as they do not feel the back, in which case it will be convenient to heal said wounds. For this, it is better to trust Europeans than gauchos, people who are very used to the abundance of horses in their own land, to the point that they never see the need to take care of them. Although horses are resistant to the harsh weather, they are not resistant to fatigue like Europeans, which is undoubtedly due to their feeding on grass and not grain. Hence, the work of hunting cattle, very violent in itself, cannot be carried out with the same horse for a long time, which is why the gaacho changes his horse two or three times a day and does not ride the same horse for two days.” 87

“Showing interest in resuming his business in the islands —for which the crown's approval was required— he communicated to the officer a series of suggestions to replace the Creole workforce in the future by incorporating and training young British people. He (Vernet) proposed a division of tasks according to a progressive level of experience and proper care of the horses, the only ways in his opinion to ensure the validity of a technique of proven effectiveness.” 88

Enclosing a letter for the gauchos, Vernet recommends that they; “... keep the best friendship with the English, and respect their officers who you can be sure will not do any injustice to you.” 89

**July 3rd**, Mars, en-route from Launceston, Van Diemens Land to London, founders at the Falklands.

**July 9th**, Rear Admiral Sir Michael Seymour dies on board his flag ship at Rio de Janeiro. Capt. Robert Tait takes command of Britain’s South American Station until a replacement can arrive.

“The Snake sails for Bahia on the 20th. Sparrowhawk for the Falkland Islands, to relieve the Rapid, and the Satellite goes round the Horn..” 90

**July 15th**, Commodore Francis Mason, aboard HMS **Blonde**, sails into Berkeley Sound. 91

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86 Quoted in ADM I/43. Also Archivo General de la Nacion, Sala VII, Legajo 132, Documento 198
87 Vernet a Smith, Buenos Aires, July 2, 1834
88 Jiminez, Alioto & Villar 2018 p.121
89 All quotes from L. Vernet a Santiago Lopez, Manuel Coronel y Pascual Diaz July 2, 1834 Buenos Aires. Also Caillet-Bois 1982 p.381
90 Naval & Military Gazette & Weekly Chronicle of the United Service Saturday September 13, 1834
91 Blonde sailed for Valparaiso on July 17, 1834.
“The coast of either island is described as wonderfully broken and indented, by which many eligible, and secure harbours are formed, settlements at each of which would rapidly rise in the event of the country becoming colonized. And if such ever does take place by the English nation, it is to be hoped that industrious, and well disposed persons only will be admitted, the introduction of any Buenos Ayrean Gauchos, or other vagabonds, would only poison the whole. But, if colonization is not contemplated, might not the right of sovereignty be maintained, and the islands offered in grants to those who choose to settle thereat, for the dog in the manger system renders the islands useless and unavailable to everyone.

As things stand at present it is doubtful to whom the country belongs. England long since has claimed it and has armed herself to assert that claim, the Spanish government disputed the right and does still hold itself the lawful proprietor; and the Buenos Ayrean government, highly indignant at the British assumption, claim the whole as naturally appertaining to their Republic. It is true the English flag is now flying here, and an officer established as Resident remains there, with four seamen attached to him; but this party is, at times (by being necessarily detached,) so completely in the power of the Buenos Ayrean and other strangers settled here, so inefficient to the protection of the cattle and other property, and so inadequate to curb the insolence and rapacity of the whalers, and other rabble that occasionally congregate here, that is it in reality unsafe for the parties themselves, and by no means creditable to the country, that its flag should be displayed over a territory where there is no power to maintain its respectability.”

July 21st, on arrival at Rio de Janeiro, HMS Dublin hands over its detainees to HMS Spartiate.

July 23rd, Luis Vernet appeals to Woodbine Parish in England, reminding the ex-Charge d’affaires that he had relied; “... much on the foundation of the opinion you (Parish) gave me several times ... That my individual rights and grants would be confirmed by H.B.M. in the case of taking possession of those islands....”

Luis Vernet explains his current position.

“I have resigned my public function for some time now, I am not bound by any promise, duty or debt of gratitude (quite the contrary, I have serious grievances - as you will easily understand if you remember the little affection they have here for foreigners)....”

“I would long since have returned to the Islands... had I possessed the means of doing it... without exposing myself to the displeasure of this Government [i.e. the Buenos Aires government], who then would certainly desist from her offers of supporting my private claims against the United States....”

“(Vernet) made several approaches to the British Government. In July 1834, writing via Woodbine Parish, he offered his services to the British Government, and asked for British support to re-establish his cattle business and for Britain to either pay for the damage to Port Louis, so his claim on the United States could be forgotten, or support his claim on the United States. Britain was unwilling to do either,”

“Initially Britain did nothing to prevent Vernet from returning to the Falklands. ... He could naturally expect no support from Buenos Aires against the United States for the losses caused by the Lexington if he cooperated with Britain in a territory claimed by Buenos Aires.”

92 Voyage of HMS Blonde Capt. F. Mason in The Nautical Magazine September 1845
93 ADM 51/3140. Also reported in the Hampshire Telegraph Monday September 15, 1834
94 FO 6/501
95 Vernet to Parish July 23, 1834 in PRO FO 6/501 f.148
96 Peter Pepper in The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981 D. Tatham (ed.) 2008 p.545
97 Pascoe 2020 p.280
August 5th, in London, the new Colonial Secretary, Mr. Spring-Rice, considers what to do with Rivero and the other prisoners being held in Rio de Janeiro. And what he should do about the future of the Islands’ administration. 98

“... as the Falkland Islands are an undoubted possession of Great Britain there can be no question as to the right which His Majesty possesses of ordering the Murderers to be sent home and to be submitted to the ordinary course of the law in this country. This is a measure, however, which should be avoided, if possible, and... the Admiral may be enabled to devise some other means for disposing of the Prisoners in the event of their apprehension. Mr. Spring Rice is desirous of taking this opportunity of conveying to the Lords Commissioners his opinion that, as the Rights of the British Crown to the possession & Sovereignty of the Falkland Islands have been fully asserted, & are incontestible, it is not necessary for the preservation of these rights that a Boat’s Crew should be left ashore there at the risk of their lives, he therefore recommends that this small force should be altogether withdrawn.” 99

Hay authorises the transfer to England of the Port Louis murders ‘witnesses’, including Henry Channon. 100

August 9th, HMS Sparrowhawk arrives at Port Louis, and anchors near the settlement. 101

In London, George Whitington has a map entitled Plan of East Falkland Island 1831 printed, showing the Island divided into eleven sections (right). 102

August 20th, from Rio de Janeiro, Capt. Tait writes to the Admiralty.

“It appears that Lieutenant Smith has reserved the funds arising from the sale of Bullocks until their Lordships pleasure shall be sufficient for their application, and instructions sent to him how far the claims of Mr. Vernet are to be satisfied and recognised.”

Tait also informs the Lords Commissioners that he has not forwarded Vernet’s letter to Smith and will not do so until further instructions are received. 103

September 21st, the US Schooner Penguin arrives in Salvador Bay. 104

October 10th, Capt. Tait writes to inform the Admiralty that two of the Port Louis murderers are now on board HMS Spartiate. He also mentions that Thomas Helsby - “a material evidence” - when asked to comply with his promise to go to England for a trial; “... refused to do so, when requested by Lord James Townshend.” 105

98 ADM 1/43. News of Seymour’s death had not reached London when this letter was written.
99 Hay to Elliot August 5, 1834 in CO 78/1. This draft letter is heavily amended. ADM 1/43 gives the date as August 6. cf. December, 1834
100 Mentioned in CO 78/2. Channon’s status appears to have been revised at Rio de Janeiro.
101 Sparrowhawk had been involved in the search for survivors of Mars which had foundered in July. Some of its crew got ashore but then wandered for weeks before being found. The Tasmanian newspaper later reported; “The mail was saved.” Most of the cargo was retrieved, and the wreck sold off on September 25, 1834.
102 CO 78/2
Tait adds that three others are expected by mid-November, including; “... the King’s evidence.”

**October 11**th, the new British Minister Plenipotentiary to the United Provinces, Hamilton Charles James Hamilton, finally arrives in Buenos Aires.

**October 18**th, Felipe Salazar, confined on HMS *Spartiate*, dies. 106

**October 24**th, reported in the *London Courier & Evening Gazette*.

“It was stated, on authority, that a British frigate is in future to be constantly stationed at the Falkland Islands.”

In early **November**, the charts of the Falklands prepared by the *Beagle* and *Adventure* are shipped to England.

**November 10**th, HMS *Snake* arrives at Port Louis. 107

**November 14**th, Barrow writes to George Shee, with; “... the opinion of the Lords Commissioners of the Admiralty relative to a Claim on account of certain property in the Falkland Islands...” 108

**December 2**nd, aware of Admiral Seymour’s death, and concerned that his July 2nd letter to the Admiral may now be lost, Luis Vernet repeats its contents in a further letter addressed to Seymour’s successor.

“... any private papers belonging to the unfortunate victims I would prefer to be kept back and to be held at the disposal of their nearest relatives, or to be sent to such. My late agent Capt. Matthew Brisbane left an aged mother and some sisters and brothers, one of which is William Brisbane whose address is No 61 High Street, Perth, North Britain. Mr William Dickson who had charge of my store on the Island, left a mother living in Dublin, Mrs Ellen Dickson and a stepfather Mr Thomas Dickson, Barrister at law in Dublin, No 10 Cuff Street, also a sister and a number of step brothers. Mr Ventura Paso, clerk of my late agency, and brother in law of mine, both parents are living in this city, the father Don Yldefonso Paso. Any papers or things belonging to his late son, I would thank you to send to me, because the fatal event has not been made known to the family and will not be, as long as can be helped. Of the other two unfortunate men Jean Simon and Antony Wehinger, the former a Frenchman, the latter a German I know of no relatives, neither do I know how to trace them.” 109

**December 5**th, Rear-Admiral Sir Graham Eden Hamond arrives at Rio de Janeiro to take over as Commander in Chief of Britain’s South American Station. 110

**December 8**th, Hamond makes a note in his diary.

“I have been wading through a voluminous report and correspondence relative to the murders of several persons in August 1833... We have the murderers on board this ship now;— but no evidence I fear, to convict them.”

103 CO 78/2
104 Lieutenant Smith’s Journal in ADM 1/43
105 Hamond to Elliot October 10, 1834 in ADM 1/42. It is apparent that Hamond had received instructions from the Admiralty to hold on to the prisoners until further orders, rather than despatch them quickly to England as had been his original plan. No reasons were given in this correspondence. Townsend was a Navy Commander.
106 Also recorded as Philip Pillips. Death reported in a letter to the Admiralty from Capt. Robert Tait (November 26, 1834) in ADM 143. One witness claimed that Salazar had cut the storekeeper Dickson down with a sabre. cf. August, 1833.
107 Lieutenant Smith’s Journal in ADM 1/43
108 CO 78/2. cf. February, 1835
109 ADM 1/43 also Archivo General de la Nacion, Sala VII, Legajo 132, Documento 198. cf. February 9th, 1835
110 N.B. Many sources incorrectly spell Hamond as 'Hammond.'
December 15th, Hamond informs the Admiralty that he intends to sail for the Falklands on the 18th. 111

“With reference to your letter of the 6 August last, addressed to Rear Admiral Sir Michael Seymour, enclosing a copy of a letter from Mr. Secretary Spring Rice, on the subject of the persons implicated with Massacre at the Falkland Islands, and recommending that the small force there should be withdrawn; and signifying that their Lordships leave it to the discretion of the Commander in Chief to withdraw Lieutenant Smith’s party from the Island when circumstances will admit stating also that the Commander in Chief is to judge whether there is sufficient Evidence to expect a Conviction before the persons concerned are sent to England; I … feeling that I cannot come to a satisfactory decision on these points without visiting the Islands myself, I have determined on proceeding thither...” 112

December 22nd, Vernet writes again to Admiral Hamond at Rio de Janeiro.

“I have long felt the necessity of re-establishing... business at the Islands, but the ruin of my affairs has left me without the necessary resources for such an undertaking. In vain have I waited here for the satisfaction of my claims, which when paid would furnish me more than sufficient means; but there is no more time to be lost, wherefore I shall have to seek assistance elsewhere. Under these circumstances, and persuaded that you will feel an interest in the prosperity of the Falkland Islands Establishment...

I take the liberty of making you the following proposals. – If the Governor at Port Louis requires for the service of HM some of the houses which I built there he of course is and has been extremely welcome to the use of them, and I am also willing to sell any number of them that may be required, and at a fair valuation... To enable me without loss of time to transport myself to the Island with a Cargo or two of new horses...

I would wish to receive an advance of about two thousand pounds Sterling on account of houses to be sold and cattle to be furnished... I shall be very grateful to hear your determination by first opportunity...” 113

Luis Vernet also writes to Minister Hamilton to say that some English friends are willing to fund the despatch of two shipments of horses to the islands should the necessary approval be forthcoming. 114

December 27th, an American Schooner, China, arrives in Berkeley Sound to recover; “...several casks of lime that he said he had left with Mr. Vernet's agent.” 115

December 29th, in London, Ambassador Moreno writes to the Duke of Wellington. 116

“... If the expedition of the "Clio" had limited itself to West Island (port Egmont) it might be said that the Govt. of HBM had reinstated themselves in the status quo which the ancient Convention left. But the expedition of the Clio went to East Island (port Soledad), which never was English, requiring the island's evacuation of the garrison and citizens of another state, & possessed itself of properties & objects of value not belonging to subjects of H.M.

111 Having only just arrived at Rio de Janeiro, Hamond felt he needed to know more about the situation in the Islands. In the event he met with unfavourable winds and turned back on January 1, 1835.
112 Hamond to Eliot December 15, 1834 in ADM 1/43.
113 ADM 1/43. See https://falklandstimeline.files.wordpress.com/2018/03/vernet-to-cic-south-atlantic-station-december-22-1834.pdf
114 Caillet-Bois 1982 p.383. This does not entirely correspond with Vernet’s letter of the same day to Hamond.
115 Lieutenant Smith’s Journal ADM 1/43. Sailed January 5, 1835.
116 Wellington acted as temporary Prime Minister for three weeks November/December, 1834, stepping down on the 10th.
This procedure overturns directly the principles recognized in 1771; it transfers to the British flag a territory never before trod by an English foot, with buildings, stock, & (unreadable) which were the products of the industry of another nation – a nation of the American continent, which under the favour of Providence, that rules the destinies of mankind, has succeeded to the territorial rights of Spain in that jurisdiction & to which are infallibly due the consideration of justice claimed by every independent people. The United Provinces in the exposition and protest of their Minister in London of June 17, 1833, presented to the Govt. of H.M., irrefragable documents of their formal occupation & possession of the Falkland islands, & of the fact that the Island of Soledad having been bought from France for the sum of 618,108 francs, 13 sous, 11 cents, the Treasury of Buenos Aires had paid to the French Commissioner Mr. de Bougainville the sum of 65, 625 Dollars in part payment for the said territory.

Accordingly, the Government of the United Provinces, having reconsidered the subject in all its bearings, finds itself under the necessity of declaring that it cannot acquiesce in the conclusion which the reply of H.E. Viscount Palmerston of the 8th January, 1834 draws from it.

It repeats and confirms its Protest of the 17 June 1833 against the sovereignty assumed over the Falkland Islands by the Crown of Great Britain, & begs that the Republic may have restored to it East Island & its establishment in Port Soledad in the same state that they were previous to the invasion of H. M. Schooner Clio on the 5th of January 1833.

The present Reclamation is founded on such evident rights that the Government of the United Provinces doubts not but that it will be admitted immediately by the Governt. of His Britannic Majesty, in conformity with the principles of justice which characterize it. ...” 117

“The demonstration documented was so conclusive that the Argentine Minister in London... simply asked for restitution of the Island of this (Solitude and Port Louis)...” 118

“Without dwelling on the "secret convention" which Moreno could not prove, he modified his views and limited the discussion to Puerto Soledad.” 119

117 FO6/501. Wellington forwarded the Minister's letter to the Foreign Office on February 2, 1835 where it would remain until 1837. Moreno wrote to friends to say that he felt “optimistic.” Caillet-Bois 1982 p.358 referred to a “conference” between Wellington and Moreno but I can find nothing to suggest that the two men met. cf. February, 1835
118 Bartolomé Mitre quoted in Rozas 1948. cf. 1884
119 Caillet-Bois 1982 p. 357
1835 – January 3rd, Ontario, an American corvette, arrives off Port Louis seeking a supply of beef. 120

From Buenos Aires, Luis Vernet agrees that Lieut. Smith’s son should act as his agent on East Falkland Island.

“This officer (with the permission of the Admiral) delivered my property, which he found there (all my Agents having been killed) into the charge of his son, W. Smith, by whom it was collected, and who continue to carry on the cattle and sealing operations, as my Agent, till 1838...” 121

“... your Memorialist having confirmed Lieut. Smith’s son in his agency, your Memorialist in January, 1835, received another letter from Lieut. Smith and one from his son, covering account sales of Cattle for the use of H.B.M.’s Shipping and Garrison, accompanied by a statement of the number of Ox hides and Seal skins they had found upon the Island, and also of those they had accumulated since, holding all this property at the disposal of your Memorialist and promising to continue his affairs on the Island...” 122

January 15th, Lieut. Smith writes to the Commander at Rio de Janeiro; reporting that the gauchos on the island wished to return to their own countries; “... having been induced to leave it by (Vernet) holding out high wages, which were never formerly fulfilled...” Smith suggests the gauchos fear that if he goes they will be at the mercy of the sealers; “... who are only one step removed from pirates.”

He also notes in his journal the arrival of William Smyley. 123

Smith informs sealers that the ground at Volunteer Rocks are reserved for the settlement.

“The masters and owners of Susannah Ann... complained about Smith’s personal sealing and his banning of foreign sealers from the Volunteer Rocks, and asked the Admiralty to recall him so that they could sue him for loss of earnings. During a vessel refit in Rio de Janeiro the British consul reportedly told them that Smith did not have the authority to prohibit sealing. On returning to Port Louis in January 1835 Samuel Thompson, the mate of Susannah Ann, went ashore to insist that the crew be allowed to hunt. The unrepentant Smith threatened to either goal or shoot Thompson if he persisted in his demands and warned him that the crew of a local vessel sealing on the Volunteer Rocks had also been told to shoot unauthorized visitors.” 124

January 17th, HMS Snake departs Port Louis; “At that time nothing new had occurred at the Settlement, which is in a miserable state.” 125

“No attempt has been made by the former settler Mr. Louis Vernet to establish himself at the Islands.” 126

From Buenos Aires, Eben Ritchie Door, the newly appointed US Consul, reports that the Confederation’s envoy to Washington, General Don Carlos Alvear, remains delayed.

“... the want of funds for this purpose, although doubtless one of the causes of his delay, is not the most influential. This, perhaps, may be found in the fact that the Government is awaiting, with some hope of a favorable result, the progress of the negotiation, which its Minister in London has instituted upon the subject of

120 Sailed on January 15, 1835
121 Vernet to Labouchere December 1856 in CO 78/43. With no funding from the British Government, it appears that Smith initially operated the cattle business to keep the settlement going but, once informed that the Admiralty considered this inappropriate, Smith passed the job onto his son. cf. 1836
122 Vernet’s Memorandum Presented 7 May, 1852 in CO 78/43
123 ADM 1/43. Hero and rogue. cf. 1830, 1831, 1832, 1839, 1845, 1849, 1850, 1851, 1853 & 1854
124 Seal Fisheries of the Falkland Islands & Dependencies: A Historical Review A. B. Dickinson 2007 p.4. See December, 1835
125 ADM 1/43
126 Ibid.
the occupation of the Malvinas. The last letters of this Minister, Dr Moreno, to his friends in this City, ..., state, that he has hopes to make the desired impression upon the Government of Great Britain, even if the present Ministry should not listen favorably to his remonstrances…” 127

**January 29th**, George Whitington writes to Hay to argue a case for the colonization of the Falklands based upon the success (?) of Vernet's original attempt.

“... Mr. Hamilton, H. B. M. Minister, who succeeded Sir Woodbine Parish, wrote to me in January 1835 (two years after the British Government had taken possession) mentioning his approval of my proceedings.” 128

**February 2nd**, a copy of Moreno’s Protest is sent to the Colonial Office for their consideration; where it sits.

“Manuel Moreno's Protest of December 1834 was never answered. The Colonial Office took the view (July 1837) that it was inexpedient to discuss further with the Argentine Government British rights to the Falkland Islands. The Colonial Office considered that unless the ancient pretensions of Spain – never admitted by Britain – to the exclusive possession of the Magellanic regions had been invested in the Argentine Republic by the facts of its transformation from a dependency of the Spanish monarchy into an Independent State, it might be with the Court of Madrid alone that Her Majesty's Government could properly consent to discuss the question of the sovereignty of the Islands.” 129

**February 9th**, at Rio de Janeiro, Admiral Hamond receives a letter from Luis Vernet; “... making proposals for His Majesty's Government which I transmit for their Lordship’s consideration...”

“I shall tell Mr. Vernet that I shall so forward his letter, at the same time remarking to him that he is in the position of a man having built upon ground to which he has no title, and that the difficulties under which the settlement has been labouring in consequence of the massacre, are attributable entirely to his or his agents misconduct and breach of faith towards the gauchos, in paying them with paper instead of silver money.”

Referring to Vernet’s letter of December 22nd, 1834, Hamond adds:

“With regard to his proposal for an advance of £2000 I am of opinion that all the property on the Island (except the Wild Cattle) even if admitted to be his, would be overvalued at half this sum.” 130

**February 12th**, the Foreign Office write to Barrow.

“I am directed by His Grace the Duke of Wellington to acquaint You for the information of the Lords Commissioners of the Admiralty that he concurs with their Lordships in thinking that without admitting any rights which Mr. Vernet may claim under an alleged grant from the Buenos Ayrean Government, still any Private Property in the Islands; clearly belonging to Mr. Vernet should be returned to him.”

**February 14th**, in London, the Admiralty write to Robert William Hay at the Foreign Office.

“I am commanded by my Lords Commissioners of the Admiralty to transmit to You herewith for the information of the Earl of Aberdeen, ... a Copy of a letter from the Under Secretary of State for Foreign Affairs relative to the Claim of Mr. Louis Vernet to certain property at those Islands: their Lordships have directed the Admiral commanding the Squadron on the South American Station to cause the Private Account of Mr. Vernet to be settled.”

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127 Manning 1932 p.187
128 Vernet to Labouchere December 1856 in CO 78/43
130 Hamond to Eliot (Admiralty) February 10, 1835 in AD 1/43
February 17th, Luis Vernet writes again to the Admiral at Rio de Janeiro.

“I have had the pleasure of obtaining very satisfactory intelligence about the State of things at the Settlement on the Falkland Islands from the Captain and officers of H.M.S. Sparrowhawk; namely: that there are still about sixty of my old horses in good condition & that Lieut. Smith has taken very great pains to preserve things from further ruin. ... Lt. Smith has managed much better than could have been expected of any person so totally unacquainted with these matters... and being now somewhat experienced I would humbly recommend his remaining...” 131

February 18th, an internal Foreign Office memo notes that the Admiralty are making arrangements to have the property belonging to Luis Vernet, still on the Falklands, returned to him.

“The Foreign Office suggest that the Admiralty should take the opinions of the Col: Dept. as to any questions relating to the internal management of the Falkland Islands, but as (it is conceived) there is at present no intention of maintaining a Settlement there & as directions have already been given for removing the small Naval Force, which was stationed on one of the Islands – it will perhaps be thought sufficient to express Lord Aberdeen’s concurrence in the few steps which have been taken for returning to Mr. Vernet any private property belonging to him... - the Admiral commanding at the Station, taking especial care, however, not to admit any Rights which Mr. Vernet may allege as derived from the Buenos Aires Government.” 132

March 7th, Juan Manual Rosas returns as Governor for Buenos Aires Province; with dictatorial powers.

“He returned to power with the memory of the rape committed against the rights of the Republic and the desire for satisfaction at the first opportunity.” 133

“Cailllet-Bois proposes that when Rosas took over the government of the Province of Buenos Aires, he intended to take revenge for what he considered a violation of the rights of the Republic in Malvinas. No grounds for such interpretation exist. On the contrary, Rosas saw in the Malvinas an item to be bartered ...” 134

In Connecticut, USA, the case over the ownership of the seal skins removed from Vernet’s storehouse in 1832 comes before the Admiralty Court. Circuit Justice Thompson concludes that the actions of Luis Vernet in seizing the skins was not ‘piratical’, as he had acted under the authority of the Buenos Aires Government.

“... our government... treated this right as a subject for negotiation between the two governments, and does not undertake to affirm such seizure to be a piratical act. And under this view of the case, I cannot consider the retaking by Captain Duncan a lawful act; and unless it was so, the claim of the libellant to compensation as for salvage services, in a court of admiralty, cannot be sustained.” 135

“Mr Burrows claimed them, and having obtained from me proofs that they had belonged to the Superior, he gained the suit. After this, Davison claimed half of the skins as salvage, for having rescued them as he said out of the hands of a pirate as he termed me. Mr. Burrows then produced proofs before the court that my conduct at those Islands had been in every respect just and legal, and that the vessels and their cargoes had been very justly seized for breaking the laws of Buenos Ayres.” 136

131 Coming so soon after Smith’s letter of January 15, 1835 this suggests that he had appealed to Vernet for support. 132 CO 78/2 133 Cailllet-Bois 1982 p.358. The only relevant action by Rosas between 1837 and 1849, was that the claim of a right to the sovereignty of the Falklands was repeated annually at the opening of Congress. cf. 1838 134 Peña & Peña 2018 135 Davison v Seal-Skins, Case No. 3661, Circuit Court, D. Connecticut 1835. cf. 1839 See also https://falklandstimeline.files.wordpress.com/2012/02/davison-v-seal-skins-18352.pdf 136 Luis Vernet in British Packet & Argentine News October 14, 1837 in FO 6/501/254.
March 16th, Vernet submits a petition to the Government in Buenos Aires requesting that he be paid 31,666 pesos from the monies owed by the Government to Jorge Pacheco. 137

“... being half of the 63,333 pesos in public funds Pacheco had held.” 138

March 23rd, Luis Vernet writes once again to Woodbine Parish.

“The expenses in the arrest and prosecution of the fishing vessels (mainly as a result of orders of government) totaling eleven thousand pesos silver have never been reimbursed, nor have I ever claimed the same, all I did was submit the expense account of one of the ships, which I brought here, riding about three thousand Spanish pesos... My claims against the US and this Government remain completely in suspense, having not taken a single step... my affairs at the settlement fall daily more into decay and I have not the means of preventing it. The bad consequences of such decay if not put a stop to are incalculable... The consequences may be that all attempts at colonization will prove abortive for a considerable time to come, that great capital will therefore be wasted, that the Islands will fall into disrepute... On the other hand, if I could but succeed to get the means of re-establishing on the Island ... then with proper management a very flourishing colony highly useful to the commerce round Cape Horn may soon be formed... alone, I can do nothing because I have nothing left. Even some little produce which my late agent had collected for me is detained by the Admiral until he receives orders from his Govt...” 139

On the subject of women for the settlement, Vernet proposes that the British Government could; “… direct one of her transports to discharge at the Falkland Islands instead of Botany Bay.”

On the same day, Hamond writes to the Admiralty with regard to the Port Louis prisoners held at Rio de Janeiro.

“... that having carefully examined the evidence adduced by the Witnesses now aboard the Spartiate, I am decidedly of opinion that there is sufficient evidence to convict the murderers, and I therefore feel it my duty to send them to England for trial, as there are no other means by which I can deal with them according to law, so far as I can learn from the Admiralty Statutes... the act 46 Geo.3 directing that offences in places under British dominion shall be tried in England.” 140

HM brig-sloop Snake leaves Rio en-route to Sheerness with the surviving prisoners - Antonio Rivero, Manuel Gonzales, Luciano Flores, Latorre, Manuel Godoy and the King’s witness, Jose Luna. Admiral Hamond lists the witnesses as – Daniel McKay, Henry Channon, George Hopkins, John Stokes and Patrick Kirwan. 141

April 3rd, reported in the Hobart Town Courier, Tasmania; “An association has recently been formed in London, under the patronage of Lords Falkland and Dundonald, for the colonization of these islands.”

137 Pacheco died January 5, 1833; still owing Vernet, according to Pacheco’s last will and testament, some 7,000 silver pesos. cf. 1820, 1823, 1824 & 1833
138 Pascoe 2020 p.78 citing AGN X, 16-6-5 Justicia. A judicial note dated July 2, 1835 stated that there were no objections to the payment.
139 CO 78/2. The file contains only an extract of this letter; the extract running to 12 pages.
140 ADM 1/43. Original emphasis. This dramatic change of opinion may reflect Hamond’s frustration at being stuck with the accused on his ship.
141 Ibid. Hamond had interviewed the witnesses that January; attaching their basic statements to this letter. McKay’s evidence is noted as ‘direct evidence’ as he saw Dickson and Wagner (Vehingar) killed. Luna was listed as ‘Kings Evidence’ as he was a participant giving evidence in return for a lesser sentence. Channon, Hopkins (both dined with the murders the night before and were implicated in the selling of ammunition) and Stokes are down as ‘circumstantial evidence.’ Kirwan, who had only see the Indians pointing guns at Helsby, refused to travel to England as a witness.
April 5th, US Consul Door reports from Buenos Aires to Washington

“Gen. Alvear, the minister appointed to proceed to the United States, is slowly recovering from a tedious sickness, which without other causes, would have prevented his undertaking the voyage. His recovery, however, is not likely to lead to his undertaking the mission. I am satisfied that there is no present intention to send a minister to the United States.” 142

May 4th, Woodbine Parish writes to Lord Palmerston, who is once again Foreign Secretary. Parish suggests that Vernet be allowed to colonise the Falkland Islands; “… Vernet was the first who showed that islands could be inhabited and could be converted into a valuable possession.”

May 11th, from Rio de Janeiro, Admiral Hamond sends orders to Lieut. Smith.

“It is my direction that you deliver to Mr. Lewis Vernet, or his Agent properly authorised, all Hides, Skins, and Money, which you hold on his account, upon his settling the Claims of the Men upon the Island who have been employed in their acquisitions so as to prevent any Complaint from them against the British Authority.” 143

“Admiral Sir Graham Eden Hamond sanctioned these proceedings by directing Lieut. Smith… to hold said property, and the money arising from sales of Beef, at the disposal of your Memorialist; all of which belonged to your Memorialist as a private individual. That after this reestablishment of your Memorialists affairs on the Island by the British Lieut: in Charge, there was nothing wanting again to replace your Memorialist’s cattle business on its former efficient footing and to re-establish his Colony (now under British Protection).” 144

May 12th, the prisoners and witnesses connected with the Port Louis riot arrive at Sheerness, where the prisoners are placed in irons aboard the flagship there to await a decision.

“We understand that the persons implicated in the massacre which took place at the Falkland Islands in August, 1833, have been brought to England for trial in HMS Snake.” 145

In the Home Office, a file of evidence is prepared for the Law Officers who are being asked to consider the case against the Port Louis murderers. 146 The Law Officers are asked to consider three specific questions - a) whether the prisoners are liable to prosecution under the provisions of the Offences against the Person Act 1828, or by any other means, for the murder of all or any of the deceased; b) whether the evidence is sufficient to lead to their conviction; and c) whether, under the circumstances, and with reference to whether it might be fit to execute judgement upon them in case of a conviction, they would recommend a prosecution? 147

May 18th, Lord Glenelg, Secretary of State for the Colonies, proposes that Lieut. Smith be removed.

“Lord Glenelg has directed me to request you to state to Lord Palmerston, that he does not consider that it would be desirable to abandon the rights of Great Britain to the Falkland Islands, but that he is

142 Diplomatic Correspondence of the United State, Inter-American Affairs: vol.1 Argentina 1831-1860 W. R. Manning 1932 p.189
143 Hamond to Smith May 11, 1835 in ADM 1/49
144 Vernet’s Memorandum Presented 7 May, 1852 in CO 78/43. Writing 17 years later, Vernet appears to have assumed that these instructions amounted to a reinstatement of his rights and titles. Not just the handover of whatever personal effects still remained. Subject to his debts. cf. August, 1839
145 Naval & Military Gazette & Weekly Chronicle of the United Service Saturday May 16 1835. Latorre died at Sheerness.
146 HO 48/30 Case 5, folio 22. Also TS 25/2047/27. Law Officers were Sir John Dodson (Advocate-General), Sir John Campbell (Attorney-General) and Sir Robert Rolf (Solicitor-General).
147 TS 25/2047/27

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not prepared to think that it would be convenient to have recourse to the measure of occupying these islands with a military force, as is suggested by Rear Admiral Sir Graham Eden Hamond... his Lordship would propose, as has been already recommended that the Naval officer and his boat’s Crew should be withdrawn from Berkeley Sound, but that the Rear Admiral commanding on the South American Station should be instructed to order his Squadron to pay frequent visits to the Falkland islands, for the purpose of preventing their occupation by another Power” 148

**May 29**th, Lord Palmerston asks Glenelg; “... whether in the present state of our discussion with Buenos Ayres respecting the Sovereignty of the Falkland Islands, the entire withdrawal of the occupying detachment might not wear the appearance of an abandonment of our claims.” 149

**May 30**th, Hay of the Colonial Department, comments;

“The removal of all our existing strength in these islands would have the appearance of abandonment of our claims, although it would prevent any protest regarding our occupation by the Buenos Ayres government or any other.”

“Britain’s lack of interest in actually occupying the Falklands is shown by the fact that in May 1835 the Colonial Office suggested to the Foreign Office that "the Naval officer and his boat’s Crew should be withdrawn from Berkeley Sound" (section 6.38). The Colonial Office thought there should be no permanent British presence but merely regular visits to the islands by British warships, to trigger a British reaction to any moves by any other power. Nothing came of that proposal, but it demonstrates the falsity of all assertions or implications that in the 1830s Britain was keen to occupy the Falklands.” 150

The Port Louis prisoners are transferred to London.

“Eight prisoners, lately brought to Portsmouth in his Majesty's sloop Snake, from South America, have been conveyed to London for trial in the Admiralty Court. It will be remembered, that in the month of August, 1833, a dreadful massacre took place at the Falkland Islands, in which these fellows were the chief actors.” 151

**June 2**nd, adding to the case submitted by the Home Office, the Colonial Office also provides its opinion to the Law Officers.

“It is alleged that they were all harshly treated by Brisbane and Dickson who refused to pay them according to agreement for a pen which they had erected for the retention of the Wild Cattle in the catching and slaying of which they were chiefly employed. ...” 152

On the same day, the legal opinion of the Law Officers is given. 153

“By Stat: 9 G. 4 C.31 s.7 If any of His Majesty's Subjects shall be charged in England with any murder or manslaughter or with being accessory before the fact to any murder or after the fact to any murder or manslaughter the same being respectively committed on Land out of the United Kingdom whether

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148 Hay to Backhouse May 18, 1835 in FO 6/501 f.149. This was about costs, not sovereignty.
149 CO 78/02
150 Pascoe 2020 pp.157-158
151 Naval & Military Gazette & Weekly Chronicle of the United Service Saturday, June 6, 1835
152 Home Office memorandum 2 June 1835 H.O. 48/30 case 5, p.22 in Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands J. Muffty 1986. This was written into the margin of the Law Officer’s Opinion (TS 25/2047), almost as an afterthought.
within the King's Domains or without it shall be lawful for any Justice of the Peace of the County or Place where the person so charged shall be to take recognizance of the offence so charged and to proceed therein as if the same had been committed within the limits of his ordinary jurisdiction and if any persons so charged shall be committed for Trial or admitted to Rivil (?) to answer such charge – a Commission of Oyer and Terminer\textsuperscript{154} under the Great Seal shall be directed to such persons and into such County or Place as shall be appointed by the Lord Chancellor or Lord Keeper or Lords (…?) of the Great Seal for the speedy trial of any such offender and such persons shall have full power to enquire or hear & determine all such offences with the County or Place limited in their Commission to such good and lawful men of the said County or Place as shall be returned before them for that purpose in the same manner as if the offences had been actually committed in the said County or Place.

It should seem that the Individuals charged with this offence will not be amenable to the Criminal Justice of this Country under the provisions of the above Statute unless they may be deemed to be subjects of His Majesty. – Their bodily presence in this Country as Prisoners in invitum will probably not be considered sufficient to cast upon them that Character for the purpose at least of bringing them within the penal provisions of the Statute, but it is submitted that after the possession taken by Commodore Onslow the settlement in Berkeley Sound became a part of and within the Dominions of His Majesty and thus these individuals (altho’ Foreigners and originally settled there under a Foreign Dominion) being resident within the King’s Dominion and therefore entitled to the King’s protection and owing allegiance to him became subjects of His Majesty within the meaning of the Statute.

It should be observed that three of the Prisoners, viz Manuel Gonzales, Luciano Flores and Manuel Godoy appear to be of the lowest cast of South American Indians nearly approaching to savages. The fourth Antonio Rivero appears to be of a somewhat higher order of being tho’ probably he was in his origin a wild Spanish South American –

None of them understand the English language but speak a species of base Spanish.

The King’s Advocate and Attorney and Solicitor General are requested to advise

1\textsuperscript{st} Whether these Prisoners are liable to be prosecuted under the provisions of the Act 99.4.C.31.S.7 or by any other means for the murder of all or any and which of the Individuals above stated?

We are of the opinion that under 9 Geo.4.C.31 these prisoners might be prosecuted in England for the murder of all the individuals above mentioned.

2\textsuperscript{nd} Whether the evidence will be sufficient to lead to their Conviction?

We think the evidence would be sufficient to warrant a conviction.

3\textsuperscript{rd} Whether under the circumstances, and with reference to whether it might be fit to execute judgement upon them in case of a Conviction they would recommend a prosecution?

But under all the circumstances it appears to us that in the case of a conviction the sentence could not fitly be carried into execution & (therefore) we cannot recommend a Prosecution.”\textsuperscript{155}

\textsuperscript{154} Hear and determine

\textsuperscript{155} My emphasis.
“... under all the peculiar circumstances of the case it would scarcely be justiciable if there should be a conviction, to carry the (unreadable) execution...” 156

# Researcher’s Comment: This legal opinion has created plenty of discussion in recent decades; much of it convoluted; much of it nonsense. To my mind the problem is clear. As was the Law Officers’ response.

The only independent witness able to give direct evidence of murder was McKay. He had seen Dickson and Wagner killed by Salazar and Latorre (themselves both dead by this time). The only other independent witness with direct evidence (of Ventura being shot) was Thomas Helsby. He had refused to travel to England for a trial. The remaining witnesses could offer only circumstantial evidence. That left Luna; who had turned King’s Evidence in an attempt to save himself from the noose. In that period of the 19th century, the accused were not called to give evidence. Not even on their own behalf. Unable to defend themselves. Therefore, the whole of any prosecution case would rest upon a turncoat – Luna. While such evidence would be legally “sufficient,” it could lead to an inequitable result. There being just one punishment – death. No life imprisonment, just death. To hang men solely upon the evidence of an accomplice raised questions of fairness (equity) even back then. Compounded when the accused had no understandings of the proceedings; viewed as little more than savages.

The Law Officers’ conclusions were simple. There was an offence triable within the British legal system. There was enough evidence to convict. But with execution as the only punishment, the sentence “could not fitly” be carried out.

“... they were tried and absolved due to the lack of British jurisdiction over the Falkland Island(s).” 157

“The British public – and any jury – would have seen them as exotic victims and would have had great sympathy for them; a trial would have attracted extensive press coverage, and the impossibility of conducting a fair trial of such men would have made the proceedings highly questionable.... the spectacle of “savages” being hanged in the middle of London would have been highly embarrassing for the British government. Though the men were British in legal theory, none of them spoke English...” 159

Without a decision favouring prosecution, a decision as to what to do next is passed to the Colonial Office.

“... a case, relating to the individuals brought to this country upon a charge of Murder, committed at the Falkland Islands in the month of August 1833, has been prepared and laid before the King’s Advocate and Attorney and Solicitor General who have reported their opinion that the Evidence might be sufficient to warrant a conviction under 9th Geo. 4 C.31 – But that under all the peculiar circumstances of the case it would scarcely be justiciable if there should be a conviction, to carry the (unreadable) execution... (unreadable)... Lord John Russell therefore desires that Lord Glenelg’s attention should be called to the subject in order that arrangements may be made in concert with the Board of Admiralty, for the disposal of the individuals alluded to who are now detained on board the Flag ship at Sheerness.” 160

156 CO 78/2. For a fuller quote, see below.
157 Ambassador Bonifacio del Carril to the Fourth Committee of the United Nations on November 9, 1965 in CO 1024/438. My emphasis. The Law Officers clearly stated that the Statute 9 Geo. 4 C.31 was applicable.
158 Falklands or Malvinas? Conrado E. Bullrich 2000 p.106. This is incorrect as clearly identified by the Law Officers.
159 Pascoe 2020 p.170
160 CO 78/2. This from a letter to Hay dated June 4, 1835, conveying the information regarding the advocates’ decision from Lord John Russell to Lord Glenelg at the Colonial Department. Unfortunately, some other hand has written a note
June 16th, the Admiralty is asked to repatriate the remaining detainees and witnesses. 161

June 18th, George Whittington writes to Lord Glenelg to argue for Falklands colonization.

June 24th, orders sent to Rear-Admiral Hamond at Rio de Janeiro inform him that he is to repatriate those detained over the Port Louis murders. 162

June 30th, Rivero, Flores, Gonzalez, Godoy and the witness, Luna, arrive in Plymouth, and are placed aboard HMS San Josef to await a ship bound for Rio de Janeiro. Godoy is terminally ill. 163

July 10th, transferred to Falmouth, Rivero, Flores, Gonzalez, and Luna are taken aboard HMS Swallow for the voyage to Brazil.

“... the Law Officers of the Crown not having recommended a prosecution in this Country, the individuals charged with the murder were sent back to South America, and the (witnesses) discharged...” 164

July 1st, Woodbine Parish again writes to Palmerston.

“I received by the last Packet another letter from Mr. Vernet relative to the Falkland Islands... It would seem that Mr. Vernet’s most anxious wish is, - to be permitted to re-establish his Settlement;... To agreeing to so much of Mr. Vernet’s Propositions HM Govt., might make these possessions certainly of some utility – and perhaps eventually of some importance.” 165

July 28th, the Colonial Office, having considered Ambassador Moreno’s letter of December, 1834, respond.

“... (They) were inclined to think that unless the ancient pretensions of Spain – never admitted by this country – to the exclusive possession of the Magellanic regions, had become invested in the Argentine Republic by the fact of its transformation from a Dependency of the Spanish Monarchy into an independent State, it might be with the Court of Madrid alone that Her Majesty’s Government could properly consent to discuss the question of the sovereignty of the Falkland Islands.” 166

Palmerston notes; “Perhaps it may be best to let the matter drop.” 167

“Senor Moreno’s protest of the 29th December, 1834, was, therefore, never answered.” 168

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161 With the exception of Luna, the witnesses, who decided to remain. By way of compensation, Henry Channon, received a sum of £100 to cover his, “wages and costs” while £36 was paid to each of the others.

162 Wood to Hamond June 24, 1835 in FO 6/501

163 Godoy died the following week in Plymouth Hospital.

164 Admiralty to Grey August 5, 1835 in CO 78/2

165 CO 78/2

166 Ibid. My emphasis.

167 See 1836

168 Memorandum Respecting the Falkland Islands G. de Bernhardt 1911
**August 10th**, the Admiralty are notified of the Government’s decisions with regard to Smith and the boat crew.

“... Lord Glenelg having communicated with Viscount Palmerston upon this subject, is of opinion, that while no necessity exists for occupying the islands with a military force, as suggested by Sir Graham Eden Hammond, yet that in the present state of the discussion of this Government with Buenos Aires respecting the sovereignty of the Islands, it would be inexpedient to do any act which might wear the appearance of an abandonment of His majesty’s claims, and that in Lord Glenelg’s judgement the proposed withdrawal of the Boats crew might have that appearance. Under such circumstances Lord Glenelg considers that for the present, the Detachment of seamen should not only not be withdrawn, but that it should be reinforced to the extent which may be requisite for enabling the party to provide in the most effective manner for their protection and safety, and that they should be placed under the command of an experienced officer with instructions to prevent the settlement of foreign intruders, to guard as far as possible against the wanton destruction of wild cattle, and generally for preserving the Falkland Islands as possessions of the British Crown...”

**September 3rd**, Rear-Admiral Hamond notes the arrival of Antonio Rivero, Manuel Gonzales, Luciano Flores and Jose Luna at Rio de Janeiro.

“Nothing whatever is come in shape of instructions relating to the Falkland Islands,- but they have sent me back four of the murderers of 1833, stating that the Law Officers did not think there was sufficient evidence to prosecute them.- It is a very slovenly way of doing business, thus throwing the onus of letting these rascals escape upon my shoulders, if I choose to let them go.”

**September 5th**, Hamond writes to the British Ministers in Buenos Aires and Montevideo requesting that permission be gained; “...from the Government of Buenos Ayres and the Oriental Republic, that the 4 individuals implicated in the massacre of the Falkland Islands, may be landed where they were embarked for those Islands; that having been bought back to S. America from England in consequence of the Law Officers of the Crown not recommending their prosecution...”

Rivero, Gonzales, Flores and Luna are transported to the Rio de la Plata in HMS Cockatrice. There they are handed over to Capt. Pennell, commanding HMS Talbot.

**September 11th**, from Buenos Aires, the French charge d'affaires, de Vins de Peysac, writes to his Foreign Ministry in Paris.

“... I still do not hesitate to believe that the Falklands, as a port of call, would offer more advantages in their (Argentine) hands than in the hands of the British ...”

**September 19th**, Minister Hamilton writes from Buenos Aires to Admiral Hamond, with a suggestion.

“... though it does not appear to me advisable to make any official application for permission to disembark these men in these Territories, I am not aware that any difficulty would arise in allowing them to land, on their own responsibility, whenever as opportunity may offer;...”

169 Hay to Wood August 10, 1835 in FO 6/501
170 HAM/125 pp.195-196 NMM
171 Hamilton to Palmerston September 19, 1835 in FO 6/501. Luna was from Buenos Aires; the others from Montevideo. Minister Hamilton in Buenos Aires declined to seek permission in order to avoid a “lengthy correspondence.” No response from Montevideo is noted.
172 Quoted in Caillet-Bois 1982.
September 22\textsuperscript{nd}, Barrow writes to Lord Glenelg.

“Having laid before my Lords Commissioners of the Admiralty your letter of the 10\textsuperscript{th} instant, with its inclosures, respecting the reoccupation of the Falkland Islands; I am commanded by their Lordships to acquaint You, for the information of Lord Glenelg, that my Lords have no means of effectually keeping possession of the interior of the Falkland Islands and of preserving Property, but that the Admiral on the South American Station may be directed from time to time to station a small Vessel, with a few supernumerary Marines on board, for the purpose of giving assistance to British Traders and Settlers in case of necessity, and it is proposed to give order to the Admiral on that Station to this effect: if however it appears desirable to take measures for more absolutely retaining possession of these Islands, their Lordships would request more specific information as to the force of Marines which it might be thought proper to station there, and to the manner in which the expenses are to be defrayed as no funds have been provided for this purpose.” \textsuperscript{173}

October 28\textsuperscript{th}, Rivero, Gonzales, Flores and Luna are put ashore near Montevideo, by HMS Talbot. \textsuperscript{174}

“... on their fate history is silent, in contrast to pseudo-history, in which Antonio Rivero plays a heroic but entirely fictional part...” \textsuperscript{175}

December 2\textsuperscript{nd}, American sealer, Eveline, sails into Berkeley Sound; “... with the intention of taking seals from the Rocks near the entrance of the Sound; but upon landing I found a Boats Crew of six men and among them were two more belonging to His Majesty’s service (under the direction of Mr. Smith) who informed me that they had instructions from the Governor at Port Louis not to permit any vessel to Seal the Rocks... (Smith) informed me that the Rocks were prohibited; that his son and Boats Crew had the management of them, and unless I could make some arrangement with them I must not attempt to take seals on there.– He then gave me his circular...” \textsuperscript{176}

December 17\textsuperscript{th}, Lieut. Smith’s son, Hugh, attempting to keep Luis Vernet’s beef business going, writes to Vernet from Port Louis. He complains that there are no profits due to Vernet’s arrangements with his gauchos.

“... the way they are paid is exhorbitant (sic), which is according to your contract; in fact it eats up all the sales of beef.” \textsuperscript{177}

\textsuperscript{173} Barrow to Stephen September 22, 1835 CO 78/2
\textsuperscript{174} Hamilton to Palmerston November 13, 1835 in FO 6/501. cf. 1956 & August, 2012
\textsuperscript{175} Pascoe 2020 p.171. cf. 1956, 1966 & 2015
\textsuperscript{176} James B. Storer to Admiral Hamond February 23, 1836 in FO 97/35 at 455. Storer did reach an agreement with Lieut. Smith but then complained about the division of the skins. In 1854 this letter was used to show that US sealers were not being made aware of British restrictions before 1837. In this particular case, Rear-Admiral Hamond did not support Smith’s attempts to impose restrictions. cf. March, 1836, January, 1835 & 1854
\textsuperscript{177} Hugh Smith quoted in Pascoe 2020 p.114 citing Hugh Smith to Vernet December 17, 1835 in AGN VII 132, doc. 223.

The gaucho’s contracts stated they should be paid one peso a day for herding cattle, plus one per night out in the Camp, plus payments for the hides obtained. This had to be set off against the value of around 10 pesos per animal killed at the point of sale.
1836 – in February, frustrated at the perceived lack of enthusiasm from the British, Luis Vernet organises an expedition to Soledad Island. Two ships, supplies and men, to be led by General Juan Antonio Lavalleja.

Vernet’s intention is to re-found his cattle business.

“... your Memorialist, after many fruitless efforts to obtain assistance from his own friends, succeeded at last in 1836, in making an arrangement with General Lavalleja for the domestication of all the wild Cattle at his expense, for which your Memorialist was to pay him so much per head; ...” 179

“The real problem was something Vernet never grasped: at that time the British government were not interested in the Falklands at all, not even as a naval base, and would not allow them to be made into a settlement, not even a British one. That would have required expenditure which no British government would contemplate...” 180

February 12th, Vernet writes to Britain’s Ambassador to Brazil, Hamilton Hamilton, to ask whether Britain would supply ships from the Rio fleet for his expedition to the Falklands. He fails to mention the involvement of General Lavalleja.

February 14th, Ambassador Hamilton responds to Vernet, saying that he is privately unaware of any problem that the British Government would have with Vernet’s request.

“Regarding your property in the settlement, I informed you more than a year ago that you had the freedom to take everything that belonged to you at the time the Lieutenant Smith arrived there, reaching an agreement for any claim that the gauchos who reside there could raise .... All property acquired there after that date is Lieutenant Smith's responsibility to Her Majesty's government.” 183

March 10th, encouraged by Hamilton’s response, Luis Vernet writes to his old patron Lewis Krumbhaar in Philadelphia, to tell him of the Lavalleja plan.

March 20th, Admiral Hamond sends instructions to Lieut. Smith at Port Louis.

“... you will be courteous to all, but on no account to suffer money to be taken except for the Wild Cattle, that may be furnished to shipping or others, which you will henceforth place to the account of the British Government till further orders...” 185

“When I was ordered to place the account of the sales of Beef etc., to the British Government, the whole of the sales from my appointment (in 1834) to my being superseded, were remitted to the Commander in Chief...” 186

March 21st, Hamond responds to the complaint from James Storer of December, 1835; “... I have to inform you that I have given directions to Lieutenant Smith, not to interfere in the fishing of such vessels as may be peaceably carrying on their business in any part round the Falkland Islands...” 187

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178 Caillet-Bois 1982 p.386
179 Vernet's Memorandum Presented 7 May, 1852 in CO 78/43
180 Pascoe 2020 p.281
182 Hamilton to Vernet February 14, 1836 in AGN VII 127 doc.45. Correspondence dated only two days apart would suggest that Vernet was in Brazil.
183 AGN-FLV 127 045 [680/45]
184 AGN VII 130 doc.111
185 Quoted in Vernet to Labouchere December 1856 in CO 78/43
186 Smith to Vernet, November 5, 1852 quoted in Vernet to Labouchere December 1856 in CO 78/43
187 Hamond to Storer March 21, 1836 in FO 97/35/461
March 22nd, Vernet writes to Messrs. Dickson & Co in Buenos Aires to seek a loan.

“I lately made a contract with General Lavalleja [sic], in which he obligates himself to undertake at his sole expence the domestication of all the wild Cattle I possess on the East Falkland Islands; the cows & calves of which he is to deliver to me at the end of 4 years in Estancias, at the price of one Spanish Dollar for each head, for his trouble & Expences, & to kill during the 4 years all the Oxen in a Saladero ...” 188

“The Dicksons were the first people to be told of Vernet’s agreement with Lavalleja, and he still did not tell the British government. It was absurd to speak of "the wild Cattle I possess" – no country except Argentina accepted that he possessed them. He also requested an unspecified loan, and as security he offered cattle, horses, cattle hides and sealskins, and "a few houses", which he said he owned at Port Louis. That too was absurd – those houses had been wrecked by the Port Louis murderers in 1833 and knocked about by the weather, and had been uninhabitable till Henry Smith repaired them. Vernet could not claim that any of the value of those houses belonged to him.” 189

May 7th, Smith writes to Rio de Janeiro with a full account of beef sales and monies paid out in wages. 190

May 8th, Vernet writes to the Admiral at Britain’s Rio station.

“I confirm all I have said in my former letters, including the one addressed to the late Sir Michael Seymour, dated July 2nd, 1834 endeavoring to explain how I conceived the establishment of the cattle business at the Falkland Islands on a proper footing, not only to be a matter of private interest, but also of public interest, in as far as it regards the supplying His Britannic Majesty’s Ships and others, with refreshment on their voyages round Cape Horn; and also as being a very important preparatory step for future settlements; and that the longer this matter lays neglected, the more difficult will be the re-establishment, because the yet remaining useful elements cannot but fall gradually into total decay.” 191

Vernet also informs Hamond that he is struggling to find investors in the re-establishment of his business.

“By perseverance however, I have succeeded to make some arrangements, which probably enable me to send to the Island, towards the 1st July next, a hundred new horses and about 20 gauchos; but the means are rather scanty, and therefore... many cows will have to be killed to pay the expenses of the outfit of the present undertaking, unless you would think fit to determine upon affording me some immediate assistance, if it were but one thousand or eight hundred pounds Sterling...” 192

“Vernet did not inform Rear Admiral Hamond of the Lavalleja connection,..” 193

May 20th, Hamond replies to Vernet.

“I have to acquaint you that your claims and requests have long since been forwarded to the Lords Commissioners of the Admiralty for the Consideration of His Majesty’s Government; and on the 11th of May of last year, I informed you of their Lordships direction to me to allow you to remove any of your private property from the Falkland Islands; and I sent you an order for the delivery of such property, on your settlement of any demands upon it by the persons employed in its acquisition, so that they should have no Claim on the British Government. Since that time I have not received any direction on the

188 AGN VII 130 doc.111
189 Pascoe 2020 pp.281-282
190 ADM I/46
191 Vernet to Hamond May 8, 1836 in ADM I/46
192 ADM I/46
193 Pascoe 2020 p.282
subject, and it is entirely out of my power to afford you assistance... whatever may be your Claims or rights, it being notorious that the wild Cattle existed in the Island long before your settlement there, you can have no title to them as a property, on which to offer security for the repayment of Loans or advances. And with regard to your proposed reformation of an establishment there, I am by no means sure that such a measure will be approved of by His Majesty's Government, whose permission extends only to the removal of any private property you might possess there.” 194

May 21st, Rear-Admiral Hamond informs the Admiralty of his reply to Vernet, adding; “I trust I shall soon receive instructions in regard to these Islands; the occupation of which, as at present organised, is neither efficient nor respected.” 195

May 31st, HMS Actaeon sails from Rio de Janeiro with instructions to call in; “… at the Falkland Islands and do what might be needful there.” 196

In June, Vernet writes a letter to E. Vidal, outlining his plans to send General Lavajella to the Falklands to hunt cattle. Vidal informs Hamond.

“... the British authorities were aghast when they found out. Lavalleja was a famous and disruptive figure who had fought for Uruguayan independence in 1825 and aspired to be president, but was defeated in 1830 by Fructuoso Rivera, who then conducted a campaign of genocide against the Charrúa Indians…” 197

June 19th, reported in the Launceston Advertiser, Tasmania.

“Port Louis, the residence of the colonists, consists of six habitable and 20 ruinous buildings; the Union Jack was displayed at the Lieutenants Residence (Mr. Smith R.N.) .... Coronel (the Gaulica) is the oldest resident, Antonina, an Indian of Salta by birth, is the next, and a German follows her in succession; the children, one about three years old and the other 18 months, were both born on the island; their mother is a negress. Lieutenant Smith acts as physician ...”

June 21st, Vidal answers Vernet, to tell him of Hamonds reaction.

“Nothing has been said to him of General Lavalleja and he was astonished when he read your letter. I am very sorry for your misfortunes, but... I repeat to you that if you write at once to the British Secretary of State for the Colonies and ask permission to follow up any plans you may state to him, you will adopt the only likely means of Success.” 198

“Most people would have read that as discouraging, but Vernet felt his plans were going well – he had no conception of the horror Lavalleja's colourful reputation would arouse in London.” 199

June 29th, in London, the Committee of Privy Council for Trade inform the Board of Customs that they are; “... of opinion, that seal skins imported from the Falkland Islands must be deemed to be imported from a British possession, according to the legal construction of that term.” 200

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194 Ibid. Also Mandeville to Palmerston July 14, 1836 in FO 6/501
195 Hamond to Wood May 21, 1836 in ADM 1/46
196 Vernet to Hamond May 8, 1836 in ADM 1/46
197 Pascoe 2020 p.281
198 Vidal to vernet june 21, 1836 in AGN VII 132 doc.235. Original emphasis.
199 Pascoe 2020 p.282
200 Steel's Ship-Master's Assistant & Owners Manual; containing Information Necessary for Persons connected with Mercantile Affairs... I. Stikeman 1839 p.16
“Those taken by settlers were now also allowed into Britain at the lower rate by an Order-in-Council of 29 June 1836.”

July 4th, the Hampshire Telegraph reports the arrival of in England of HM bark Rapid.

“On leaving the settlement at the Falkland Islands. The residents were all well; and it is generally wished that the British Government would colonise those Islands on a much more extended scale; at present the residents are very few in number, about twenty persons only, including Lieut. Smith and his boat’s crew.”

July 6th, in a letter, the Lords Commissioners of the Admiralty require Rear-Admiral Hamond to provide information regarding the Falklands. In particular a description of the British establishment there and the nature and extent of the presence of American ships.

July 9th, Vernet writes to the British Minister in Buenos Aires, Mandeville.

“I have founded the opinion, that the projected undertaking of sending hence to the East Falkland Island a cargo of horses and some Gauchos, for the purpose of putting my cattle business there on a good train again, will not be opposed by any British authority;... Your excellency will observe that the said business was suffered to continue without interruption after His Britanick Majesty's ship Clio took possession of the island in January 1833, that after this period it received a deadly blow by the assassination of my Agent Matthew Brisbane, his assistants and the headman of the Gauchos /Juan Simon/ from which it is impossible it can recover except for sending to the Island a new supply of horses and Gauchos, hence I do not pretend to establish a new business, but to place the one actually existing there in an efficient state...”

“That letter of 9 July 1836 was Vernet’s first written mention to Mandeville of his intention to send gauchos and horses to the Falklands, but he still said nothing in writing about General Lavalleja,...”

July 12th, Minister Mandeville tells Vernet that he should not proceed without explicit permission.

“Mandeville replied on 12 July, warning Vernet that he should not proceed without the British government’s permission, but mentioning a comment by Rear Admiral Hamond, that "he says that with regard to your proposal of again forming an establishment on those islands, he is by no means sure that such a measure will meet the wishes of His Majesty’s Government"...

July 14th, Mandeville writes from Buenos Aires to inform Foreign Secretary, Lord Palmerston.

“Mr. Lewis Vernet has been with me to acquaint me that it is his intention to return to the East Falkland Islands to look after what he termed his property, the wild cattle and horses which are upon them, - telling me that he had made a contract with General Lavalleya, a man of some notoriety in the Banda Oriental during the Brazilian occupation of that country, and who is now in this town, by which he engages to furnish him with thirty Gauchos and as many horses for the purpose of catching the wild horses and killing the cattle which are upon the island:- ... should it turn out to be an advantageous concern, it was not at all unlikely, he said, that the General would follow in person to superintend it.

201 Dickinson 2007 p.49
202 Hamond to Charles Wood Esq. Admiralty September 5, 1836 in ADM 1/46. See below.
203 Vernet to Mandeville July 9, 1836 in FO 6/501
204 Pascoe 2020 p.282
205 Mandeville to Vernet July 12, 1836 in AGN VII 130 doc.121
206 Pascoe 2020 p.282
I enquired of Mr. Vernet if he had permission from His Majesty's Government or from the Admiral commanding on the South American Station to go there... because without such permission, I strongly advised him to give up the undertaking, telling him distinctly that I should not sanction it, and should protest against it until I knew that he was authorised to embark upon it. ...

July 16th, Luis Vernet informs Mandeville that he has decided to abandon the venture.

“... but Mr. Hamilton, then British Minister at Buenos Ayres, having roused some objection to this connection (probably from being unacquainted with the usage of those countries, where all persons of every class, high and low, engage in Cattle business) your Memorialist then immediately relinquished the advantage of this affair and declined the connection.”

“In 1836 Luis Vernet, the last Argentine governor in Malvinas, who for a few years tried to defend his interests after the British occupation, proposed to associate himself, for the exploitation of cattle in the islands, to General Juan Antonio Lavalleja. The initiative reported by Argentine historian Ricardo Caillet Bois based on his work on Vernet's correspondence was eventually frustrated, but it included a detail of interest: the English minister in Buenos Aires H. Ch. James Hamilton warned Vernet to be careful with Lavalleja, because he could have some "sinister intention" on the islands, in combination with Governor Rosas ...”

“It might have been different if he had solemnly declared that all rights and concessions granted to him by Buenos Aires had been invalid, and that he had operated purely as a private individual on British territory. That might have made him less suspect in British eyes, but it would not have moved the British government any closer to undertaking, or permitting, any involvement in the islands.”

July 31st, Minister Mandeville informs Lord Palmerston that Vernet has; “... given up his project of returning to the Falkland Islands...”

August 5th, Vernet asks Mandeville to forward to London another proposal for a colonial establishment at Port Louis. However, Vernet says that he will require a loan from the British. He implies that London's reputation would be injured if he was not assisted to return to the islands.

“... the damage had been done – Britain could never trust him again. But he pressed on, and on 5 August he wrote his elaborately obsequious "memorial" to Lord Palmerston asking for British aid and protection for his possessions in the Falklands. ... It appealed for "two to three thousand pounds" (a large sum) to be paid to Vernet himself,.”

August 13th, Minister Felipe Arana writes to US Secretary of State John Forsyth with a list of reasons as to why the Confederation's Envoy promised in 1832 had yet to leave Buenos Aires.
August 27th, Admiral Hamond writes to Luis Vernet from his flagship Dublin, in Rio de Janeiro.

“With respect to the claims of Snr. Vernet, His Majesty's Government regards these islands as part of the dominions of the British Crown, and no claim of ownership on their part can arise from a real or supposed concession by the Government of Buenos Aires; nor can any claim or other rights of fishery or possession of wild cattle or some other product of the islands, be admitted.” 216

September 5th, Hamond responds to the Admiralty letter of July 6th in some detail. 217

“Paragraph 1. a vessel shall be sent as often as possible to call at Port Louis. The British flag is kept flying there by Lieutenant Smith, with 4 men from the Flag Ship. He has also on the Island some men whom he has permitted to reside there, who employ themselves in catching seals:- they are chiefly I believe men who have left sealing vessels either with or without the Consent of the masters; and, there are 4 gauchos with two women, remaining of Mr. Vernet’s old establishment. These Gauchos, with one of the Flag ship’s men, ... are employed in catching the wild animals which supply the Establishment with meat, and are disposed of to the Sealers and the vessels, that occasionally touch at the port, at a fixed rate; ... an account is kept, and the Gauchos are paid out of the proceeds... Lieut: Smith has been joined by his son, a youth of 16, upon whom he has placed all the trading Character of the concern; and, discreditable to His Majesty’s Service as such a proceeding may have been, still I do not see how it was possible for his people to exist there without some such arrangement on his part, in the absence of any other means. Any increase in the establishment therefore, from the Ship, would in my opinion be only an increase of the Evil without any corresponding advantages...

Paragraph 3. Mr Vernet has been informed of the decision of His Majesty’s Government. He was preparing to send a person in his name to recommence the establishment and to kill Cattle &c., but upon the statement of my views... he abandoned his project. The account of Mr Vernet’s private property found at Port Louis on its occupation by Lieut. Smith and his party, consisting of a few hides and seal skins, has been already reported ... Mr Vernet has never submitted any Claim to me except by supposing His Majesty’s Government would recognise him as the owner of the Buildings, on which he requested an advance of money... I believe there is no other property whatever of Mr. Vernet on the Island. ... Mr Vernet has long since been informed that he was at liberty to remove any private property... belonging to him, on his satisfying such Claims as the Gauchos might have on it... but he has not made any attempt of the kind that I am aware of.” 218

Hamond goes on to tell the Admiralty that Lieut. Smith had regarded the gauchos as Vernet’s servants and has kept a record of their produce from the cattle; paying their wages out of the sales of meat and hides; “... and holding the Balance subject to orders as to its final disposal.” Hamond argues that the gauchos cannot be sent back to South America, as the settlement would not survive without them. Hamond then defends his decision not to replace Smith, arguing that there would be no other volunteer because; “... it is scarcely possible to imagine a more dreary prospect than that of a residence there ... altogether cut off for months...” Looking to the future, Rear-Admiral Hamond proposes a survey of the islands, to better understand the archipelago.

“... and if a surveying ship is employed, she might answer the double purpose of protector and investigator, for 2 or 3 years, in the course of which ... more valuable knowledge of these Islands might be obtained... She could visit all the various points and warn off all improper occupants ...”

217 ADM 1/46
218 Ibid. Also FO 6/501/213
Majesty’s Government thought proper, her Captain might, for the time, be invested with the Title of Governor, and the powers also... subject to such instructions as their Lordships might see fit... as to the extent of license for foreigners to fish for Seals or to form establishments for the boiling the produce of their Whale fishery: for, there is reason to believe that long usage has, in a degree, made the Americans familiar with these Islands and, doubtless, unwilling to abandon the ground as a fishing station, which may be inferred from their rough treatment of the Buenos Ayres party at Berkeley Sound, by whom their fishing vessels had been molested.” 219

The alternative would be to break up the settlement, ship all the gauchos to the mainland, and return to a system of regular, annual, visits by a ship-of-war; “... for asserting the Sovereignty.” Finally, Hamond encloses a copy of a booklet, published by the Provincial Government of Buenos Aires in December 1832, and sent to the US Government. This records the exchanges between the Confederation and US officials over fishing rights at the archipelago. 220

October 6th, in London, the Colonial Office suggests that Luis Vernet should be told to; “... desist from violating the property of the British Crown.”221 Lord Palmerston writes to Glenelg.

“... an acknowledgement of this claim of Mr. Vernet would be a tacit admission of the right of the Govt. of Buenos Ayres, by whom the grant to Mr. Vernet was made, to the sovereignty of the Falkland Islands; & it appears therefore to his Lordship that it would be inexpedient to permit Mr. Vernet to carry his scheme into execution.” 222

October 23rd, from Port Louis, Smith writes to Rear-Admiral Hamond, enclosing a petition from the settlers.

“... praying foreigners may be prohibited from fishing off the Rocks at the Entrance of that Sound.” 223

October 25th, aware of Hamond’s valuation, Vernet demands compensation for Smith’s use of his horses. 224

November 2nd, Britain’s Colonial Office inform Minister Mandeville in Buenos Aires that Luis Vernet will not be permitted to resume his beef business.

“... from the Permanent Undersecretary of State for War and the Colonies, James Stephen, to the British ambassador in Buenos Aires, John Henry Mandeville, in which Stephen informs Mandeville that any attempt by Vernet "to carry into execution the intention announced to you of returning to the Falklands Islands" would not be permitted.” 225

219 Ibid. Original emphasis.
220 Papers relative to the Origin and Present State of the Questions pending with the United States of America on the subject of the Malvinas (Falkland Islands) laid before the Legislature of Buenos Ayres by the Government of the Province charged with the direction of the Foreign Relations of the Argentine Republic in Gaceta Mercantil 1832. Hamond used this to highlight the attitudes of the Americans relative to the continuing claims of a right of fishery. cf. December 1831 and all of 1832
221 J. Stephen to W. Fox Stangways Oct 6, 1836
222 Draft in FO 6/301. Kohen & Rodriguez (Las Malvinas Entre el Derecho y la Historia 2016 p.267) assert that Vernet was banned from the islands in 1835. In fact, Vernet was only banned from resuming his business in 1836 and was not barred from returning to the archipelago until 1838. cf. December, 1836, January, 1837 & October, 1838.
223 FO 97/35/64. Not the first time a citizens petition from the settlers had been employed in an attempt to introduce sealing regulation. cf. 1831 & 1837
224 L. Vernet to Graham E. Hamond Oct 25, 1836
225 Pascoe 2020 p.280 citing FO 6/502 fs.205-6
November 7th, in Madrid, Spain’s Cortes is consulted over recognition of the new American States. Secretary Calatrava tells the parliament that the revolted colonies wish to be considered independent, and that they desire Spain to renounce; “all territorial or sovereign right” over them. Contrary to Spain existing constitution, the Cortes is asked to give its authority. Nine members of the legislature form a committee to consider the question. 226

November 9th, Captain George Grey arrives in HMS Cleopatra to survey East Falkland.

“It is presided over by Lieut. Smith R.N. who has with him four men as a boat crew, the male settlers are in number eighteen, one Spanish woman, two negresses, and two white-brown children... The Spanish woman’s first husband was a soldier, he was concerned in a murder and executed at Buenos Aires, her second was murdered on the Island, her third is an American, apparently a decent man.” 227

“On East Falkland, Grey learned that sealers frequented remote shores in search of beef. Near Fannings Harbour, he found a quantity of buried salt and some salt beef, and in many places there were heads of bullocks which had been shot. In sum, the illicit activities which had occurred under Vernet continued under British rule.” 228

From London, unwell, Manuel Moreno returns to Argentina. He leaves George F. Dickson as charge d’affaires ad interim. 229

November 14th, from Rio de Janeiro, Hamond writes to Luis Vernet.

“The horses that You introduced and that remain on the islands at the time of Lieutenant Smith’s occupation are of course considered your property, and You may withdraw them but, if you prefer, you may declare, for the consideration of the government of Your Majesty, whatever you consider to be their value at that time, in order to be paid for them, or whatever you consider to be a just remuneration for the use of them for the purposes of His Majesty’s government. can decide from there.” 230

Hamond includes a note from the Lords Commissioners of the Admiralty in London.

“Mr. Vernet cannot make any claim ... to wild cattle that he did not own, and his greatest claim will be the value of his private property, whatever it may be at the time it came into possession of Lieutenant Smith, or a payment for using it,...” 231

November 20th, Cleopatra departs Berkeley Sound for the western islands.

“... I was not able to find a person qualified as Pilot, I therefore took John Dowdle, one of Lieut. Smith’s boat’s crew, and have found him of great use, in regard to his knowledge of these Islands and Ports...” 232

November 23rd, Captain Grey visits the harbour of Port Egmont.
"At the old English Settlement which stood here, nothing now remains beyond the foundations of a few straggling houses, ... The walls of the two small houses which are standing appear of more recent construction, and have probably served as a temporary abode for the crew of some Sealing Vessel, or Whaler. The spot was badly chosen for a Settlement, having a southern aspect, and at the distance of three miles from the Main land of West Falkland; This anchorage is still much frequented by American Vessels. I found marks of the ruins having been recently occupied." 233

"... before eleven o'clock the ship was moored in ten fathoms of water and short half mile from the shore. It is impossible to imagine a finer harbour than this, land locked on every side, easy of approach and capable of holding the whole English Navy. I landed at the head of the creek where there is a most convenient watering place to examine what remained of the old English Settlement.... Of the old Settlement we could discover foundations of what appeared to be a row of barracks and houses built with some regularity of plan, but the Spanish Authorities had endeavoured to destroy all trace of habitations and had not left even the remnant of a wall standing. On a mound covered with a heap of large stones where a small English fort is supposed to have stood, I caused a flag-staff to be raised and a Union Jack to be hoisted with a salute of twenty-one guns which must have astonished the seals and penguins, these being the principal inhabitants." 234

**November 27th**, in Madrid, the Committee Concerning Treaties with the New States of America, reports to Spain’s Cortes.

“In the opinion of the committee, the honor and dignity of Spain demand that the Cortes should act generously in this important affair; .... The regret of the mother country on separating forever from her American children is natural and well-founded. But that sentiment is transformed into an agreeable emotion of national pride on considering that, during the brief period of three hundred years in which that large family has been ruled by the laws of Spain, its members have reached that stage ...which enables them to take leave of their mother and to begin their career as independent nations...

The general Cortes of the Kingdom authorizes the government of her Majesty that – notwithstanding articles 10, 172 and 173 of the political constitution of the monarchy promulgated at Cadiz in the year 1812 – it may conclude treaties of peace and amity with the new states of Spanish America upon the basis of the recognition of their independence and the renunciation of all territorial or sovereign rights on the part of the motherland. ” 235

Badajoz’s Deputy declares; “The emancipation of the Americans is de facto accomplished; nations, like individuals, have their periods of vigor and strength; at present the Americans are in that stage. On our part we should give to their separation a legal character; in order to legitimize what they now possess,…”

**December 1st**, debating the Cortes committee’s conclusions, Miguel Cabrera de Nevares declares that the Spanish-American states are; “de facto independent”, but, “to be independent de jure they will owe us.”

# Researcher’s Comment:
Worthy of note as George Canning, with his treaty of 1825, also only recognised the United Provinces as de facto independent, rather than legally - de jure - independent.

**December 3rd**, approving the committee’s work, Spain’s Cortes allows for recognition of a Spanish-American colony as independent upon an application and a successful negotiation of a Treaty of Recognition in each, and every, case. 236

233 ADM 1/43
234 Quoted in Extracts from the diary of Admiral the Honourable George Grey W. H. Thompson 1969
235 Diario de las Sesiones de Cortes, 1836 a 1837, I. Apendice al Numero 40, 1, 2. Robertson 1918
236 Spain still hoped to exchange recognition for favourable trade agreements.
December 5th, in the Falklands, Capt. Grey continues his tour of the western islands

“New Island, revealed the greatest evidence of human activity. There, a dismantled American whaler served as a depot, with a mate in charge of eight men. Several whale boats and barrels of oil were on shore. ...” 237

December 7th, the Colonial Office writes to Palmerston.

“Lord Glenelg ... begs leave to suggest... whether it would not be proper to instruct Mr. Mandeville to intimate to Mr. Vernet, that although the British Government will not object to the removal of his private property from the Falkland Islands, yet that any steps which he may take beyond that object, will be considered as amounting to a trespass on His majesty's Rights, and will make it incumbent on His Majesty's naval Officers to treat his as an intruder on the property of the Crown.” 238

December 9th, in London, an article in The Times newspaper highlights the importance of the Falklands as a base for refitting ships. On seeing it, the Argentine Confederation’s charge d' affaires ad interim, G. Dickson, requests information from Lord Palmerston about the reports. Palmerston declines to respond.


“I gained all the information I could from Mr. Stoeer, the Master of this vessel, who appears an intelligent man; he told me that during last year, fifteen American Whalers, came to New Island, many of them having small tenders, and that he has seen as many as ten there at a time, occasionally they go to West Point, Bense Harbour, and the Arch Islands, but that is not often. Ship Harbour being, he considered, their Rendevous. Their Crews vary according to the size of the Vessels, having as many as thirty or thirty-five Men. ... he informed me that the Common Whale was in great abundance, in the bays, and they nearly all completed their cargoes: I have since heard that some of these Vessels get as much as four thousand barrels of oil...” 239

December 16th, a Spanish decree authorises; “… the Government of Her Majesty,... to conclude treaties of peace and friendship with the new states of Spanish America on the basis of recognition of independence, and the resignation of all territorial or sovereignty right...” 240

December 17th, Captain Grey arrives at Port Edgar, which he notes; “… has seldom been visited.” 241

December 26th, the Argentine Confederation’s charge d'affaires ad interim, Dickson, requests information concerning rumours that Britain intends to send a 'Governor' to the Falklands.

December 31st, Palmerston responds to Dickson.

“... the Falkland islands being a Possession of the British Crown, his Lordship does not consider it necessary to give to the Agent of a Foreign State, any information or explanation as to the measures which H.M. Govt. may think fit from time to time to adopt with respect to those Islands.” 242

# Researcher's Comment: At this time the Falklands were a ‘possession,’ not a colony. A colony would require specific legislation and the approval of Parliament.

237 Bernhardson 1989 p.216
238 Stephen to Backhouse December 7, 1836 in FO 6/501
239 Grey’s Report to Hammond in ADM 1/43 (Enclosure to despatch no.25)
240 Pereira 2004
241 Grey’s Report to Hammond in ADM 1/43 (Enclosure to despatch no.25)
242 FO 6/501. The request for information had come from George F. Dickson who was acting as charge d'affaires ad interim following Minister Moreno’s return to Buenos Aires in November, 1836.
1837 – January 1st, addressing the opening session of the Legislatura de la Provencia de la Buenos Aires, Governor Rosas speaks of the province’s claim to the Falklands. He tells the representatives that it has not been possible to pursue the claim with London. 243

January 4th, Lord Palmerston writes to Mandeville in Buenos Aires. Palmerston informs the British Minister that Luis Vernet is allowed travel to Port Louis for the purpose of removing his private property.

“... H.M. Govt. are disposed to grant this indulgence to Mr. Vernet, on condition that he shall engage not to remove, at the same time, any native cattle from the Islands.” 244

January 28th, after ten weeks of touring and surveying the Falklands’ archipelago, Capt. Grey of Cleopatra submits his report. 245 Grey also presents Lieut. Smith with written instructions.

“Should Mr. Vernet return to the island, you will explain to him, that no person can reside there without the permission of the British Government, which, moreover, recognises in him no right or title whatever to the Wild Cattle, the Fisheries, or to any grant, or concession, purporting to have been made by any Foreign State in his favour, not to privileges of any kind whatever, according to him solely the power to take away moveable property that belonged to him, at the time of your arrival.” 246

“He (Capt. George Grey) thinks that Lieutenant Smith’s conduct, considering all the difficulties he has had to struggle with, has not been derogatory to the Character of an officer;..” 247

March 9th, Rear-Admiral Hamond writes from Rio de Janeiro, to inform London that, following receipt of Capt. Grey’s report; “... it appears, he considers that the Islands are likely to form a very useful Station, as regards communication with the Pacific...” 248 He adds that; “... the Settlement at Berkeley Sound, is by no means the most desirable station, either as a Port or as affording advantages for settlers, which are much greater at Fanning’s Harbour on East Falkland and in other ports on all the Islands.” 249 Hamond recommends that Lieut. Smith, who he accepts has done well in difficult circumstances, should be removed as his maintenance of the settlement does not command sufficient respect.

“... any officer sent to replace Lieutenant Smith, could not act otherwise than he has been acting in regard to supplying the wants of his men:..”

The Rear-Admiral goes on to suggest that any replacement should have some familiarity with harsh conditions and be allowed to have their families with them. Improvements to the accommodation will be needed.

“I have given orders to Lieutenant Smith, not to grant permission for any foreigner to reside on the Islands other than those already there; and to warn all those now resident, as well as any British Subject to whom he may henceforward allow a temporary residence, that they must not expect thereby to acquire any permanent right or privilege on the islands.” 250

March 11th, with HMS Sparrow ready to sail to the Falklands, the Lords Commissioners of the Admiralty request instructions from Lord Palmerston and Lord Glenelg.

243 Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910 vol.1 p.309
244 Palmerston to Mandeville (draft) January 4, 1837 in FO 6/501
245 ADM 1/43 (Enclosure to despatch no.25)
246 Grey to Smith January 28, 1837 in ADM 1/49
247 Hamond to Wood March 9, 1837 in ADM 1/49
248 Hamond to Wood March 9, 1837 in ADM 1/49
249 ADM 1/49 cf. 1843
250 Ibid. Original emphasis
"The commander of the Sparrow might be furnished with this Vol of State Papers (1832-1833), and also with the inclosed copy of our correspondence with M. Moreno in 1833, and he might be instructed to let the seal Fishery be carried on as it has been hitherto by foreign nations, but to do what he can to maintain order and to prevent the wanton destruction of Seals." 251

March 25th, a letter is sent to Vernet.

"His Majesty's Government do not object to Your proceeding to the Falkland Islands for the purpose of taking away the private property... any steps which you may take beyond the removal of your private property will be considered as amounting to a trespass..." 252

Meanwhile, in Montevideo, Luis Vernet attempts to prevent Elizabeth, from leaving. 253

Elizabeth, offered protection by HMS Fly, departs, but without retrieving it's Register; held by the port authorities. 254

"When I first heard of Mr. Burrows' arrival at Montevideo, I heard also of his late failure in the United States, and of course considering him therefore a poor man I was in no hurry to go there and prosecute him; but hearing afterwards that the Elizabeth and her cargo were his property, I hastened thither; and knowing the slippery personage I had to deal with, I immediately got himself and the vessel detained; and in order not to expose him to unnecessary delays, I proposed to leave the decision of my claim to two respectable merchants whom we might think proper to appoint as arbitrators. Unfortunately however, the Captain of the Port at Montevideo, had not such an unfavourable opinion of Mr. Burrows as I had, and therefore thought it superfluous to take any effective measures for the detention of his vessel, of which has been seen Mr. Burrows took advantage,... However, I shall sooner or later prosecute Mr. Burrows before his own country's courts, provided he will stand trial there and does not adopt some other clandestine measure to evade it." 255

"... in March 1837 Vernet heard that the New York shipowner Silas Burrows was at Montevideo; Vernet went there at once hoping to have Burrows's ship seized, since he still believed Burrows owed him money from the voyage of the Superior (which Burrows owned) back in 1831. That was absurd, of course; the contract under which she had sailed had no legal validity. In Montevideo he missed Burrows but by chance met Samuel Fisher Lafone... " 256

April 4th, Rear-Admiral Hamond writes from Rio de Janeiro, enclosing the settler's petition from October, 1836 regarding a prohibition of fishing in Berkeley Sound.

"I have to acquaint you, for their Lordships information, that, in the present state of the Settlement, I do not consider a prohibition of the fishing those Rocks, can lead to anything but disputes and

251 Draft letter (unsigned) in FO 95/35/46
252 Mandeville to Vernet March 25, 1837 in FO 6/501
253 This ship was under charter to Silas Burrows, with whom Luis Vernet had been in dispute since 1831.
254 Army & Navy Chronicle vol.4 p.325
255 British Packet & Argentine News October 14, 1837 in FO 6/501/254. Silas Burrows had been the owner of Superior in 1831, when Vernet had seized the ship. Vernet continued to believe that he had a claim to the cargo that Superior eventually returned to the United States with. cf. 1831 & 1832. Vernet's letter to the British Packet & Argentine News followed that from Burrows in the New York Times on May 26, 1837, in which he detailed the event surrounding Elizabeth's flight from Montevideo. Vernet never attempted to prosecute Burrows in the USA, but contracted with his son to do so before he died. I can find no subsequent action by Vernet's heir. cf. 1831, 1832, 1835 & 1869.
complaints, as there is not either force or means to make such prohibition respected by the Sealers frequenting the place; and the few persons who now reside at the Settlement, are there only by permission of Lieutenant Smith, and, I have reason to believe, are chiefly foreigners calling themselves Englishmen, just as long only as it may suit their convenience, in order to enjoy the advantages of fishing...

April 11th, Vernet negotiates a deal with Samuel Fisher Lafone to 'speculate in the Falkland Islands.' The contract to be drawn up and signed in May.

In May, General Carlos María de Alvear is appointed as Argentina's Minister to the USA. He is instructed; “(1) to promote the most satisfactory reparation for the insults inflicted upon Argentine sovereignty by Duncan's destruction of Vernet's colony, by his capture of innocent persons and their removal to foreign lands, and by Slacum's lack of respect for Argentine authority; (2) to promote reparation to the Argentine Republic, Vernet, and the colonists for all damages caused by Duncan's aggression; and (3) to clarify and defend Argentine rights to the Falklands and to fisheries along their coasts.”

Luis Vernet provides María de Alvear with a report on the events of 1831.

May 19th, HM ketch Sparrow, destined for the Falkland Islands, is held up at Spithead.

“... for despatches from the Colonial Office relative to the future government of the Falkland Islands.”

May 20th, Vernet receives his copy of the agreement with Lafone, but refuses to sign claiming that the terms have been changed in Lafone's favour.

“... at their meeting in 1837 Vernet interested him in the potential of the Falklands for cattle-ranching, and suggested a partnership to exploit the islands. On 9 April 1837 Vernet wrote him a long letter recounting the story of his involvement in the Falklands, but in the end the partnership idea came to nothing, though Vernet continued in friendly correspondence with Lafone as late as October 1843. Lafone no doubt found it hard to see any advantage in a partnership, since Vernet had no rights in the Falklands that were recognised outside Argentina (nor even in Uruguay)...”

June 6th, Lord Palmerston sends instructions for HMS Sparrow, which is waiting to sail for the Falklands.

“... the commander of the "Sparrow" should be informed, that the Falkland Islands being a possession of H.M. Crown, he is to prevent, as far as the force under his command will enable him to do so, all encroachments on those Islands, on the part of the subjects or citizens of any foreign State, and that in case of need, he should apply for additional aid to the naval Officer commanding on the South American station, who should be instructed to afford such aid when applied for. Lord Palmerston would further suggest, that the officer in command of the "Sparrow" should be instructed to encourage British Subjects to settle in the Falkland Islands, and that he should be desired to protect the wild Cattle, and to introduce useful vegetables...”

257 Hamond to Charles Wood (Admiralty) April 4, 1837 in FO 97/35/64. Original emphasis
258 CO 78/43
260 Breves observaciones sobre los daños y perjuicios ocasionados por la destrucción de la colonia en las Islas Malvinas por el Comandante de la Corveta de los Estados Unidos Lexington en 31 de Diciembre de 1831.
261 Salisbury & Winchester Journal Monday May 22, 1837
262 He would later claim that Lafone “usurped” his rights.
263 Pascoe 2020 p.277. cf. 1843, 1844 & 1846
264 FO 97/35/56

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June 9th, from Port Louis, Lieut. Smith makes a list of foreign vessels hunting in the bays around the archipelago. At New Island, the list notes American ships – Medena, Shebboleth, Friends, General William, Mercury, Iris, Forahontas, Hisper, Columbus, Henry, Magellan, Howard, Montgomery and Pacific. Elsewhere around the islands, 15 other American ships are recorded together with 2 French and one unknown. Smith complains that the crews of American ships – Eveline, Sailors Return and Pacific – have killed bullocks for their hides; contrary to the prohibition notices previously given them.

June 20th, Britain's King William IV dies at Windsor. Victoria ascends the throne.

A child is born at Stanley to Carmelita Penny. Named Ricardo (Richard) after his father.

"At 1851 census is apprenticed. He had a position equivalent to that of chief of police and when he died he was a jailer and a vigilante of the court, drowning in a naval accident..."

July 5th, the petition from the Port Louis settlers praying for a prohibition of fishing by foreign vessels, having been laid before Lord Palmerston. It is noted:

"... every State has the right to prevent the Vessels of Foreign Nations from fishing within 3 miles of the shore of any territory which belongs to it de jure, and which it occupies de facto, unless by a long acquiescence it can be held to have waived its own rights and to have allowed Foreigners to acquire a prescriptive enjoyment of the Fishery. In the case of the Falkland Islands, Great Britain claims and has asserted a right de jure to the Territory, but she has hitherto very imperfectly occupied those Islands, and even the force now about to be sent thither is probably not sufficient to carry very fully into execution any strict prohibition against Foreign Fishermen.

It appears, however, desirable that no time should be lost in asserting in principle at least, with respect to the Falkland Islands those usual rights of sovereignty which the Law of Nations acknowledges, though it may be prudent not, in the first instance, to declare interdictions which the local force may not be capable of carrying into effect.

The most prudent course therefore would seem to be that the Officer in command should warn foreign Sealers who come to fish within the territorial limits that they are Trespassers, and that he may have instructions to prevent them from returning thither another Season; But that he should be desired not to take any forcible measures against such fishermen, and not even desire them at once to depart, until he shall have received specific instructions to the contrary."

July 28th, the Colonial Office writes to the Foreign Office.

"Lord Glenelg has directed me to request you will state to Lord Palmerston that he is disposed to support for his Lordship's consideration whether it might be expedient to enter into any further discussion with the Republic of Buenos Aires touching the rights of the British Crown to the Falkland Islands.

The explanations which have already been tendered by the British Government of the grounds on which the rights in question are grounded, were undoubtedly due to the Republic, as the Party more immediately affected by the measures which have been pursued for asserting the Sovereignty of the Crown to the Falkland Islands –
But Lord Glenelg is inclined to think, that unless the ancient pretensions of Spain, never admitted by this Country, to the exclusive possession of the Magellanic Regions, have become vested in Republic by the facts of its transformation from a dependency of the Spanish Monarchy into an Independent State, it might be with the court of Madrid alone that the British Government could properly consent to discuss the question of the Sovereignty of the Falkland Islands.”

**July 29th**, William Hunter, US charge d'affaires in Rio de Janeiro, writes to US Secretary of State, John Forsyth, regarding the new Argentine Minister.

“The mission to the United States from Buenos Ayres is doubtless for the purpose of reviving the old affair of the Falkland Islands, .... In connection with this case that of the Pantheon has come to my notice. The Captain Adams was obliged to leave Monte Video without his papers, being pursued by Vernet for sealing on 'one of his' islands...”

**August 4th**, Palmerston forwards to the Colonial Office; “... an application from Mr. Vernet for compensation for the loss which he has sustained by the removal of his settlement from the East Falkland island.”

**August 10th**, the Colonial Office responds.

“On this application Lord Glenelg has directed me to request you state to Viscount Palmerston that his Lordship has not been able to ascertain from a perusal of Mr. Vernet's letter, either that this gentleman has sustained any loss in respect of which he has a valid claim to compensation from His Majesty's Government, or what is the nature and amount of the loss for which he seeks to be compensated.”

**October 6th**, on receipt of the news of William IV’s death, Governor Rosas orders three days of mourning in Buenos Aires. Minister Mandeville delivers a letter from Queen Victoria and refers to; “... the friendly relations and good understanding which so happily subsist between the two countries;...” The official response from 'the Government charged with the Foreign Affairs of the Argentine Confederation' announces; “I rejoice likewise that Your Excellency has obtained from the said august Queen, the honorable confidence of drawing closer the ties of friendship and good understanding which so happily exist between both nations.”

**October 13th**, Hamond sends Smith’s record of foreign ships fishing at the Falklands, to the Admiralty.

**October 29th**, Lieut. Lowcay, stationed at Rio de Janeiro, is given orders from the Admiralty to visit and inspect the British settlement at Port Louis. Lowcay is to report directly to Hamond so that the Admiral; “... can decide on the removal of Lieutenant Smith, and ... providing for the wants of the settlement when Lieutenant Lowcay shall finally take charge of it.” Additional orders are given by Hamond requiring Lowcay to first inspect the western islands, and to report on potential harbours.

“... you are to hoist, while you remain at anchor, on a Flag Staff on the Shore, the English Union Jack, and are to warn all persons you may find there, that no establishment on shore can be allowed without the sanction of Her Majesty's Government but you are not to remove by force any persons who may be

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268 Stephen to Strangeways July 28, 1837 in FO 6/501/238
269 As yet I can find no more information about Capt. Adams.
270 FO 6/501/245. This letter is referred to but not enclosed. Vernet's application had been sent to the Rio Station and forwarded from there by Rear-Admiral Hamond.
272 British Packet & Argentine News October 14, 1837
273 Hamond to Wood October 13, 1837 in FO 97/35/72
274 ADM 1/50
located there, nor to offer them any violence or offence beyond the warning above mentioned, with the
admonition that their stay there, is only by sufferance... Should the flag of any other Power be hoisted
on the Shore you are to require in writing that the person in charge of it shall haul it down, and you are
to hoist the British Flag... deeming it proper to assert in the strongest manner the Sovereign right of
Her Majesty to these Islands... Should such however, be refused, it will become your duty to give the
person in charge of the Foreign Flag a notice in writing, that you will be compelled by his refusal, to
strike that flag yourself, and you are hereby authorised to do so...” 275

Finally, Lowcay is required to gather information on the vessels that resort to the archipelago annually. To record
their nationalities and their employment – sealers or whalers.

“There being reason to believe that the United States Whalers frequent the Islands at the West end of the
Group, particularly Swan Island, New Island, Hope Harbour, etc., these Islands etc., should be thoroughly
examined.” 276

“You will give warning to the different vessels you meet, that the British Government have given
positive orders, that the Cattle, Horses, and wild animals, on the Islands, be protected by every means,
stating also to them, that upon application to the Resident at Berkeley Sound fresh Beef and Bullocks
will be supplied at reasonable prices, but that all trespassers will be proceeded against in a summary
manner, on proof shown that they have acted in violation of the said Government orders.” 277

October 30th, Admiral Hamond writes to the Admiralty, noting the Lords Commissioners’ orders to Lieut.
Lowcay concerning the policing of the archipelago.

“On the subject of their Lordship’s orders to him, I deem it my duty, with reference to the paragraph
directing him to warn off foreign Sealers and forbid their return another season, to call their Lordship’s
particular attention to the claims put forth by the United States Government through their Charge
d’Affairs at Buenos Ayres to an absolute right to fish within the territorial limits of the unsettled parts
of these Islands, as well as to the use of the shore; and even to such right, although the parts may
subsequently become settled, - on the ground of more than half a century of undisputed practices. ... their Lordships will be pleased to take this matter into consideration and inform me what orders I am
to give on this subject...” 278

Hamond refers to the booklet he forwarded with his report of September 5th, 1836 – specifically highlighting the
express argument that; “... warnings to individuals is considered of no weight or avail unless notice be first
given directly to the Government of the States whose subjects or Citizens it is intended to interdict from their
acustomed practices by the Government desiring to prevent its continuance.” 279

November 30th, Lieut. Robert Lowcay arrives at the Falklands settlement; “... after a long and tedious
passage, accomplished with heavy gales and winds...” 280

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275 Ibid
276 Ibid
277 Ibid
278 Hamond to Wood October 30, 1837 in ADM 1/50. Also Caillet-Boise (6th ed.) 1982 p.397. Original emphasis. The
reference to the US charge d’affairs, is a reference to Baylies whose bitter exchanges with the Buenos Airean Foreign
Ministry I have detailed in their proper place (1832). In September, 1836, Hamond had sent a copy of these exchanges as
published by Buenos Aires in December of 1832.
279 ADM 1/50. Hamond went so far as to indicated which pages the Lords Commissioners of the Admiralty should be
directing their attentions to. cf. 1832 & September, 1836
280 Lowcay to Hamond February 4, 1838 in ADM 1/51
“On his arrival in Port Louis, ... Lowcay found only Smith, one of his boat’s crew, a German tailor, a French gardener and three women; the other inhabitants were absent sealing in the schooner Montgomery.” 281

December 1st, the Foreign Office respond to the Admiralty, regarding foreign vessels at the Falklands.

“Lord Palmerston directs me to acquaint you, ... that he is of opinion that when there is a force at the Falkland Islands adequate to prevent the Depredations complained of, the Americans should be requested to desist, and if they persevere in such Practices they should be prevented. But his Lordship thinks that it would not be proper or expedient to interfere with them so long as they only resort to the Islands for Shelter and refreshment.” 282

December 5th, Lieut. Lowcay visits an arriving French whaler Le Perseverance and notifies them of his orders.

“Her Britannic Majesty’s Government, deeming it proper to assert in the strongest manner the Sovereign right of Her Britannic Majesty to the Falkland Islands, and every State having the right to prevent the Vessels of Foreign Nations from fishing within three miles of the shore of any Territory, which belongs to it de jure, and which it occupies de facto; I have received orders to acquaint the Commanders of all Foreign Vessels, found sealing or fishing within three miles of the shore of these said Islands, that they are Trespassers, and that they will not be permitted to return to the Falklands next season. I do not, however, wish to obstruct your fishing at present, but simply to assert the right of Her Majesty over these Islands; and I have requested that these rights be not infringed by yourself or any of the Crew under your command. I have also to acquaint you that the British Government have given positive orders that the Cattle, Horses and Wild Animals on these Islands are protected by every means. Should you require Fresh Beef, Bullocks, etc., they can be obtained on application to the Resident at Port Louis, Berkeley Sound, at reasonable prices; but that all trespassers will be proceeded against in the most summary manner on proof shown that they have acted in violation of the said Government orders.” 283

December 7th, at Port Louis, Lowcay gathers all the settlers together for an oath.

“We, the undersigned, being settlers at Port Louis, Berkeley Sound, East Falkland Island, are willing to conform to all such orders and directions, as may from time to time be promulgated by the Government of Great Britain, the Comm in Chief or the Station or by the Officer in Charge of the Settlement for the better regulation thereof, and the Islands generally.” 284

December 9th, Lowcay sails from Berkeley Sound in HMS Sparrow, for the western islands; “... having obtained a Pilot, named Charles Melville, one of Lieut. Smith’s late Boat Crew...” Sparrow’s log notes a population in Port Louis of 43; of which 14 are associated with two sealing vessels. 285 During Lowcay’s cruise around the archipelago, he encounters foreign vessels and delivers the same warning as he had to Perseverance. These are US sealers Richard, Hesper and Eagle; also French sealers, Elisa and John Cockerill. Lowcay notes that the General Williams has been moored at New Island for 3 years acting as a depot and supply ship. 286

281 Andrew David in Tatham (ed.) 2008 p.344
282 Fox-Strangways to Barrow December 1, 1837 in FO 957/35/80. cf. 1854
283 ADM 1/51
284 Ibid. Kohen & Rodriguez (2016) suggest that the gauchos were forced to swear an oath of allegiance by the threat of being expelled from the islands; but offer no evidence in support of this. cf. 1841
285 Caillet-Boise 1982 p.398. Caillet-Boise suggests that General Williams was warned later in 1838.
286 The British Reoccupation and Colonization of the Falkland Islands, or Malvinas 1832 – 1843 B. Gough 1990. Caillet-Boise (1982 p.398) suggests that General Williams was also warned. General Williams was listed as an off-shore
December 27th, Governor Rosas addresses the opening of the Legislatura de la Provencia de la Buenos Aires.

“The question with Great Britain, regarding the unexpected occupation of the Malvinas Islands, remains in the same state that was announced to you last year. The justice of the Confederation’s claims impose a strict duty not to abandon them. Negotiation will continue its course when there is an opportunity...”  

Rosas also announces the naming of a Minister Extraordinary for Washington, obliged; “...to fulfil the sacred duty energetically remonstrated against the violent and atrocious conduct of the sloop of war Lexington at the Falkland Islands,...”  

December 31st, Lieut. Lowcay returns to Port Louis.

1838 – January 3rd, Ambassador John Mandeville writes to Lord Palmerston with regard to Rosas’ message to the Legislatura.

“It adverts to the worn out question of the Falkland Islands, and declaims as usual upon the injustice of its occupation by Great Britain – without, I believe, receiving much sympathy or support from the public, except the very few persons who have speculated on an establishment there. It will make an annual paragraph in the message until the subject dies of exhaustion...”

January 10th, Lieut. Lowcay records.

“The number of Settlers at present at Port Louis consists of 18 men & 3 women, and 3 children. Lieut. Smith, his son, and Boat Crew. The Gauchos at present employed in catching the Wild Cattle are a French Boy, Lieut. Smith’s son, and most of the Boat’s crew but these are not sufficient, and it is probable will quit the Islands with Lieut. Smith...”

“By early 1838, (the) population had increased to 27, including ten Britains (sic), three Germans, four Argentines, two Americans, a Bermudan, three Frenchmen, a Portuguese, and three children, all born at Port Louis.”

January 11th, reported in the London Evening Standard.

“We perceive by a requisition lately prepared, signed by many influential merchants and shipowners of London and other ports, that a public meeting is shortly to be called for the purpose of taking steps to colonise these islands. We are glad that public enterprise has been at last directed towards those valuable and long neglected islands. We regard their colonisation as an object of great importance. ...”

January 24th, French whaler, Perseverance, is wrecked at New Island.

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whaling ship under the command of John Holdridge out of New London; returning to its home port in August, 1838 following a 2 year voyage hunting for Sperm Whale.


288 *Evening Mail Wednesday April 25 1838*

289 Bernhardson 1989 citing *List of settlers residing at Port Louis, Berkeley Sound, East Falkland* Lt. Robert Lowcay February 1, 1838 in *ADM 1/51*

290 *London Evening Standard Thursday January 11, 1838* citing *The Times*
January 26th, Lieut. Smith hands a letter to Lieut. Lowcay, for delivery to Admiral Hamond, requesting a court-martial. In the letter, Smith denies that he has disgraced the British flag or “traded.”

Further letters petition, on behalf of the settlers, ‘licenses’ for a vessel, Montgomery. So that its owners can fly the British ensign. They also ask for a quantity of salt to preserve 800 hides.

“I would certainly suggest that Licenses may be granted to enable these Vessels to sail under English colours between the Falkland Islands and the Ports mentioned, provided that they shall be owned and navigated entirely by British subjects.”

January 31st, Smith requests that Lowcay obtain 6 or 8 gauchos for the settlement.

February 2nd, the Admiralty writes to the Foreign Office to request directions with regard to Lowcay’s instructions to warn foreign sealers about fishing in the Falklands.

February 4th, Robert Lowcay prepares his report after sailing from Berkeley Sound.

February 19th, Lieut. Lowcay arrives back at the British Station at Rio de Janeiro, on HMS Sparrow, to report his findings to Admiral Hamond.

“... I have ordered Lieutenant Smith to deliver up, and Lieutenant Lowcay to take charge of the settlement at Port Louis on the 31st March next,...”

Lowcay is instructed to return to Port Louis, carrying instructions for a change of command.

February 26th, Hamond informs the Admiralty that Lieut. Lowcay will touch at Montevideo on his return voyage to the Islands, in an attempt to persuade three more gauchos to go to Port Louis.

February 28th, responding to the question of how far Lieut. Robert Lowcay will be able to go in deterring American sealers, Palmerston says that the Lieutenant should; “... inform the Foreign Fishermen that they are...”

291 The Admiralty had not approved of Smith, or his son, acting as Vernet's agents despite having been ordered to preserve Vernet's property, and despite the need to keep the settlers employed. Vernet had initially approved the arrangement although as time passed he grew disillusioned when no monies or produce arrived in Buenos Aires. The part that Lieut. Lowcay played in all this is unclear. The matter appears to have been dropped and in a letter dated February 23, 1838, Rear-Admiral Hamond informed the Admiralty that he had refused Smith's request for a disciplinary hearing.

292 The petition listed John Barnes, Richard Penny, Francis Henry Penny and Achille Guillagme Gillerae as having purchased the “schooner.”

293 Hamond to Charles Wood (Admiralty) February 24, 1838 in ADM 1/51. “Ports mentioned” in the residents’ petition were Rio de Janeiro, Buenos Aires and Montevideo.

294 FO 6/501/256. cf. October, 1837

295 ADM 1/51. The return passage of only 16 days was noted.

296 Ibid

297 Ibid. Hamond had been convinced by Smith’s letter that the three gauchos on the islands were preparing to leave. Hamond’s order regarding this required Lowcay to employ “3 English (or Foreign if the former cannot be procured) Gauchos, to proceed with you to the Settlement.” Were there ‘English’ gauchos?
trespassers, and that he should also tell them that it is possible that he may at a future time receive instructions to prevent them from returning;..." He also notes that; "American sealers have usually resorted to these islands in substantial numbers whereas our occupation is extremely limited in its extent." Palmerston concludes that this is not the time to open up a diplomatic confrontation with the USA. 298

"The New London Gazette contains a copy of a letter addressed to the master of the ship General Williams, of (New York), by Captain W. J. Scott, master of HBM ketch Sparrow, and Governor of the Malvenas (sic), stating that the British government has taken possession of the whole of the Falkland Islands, and that all foreign vessels are prohibited fishing or sealing round or near them. The General Williams and her tender were warned to leave the coast as soon as possible, and informed that all foreign vessels found at any of the ports of the island after the 1st of June, 1838, would be proceeded against as trespassers." 299

March 31st, Lieut. Lowcay takes over as Resident Naval Officer for the Falkland Islands.

"...on this occasion your Memorialist wrote to Lieut: Lowcay to request the particulars of his property then existing on the Island, to which Lieut: Lowcay, to the surprise of your Memorialist, answered that he did not know of any property of your Memorialist being on the Island;..." 300

"Lieutenant Smith afterwards wrote to me, in answer to my enquiries, under date 5th November, 1852, informing me that my property in his hands at this latter period (1838) and handed over to the British Government, consisted, as follows; 400 Head of (tame) Cattle, 800 Ox hides, Seal Skins (about 1500 (exact number not mentioned)), 59 Hunting Horses. The 10 stone Houses, which had been occupied by the British Administration and its dependants since 1834, and the Huts and Enclosures for Cattle, were delivered over at the same time." 301

"...Smith, and his son later, kept Vernet's cattle business going. This lasted until Lieut. Lowcay took over ... It is from then that Vernet dated the final loss of his business and property in the Falklands." 302

April 15th, American sealer Derby is wrecked.

Luis Vernet sends a formal petition to the British Government requesting recognition of the lands granted him by Buenos Aires and asks permission to re-start his cattle business on East Falkland.

At Port Louis, Lieut. Lowcay notifies sealers of his intention to impose restrictions.

"The British government having taken possession of the whole of these islands, it is their direction that all foreign vessels are not to fish or seal around or near. You are hereby warned to leave the coast as soon as possible. After the 1st day of June 1838, all vessels found here or at any other part will be proceeded against, being regarded as trespassers." 303

299 London Evening Standard Wednesday September 12, 1838 citing an unnamed New York Paper. The date of this letter was not given.
300 Vernet's Memorandum Presented 7 May, 1852 in CO 78/43
301 Vernet to Labouchere December 1856 in CO 78/43.
302 Peter J. Pepper in Tatham (ed.) 2008 p.545
303 Quoted in Dickinson 2007 p.50 citing Shipping and Commercial List and New York Price Current (1838)
“As with previous orders, this one was also ignored. One vessel Charles Adams (Capt. Carew) from Stonington, was wrecked when defying the order and Corvo (Capt. Beck), also of Stonington, succeeded in obtaining 1200 barrels of Elephant seal oil” 304

**April 21**th, from Buenos Aires, the US Consul notifies Washington that General Alvear is finally ready to depart for the USA. 305

In **July**, a prospectus is published promoting the colonisation of the Falklands.

“The objects contemplated by this association... are, to form a colony on the most easterly of the islands, the unusual facilities and advantages of which are demonstrated... to create in the magnificent and secure harbours of Berkeley Sound and Fort William that important national object - a naval and commercial depot for the shelter and repair of the numerous vessels now navigating the South Seas; to erect an establishment for supplying fresh and cured provisions, naval stores, water, fuel, and other requisites; to select parties properly qualified for carrying into effect extensive and most valuable fisheries, cattle farms, &c., for all of which nature has here prepared everything ready for the industry of man, with the superiority of important adjacent markets.” 306

“It is clear, that, if the Falkland Islands are ever to be colonized, it can only be successfully done by a public company, under a royal charter,... an association was formed, to which one hundred gentlemen subscribed their names and money, entered into correspondence with the Colonial Office... Although amongst the subscribers were some professional gentlemen, yet, the drafting of the proposed charter was confined to the joint-solicitors and counsel, which led us to the conviction, that no such powers could be legally delegated without previous authority, duly sanctioned and conferred by special act of parliament; the Colonial Office then possessing no jurisdiction whatsoever, the crown-occupation of the islands being a coup-d’état, worked under the Foreign Office and the Admiralty...” 307

**July 9**th, Arrow sails from Falmouth Harbour with seeds, agricultural implements and 2 bloodhounds. 308

**July 11**th, following inquiries made by Luis Vernet through contacts in Rio de Janeiro, he receives a response from Lieut. Smith, who has returned to that station.

“... his answer communicated to me by my said correspondents, under date of 11**th** July, 1838... was, that there was not at present the slightest probability of anything being restored to me, in consequence of the British Govt. having taken entire possession of the Islands that he had been at an immense expense in making improvements there. That he was on his way to England, in order to make a report to the Admiralty and that he proposed returning as soon as he conveniently could.” 309

**August 15**th, in a letter, the Admiralty sends firm instructions to its commander at Rio de Janeiro station.

“... intimate in the most distinct manner to Mr. Vernet that if he should persist in declining to remove his moveable property from the Falkland Islands, he must impute to himself any deterioration which that property may sustain and that under no circumstances will HM’s Govt. consent to become responsible for the preservation of such Property or for any damage which may be done to it.” 310

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304 Ibid.
305 Alvear’s mission had originally been promised in 1832.
306 Attributed to The Morning Herald, the report is quoted in The Colonist (Sydney) July 21, 1838
308 Some Account of the Falkland Islands, from a six month residence 1838 Laughlan Bellingham MacKinnon 1839
309 Vernet to Sullivan August 29, 1839 in CO 78/43
310 CO 78/43
August 26th, reported in the USA:

“We find reported in the New York Papers of the 26th ult.:-

“The Falkland Islands – A day or two since we spoke of the claim of the British government to the Falkland Islands. Accident has thrown in our way a report of a law case, tried by the United States Circuit Court at Boston, where the plaintiffs claimed of the Suffolk Insurance Company a total loss of the schooner Harriet, seized by Louis Vernet, acting governor of the Falkland islands, under the authority of Buenos Ayres. One point of defence set up was that Vernet was rightfully governor of the Falkland Islands, and had a right to order off the vessels and to seize them for disobedience, and that they were consequently lost by the plaintiff’s own fault. Judge Story, in delivering his opinion, considered, in the first place, the question whether Vernet was rightfully Governor of the Falkland Islands. The government of Buenos Ayres insisted that these islands constituted a part of its dominions, and that it had sole jurisdiction to regulate and prohibit the seal fishery, and to punish any violation of its laws by a confiscation of the vessel and property engaged therein.

On the other hand the American government insists that the claim of Buenos Ayres is not good, and that the seal fishery at the Falklands is a trade free and lawful to the citizens of the United States. The controversy was still undisposed of by the two governments, each maintaining its own claims. In the state of diplomacy between the two countries, it was not in his opinion, competent for this court to examine and decide the question, but we must take the claim insisted on by our government as correct. Now, before the revolution in South America, the Falkland Islands were, if they were under the positive dominion of any power, a dependency of Spain under the vice-royalty of La Plata. When Buenos Ayres separated from Spain, its government was recognised by the United States, but not its title to these islands, and the court must still consider them as belonging to Spain. If, then, Buenos Ayres had no title to these islands, the seizure of this vessel was a gross usurpation – the judgment of its tribunal a mere nullity – and therefore the plaintiff was entitled to recover for a total loss in the case of the Harriet. If the American government insists that the seal fishery at the Falkland Islands is a free trade against the pretensions of Buenos Ayres, what ground must it take against the grasping monopoly of Great Britain?”

September 26th, a further letter from the Admiralty informs Commodore Sullivan, senior naval officer at Rio de Janeiro, that a request for compensation by Vernet for the use of his horses on East Falkland Island; “... cannot be complied with.”

October 14th, Arrow arrives at Port Louis; “... it only consisted of two small houses, in one of which lived the governor, Lieut. Lowcay, and three or four mud huts, occupied by three gauchos and their families.”

October 27th, Commodore Sullivan writes to inform Luis Vernet to inform him of the messages received from the Admiralty. In addition, Vernet is told that he cannot reside in the Islands.

“Mr. Labouchere’s official letter of 21st October, 1856 distinctly says, in these words, the following:- “Certain instructions, finally given by this department to the Naval authorities, in the year 1838, for the purpose of disposing of these claims as to moveable property, failed of taking effect, ...”
On the same day, finally having arrived in Washington, General Alvear has an interview with Secretary Forsyth. Alvear does not raise the outstanding issue of the *Lexington* raid of December, 1831.

In **November**, due to return to London after recovering from his illness, Manuel Moreno is instructed by General Rosas to: “**insist on the claim whenever there is an opportunity.**” However, Moreno should also subtly inquire whether the British Government would be disposed to cancel the Baring’s Bank debt in exchange for Buenos Aires dropping its claim to Soledad.

“... the offering of Las Malvinas in return for the loan of 1824 and interest was a proposal made exclusively to the representative of the bankers and never, neither in 1838 nor in 1842 was such a proposal made to the British government;...” 316

“The instruction ... was purely informative, but there is no sign that Moreno addressed the issue. Professor Ferrs says that there is no(thing) in the archives of the Foreign Office indicating that someone had proposed to the British government a swap of the Falklands, in exchange for outstanding debt.” 317

“The indisputable sovereignty of the islands became a mere marketable article in the hands of the Dictator.” 318

Andrez Petaluga aged 16, arrives in the Falklands as a settler from Gibraltar. 319

“As a young man Andrez migrated down through South America, via Montevideo, with fellow Gibraltarians Pascal and Angela Recano, arriving for the first time in the Islands in November 1838. (Port Louis records show Lt Lowcay of HM Ketch Sparrow giving them permission to rebuild an old ruined house in the settlement.).” 320


Mary Ann, out of Rhode Island, hunts seals at South Georgia. Mate John Anderson is buried in Prince Olav Harbour. *Medina* (Capt. Elijah Hallett) out of New York also hunts at South Georgia. 322

In **December**, Ambassador Manuel Moreno arrives back in London on *Spider*.

“It is not clear quite what enquiries Moreno made to the British Government. But Moreno reported that the main problem was that Britain simply did not accept the Argentine sovereignty claim;...” 323

From Buenos Aires, Minister Arana attempts to find out more about the events of 1770 and 1771 by writing to various experts in Europe who, he believes, can shed light on what is contained in the Spanish archives. 324

**December 27**th, Governor Rosas addresses the opening of *Legislatura de la Provencia de la Buenos Aires*.

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316 *Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales* Alfredo Ortiz de Rozas in *Revista del Instituto de Investigaciones Históricas Juan Manuel de Rosas* n° 13, Buenos Aires, October, 1948

317 *Historia de la Argentina: Gobierno de Rosas – Su Caida Hacia Un Nuevo Regimen (1840-1852)* Vincente D. Sierra vol.1 1978 p.247

318 Caillet-Boise 1982 p.361

319 Of Italian origin, his name was variously pronounced Pitaluga or Pintaluga. His descendants still live in the islands.

320 *The first Pitaluga to arrive in the Falklands:1838* in *MercoPress* February 1, 2012 citing an original article by Nicholas Pitaluga

321 Departed Holbart on October 18, 1838.

322 Dickinson 2007 p.67

323 Peter Pepper in Tatham (ed.) 2008 p.391

324 These included Andres Maria O’Brien and Fransisco C. Belaustegui. Sadly no responses have been preserved.
“There has been no circumstance worthy of your knowledge on the question with Great Britain on the occupation of the Malvinas Islands. The Government will insist upon the rights of the Republic to this territory, with the just titles upon which this claim is based.” 325

“In the message to the Legislature of 1839 it was reported that Manuel Moreno had been received in London with kindness and honor, and added: "The government, did not abandon their just rights to the territory of the Falkland Islands, or desist from claiming them..." 326

General Williams returns to the Falklands to hunt Sperm Whale.

1839 – January 14th, in Washington, Carlos Alvear speaks to Secretary Forsyth regarding 1831.

“General Alvear explained to the Secretary of State that he was specially commissioned by his Government to draw the attention of the United States to the conduct of Silas Duncan, Commanders of corvette of war Lexington, on the 31st of December, 1831 in the Falkland Islands, ...

Mr. Forsyth said, after a few minutes pause: You do not know General that we long ago approved the conduct of Commander Duncan?


Mr. Forsyth – Well, yes, we have approved it, but we have not had the slightest intention or desire to do the slightest outrage to its government or the Argentine Nation.

Gen. Alvear – The Minister will allow me to observe that it is not possible for me to understand how the events of Commander Duncan can be approved, without importing the most complete insult to the authority of the Argentine Government.

325 Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910 vol.1 p.378
326 Historia de la Argentina: Gobierno de Rosas – Su Caida Hacia Un Nuevo Regimen (1840-1852) V. Sierra 1978 vol.1
Mr. Forsyth – I will tell you: the Commander saw that the American ships were captured and detained in the Falkland Islands: he saw that Vernet had committed the most heinous acts of piracy: he knew that the Argentine Government had no means to quickly avoid this evil; and then he prevented it, destroying the place where these events were committed; and you see, General, that in this was done what is done when a house is burning, whose owner is not in it, and that it is necessary to put out the fire, so that it does not communicate to the other (houses): in which case the door is knocked down without asking permission, to cut the fire; without insult, because I can prove to you that the Government of the United States, in approving the conduct of the Commander, has not even remotely intended to do any kind of wrong to the Argentine Government.

Gen. Alvear – The Minister will allow me to say that the comparison of the burning of a house does not seem to me to have any analogy with the fact of the Falklands;... Commander Duncan has acted in violation of the law of nations and the principles established in civilized peoples, for which it is not admissible, nor can it be admitted that a Commander of a warship is authorized by itself to execute such acts, even in the case that he believed justice was attended by him;...

Mr Forsyth (interrupts) – who is this Vernet, who appointed him, a man who is not ashamed to act like a pirate; and he himself confesses it when he has the nerve to present a contract with one of the Captains, whom he forced to sign?

Gen. Alvear – Senor: Don Luis Vernet was known in the Rio de la Plata as an honest man and the Government appointed him Governor of the islands. ...

Mr. Forsyth – You must believe General that we have felt all these incidents and it would be the greatest pleasure to return to cordial relations between our two Governments. ... we hope that good relations can be restored with you; not for us to judge on the right to the Falklands, that is, if they belong to England or to you; ... you can be certain that we will never allow any European nation to take possession of an inch of land anywhere in America.

Gen. Alvear – I can not fail to express to the Lord Secretary of State the satisfaction that causes me what he has had the dignity to tell me. ...

Mr. Forsyth – Well, what is it, finally, that your Government demands of us?

Gen. Alvear – my Government demands what I have had the honor to present at the beginning of this conference: that it be given a satisfaction which corresponds to the outrage that has been done to its flag ...

Mr. Forsyth – Good General; I will tell the President of everything you have said to me, and I will let you know whatever we decide...”

The court case concerning the loss of the Harriet, following its seizure by Vernet in 1831, reaches the US Supreme Court on appeal. The insurers contend that Vernet had acted legally and that therefore they had no duty to compensate. In its decision however, the court accepts the right of the US Government to decide the nation’s position in matters concerning foreign relations, and finds for the Harriet’s owners.

“It was the duty of the master to prosecute his voyage, and attain the objects of it, for the benefit of his owners: and, in doing this, he was not bound to abandon the voyage by any threat of illegal seizure. We think, therefore, that the underwriters are not discharged from liability ... it is the opinion of this

327 Abridged. For a full account see Fitte 1966 pp.407-410. There is no record of this in Manning 1832.
328 See August 1838
That, inasmuch as the American government has insisted and still does insist, through its regular executive authority, that the Falkland islands do not constitute any part of the dominions within the sovereignty of the government of Buenos Ayres, the action of the American government on this subject is binding on the said Circuit Court..." 329

“The Supreme Court upheld the authority of the US government to decide questions of territorial recognition, and therefore held that in US law the Falklands were not part of the "dominions within the sovereignty of Buenos Aires"; Buenos Aires had no "competency to regulate, prohibit, or punish" any activities in the islands, so Davison was not bound to respect Vernet’s warnings. The Supreme Court thus ruled that in US law Vernet’s actions had been illegal; he had seized US ships on the high seas and had taken some of the Harriet’s cargo for himself, so in US law he had operated as a pirate, for which statutes of 1790 and 1820 had imposed the death penalty. But by 1839 the case had become irrelevant, so nothing came of it.” 330

February 1st, the Sydney Herald reports.

“The British have taken full possession of the Falkland islands. All vessels found fishing or sealing on their coasts will be treated as trespassers.”


“I hereby inform you that my commission in this country has concluded, and that the conduct of Commander Silas Duncan had previously been approved by this Government, and (they are) therefore refusing to give due satisfaction for the attacks committed by said commander in the Falkland Islands.”

March 21st, not having received any reply following his interview with Secretary Forsyth, General Alvear formally submits Argentina's written claim for compensation to the State Department in Washington DC.

“The Undersigned, Minister Plenipotentiary Extraordinary of the Argentine Confederation in the United States of North America, has the honour to address the Honourable John Forsyth, Secretary of State, and to inform him that he is charged by his Government to call the attention of that of the United States, to the conduct of Mr. Silas Duncan, the Commander of the United States Sloop of war Lexington, on the 31st of December, 1833 (sic) at the Island of Soledad, one of the Malvinas [group], in displacing in the midst of profound peace, and in a violent manner, a settlement which had been publickly formed there by the Argentine Government, without any opposition at the time, and of which it has since remained in perfect legal and just possession, agreeably to the conception of the indisputable right which it has held and still holds to those islands. ...

It is well known to all nations that by the Revolution which commenced the 25th of May 1810 and the solemn declaration of Independence in 1816 an association of Provinces under the title of United Provinces of La Plata was constituted in the former Vice Royalty of Buenos Ayres; and that was recognized by the United States of North America, and by other nations. This political association could not exist without possessing a territory, in as much as where the territory is not independent, there cannot be a Sovereign state; and thus as it acquired the right to this sovereignty so it likewise acquired the right to the property in the territory. The United Provinces in consequence succeeded Spain, in the rights held by that nation from which separated itself in the jurisdiction in question.
The Malvinas Islands had always been an integral part of that territory or Vice Royalty, and as such they became a part of the property and dominion of the new American Republic. ...

This unexpected event which has outraged the dignity of the Argentine nation, places the undersigned in the painful though absolute necessity; compliance with the express order of his Government, of exacting as he now does, by this note, from the United States of North America, the most solemn and complete reparation of a grievance, which affects the honour and dignity of the nation, wounded by the aggression committed at the Malvinas, by Silas Duncan the Commander of the United States Sloop of War Lexington...” 332

The Falkland Islands Commercial Fishery and Agricultural Association is founded to promote colonisation of the Falkland Islands.

“We the undersigned original subscribers to the Colonization of the Falkland Islands, believing Mr. G. T. W. to be the most competent part to guide the successful operations of this undertaking, do hereby empower him, so far as our names and subscriptions avail, to adopt those measures which he may deem requisite for the efficient carrying out of this great national object.” 333

In London, George Whitington argues the new Association’s case with Henry Labouchere, Lord Taunton, at the Colonial Office.

At Port Louis, Charles Melville constructs Preston Villa.

“... built of stone and clay; consists of four rooms.” 334

March 25th, Wave’s captain, Edward Goldsmith, writes to the Falkland Islands Commercial Fishery and Agricultural Association supporting their proposals to colonise the Falklands.

“Captain Langdon’s opinion I fully confirm; the only obstacle in my mind is the want of timber, which may be overcome... I could not imagine how our Government could, for so long a time, have overlooked so valuable and important a place not only as a naval depot, but as a Colony and resort for our numberless merchantmen requiring supplies in that quarter...”

March 28th, George Whitington responds to Goldsmith.

“Sir, ... Langdon and myself were the originators of the scheme of Colonisation in question as early as 1830. We placed our views before the Colonial Office in 1831.”

“A Mr. Whitington claims for himself and Lieut. Langdon, R.N., now in Van Dieman’s Land, the credit of having been the first to direct the attention of the Government and of the public to the eligibility of the Falkland islands for a Penal Settlement....” 335

“Mr. Whitington says a "matured" plan of colonization for these important 44 islands will very shortly appear, supported by merchants and shipowners of eminence, (to) insure the confidence of the public.” 336

332 Carlos Maria de Alvear to John Forsyth March 21, 1839 in Manning 1932 pp.210-222
333 Fisher’s Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845 vol.2 p.308
334 Lieut. Governor Moody to Lord Stanley June 6, 1842 in Accounts and Papers 1843 vol.4
335 The Colonial Gazette April 6, 1839 which published this correspondence. Goldsmith and Langdon were acquainted.
336 Sydney Gazette and New South Wales Advertiser, July 27, 1839
April 6th, in Washington, US Secretary Forsyth requests from Alvear; “... a copy of the laws that govern in the Argentine Confederation, relating to the fishing grounds, to which General Alvear refers in his official note of the 21st last.” 337

April 8th, General Alvear responds to Secretary Forsyth.

“... (being) very sensitive not to be able to satisfy the Secretary of State in that point, for not having (them) at the moment in this place; so that he would take the liberty of indicating to (the Secretary) that the laws that are observed on fishing in the Argentine Confederation are the same as they were in the Viceroyalty of Buenos Aires at the time of the Spanish Government and to which he referred in his note of last March.” 338

“... Mr. Forsyth requested from the Minister of the Republic the laws on the fisheries, by virtue of which Commander Vernet had proceeded as he did; the General could not give them.” 339

April 12th, Whittington writes to Lord Palmerston extolling the advantages of the Falklands. 340

April 14th, a gathering in London is attended by the press.

“The members of the Falkland Islands Association held a meeting at their offices in Moorgate Street on Monday. It was most respectably attended; and resolutions were passed in favour of the immediate colonization of these islands.” 341

July 22nd, Lieut. Lowcay reports a reconnaissance.

“... principally with the Intention of observing the cattle put last Summer on West Falkland, and to look after the American Vessels generally cruising here... During the cruise no American or other Vessels were seen, nor have I heard of any Outrages having been committed by them.” 342

August 29th, Luis Vernet writes to Rear-Admiral Sullivan in Rio de Janeiro regarding his property, left at Port Louis after 1834; which he claims that he has tried to collect following Sullivan's letter of August, 1838.

“Lieut: Henry Smith had been ordered by letter of 11th May, 1835, from V. Admiral Sir Graham E, Hamond to deliver to me, & which he, the Lieut: having also written me he would hold at my disposal, I had requested him to send by first opportunity per Merchant Vessel, which might be bound either for London, or Liverpool, Rio Janeiro, Monte Video or Buenos Ayres which request was never complied with, and I do not know to this day how this property has been disposed of.” 343

“In August 1839 Vernet wrote to Hamond's successor, Captain Thomas Ball Sullivan, asking for "one thousand pounds sterling, which I consider the value of said property and with which this matter will be fully settled." The British government would have done well to pay him the £1,000, since in the end, after long delays, they paid him over twice as much:..” 344

337 La agresión norteamericana a las Islas Malvinas E. Fitte 1966 p.417
338 Alvear quoted in Fitte 1966. This was not true. Vernet's authority to prevent sealing around the Falkland Islands was based on the Buenos Aires decree of 1821. This appears to have been the last correspondence until December 1841. cf. 1821, 1828, 1829, 1841 & 1882.
339 Dominguez a Ortiz 25 de abril, 1884 in Fitte 1966 p.459
340 FO 6/501/298
341 The Spectator April 14th, 1839
342 Sessional Papers Printed by Order of the House of Lords 1841
343 CO 78/43
344 Pascoe 2020 p.283. See 1858

60
September 18th, reporting from Port Louis, Lowcay notes the presence of 40 settlers; who have experienced a bad winter. 345

September 19th, Capt. Smyth of HMS Grecian, writes to Commodore Sullivan.

“... in Lowcay's Report you will observe that the wild Cattle have not been disturbed, and also that no Encroachments have been attempted by the Subjects or Citizens of any Foreign State. You will also see that he reports the Death of Seven Horses, and that there are only Twelve lassoing Horses remaining. 

... I have also enclosed, for your Consideration, a Certificate given by Lieutenant Lowcay to a Woman by the Name of Mrs. Antonina Kenney 346, who came to me to request that I would order her to be put in possession of Fourteen Head of Cattle that were given to her by Lieutenant Smith for Work done upon the Island. On inquiring of Lieutenant Lowcay upon this Case, he informed me that they were unquestionably her Property, and he spoke also very highly of the Woman, stating that she was of a humane Disposition, and made herself very useful on the Island when any of the Settlers were sick, and particularly in Midwifery Cases, and that she had some Time back saved the Life of a young Gentleman of the Cleopatra, when that Ship was at the Islands. I conceive it my Duty to state that Lieutenant Lowcay has mentioned to me the Case of a French Settler having been detected committing an unnatural Crime, and that he had sent him off the Islands: the Excuse he made was that there were no Women.” 347

“I hereby certify that Lieutenant Henry Smith gave to Antonina Kenny, for work performed at the settlement, 14 animals, but which she has not been as yet permitted to make use of (awaiting the orders of Government).” 348

Lowcay returns to Rio de Janeiro, leaving Robinson of H.M. ketch Arrow in charge until his successor arrives.

October 16th, Alonzo is noted as sealing in Berkeley Sound. 349

October 30th, from Washington, General Alvear writes the Argentine Foreign Minister, Felipe Arana, reviewing his work in the USA. He affirms that he has taken every opportunity to press the case regarding the Lexington raid of 1831. 350

November 21st, from Buenos Aires, Minister Arana sends instructions to Manuel Moreno in London.

“You will take the opportunity when a chance arises in the claim regarding the occupation of the Malvinas Islands to explore with sagacity, without leaking it to be idea of this government, if there was (willingness) in His British Majesty to make room for a pecuniary transaction, which would be to cancel the pending debt of the Argentine Business.” 351

On the same day, Montgomery is recorded as sealing within Berkeley Sound. 352

345 The Sessional Papers of the House of Lords: Session 4 & 5 Victiae 1841. Twelve children were recorded.
346 Formerly Antonina Roxa
347 The Sessional Papers of the House of Lords: Session 4 & 5 Victiae 1841
348 Dated September 20, 1839 in Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command) 27 August 1840 p.3
349 Dickinson 2007 p.50 citing PRO ADM 51/3052
351 Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales in Revista del Instituto Rosas no.13 1948. This paper links 'Argentine Business' to the outstanding debt owed by Argentina to the Baring Brothers Bank. cf. 1842, 1843 & 1844
352 Dickinson 2007 p.50 citing PRO ADM 51/3052
From the Argentine Confederation, General Rosas, Governor of Buenos Aires, bestows upon Woodbine Parish the title of ‘honorary citizen’ and gives Parish the rank of honorary Colonel of Cavalry; “… and the use in his shield of nobility of the arms of the Argentine Republic.” 353

**December 19th**, Lieut. John Tyssen arrives at the settlement in **Sparrow**, to take command of the settlement.

**December 23rd**, Lieut. Robinson reports.

“While at the Settlement, I have been employed repairing the Government Buildings, Garden Walls, &c, and established some few Regulations towards preserving good Order and Regularity; but, I am sorry to say, the major Part of the Settlers are entirely opposed to such a System; Two of them, in particular, I beg to report to you as having given me a very great deal of Trouble, and strongly recommend their being removed from the Settlement, viz. Pascuel Ricano and Richard Penny, the latter having stolen a large Quantity of Peat which my People had cut for our Fuel, and both of them drunken and disorderly Characters, and fit to be made an Example of. I have much Pleasure in stating that the Ship’s Company and the Marines of the Sparrow have kept themselves entirely apart from the Settlers, and scarcely a Case of Drunkenness has come before me.

Only Two Vessels, with the Exception of the Settlement Schooner, have touched here since I took charge, an American Whale Bark and the American Schooner Benjamin de Wolf, Smilie Master; who, I am told, not only seals the principal Rocks of these Islands, but also killing and salting a great Quantity of Beef, which he takes to Sea, and barters to the Whalers. He also assumes the Uniform of the United States Service, in which he came on board to me, and told me he was employed by that Government; but this I presume to be incorrect, from his personal Manners and Pursuits.

He also took from the Settlement, without my Permission, during the Night, Two of the Settlers, one of whom has left a Wife and Children unprovided for; and, being totally unable to procure Subsistence, I have been obliged to victual her from the Vessel until she is conveyed to Monte Video, her native Place, where she wishes to return. The Gauchos, during my Stay, have caught Forty-nine Head of Cattle; and the Horses are getting so bad, that only Six will be able to get another Trip.” 354

“… the master of [HMS] Sparrow (sic) whilst on a voyage round the islands to warn foreign vessels not to seal within three miles of the island discovered a depot of skins covered in Bullocks hide in Robinson Bay, West Falkland and brought them back… Smyley later arrived in his schooner Sandy Wolf [Benjamin de Wolf] dressed in an American Lieutenant’s uniform and went on to the Sparrow… told Lieut. Robinson [Commander] that although he received the warning not to seal, he would seal where and when he wanted. He demanded return of the skins, and took them away in defiance of Robinson.” 355

**December 24th**, Tyssen formally takes over as Military Administrator. 356

**December 27th**, Governor Rosas, addresses the opening of Legislatura de la Provencia de la Buenos Aires.

“The Government will not abandon its just rights to the territory of the Malvinas Islands, nor desist claiming them…” 357

353 Fitte 1966 p.83
354 Robinson to Sullivan December23, 1839. Regarding Smilie (Smyley) cf. 1830, 1831, 1845, 1849, 1853 & 1854
355 Dickinson 2007 p.56 citing PRO CO78/14 Moore to Gladstone July 10, 1840
356 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.6
357 Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910 vol.1 p.406
“The Colonial Office, being aware of the difficulty arising under the disputed sovereignty, and of the
disposition of certain parties to occupy and avail themselves of certain grants and powers, acquired prior to
the assumption of the sovereignty ..., was not indisposed to sanction and to adopt the necessary steps for
obtaining powers from parliament; and, in 1839-40, Lord John Russell, carrying on the official preliminary
negotiations with the treasury and other offices, and supported by active and actual operations of expeditions
for settlement, &c., inserted a small sum of 2,000l for the Falklands in the miscellaneous estimates,... for
drafting the expenses of the requisite establishment for the government and administration of justice in those
islands.” 358

1840 – January 14th, in London, the Colonial Land and Emigration Commission is created.

“The Commission performed a number of functions until it was disbanded in 1878. It was responsible for the
publication and supervision of emigration to British settlement colonies. This involved the preparation of
reports and organization of the subsidized and safe transportation of emigrants. These activities were
financed by the Commission’s sale of colonial Crown Lands to settlers. In 1840 the Commission’s main
guideline was to serve as, "... the connecting link between the disposal of Crown Lands and the conveyance of
immigrants." ...” 359

February 20th, Whitington, representing the Falkland Islands Association writes to the new Commission.

“I send herewith an abstract of a Grant of Land made to Lieutenant Langdon RN & myself by Mr.
Louis Vernet, who derived his title under & was appointed Governor and took possession in 1826 of the
Falklands by the Republic of Buenos Ayres, which was confirmed by Decree of legislation in 1828.” 360

George Whitington adds that; “... it must be admitted the right of sovereignty claimed and acted upon by the
Argentine Republic, was apparently confirmed and assented to by Great Britain;...” 361

In recognition of his work towards the colonization of the Islands over the years, Whitington proposes that he,
personally, should be granted lands on East Falkland under more favourable terms than will be offered to others
and on an understanding that the; “... whole of the remainder of East Falkland shall be granted to my
Association...”

February 28th, the Colonial Land and Emigration Commission write to the Foreign Office, requesting
information regarding an intention the government may have to settle the Falklands.

“We have received a communication from Mr. Whitington informing us that he, together with an
association of his friends, is successfully pursuing the object of colonising one of the Falkland Islands,
and requesting us to bestow official advantages upon him in return for his exertions in the cause. Not
having been instructed that these Islands fall within the scope of our duties, we have the honour to

358 George Whitington in Fisher’s Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845
vol.2 p.309
359 British Interests in the Falkland Islands: Economic Development, the Falkland Lobby and the Sovereignty Dispute,
F. H. Hitchins 1931
360 CO 78/4. Vernet led an expedition to East Falkland in 1826; was given a grant of lands by Buenos Aires in 1828; but
was only given a title in the Buenos Airean decree of 1829. Attached to this letter was a supposed ‘Abstract’ of the 1828
grant of land to Luis Vernet which, in Whitington’s version, gave Vernet “exclusive rights” to East Falkland and Staten
Island “for ever.” Whitington also claimed that Vernet had granted him those lands purchased by Langdon, and that this
grant had been confirmed by the, “Government of Buenos Ayres.” There is no evidence of any Buenos Airean
confirmation. Although his name was used, Langdon probably paid no part in this as he had previously been made aware
of Vernet’s deficiency of title. cf. 1828, November, 1830, January & February, 1832 & May, 1834.
361 Ibid. Whitington was apparently unaware of the formal protests by the British Government in 1829 and 1832.
request to be informed whether it is intended to form a settlement upon them, within which it will be in our province to dispose of public lands, as is assumed to be the case in W. Whittington’s application...

On the same day, George Whittington, writes to Lord John Russell.

“I beg leave to call your Lordships attention to a subject of much importance, to the interests of myself & the influential parties with whom I am associated, for the purpose of Colonizing the Falkland Islands; a subject which has occupied my best consideration for many years, without regarding either trouble or expense…. I respectfully submit, that, our Association is justly entitled to the favorable consideration of Government…”

Whittington proceeds to inquire whether a news report about the colonization of West Falkland Island by convicts is true, as; “... such an arrangement would affect the intentions of our Association, who are now in treaty with the Colonial Land and Emigration Board for the Grant of East Falkland Island, to commence the immediate & adequate Colonization of those Islands...”

February 29th, from Port Louis, Tyssen reports the presence of 25 settlers on the Islands, including children.

“The ship’s company of the Sparrow have been employed in roofing a storehouse, making and repairing different corals, one person gardening, and various other jobs beneficial to the island. There has been little or nothing done towards the cultivation yet by any of the inhabitants. I have endeavoured to persuade them to build houses, make gardens &c., but only one person at present has a garden (Mr. Addyman, an Englishman). ... Mr Goldsmith, the master of the Wave, has just given me 100 different sorts of tree-seeds which I intend to sow at a favourable season: ... The wild cattle of the island are getting more difficult to catch every year. The capitaz, ... informs me he thinks that there are about 40,000 head of cattle and 4,000 horses upon this island, and about 100 cattle upon the west island. There are 14 milch cows, and now about 190 head of tame cattle, including milch cows and calves.”

March 7th, in England, Commander Onslow writes to George Whittington about his colonization proposals.

“I am astonished the Government do not colonise them, and make them a great naval depot. My despatches clearly pointed out their importance and advantage as a station and place of refuge.”

“A Mr. Whittington, who was, we believe a lieutenant in the navy, has been using very strenuous exertions for the last two or three years, to form a British settlement at the Falkland Isles, but received no encouragement from the government.”

March 9th, a message is relayed to the Commission of Colonial Lands.

“Having laid before Lord John Russel your letter of the 28 ultimo... the Falkland Islands are part of the dominions of the British Crown, but that HM Govt. do not at present contemplate making any settlement there. ... person(s) desirous of settling these Islands may be permitted to proceed thither, but ... they must not expect more naval, or military protection than can be afforded by Her Majesty’s Cutter now stationed there...”

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362 Villiers to Stephen February 28, 1840 in CO 78/4
363 CO 78/4
364 Ibid. Whittington was much inclined to get ahead of himself.
365 Tyssen to Wood February 29, 1840 in Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) 27 August 1840 p.6
366 Quoted in Gough 1992
367 The Colonial Magazine & Commercial-maritime Journal vol.1 Aug-Dec, 1842 p.303
368 CO 78/4. The draft of this letter appears to have dated from March 2, 1840.
A note in the margin of the draft message states; “... I am aware that the vessel of War stationed at the Falkland Islands was sent there by Lord Palmerston’s direction, as is understood here, for the purpose of asserting our right of occupation...” 369

March 21st, confused by the latter part of the response of March 9th, the Commissioners seek clarification.

“... we feel ourselves placed in some difficulty in respect to the communications which it may be right for us to make to parties who contemplate the settlement of those islands. If the proprietor of the scheme should be enabled to state to the public upon our authority that the Falkland Islands are part of the dominions of the British Crown, and that permission is given to British Subjects to settle there, we are apprehensive that the limited extent of the force at present stationed there will be overlooked, and that an expectation will be created that persons actually proceeding thither will receive that amount of protection to their persons & property (including the establishment of a regular Civil Government) which has generally been accorded to British Subjects under similar circumstances.

We would further observe that if permission to settle upon these Islands were conveyed in the general terms of the present communication, parties would expect to be informed whether they would have the means of acquiring a title to the lands they may occupy, ...

On the whole we would submit the Question whether it might not be most Convenient that we should be enabled to answer Mr. Whittington by conveying a definitive intimation whether or not Her Majesty’s Government is prepared to establish a regular colony in the Falkland Islands.” 370

March 27th, Lord John Russell’s response is that the Commission should tell would-be settlers of the Falklands; “... that HM Government do not intend to establish a colony there.” 371

March 28th, the Commissioners write to inform George Whittington.

“... having applied to the Colonial Department, for information as to the intentions of Government, they are apprised that Her Majesty’s Government do not intend to establish a Colony at the Falkland Islands; and under these circumstances the Commissioners are of course unable, to enter into any question respecting the disposal of Land there.” 372

April 6th, this is confirmed in the press.

“The gentlemen interested in the colonization of the Falkland Islands have received an official communication, informing them that government have no intention at present of establishing any settlement in the islands.” 373

April 20th, Whittington writes directly to Lord John Russell. He refuses to recognise the response from the Land Commissioners, and claims that the decision to colonize the Falklands had already been taken by a previous administration. He then sets out a proposal whereby the; “... Falklands shall be vested in the Association in trust for the purposes of Colonization (and) that the Land shall be disposed of by them to the public at £1 per Acre...” 374

369 Ibid. Unsigned. Presumably a reference to HMS Sparrow. Palmerston held the office of Foreign Secretary on three occasions; the second between April, 1835 and September, 1841.
370 CO 78/4
371 Ibid. The next document in the file is dated August, 1840 and appears to run contrary to this response. See below.
372 Whittington to Russel April 20, 1840 in CO 78/4
373 The Globe April 6, 1840
374 CO 78/4. Notes written onto this letter indicate that no such decision had been made by Lord Glenelg when he had
May 18th, permission is granted by the Admiralty for a sealing contract between Lieut. Tyssen, representing the British Government, and Charles Melville, of the schooner, Montgomery. There is a condition that no hunting should take place every second year to allow seal numbers to recover.

“In 1840 the administration extended its attempts to develop sustainable sealing by requiring that local sealers be licensed. Governor (sic) Lieut. Tysson issued the first to Charles Melville, master of the vessel Montgomery, giving him exclusive sealing rights to the Volunteer Rocks for three years at £100 per annum. ... Local merchants objected that they were now banned from the most productive fur sealing site. Their request for a concession to the rest of the islands at £200 per year was rejected ...” 375

In June, ignoring the negative messages from Government, George Whitington pursues plans for colonisation.

“In Government some time ago publicly announced that they had no intention of colonizing the Falkland Islands at present, although they had a resident there ... to protect them as British possessions. Some enterprising individuals have, however, we are informed, determined to attempt the colonization of these valuable islands and a vessel is now being loaded by them in the Thames, to proceed thither.” 376

August 15th, the Colonial Land and Emigration Office apologises to the Colonial Office for a delay in their consideration of the question of colonizing the Falkland Islands. 377

August 21st, charge d’affaires Ousley, at Rio de Janeiro, writes to Lord Palmerston, Secretary of state at the Foreign Office, giving his view of; “... the present state of the colony if it deserves that name, of the Falkland Islands...” 378

“The extreme importance of these islands is only becoming apparent as their resources are gradually explored. In case of difference with any South American power, or the prohibition or exclusion by heavy duties of English merchandize, on the approaching expiration of existing treaties, these islands would form an admirable depot and free port from which foreign vessels could convey goods to any part of South America.” 379

August 22nd, Colonial Land and Emigration officers report.

“There appear to be Four Grounds upon which the Establishment of a regular Colony at these Islands has been urged upon the Government. 1) The usefulness of affording to the Merchant Vessels which sail round Cape Horn a Port for Refit and Refreshment. 2) The Expediency of having a British Port placed as it were between the Atlantic and the Pacific Oceans, to which our naval Force on the South American Station could resort. 3) The Peculiar Advantages which the Islands afford for the Establishment of a Penal Colony. 4) their Fitness generally as a Settlement for agricultural and commercial purposes. On the Three first Grounds above stated, we entirely agree as to the Value and Importance of these Islands. On the Fourth, we think that considerable Doubt still rests.” 380

375 Dickinson 2007 p.52. No source or citation offered.
376 Hull Advertiser & Exchange Gazette Friday July 3, 1840 citing the Journal of Commerce
377 Elliot & Villiers to Stephen August 15, 1840 in CO 78/4. This refers to a letter dated August 14th, apparently asking for an explanation regarding the delay. There is no indication in this file as to quite when, between March and August, 1840, the official attitude towards colonization had changed.
378 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) 27 August 1840 p.14
379 Ibid p.15
380 Sessional Papers of the House of Lords 1841
“The Commissioners also proposed that East Falkland become a free colony and the West a penal settlement. The benefits included the difficulty of escape, the absence of settlers or aborigines who might be "contaminated or offended," peat for fuel, the capacity for self-sufficiency in food, lower convict transport costs compared with Australia, and convict labour to construct the naval base. The plan was made while Saint Helena, Corfu and Cape Town were also being considered as destinations for the 4,000 convicts annually sentenced to transportation. It cost £120,000 to keep 4,000 convicts in the hulks for four years, £360,000 in a penitentiary and £60,000 to transport them to Australia.” 381

**September 4**th, Lord John Russell signals his agreement to the recommendations of the Colonial Land and Emigration officers; “... excepting as they relate to the establishment of a penal colony on those islands.” 382

A copy of this endorsement is sent to the Admiralty.

“... It appears to his Lordship that the Government of the Settlement to be formed there should be supported by Vote of Parliament, but that it should be framed upon the most economical Scale, not, perhaps, to exceed 2,000l per Annum; and that the Lands should be disposed of by Sale, under the Management of the Commissioners, upon this Basis: that Fifty per Cent, should be devoted to the Object of sending out Labourers, Twenty-five per Cent, to Surveys, and Twenty-five per Cent, to general Expenses. His Lordship will be glad to be apprized whether the Lords Commissioners of the Admiralty concur in these proposed Arrangements.” 383

**August 27**th, in an attempt to pressure the Government, George Whitington publishes a booklet entitled *The Falkland Islands: Compiled from Ten Years Investigation of the Subject*. 384

“This Work gives the early history of the Falklands: it details the different contests for their sovereignty, which is now vested in the British Crown; it comprises the personal examinations and general observations of Don Louis VERNET, the Spanish Governor, and his people, who resided on the Falklands from 1826 until 1833, as also of Captain J. J. ONSLOW, R.N., who, took possession and hoisted there the British Flag in 1833, together with that of Lieutenants HENRY SMITH, R.N., Resident Governor during four years, from 1834 to 1838, ROBERT LOWCAY, R.N., Resident Governor for 1838 and 1839, WILLIAM LANGDON, R.N., HENRY REA, R.N., and other indisputable authorities...” 385

“In calling the consideration of the public to the subject of the Falkland Islands, I am actuated with sincere desire to promote the naval, commercial, and general prosperity of my country, by pointing out most important objects, which appear to me to have been too long overlooked, and even now to be very imperfectly understood or appreciated.” 386

381 Ellerby 1990 p.11
382 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.12
384 Published by Smith, Elder & Co., 65, Cornhill; and J. Ridgway, 169, Piccadilly. Reported in Bells Weekly Register Sunday October 4, 1840
385 Whittington 1840. Vernet was not a ‘Spanish’ governor and left East Falkland in 1831, while Smith and Lowcay may have been residents, they were not governors. Containing useful information, sadly, the work was also riddled with inaccuracies.
386 Ibid.
“The writer of this, and his brother, had, at considerable expense, trouble, and anxiety, embarked their time and capital in the preliminary colonization &c. of these Islands: ...” 387

Whitington claims that Luis Vernet made over the horses and boats to him in 1831. 388

October 3rd, the Lord Commissioners of the Admiralty respond to Lord John Russell’s September letter in the affirmative.

Without informing the British Government, George Whitington sends 2 vessels to the Islands, Mary Ann and Susan, under the direction of his brother, John Bull Whitington. Aboard the ships there are 16 colonists, 2 children, stores, 12 sheep and a 2 pigs. The “clerk and foreman” is John Markham Dean while James and Mary Watson are among the settlers. 389

“... two vessels loaded with materials, and people to settle there, without one shilling charge upon the public purse of this country, or of allowance in Colonial land.” 390

At the archipelago, American schooners Plutarch and Penguin put men ashore to hunt wild cattle. 391

October 17th, Lord John Russell writes to the Lord Commissioners of the Treasury, asking: “… whether they are prepared to sanction the arrangements proposed, with a view to the colonization of these islands.” 392

October 30th, Britain’s Treasury approve the proposals for the Falklands.

“I have it in command from the Lords Commissioners of Her Majesty's Treasury to request you will state to Lord John Russell that my Lords will not object to an Application to Parliament for a moderate Grant for defraying the Expenses of the requisite Establishment for the Government and Administration of Justice in those Islands, upon the economical Scale to which his Lordship has referred in the Communication made by his Direction to the Board of Admiralty.

My Lords also concur in Lord John Russell’s Proposition regarding the Appropriation of the Money that may be raised by Sales of Land in the Islands, with reference to the Arrangements for which Objects they have to suggest that due Care should be taken to prevent the Alienation of any Property that may be useful for the Establishment of Naval Depots or other public Purposes, or that might enable Individuals to monopolize or obstruct the Fisheries, and likewise for preventing any unauthorized Destruction of the wild Cattle.

I have further to request you will state to Lord John Russell that my Lords are disposed to concur in the Views submitted by the Land and Emigration Commissioners, in regard to the Feasibility of levying a light Duty on Shipping resorting to the Islands for Refreshment or to refit.” 393

November 21st, Britain’s Colonial Land and Emigration Commissioners are asked for an opinion on the possible take-up of land in the Falklands, by would-be colonists and whether; “… those colonists would be governed by a charter of justice, or whether it would be expedient to apply to Parliament for authority to create a legislative council and a court of justice.” 394

388 CO 78/43
389 Their descendants can still be found there today
391 Extract of a Letter from Lieutenant John Tyssen ... December 15, 1840 in Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.16
392 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.13
393 Sessional Papers of the House of Lords 1841
394 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.14
“What settlers are to be sent out, does not appear to have been decided, but we apprehend that the treasury will advance a loan to be repaid out of the sale of land, for the transmission of distressed Highlanders and Islanders of Scotland, and that a penal settlement will be formed at once, the convicts to be employed in forming a dockyard and other government works.” 395

December 3rd, the Colonial Land and Emigration office writes with regard to Whittington’s correspondence.

“... we have on former occasions received several letters from Mr. Whittington (sic), and that it appears in his own words that his object is to obtain a Grant of Lands to himself upon more favourable terms than will be required from other applicants, in order that he may be indemnified for his Costs and remunerated for his services. We have not, however, thought that this request should be granted, for we believe that we are correct in opining that whatever services may have been rendered by Mr. Whittington they have been entirely voluntary and that no ground for expecting remunerated for them was ever held out by the Government. And further, that the sum of more than £5000 which Mr. Whittington states that he has expended in promoting the Colonisation of the Falkland Islands since the year 1829, in addition to a further sum of £10,000 recently spent in the same cause, must have been an Expenditure made in a private capacity for private objects and constitutes no ground for the indemnity at the Public Expense which he claims.” 396

December 15th, Susan arrives in Berkeley Sound to the consternation of Lieut. Tyssen who was not expecting a party of would-be settlers. On landing, John Bull Whittington immediately sets about building somewhere to live.

“They have erected a large house and stores, and had a number of fine English long-wooled sheep, poultry and pigs, with some superior dogs. They were daily expecting the arrival of a second vessel from London, with further stores and immigrants. ... Amongst his people was a party of Scotchmen...” 397

“Falkland House: built of wood brought from England; consists of one large store and nine rooms with various useful domestic offices.” 398

Lieut. Tyssen reports the arrival of Susan to the Admiralty. He also reports on the depredations of foreign sealers and seeks instructions as to the action to be taken.

“From information I have received I firmly believe that American Vessels visit this Island to the Westward solely for the Purpose of killing wild Cattle, and from the Difficulty in detecting them in the Act they pursue this Robbery with Impunity... settlers justly complain that while they, on their cruises round the islands, are obliged to pay for all cattle killed for their crews of their vessels, foreigners pay nothing. ... the Benjamin de Wolff, American schooner; William Sylie (sic) master, had again made her appearance on the coasts of these islands, having been last year warned off by Lieutenant William Robinson, of Her Majesty’s ketch Arrow.” 399

An American brigantine, Enterprise, under the command of John Green, anchors at West Falkland Island. 400

395 The Colonial Magazine & Commercial-maritime Journal vol.1 Aug-Dec, 1842 p.304
396 Villiers to Smith December 3, 1840 in CO 78/4
397 Southern Australian Adelaide, September 14, 1841
398 Lieut. Governor Moody to Lord Stanley June 6, 1842 in Accounts and Papers 1843 vol.4
399 In Accounts & Papers: Thirty Two Volumes 1843. Also Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) 27 August 1840 p.16. For Symlie read Smyley. cf. 1830, 1831, 1832, 1835, 1845, 1849, 1850, 1851, 1853 & 1854
400 See February, 1842
December 27th, Felipe Arana and Manuel Insiarte, in the annual message at the opening of the Legislatura de la Provencia de Buenos Aires, mention the islands.

“The Government perseveres in its claims and supports the rights of the Republic to the Malvinas Islands.” 401

1841 – January 1st, Antonina Roxa (Kenny), Leergen Christian Dettleff, Thomas Rolon and James Anderson are the first people in the Falkland Islands to swear an oath of allegiance to the British Crown. 402

“... there were only 31 grants of British nationality in the Falklands in the entire 19th century.” 403

Mary Ann arrives with the rest of the Whittington brother’s settlers. After disembarking his passengers, Capt. John Hartnall sails away with the stores. 404

January 16th, at Port Louis, John Bull Whittington presents Lieut. Tyssen with a claim for 10 square miles of land which he asserts is the property of his brother, George Whittington.

“I beg to inform you, that I am duly authorized by George Thomas Whittington, esq. of 20, Adam Street, Adelphi, London, to take possession of certain lands, cattle &c. on the East Falkland Islands, comprising 10 square miles, in Section No.3, with other rights and privileges appertaining thereto, as fully specified in the documents which I am prepared to show, and I have now to request your Excellency will think proper to put me into quiet possession of the said property on behalf and for the account of the said George Thomas Whittington.” 405

January 18th, Lieut. Tyssen responds.

“I beg leave to inform you that I have no authority whatever from Her Majesty's Government to place you in possession of such lands.” 406

“(Whittington)... despatched two ships with settlers, stores and other requisites, for founding a settlement, and that he was about sending a third, and that he has expended £15,000, which he hoped the government would repay him;..” 407

“... as this expense was not authorised by the Government, the Government would have nothing to do with it.” 408

February 10th, in London, the Foreign Office notifies a change of status for the Falklands, to the Colonial Office.

“... measures are about to be taken for colonizing those (Falkland) islands, and that application will be made to Parliament in the course of the present Session, for a small sum as the means of defraying the expenses of the government to be instituted there.” 409

401 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.2
402 Tatham (ed.) 2008 p.470. Voluntary. There was no requirement to do so. cf. 1837
403 Pascoe 2020 p. 175
404 Hartnall, would eventually be convicted of stealing the ship, which belonged to George Whittington. cf. April, 1842
405 This land had been reassigned by Vernet to Whittington in 1834 at the request of Langdon. Caillet-Bois (6th ed.) 1982 p.389 (fn.33) claims that in 1841 Vernet; “... sent a new shipment of 20 horses to the islands..” This is inaccurate.
407 Geelong Advertiser Victoria April 25th 1842
408 The Colonial Magazine & Commercial-maritime Journal vol.1 Aug-Dec, 1842
409 Stephen to Backhouse, February 10, 1841 in Papers relative to the Falkland Islands: (presented to Parliament by Her
March 3rd, Minister Mandeville in Buenos Aires is notified of the intention to form a colony in the Islands. 410

March 5th, in England, Capt. John James Onslow writes to both Parliament and the Admiralty with a proposal.

“The consideration of the distressed state of the Scotch islanders being now before you I respectfully suggest, in the event of emigration being recommended, that they be removed to the Falkland Islands... Since I retook them, whilst in command of Her Majesty’s ship Clio, I have been in constant communication on the subject of their colonization... Mr. Geo. Whiting ... has published a pamphlet...” 411

“At this stage of the proceedings, Captain Onslow, who formerly commanded the Clio sloop of war, suggested that a number of the distressed persons in the Hebrides and Orkneys should be sent to the Falklands; and the Commissioners stated, that if the islands were to be colonized, there "could be no better class of persons so eligible as early settlers in the colony, as the inhabitants of the Islands and Western coast of Scotland."...” 412

March 22nd, George Whiting writes a letter of complaint to the Admiralty.

“... that foreign vessels still come (to the Falklands) with impunity, and leave men for weeks at a time on the different islands, to hunt, whale and seal, destroying everything they can meet with during the breeding season, and annihilating the young, although then of little value.

Lieutenant Tyssen, ... only possesses the power of warning them off civilly, which he has done so frequently, that they laugh at his warnings and set him at defiance. ... his orders and powers are insufficient to prevent it;... in mere wantonness the crew of one American vessel killed 2,000 wild hogs merely for their skins;...

You will of course take the necessary steps to prevent the further continuance of these evils. ...” 413

March 30th, the Colonial Land and Emigration Commissioners make extensive recommendations regarding a formal colonisation of the Falklands. 414

“We would first venture to recommend that the attention of the Lords of the Admiralty should be directed to the selection of the Port which their Lordships may consider the most convenient for the Resort of Her Majesty’s Ships. Round that Port it would be desirable that the future Capital of the Settlement should be laid out. ... The Lords of the Admiralty will undoubtedly have before them sufficient information from the Reports of the different Officers who have visited or been stationed at these Islands, to enable them to form a decision on the Point... We think next that the proper Civil Officer for carrying on the Government and administering Justice provided that Parliament had granted the means of paying their Salaries, ought to be appointed, ...

With regards to the Chief Town we should recommend that, in addition to the spots which may be reserved for Naval Purposes, and also exclusive of the portions set apart for Public Works, Streets and Squares, there should be laid out 500 acres in portions of half an acre each, and that they should be offered to the Public during the first year of the settlement at the rate of £50 each section...” 415

_Majesty’s Command_ 27 August 1840 p.15

410 FO 6/502/3

411 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) 27 August 1840 p.18

412 The Colonial Magazine & Commercial-maritime Journal vol.1 Aug-Dec, 1842 p.304

413 Papers relative to the Falkland Islands: 27 August 1840 pp.17 &18

414 It is worthy of note that, with the single exception of a reference to Onslow, the Commissioners appeared to rely heavily upon the writings of Capt. Fitzroy. They did not appear to be aware of Capt. Grey’s survey of November, 1836.

415 CO 78/4
One of the suggestions with regard to the wild cattle is that; "The entire right of Property in them, and management of them should be sold or leased to a Company." 416 They also suggest that marines should be posted to bring law and order to the Falklands. 417

"... as the Colony of the Falklands is acquired by discovery & occupation, we apprehend it will stand in the same relation to this Country as the settlement in New Holland, and that with respect to the formation of a local Government, the same course must be taken as has been pursued in the case of those Colonies.

We understand that in Colonies so acquired, the Crown cannot exercise a legislative power over the British Subjects who may settle in them.

They ... continue under the general law of England, and any Laws or Regulations specifically applicable to the Colony, can only be made by the Authority of Parliament. We therefore presume that this sanction is necessary in the present case, before the Crown can confer a power of local legislation, and institute a Court of Justice." 418

April 30th, the Commissioners' proposals are submitted to the Treasury.

"On the 30th April 1841 Lord John Russell caused certain proposals for forming an establishment at the Falklands, to be submitted to the Lords Commissioners of the Treasury, and informed their Lordships that, if those proposals were concurred in, it was his intention to propose to Parliament a Bill, giving legislative power to the governor for three years." 419

July 19th, the Treasury agree with the suggestions; "... the Lords of the Treasury expressed their concurrence in the suggestions thus made to them, which involved an annual expenditure of 3,750/., but we believe that at that late period of the session the Bill which had been contemplated was not brought before Parliament." 420

August 20th, Lieut. Richard Moody, an engineer, is appointed Lieutenant-Governor at the Falklands, with his instructions provided by Lord John Russell. 421

"... First, as to the definition of your powers. The difficulty here is, that as you are to preside over a settlement to which Her Majesty's title rests on the ground of prior occupation merely, the general rule is, that the colonists there carry with them the law of England, so far as it is applicable to their situation. Now the law of England supposes a legislature composed, in part at least, of the representatives of the people, and courts of justice formed on the model of those of England; but the Falkland Islands do not at present afford the means of representative institutions: courts of justice may before long be established; but we have not sufficient information to enable us to point out in what manner this can best be effected. Without the sanction of Parliament Her Majesty cannot, in the exercise of her prerogative, provide any substitutes either for a legislature or courts of justice. But you will turn your attention, immediately upon your arrival, to the means of administering law and justice within the colony. You will inform the inhabitants of the Falkland Islands, by proclamation, that the law of England is in force within the islands; you will ascertain whether there are any persons in the islands fit to be entrusted with the functions of judges or magistrates..." 422

416 See 1844 & 1846
417 Sessional Papers of the House of Lords 1841
418 CO 78/4. New Holland was then the name for Australia.
419 Accounts and Papers 1843 vol.4 p.42
420 Ibid.
421 The Globe Saturday August 21, 1841
422 Accounts & Papers: Thirty Two Volumes 2 February – 24 August 1843
“This officer is one of the most talented of the very many that corps (Royal Engineers) can boast of.” 423

“The Gazette... then proceeded to announce the appointment of two lieutenant-governors of British colonies – one of which is nothing less than the dreary Falkland Islands, which are claimed … by the Republic of Buenos Ayres, and at all events for which a resident was previously deemed amply sufficient, he and his family constituting almost the only human beings permanently resident on the islands...” 424

August 26th, Moody is told to consider changing the location of the islands chief town.

“... having consulted the Lords Commissioners of the Admiralty in regard to the selection which it might be proper to make a port in the Falkland Islands for the resort of Her Majesty’s ships, the Lordships have appraised me that Port William is a safer and more convenient harbour than Berkeley Sound...” 425

September 10th, Minister Mandeville reports from Buenos Aires.

“I was apprehensive that some difficulty might be made on the part of the Government to allow the purchase of Horses for Exportation... but so far from any impediments being thrown in the way of executing the Admiral’s orders, every facility has been granted for conveying them into effect:- and General Rosas sent me word soon after I had requested permission for the purchase of the horses and leave to embark them, that if there should be any difficulty in procuring horses... He would furnish me with the quantity required. Twenty horses and some sheep sailed from this Port for the Falkland Islands on the 7th...” 426

September 11th, Andrez Petaluga (Pitaluga) is appointed capataz (foreman) of the gauchos in the Falkland Islands. 427

October 9th, Spain recognises the Oriental Republic of the Uruguay as a free, sovereign and independent nation.

“No-one remembers an 1841 treaty signed between Spain and Uruguay. In that treaty Spain cedes the naval base’s powers (to Uruguay)...” 428

October 12th, Lieut. Governor Moody, with a detachment of Royal Sappers and Miners (one Sergeant, two corporals and nine privates) and their families (three wives and seven children) sails from Gravesend in the brig, Hebe. 429

October 14th, at Port Louis, Capt. Rob Russell in Actaeon arrives with horses and supplies for the settlement.

“On my arrival here I ... found its inhabitants to consist of 27 men and women and 12 children.”

423 Naval & Military Gazette & Weekly Chronicle of the United Service Saturday August 28, 1841
424 Northern Standard Saturday August 28, 1841. In reality, Moody's appointment was not gazetted until June, 1843.
425 Lord J. Russell to Lieut. Governor Moody Aug 26, 1841 in Accounts and Papers 1843 vol.4
426 Mandeville to Palmerston September 10, 1841 in FO 6/502/11. The purchase and export of horses was restricted by law due to the demands of the Army at a “time of war.”
427 The first Pitaluga to arrive in the Falklands:1838 in MercoPress February 1, 2012 citing an original article by Nicholas Pitaluga.
428 Las Malvinas, ¿son uruguayas?’ Juan Ackerman & Alfredo Villegas 2013. After 1806, Montevideo’s naval base had administered the Soledad garrison. Also, Montevideo was the last seat of Spain’s Viceroyalty de la Rio de la Plata (1810 – 1814), not Buenos Aires. cf. 2013
429 CO 78/4. One Private James Briggs was among the detachment, with his wife Margaret. Their descendants can be found in the Islands today. As may the descendants of Thomas Yates, also a member of this platoon. By trades, the party had quarry men and miners, carpenters, builders, smiths and a mason.
October 27th, a licence to take seals from Seal Rocks “off the Volunteers” is granted to Charles Melville for the sum of £80. 430

October 30th, the Great Storehouse at the Tower of London is destroyed by fire. Lieut. Clayton’s lead plate, left at Port Egmont in 1774, removed to Buenos Aires by Juan Callejas in 1776 and returned to England by Beresford in 1806, is lost with the building. 431

November 5th, Manuel Coronel, the last of the gauchos taken to Soledad Island by Luis Vernet, dies in an accident. He is buried at Port Louis. 432

December 4th, in Washington, the US Government finally replies to General Alvear’s 1839 demand for compensation arising from the Lexington’s raid in 1831.

“... it is notorious that Great Britain soon afterwards entered upon and has ever since continued in formal and actual possession of that territory, claiming under a previously existing right. The right of the Argentine Government, therefore, to jurisdiction over it being contested by another power, and upon grounds of claim long antecedent to the acts of Captain Duncan which General Alvear details, it is conceived that the United States ought not, until the controversy upon the subject between those two governments shall be settled, to give a final answer to General Alvear’s note,...” 433

“The right of the Argentine Government to jurisdiction over it (the territory of the Falkland Islands), being contested by another power (Great Britain), and upon grounds of claim long antecedent to the acts of Captain Duncan which General Alvear details, it is conceived that the United States ought not, until the controversy upon the subject between those two Governments shall be settled, to give a final answer to General Alvear’s note, involving, as that answer must, under existing circumstances, a departure from that which has hitherto been considered as the cardinal policy of this Government.” 434

“The American answer was absurd and only an artifice to delay the matter. The sovereignty dispute had no bearing on the obligation to repair damages to the party that suffered them. USS Lexington caused grievous material damage to buildings and goods built or provided by the Argentine government. It is the country that suffered the damages that has to be compensated for them, irrespective of the territory on which the damage took place.” 435

December 18th, in London, Argentina’s Minister Moreno submits a further protest to Britain’s Foreign Secretary.

“The Undersigned, Minister Plenipotentiary of the United Provinces of Rio de la Plata, has the honour to address his Excellency the Earl of Aberdeen, Her Majesty’s Principal Secretary of State for Foreign Affairs, with the view of calling to His Lordship’s memory the discussion pending between the Govt. of the United Provinces, and that of Her Britannic Majesty respecting the sovereignty of the "Islas

430 FO 97/541. After arriving with Lieut Smith in 1834, Melville had stayed when Smith left in 1838. Melville held a licence to take seals from the Volunteer Rocks.

431 Philpott 1992. Also referred to as a ‘plaque’. cf. 1774, 1776 & 1806

432 His son of the same name, by the slave Carmelita, was recorded as still on East Falkland in both 1846 and 1851.

433 Quoted in Manning 1932. Also Fitte 1966 p.421. Webster had been appointed as Secretary of State in March, 1841 following a change of Administration.

434 Quoted in A Digest of the International Law of the United States, taken from documents issued by Presidents and Secretaries of State and from Decisions of Federal Courts and Opinions of Attorneys-General F. Wharton 1887 vol.1 p.65

435 Peña & Peña 2018. These authors erroneously date this to 1844. None of Vernet’s funding would seem to have come from public funds. His had been a private venture up until 1829, and remained unfinanced by Buenos Aires between 1829 and 1831 when Vernet left.
Malvinas" denominated by the English the Falkland Islands especially respecting the Island "del Este", or Soledad, and Port Luis, of which the British Govt., took possession on the 5th of January, 1833, thereby despoiling the United Provinces of that ancient territory and legitimate possession of the Republic.

The Undersigned, in the performance of his duty, and in obedience to orders received from his Government to proceed with the discussion of this subject, and to press it, upon the attentive consideration of Her Majesty's Government, feels persuaded that, in the present state of the question, he is relieved from any other duty than that of referring to the proofs contained in the papers produced in the course of this discussion, namely, the protest in the name of the United Provinces, of the 17th of June, 1833; the answer of Viscount Palmerston, then Minister to His Majesty, dated the 8th of January, 1834, and the reply of the Undersigned, of the 29th of December of the same year, in which are set forth with due care, and at full length, the principles and bases of the rights involved in this case. But it may be permitted to the Undersigned to state summarily that the spoliation of which the United Provinces complain, refers: 1st. To the sovereignty and dominion of the Malvina Islands, particularly the Eastern Island, or Soledad, and Port Luis; 2ndly. To the legal, bonâ fide, and peaceable possession enjoyed by them for more than half a century of the said Eastern Island, or Soledad, and Port Luis; two points which it is of consequence to avoid confounding, as the complete possession, evidently protected by the best titles and most just right (that is, the purchase from France by a public and well-known contract, the subsequent colonization and cultivation, and, finally, the creation and collection on the spot of property, buildings, and cattle) must give to the United Provinces an incontrovertible right to an immediate and equitable compensation.

The Undersigned may be also permitted to say, that while the note of Viscount Palmerston, the Minister who directed the spoliation complained against, presents nothing but vague and erroneous ideas and assertions in regard to the question of the Malvinas, his Excellency mistaking the geography of the islands, and appearing to assume that the Eastern Island, or Soledad, at all times in possession of the Spaniards, which is 130 miles long and 80 miles broad, is, or has been, a dependency of the Western Island, or Port Egmont, which is only 100 miles long, and about 50 broad; the Government of the United Provinces confirming, on every occasion, the indisputable titles which it produced in its protests of the 17th of June, 1833, and the 29th of December, 1834, has never desisted from declaring, in its annual messages to the Legislature of the State, its great regret that it has not hitherto obtained that satisfaction to which it believes itself entitled, and which it claimed in vain from the preceding Administration.

The Undersigned having thus fulfilled the orders which he has received from his Government, deems it his duty to close this note in the words of his last communication; "This claim is founded on rights so evident, that the Government of the United Provinces does not doubt that it will be attended to without delay, by His Britannic Majesty's Government, acting in conformity with the principles of justice by which it is characterized." ... 436

".. Moreno took the view that the British note of 8th January, 1834, had mistaken the geography of the archipelago: it seemed to assume that East Falkland Island, which had always been Spanish, was a dependency of West Falkland Island (Port Egmont), whereas the former island was 130 miles long by 80 miles broad, and the latter only 100 miles long by 50 miles broad." 437

436 See https://falklandstimeline.files.wordpress.com/2012/02/1841-moreno-protest.pdf
437 Memorandum on the Falkland Islands 1947 in LCO 2/490. The area of West Falkland is 1,170 square miles while that of East Falkland is 2,550 square miles. However, traditional cartography had generally depicted the western island as far
December 24th, Moreno’s note is given to the Colonial Office, together with a map that he has had published.  

December 26th, Ambassador Moreno informs Buenos Aires that he has asked Casimiro Rufino Ruiz to obtain a copy of the ‘secret convention’ that Moreno believes was reached between England and Spain in 1771.

“The unhappy Rufino set forth half-heartedly to look for a needle in a haystack, eventually returning empty-handed for his pains.”

# Researcher’s Comment: There was nothing to find. Spain had expunged its 1771 diplomatic defeat from the record, and not just from the public record. Few private records have survived. In 1833, Spain’s eminent historian, Martin Francisco de Navarrete, was tasked by the Spanish Government to answer a question on the same issue and was given access to the nation’s archives. His response a few months later was - “If in 1770 there was a secret agreement between our government and the English ... the same quality of secrecy will have caused that it has been hidden to the public and that, consequently, has not come to my notice; but if it really exists, it cannot but be found among the papers of the archives of the secretariat of state, if they were not transferred to the one of those Simancas of that time.”

At the time (1771) Britain’s Secretary Harris in Madrid had informed London that the convention agreed between the two nations was being kept a secret. It was no secret in England however; debated in Parliament and the press. Moreno was presumably not happy with what he found in London and hoped to discover something more suitable to his argument in Spain’s archives. He was to be disappointed. Again.

December 27th, Felipe Arana and Manuel Insiarte send the Government’s annual message to the Legislatura de la Provencia de Buenos Aires, at its opening ceremony.

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larger than its eastern counterpart. See https://falklandstimeline.wordpress.com/charts/
438 See https://falklandstimeline.files.wordpress.com/2018/01/1841-for-manuel-moreno.png
439 Peña & Peña 2018
“The Government perseveres in its duty to uphold the just rights of the Republic to the territory of the Malvinas Islands...” 440

December 29th, Lord Aberdeen acknowledges Minister Moreno's protest.

“The Undersigned has the honour to acquaint M. Moreno that he has referred his note for the consideration of the proper Department of Her Majesty's Government.” 441

December 30th, Gen. Alvear, who is not in Washington, acknowledges Secretary Daniel Webster's letter of December 4th. Alvear promises to return for a conference. 442

1842 – January 3rd, in Washington, Minister Alvear and Secretary Webster meet.

“Introduced into his presence, I expressed to him that my instructions were strictly to demand of the Government of the United States a satisfaction for the events on the Falklands, with a consequent indemnification to the injured (parties), and that I was not authorized to debate on that proposal...

The Secretary of State answered me, that (that) being so, I should refer it to my Government; and that he expected that, ..., and that it was intended to strengthen, as soon as possible, the friendly relations between the two countries. I replied that I was flattered to see the sentiments raised by Mr. Webster, but if he's allow me to observe that, pending the question with England concerning the unjust possession of the Falkland Islands, I could not see the reason why the matter of Captain Duncan could not be disapproved by the Government of the United States; being an act that had nothing to do with the other; I note that it had been executed when the Argentine Government was in full and peaceful possession of the islands.

The Secretary of State replied: that he looked at the question from other points of view; that although it was true that the Argentine Government believed itself to be in possession of the islands at those times, he did not consider it so, since the Charge d'Affaires of His Britannic Majesty had made a protest about the occupation of the islands and there had it been declared to have England entitled to its possession, it was clear that this right was in doubt; and that since the doubt manifested itself, it was not within the principles of the United States Government to involve itself in this question, ...; that he himself would be glad that the rights of the Argentines were so clear that England recognized them, but that in the meantime the principles consistently observed by the American Government were to maintain strict neutrality.

I replied to Mr. Webster, that even assuming doubt about the right to the islands, the insult of Captain Duncan, had been made to the Argentine pavilion, and that, as to this, there could be no doubt at all.

Mr. Webster replied that the proposal he made in his note to the Argentine Government was to leave this question for later and not to decide now: that if I was not authorized to accept it, I should communicate it to my Government: to see that the United States Government wished to return to the (amicable) state of relations that both countries had before: that he would tell me, however; that the affair of Captain Duncan had been an unfortunate event; but, finally, it was not a question of deciding this issue now.

440 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.21
441 Quoted in British & Foreign State Papers 1842-1843 vol.31 p.1005. For Britain's response see February, 1842. cf. 1885.
442 Manning 1932 p.228. Also Fitte 1966 p.423
Answer: I would tell my Government ..; but that I should be allowed to observe one thing, and that (was that) Argentine Confederation did not recognize or (would) recognize any right in any ship’s commander, of any nation, to interfere in matters that should be vitiated by the Governments, regardless of that which they would actually decide...” 443

January 4th, Gen. Alvear informs Foreign Minister Felipe Arana of his conversation with the US Secretary.

“On reflection ... (there) is a desire on the part of the Government of the United States to let this matter sleep, perhaps also with the conviction that England will never depart from the Malvinas Islands, and that the proposal is to assist, both the Argentine and the American government, out of the embarrassing position in which they are (put in) by this business.” 444

“... it was intended to wait for the outcome of the sovereignty of the Islands, occupied for eight years by England, and as it seems that this suggestion was accepted by the Argentine Government, to whom General Alvear referred it in his note January 4, 1842...” 445

Alvear also notes that Silas Duncan had died and that the US Government had previously approved his action. 446

January 6th, in London, the Colonial Office circulates its findings with regard to Moreno's recent protest.

“Lord Stanley fully concurred in the course which had hitherto been pursued by the Foreign Office in asserting and maintaining the rights of this country to the sovereignty of those islands, and that in view of the measures recently adopted by the Colonial Office for establishing a regular system of colonisation, he considered it absolutely necessary to insist most positively on the validity of those claims. His Lordship, therefore, suggested that such an answer should be returned to Senor Moreno as might point out to him the intention of Her Majesty's Government to continue to exercise the rights controverted by the Argentine Government. ...” 447

January 15th, Lieut. Governor Moody arrives in the Falklands; “... without any case of sickness or accident of any description...” 448

“I immediately went on shore to confer with Lieutenant Tyssen... I expressed to Lieutenant Tyssen my wish to visit Port William, with the view of ascertaining whether it might be advisable to make my selection at once between it and Port Louis, as the place of immediate residence;... I requested Lieutenant Tyssen to accompany me thither...” 449

“The size of Moody’s party, though it consisted of a mere 22 people, marked the acceptance by Britain for the first time of a definite commitment to the islands.” 450

January 17th, Susan, which had brought Whittington's settlers, departs for Rio de Janeiro.

443 Quoted in Fitte 1966 (pp.424-426). cf. 1866
444 Fitte 1966 p.425
445 Dominguez a Ortiz 25 de abril, 1884 in Fitte 1966 p.459
446 The matter was not raised again until 1866. Diplomatic relations were restored in 1845 and a treaty of friendship was concluded in 1853. The US Secretary's suggestion that the issue of 1832 be set aside, appears to have been accepted. cf. 1866
447 Bernhardt 1911. Original note in FO 6/502/24. Stanley (elevated 1844) was Secretary of State for War and Colonies
448 Lieut. Governor Moody to Lord Stanley Jan 16, 1842 in Accounts and Papers 1843 vol.4. Also CO 78/5
449 Lieut. Governor Moody to Lord Stanley March 5, 1842 in Accounts and Papers 1843 vol.4
450 Pascoe 2020 p.176
January 19th, Sparrow arrives at Port Louis for Moody’s voyage to Port William. 451

January 22nd, at Port Louis, Moody takes command; addressing all 62 adult members of the population.

“I formally landed, under a salute from Her Majesty's ketch Sparrow, was received at the beach with due honours by Lieutenant Tyssen, and proceeded to the Government-house, where the few residents being assembled, I addressed myself to them... The only points upon which I deemed it necessary to lay any stress were, first, to remove the erroneous ideas that might still linger in the mind of any one concerning Mr. Vernet's fancied claims upon Great Britain; I have been given to understand that some of the residents have claims upon Mr. Vernet, many of his paper dollars being in their possession, and some even in the Government treasury of the colony... The 2nd point was to dispel the dread they appeared to entertain of my being sent to make great changes by which they would all become sufferers. I hope that their fear no longer exists, as I took some pains to explain to them that the views of government contemplated their welfare, peace and security.” 452

“Most were from England and Scotland, including 17 who came with J. B. Whittington, but there were other individuals from the Cape Verde Islands, Ireland, Bermuda, Denmark, Germany, Gibraltar, France, Buenos Aires, as well as several children born locally.” 453

“The first Falklands census, that taken by Lt. Governor Richard Moody in 1842, noted five colonists born in Ireland.” 454

A French whaler, Fannie, out of Havre anchors in Berkeley Sound.

In February, a representative of Baring Brothers Bank, Palicieu Falconet, arrives in Buenos Aires to demand settlement of the outstanding debt taken out in 1824.

“... payments had been suspended for fifteen years. The debt amounted to 1,900,000 pounds, or 9,500,000 pesos, which, at the time of the change, amounted to more than 200,000,000 pesos in common currency; That is to say, that the debt exceeded the total amount of the government budget by almost five times, since in 1842 it was 43,000,000 pesos common currency.” 455

February 11th, Moody visits West Falkland in H.M. Ketch Sparrow.

February 12th, at White Rock Harbour, Moody discovers two deserters from the brig Enterprise, Henry Whiteman, of Great Britain and Samuel Profit, an American. They have survived for fourteen months, having; “... subsisted on the wild fowl of the Island, seals, roots of the Tussock (daily), and the ... heather ... they were healthy...” 456

Two American ships are anchored in North Harbour, New Island. A Barque, White Oak under Capt. Fitch, and a Brig, Somerset, commanded by Capt. Beck.

451 Moody inspected the Port William area on January 21, 1842 before returning to Port Louis overland.
452 Lieut. Governor Moody to Lord Stanley March 5, 1842 in Accounts and Papers 1843 vol.4. Also CO 78/5. Of the 62 residents, only 10 had been present for the 1838 census, and the figure did not include 16 children. cf. Royle 1985. Berhardson (1989) gives the total as 52.
453 Bernhardson 1989 p.262
454 The Irish in Falkland/Malvinas Islands Edmundo Murray in Irish Migration Studies in Latin America 2005 (updated June 2019)
455 Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales in Revista del Instituto Rosas no.13 1948. Nothing had been paid since 1827. The annual budget of Buenos Aires, in 1842, only amounted to 43,000,000 pesos.
456 CO 78/5

79
February 15th, in London, Lord Aberdeen responds to the December, 1841 protest of Minister Moreno

“Her Majesty's Government could not recognise in the Argentine Government any pretension to disturb a formal arrangement between Great Britain and Spain, an arrangement which had been concluded forty years before the period from which Buenos Ayres dated its separation from the mother country; and an arrangement which Great Britain had ever since regarded as definitive, upon the question of her right to exercise sovereignty over the Falkland Islands, which right Spain herself had never evinced a disposition to disturb or call into question; ...” 457

“... Senor Moreno was thereupon informed that Her Majesty's Government had attentively considered the various documents which had emanated from the Governments of Great Britain and Buenos Ayres upon the subject of the Falkland Islands, and it appeared to Her Majesty's Government ... that consequently the right to the possession of the Falkland Islands which was confirmed by Spain to Great Britain in the Arrangement of 1771, remained unimpaired. ...” 458

“Her Majesty’s Government saw nothing to alter in their views. Senor Moreno was informed that a permanent system of British colonization was to be established in the Falkland Islands and that Her Majesty's Government were determined not to permit any infringement of the undoubted rights of Britain there.” 459

On the same day, an American whaling Brig, Frances, is wrecked on the north-west coast of New Island.

“...the vessel on that night was making the said Island for the purposes of remaining and refreshing the crew. All the persons on board but one colored man who was unfortunately drowned, reached the land in safety.” 460

“... 8 distressed seamen from a wrecked vessel of the United States reported themselves to me at the Government House, Port Louis...” 461

February 16th, in London, Minister Moreno requests an interview with Lord Aberdeen. However, before obtaining a response, he publishes his protests and the responses from 1833, for public consumption.

“... he had no instructions to publish the correspondence between Your Lordship (Aberdeen) and this Gentleman (Moreno), which His Excellency (Rosas) informed me he had done, - that the Governor was extremely displeased with him for the publication of it, ...” 462

HMS Arrow arrives at Berkeley Sound, Lieut. Robinson commanding. 463

“I feel greatly indebted to Lieutenant Robinson for the manner in which he took every pains to put me in possession of the local knowledge he has of these islands; and he has greater advantages in that respect than any one else, from being always on the move among them, carrying on the valuable nautical survey. From Mr. Bodie I also gained much information concerning the numbers of wild cattle, ... He thinks that the number of the wild cattle are about 30,000;...” 464

458 Bernhardt 1911.
459 Memorandum on the Falkland Islands 1947 in LCO 2/490
460 Statement of Henry Holt in FO 78/5. See also Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum
461 Moody to Stanley March 17, 1842 in FO 78/5. These men had arrived at Port Louis on March 15th, while the vessel’s captain remained at North Harbour aboard White Oak. Six members of the crew guarded the wreck site.
463 Lieut. Governor Moody to Lord Stanley March 5, 1842 in Accounts and Papers 1843 vol.4
464 Ibid
February 19th, in London, Moreno writes to Aberdeen.

“... he could not conceal his sorrow at the conclusions which Her Majesty's Government seemed to deduce from the incontestable proofs on which the Argentine Republic had founded their right to the Falkland Islands.”

“... in his note of the 29th December, 1834, he had stated in the most explicit manner that the arrangement between Great Britain and Spain of the 22nd January, 1771, demonstrated that the dispute did not turn on the sovereignty of East Falkland nor on the sovereignty of the whole group of the Falkland Islands, but solely on the possession of West Falkland Island or Port Egmont, whose garrison had been expelled by an expedition from Buenos Ayres on the 10th June, 1770. ... (which) left Spain in permanent dominion of East Falkland Island, which she had occupied for many years after the French, and to Great Britain it bestowed, for the sake of peace, the de facto possession of West Falkland Island or Port Egmont which she shortly after abandoned.”

“He further urged that that arrangement also contained an express reservation of the sovereignty of the Falkland Islands on the part of Spain, to which reservation Great Britain had never replied, and which was distinctly made so that the special stipulations as to Port Egmont should not prejudice Spain’s absolute rights to possession of those islands. Senor Moreno considered, therefore, that it was a mistake to appeal to the Arrangement of the 22nd January, 1771, in order to deduce from it the proof of the British sovereignty over the islands, as that document clearly impugned and destroyed it. It was the spoliation and capture of the Eastern Island by Great Britain in 1833, he maintained, that overturned the arrangement of 1771. With regard to the alleged Secret Agreement of 1771 concerning the total evacuation of the islands by Great Britain, which had been quoted by the Argentine Government in their protest of 1833 on the strength of an official despatch of the Spanish Minister Arriaga and of several English historical works, Senor Moreno expressed his willingness "to retract that quotation from motives of respect for Her Majesty's Government, seeing that after examining the British archives it was said that the allegation was doubtful."

But the non-existence of this Secret Understanding, Senor Moreno contended, by no means affected the question of sovereignty, which rested on other titles and bases, nor the question of spoliation and plunder, of which his Government complained. On what grounds, Senor Moreno asked, did Great Britain found her pretensions to the sovereignty of the Falkland Islands? Assuredly, he went on to say, not on the right of conquest, which had never taken place, nor on Treaties with, or on acquisition from, other nations, which had no existence, nor on original occupation which was in favour of France and Spain, nor yet on priority of discovery, which remained ambiguous, and which would be of no moment if it could be proved, as of itself alone and without being accompanied by occupation it constituted no right. ... Senor Moreno therefore stated ... that they trusted that Her Majesty’s Government would reconsider and revise that decision.”

“(Argentina’s) titles to the sovereignty and dominion of the Falklands group, especially of East Falkland Island, were: first, occupation, by virtue of the purchase of the French settlement by Spain; secondly, creation of properties which were in existence at the period of the invasion and spoliation committed by HMS Clio. The Argentine Government therefore maintained their protests, claiming restitution and indemnification.”

465 Quoted in Bernhardt 1911
466 Ibid. Original in FO 6/502/74. My emphasis. See March, 1842
467 Memorandum on the Falkland Islands 1947 in LCO 2/490. There was no 'spoliation' in 1833. Moreno seems to be confusing Duncan's action of December, 1831, with that of the peaceful British ejection in January, 1833.
February 21st, Aberdeen and Moreno meet at the Foreign Office.

“... the Buenos Aires representative repeated his arguments, highlighting the error by Lord Palmerston when he considered Egmont Harbour to constitute the East Island.... Aberdeen responded coldly, but skilfully, saying he "knew nothing about" the matter at issue during the previous administration, but that he would gladly examine the documents provided by the Argentine diplomat, to do justice to the claim presented.” 468

February 26th, Moreno submits documents to Aberdeen for, “his inspection,” including the works of Bougainville, Pernetty, Anson, Frezier and Johnson. 469

“Moreno would remain in an expectant mood, motivated by the hope that Rufino Ruiz would find the 'secret agreement' in the archives of the peninsula.” 470

March 5th, from the Foreign Office, Lord Aberdeen responds to Moreno's written note of February 19th.

“*The British Government cannot recognize in the United Provinces the right to alter an agreement concluded, forty years before the emancipation of it, between Great Britain and Spain. With regard to its sovereignty over the Malouines or Falkland Islands, Great Britain regards this arrangement as definitive,...*” 471

Aberdeen refers Moreno to the British Government's written reply of the 15th and reminds him of the 1829 protest presented by Woodbine Parish.

“... and His Lordship observed that the Argentine Government had full knowledge of that protest when they authorised M. Vernet to form the settlement at Port Soledad (or Port Louis), which was removed in 1833 by His Majesty's ship 'Clio.' Her Majesty's Government were therefore of the opinion that the Government of Buenos Aires was not justified in claiming indemnity from Great Britain for the removal of that settlement.” 472

“The British Government saw no reason to acknowledge the continuity of Argentine rights, as inherited from Spain, to the Falkland Islands. ...” 473

On the same day, Moody writes from Port Louis to the Admiralty: “I am of opinion that Port William is much better adapted as the site of the chief town in the Colony than Port Louis...” 474

HMS Sparrow sails from the Falklands.

March 10th, in London, Moreno writes, once again to Lord Aberdeen.

“*(Argentina's) possession of east Falkland Island did not begin with the establishment of M. Vernet in 1828, but dated from the preceding sixty years of formal Spanish occupation and possession, which could not possibly be invalidated by the unfounded protest of the 19th November, 1829, put forth by Mr. Parish in consequence of an administrative Decree. Senor Moreno, therefore, declared that the silence of the Argentine Government should be construed as implicit acquiescence they could not, either then or thereafter, concur in the resolution of Her Majesty's Government...*” 475

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469 See Bibliography https://falklandstimeline.wordpress.com/bibliography/
470 Caillet-Boise (6th ed.) 1982 p.365. From his own inquiries, Minister Arana was less confident. cf. December, 1838
471 Quoted in Groussac 1910 p.53
472 Original draft in FO 6/502/88
473 Memorandum on the Falkland Islands 1947 in LCO 2/490
474 FO 78/5

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“The legal effect of this note is most uncertain; I do not know of any case which throws any light on the matter. On the one hand Argentina could argue that she was making clear that she did not acquiesce, and that Britain could therefore not acquire title by prescription: on the other hand Britain could argue that protests are the normal way of preserving rights to territory, and that a State which chooses not to protest chooses to deprive itself of the means of preserving its rights, and must therefore be regarded as losing its rights.” 476

“It is not justifiable to require a permanent protest to be maintained when faced with a State that refuses to enter into discussions and considers the issue ‘closed’.” 477

“Qui tacet consentire videtur, si loqui debuisset ac potuisset (or ... ubi loqui debuit ac potuit) [“He who is silent is seen to consent, if he should have spoken and could have done”], often summarised as "Silence gives consent".” 478

# Researcher’s Comment: International law appears to view silence as acquiescence. A claim has to be maintained through protest. Moreno's denial of that recognised legal norm was not sufficient to overthrow it. No protest equals acquiescence. A lesson that Argentina learned eventually; making regular protests after 1945.

March 21st, the Foreign Office forward Ambassador Moreno's note of the 10th to the Colonial Office.

“I am to request that you will state to Ld. Stanley that it appears to Ld. Aberdeen that it will not be necessary to return any answer to this note from Mr. Moreno.” 479

March 31st, from London, Lord Aberdeen informs Minister Mandeville, in Buenos Aires, that Great Britain considers the discussion over the Falkland Islands to be at an end. 480

April 6th, Terror and Erebus, commanded by Capt. James Clark Ross, arrive at the Falklands for the winter.

“... for five or six months to repair the vessels and to make observations. Capt. Ross has erected an observatory at the old French fort, built by Bougainville.” 481

April 13th, reported in the Wexford Conservative.

“John Hartnall was indicted in the Irish Court of Admiralty, on the 24th ult., for piratically stealing and carrying away 100 pairs of blankets, and various other articles. He also stood charged with carrying away the Mary Ann, all property of George Thos. Whittington. ... The jury found the prisoner 'Guilty' on all counts but the last, which charged him with stealing the ship, and the prisoner was sentenced to be transported for seven years.” 482

April 14th, from the Falklands, Lieut. Governor Moody, sends a comprehensive reports back to the Admiralty, describing in detail the various parts of the archipelago that he has been able to visit; the flora and fauna; geology and weather.


478 Pascoe 2020 p.216
479 FO 6/502/102
480 FO 6/502/104. Mandeville was sent copies of all the correspondence between Aberdeen and Moreno.
481 Sydney Gazette and New South Wales Advertiser October 6, 1842 and the Australasian Chronicle March 9, 1843
482 Wexford Conservative Wednesday April 13, 1842. See January, 1841.
He also provides extensive recommendations for the development of the colony. As for the seals, he notes; “The hair and fur seals which were formerly so abundant in these islands have decreased considerably in number, in consequence of the wanton destruction ... neither old seals nor pups are spared by the sealers.” 483

April 16th, the brig, Alarm, arrives at Port Louis; “… came in from the River Plate. She brought one Family and a number of Sheep.” 484

“... a Mr. Culey (a sheep farmer from Lincolnshire) with his wife, 3 children and a farm servant arrived at these Islands in the brig Alarm... with the intention of settling. Mr. Culey has brought with him 200 sheep...” 485

May 27th, Moody reports that the increase in the population, due to the extra settlers, distressed seamen and the crews of the Ross expedition, has caused him to; “... address a letter to Her Britannic Majesty’s Consul at Buenos Ayres requesting his aid in forwarding from the Provinces of the La Plata 8 gauchos and 20 trained horses to this Colony to be employed in the service of Government for a limited time in capturing Wild Cattle. ... having only one gaucho and a few worn out horses my present means are wholly inadequate...” 486

June 1st, from Port Louis, the Governor writes to Capt. Ross on Erebus seeking a view as where best to place the principal settlement of the islands.

“... requesting to know any opinion whether Port Louis or Port William is the best adapted to be the chief port of this Colony, in a Naval and Commercial point of view combined.” 487

June 6th, in a further despatch to London, Lieut. Governor Moody presents additional information and ideas.

“I have the honour of forwarding for your Lordship's information three statistical tables, showing the state of the colony on my arrival in January last. Occasionally there have been a few additional residents for a short time, chiefly seamen; but the persons enumerated in the table appear to have the intention of permanently residing at the Falkland Islands. Permission to erect houses was granted from time to time by the successive naval officers in charge, but it appears that upon no occasion has any grant of land, or "title" to such houses been made, directly or indirectly; and all the residents fully understand that they merely hold a temporary tenure. It is my intention immediately to put the settlers in full possession of the land upon which their houses stand, by the sale of allotments... My further acquaintance with the industry and steadfastness of the few Scotch settlers (Highlanders from Argyllshire, the last from Glasgow), at present in the colony, induce me again to take the liberty of drawing your Lordship’s attention to the advantages of emigrants for these islands being selected from similar districts. The pastoral inhabitants of the hills and dales of the southern Scotch counties on the borders, would also be well adapted as settlers in the Falklands. ... I avail myself also of this opportunity to inform your Lordship that I have received private notifications of the desire entertained by some English residents in the provinces of La Plata, to send sheep in large numbers so soon as they can be assured of the intentions of Government concerning the colonization of these islands. I therefore venture to suggest for your Lordship’s consideration, whether it may not be advisable that an official

483 Lieut. Governor Moody to Lord Stanley April 14, 1842 in Accounts and Papers 1843 vol.4
485 Moody to Stanley April 18, 1842 in CO 78/5
486 Moody to Stanley April 27, 1842 in CO 78/5
487 Ross to Moody August 24, 1842 in CO 78/5
notification of the intentions of Government should be forwarded from the Colonial Land and Emigration Board through the proper channels to the British authorities at Buenos Ayres and Monte Video. An immense number of sheep could be imported from thence at a small expense, which, although of an indifferent breed would form a valuable stock upon which to improve...” 488

Among the 97 residents listed by Moody are Richard Penny (40yrs) and his wife Carmelita (40 yrs), together with Carmelita’s sons, Richard Penny (3 yrs), Manuel Coronel (8 yrs) and José Simon (11 yrs). 489 Gregoria (28yrs) appears on the list as the wife of Francis Perry (30 yrs) while Antonina Roxa (35 yrs) is recorded as present. 490 Moody records that Government House, “...consisting of five rooms and two garrets in the roof..” was; “..formerly the Roman-catholic chapel, supposed to have been built by Bougainville, in 1764.” 491

**June 23rd**, HMS Carysfort, commanded by Lord George Paulet, arrives with supplies for Erebus and Terror.

In July, in Buenos Aires, Minister Arana complains that Britain’s Minister, Mandeville, appears to be slow in passing the Argentine government’s correspondence, regarding the Falklands, on to London.

**July 14th**, US Consul to Buenos Aires, Amory Edwards, reports to US Secretary Daniel Webster.

“Lewis Vernet formerly Governor appointed by the Buenos Ayres Govern’t at the Falkland Islands, appeared at this Consulate, and obtained certificates of the genuineness of the signatures of several merchants and others, to the documents he produced – The documents relating to a claim he makes on the Government of the United States, mounting to Two Hundred and seven Thousand silver dollars – for damages sustained at the Falkland Islands – by the visit of the United States sloop of War Lexington, Commander Duncan in Jan’y 1832.” 492

**July 19th**, from Port Louis, Moody writes to London requesting that his powers be more clearly defined.

“In the 'instructions' which I had the honour to receive from Lord John Russell, the causes which prevented his Lordship at that time from laying down any detailed instructions for my guidance as to the nature and extent of the powers I could exercise are fully pointed out, and his Lordship deemed it sufficient to direct me to govern by the force of moral influence and example, rather than by any direct exercise of legal power. Such has hitherto been the nature of my government, and fortunately no circumstance has yet occurred to oblige me to assume a responsibility of any weight; but it is my duty to inform your Lordship, that of the persons composing the small but constantly increasing society over which I am placed in control, many are men of reckless character, irregular passions unchecked by any moral impulses, far less discipline; and it is more than probable that the moral influence I exercise derives its force from the presence of the small guard selected from the corps to which I have the honour to belong, rather than from any example of industry and steadiness manifested by every individual of the party which accompanied me from England. ... I am, therefore, not without feelings of anxiety to be armed with the fullest legal power at once to put down evil in any shape; and to be aided by the demonstration of physical strength which would be

488 Lieut. Governor Moody to Lord Stanley June 6, 1842 in Accounts and Papers 1843 vol.4
489 Each of the sons carrying his father’s name. Carmelita had a consistent approach to naming her children. cf. 1828, 1831 & 1833
490 Ibid. The adults had been resident since Luis Vernet's time on East Falkland.
491 Ibid. More likely that constructed by the Spanish after 1767. Moody also recorded the survival of a barracks and storehouse; the former certainly also dating from the Spanish occupation.
492 Edwards to Webster July 14, 1842 No.16 in Manning 1932 p.228
afforded by the presence of at least one small-class vessel of war, to be chiefly employed in cruising to protect Her Majesty's property in cattle, &c. from wanton destruction by foreigners, as well as to prevent their systematically establishing themselves in any port for the purpose of fishing, sealing, and whaling, in the bays and creeks among the islands.

I hope that your Lordship, upon considering the position of affairs in the colony, may be of opinion that the time has now arrived when it becomes advisable to lay down more definite instructions for my guidance, and to establish a court of judicature, the power of which may extend to the trial and administering of justice for the gravest crimes that can be committed against the law, and also be an Admiralty court.” 493

July 25th, Capts. Ross, Crozier and naturalist, Joseph Hooker, travel to Port William.

“At the request of the Lieutenant-governor..., for the purpose of forming an opinion upon the relative merits of the two harbours, and whether Port Louis or Port William is the best adapted to be the chief port of the colony in a naval and commercial point of view combined. The result of the investigation, which, owing to unfavourable weather, occupied us nearly a week, was, that we agreed in considering Port William to possess so many advantages over Port Louis, that I recommended the settlement should be removed to the former place.” 494

July 26th, from Buenos Aires, Britain's Minister Mandeville reports that the Government of Montevideo is willing to supply men and horses for the Falklands, as requested by Lieut. Govenor Moody, but that there may be problems in finding gauchos.

“During the time that this part of of South America was dependent upon Spain, the Falkland Islands were made a place of banishment for criminals, and the impression still remains so great in the minds of the lower class of the inhabitants of these countries, that it is almost impossible to engage a person of this country (Uruguay), voluntarily to establish himself in these islands.” 495

On the same day, with the approval of Lord Stanley, Gov. Moody is informed that his requests of the 19th are acknowledged, anticipated, and that a suitable Magistrate will be found. Also that the Admiralty has agreed; “... to station a small Gun Brig at the Falkland Islands.” 496

August 20th, Ross sets his crews to work building a wall around the cemetery.

“... in order to give our people healthful exercise and useful occupation, I directed them to be employed building a wall seven feet thick, and as many high, round the spot which had been hitherto used as a burial-ground, but which was at present without any enclosure; and the remains of the ill-fated and barbarously murdered Brisbane, the companion of Weddell on his daring and adventurous voyage to the highest southern latitudes, were removed from beneath the heap of stones, where the Gauchos left them, into the burial ground, and a suitable inscription placed over them.”

493 Lieut. Governor Moody to Lord Stanley July 19, 1842 in FO 78/5. The notes appended to this letter are intriguing but sadly unsigned. One suggests that despite Moody having the title of ‘Governor’ his real purpose had only been to consider the practicalities of creating a naval port on the islands. To exploit their strategic potential, rather than the archipelago’s future as a colony. This confusion of purpose may help explain why an engineering officer had been chosen. A decision that had caused some consternation at the time.

494 A Voyage of Discovery and Research in the Southern and Antarctic Regions during the years 1839-43 J. C. Ross 1847


496 FO 78/5
August 24th, Capt. Ross writes to Lieut. Governor Moody expressing his view that Port William would be a better location for a port and settlement than Port Louis, with better protection and a deeper anchorage.

"Port William is much more easy to access from its situation near the extreme East point of the Island (Cape Pembroke) so that ships are almost immediately in harbor.." 497

August 25th, the crews of Erebus and Terror locate the grave of Mathew Brisbane. They move it to a new site and place a stone over the grave.

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497 Ross to Moody August 24, 1842 in CO 78/5
September 1st, from Port Louis, Moody forwards Ross' views to Lord Stanley.

“... by which your Lordship will perceive that the advantages of Port William, as a chief port, in a maritime point of view, are greatly superior to those of Port Louis. With regard to the surrounding land, the balance is altogether in favour of Port Louis.” 498

September 8th, Capt. Ross sails for Patagonia, leaving 4 officers and 2 men behind to operate the observatory.

October 1st, Moody reports to London on what has been achieved.

“... I have laid out a large town at Port Louis, chiefly around the inner port called Carenage; and I beg respectfully to submit for your Lordship's approbation, that the said town be named “Anson” in honor of the celebrated circumnavigator, the first person, I believe, who brought before the notice of the Government the great value of this portion of the British dominions. ... I have sold six allotments, of half an acre each, in the said town, at £50 the allotment, and one country allotment at Port San Salvador, bounded by the irregular shore, consisting of 339 acres, at 12s the acre....” 499

October 14th, HMS Philomel (Commander Sullivan) arrives at Port Louis; “... to be employed in prosecuting the nautical Survey of these Islands.” 500 Lieut. Governor Moody promptly complains about the lack of a suitable vessel at his disposal.

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498 Lieut. Governor Moody to Lord Stanley September 1, 1842 in Accounts and Papers 1843 vol.4. The land at Port William was far boggier, however, and would require draining.

499 Lieut. Governor Moody to Lord Stanley October 1, 1842 in Accounts and Papers 1843 vol.4. Also Geelong Advertiser Victoria Oct 26, 1843. Approval for the name was given on February 23, 1843. See FO 78/5

500 FO 78/5
“I deeply regret that I receive no information by Commander Sullivan of any intention on the part of the Lords Commissioners of the Admiralty to send any vessel of war to relieve HM Ketch Sparrow which left these Islands in the beginning of March last. Commanders Sullivan’s duties in another part of the Islands during the whole period of the 7 months he may be at the Falkland Islands will render it impossible for him to offer any services to the Colony beyond the survey and serving a notice to any foreign trespassers he may chance to meet with in the act of taking seals from any island in the district he will be engaged in Surveying. ... If the exigencies of the “service” render it impracticable for such aid to be afforded by the Lords Commissioners of the Admiralty, I would most respectfully but urgently request that your Lordship be pleased to take into consideration the importance of an Armed Colonial vessel... being placed as early as possible under my orders and Commanded by a Master of the Royal Navy...” 501

October 31st, Lieut. Governor Moody reports that, owing to problems with drunkenness, he has imposed a 20 shillings per gallon duty on the importation of spirits. This does not extend to beer, wine or porter.

“There is an abundant supply in the Colony of a light but sound & wholesome Catalonian wine which the settlers purchase at very moderate prices and I hear no dissatisfaction expressed by the “consumers” in the Colony at the exclusion of the Spirits.” 502

November 8th, HMS Terror returns to Port Louis with a cargo of timber and saplings for the Lieut. Governor.

“... 700 young trees, chiefly winter barks, beeches, and holly-leaved berberies, all in excellent order. Captain Ross has also added a further valuable service to the colony, by bringing 400 or 500 pieces of timber of different sizes, several of them sufficiently good for the rafters of thatched roofs to small cottages. The trees were immediately planted, and, from the very careful manner in which they were brought over, I trust will succeed, although they were in leaf, the spring far advanced, and the ground here much parched for want of rain.” 503

November 14th, a merchant Barque, Governor Halkett, out of Sydney with a cargo of oil, arrives in a distressed condition at Port Louis.

November 22nd, Philomel, commanded by Capt. Sullivan, arrives to survey the islands.

November 25th, Paraguay officially declares its independence to the world. 504

November 28th, writing from exile in Chile, Domingo Faustino Sarmiento writes in El Progreso.

“England is becoming established in the Malvinas. Let us be frank: this invasion is useful for civilisation and progress.” 505

501 Moody to Stanley October 14, 1842 in FO 78/5. Notes written onto this letter complain that the demand by Moody is uncusted. Moody’s request was passed on to the Admiralty on February 22, 1843, but Lord Stanley did not hold out any great hope that the Government would consider that the expense of a permanently stationed ship could be justified.

502 Moody to Stanley, October 31, 1842 in FO 78/5. Moody was subsequently told that he was exceeding his authority. See March, 1843.


504 Paraguay had previously declared its independence in 1811, but had remained closed to the world under a dictator, Francia. Despite both these declarations of independence, Buenos Aires still regarded Paraguay as a province of Argentina and would do so until 1852. cf. 1811 & 1848

505 Sarmineto was President of Argentina from 1868 to 1874
On the same day Lord Stanley reads out a report from Lieut-Governor Moody to the Royal Geographical Society describing ‘steams of stones,’ flowing down the sides of hills. 506

**December 10th**, the Colonial, Land and Emigration Office, having considered Moody’s report, provide their opinions to Lord Stanley.

“It is not to be overlooked, that as the principal object of the settlement is to afford a port for refit and refreshment, with all the necessary accommodation, the number of ships which will in consequence resort to the colony will afford a ready means of supplying the settlers with the articles of import which they require, and furnish in turn an extensive market for the provisions which they will have to dispose of. Upon the whole, as has been before represented, there seems reason to expect that a small community of hardy and industrious settlers might prosper upon these islands... In conclusion, we would beg to recapitulate the suggestions we have made as to the first steps which have now to be taken in respect to the settlement of this colony.

1. That a bill should be proposed to Parliament to provide for the government.

2. That the protection of a small vessel of war, such as has hitherto been stationed there, should be continued.

3. That a clerk and store-keeper, acting under the Lieutenant-governor, should be sent out to relieve the surveyor, who is at present performing the duties of those offices.

4. That the charge for the surveyor and labourers taken together should remain the same in the future estimate as in the one printed in the papers laid before Parliament on the 27th.

5. That Captain Dawson’s report should be forwarded to Lieutenant-Governor Moody for his information.

6. That the operations of the Lieutenant-governor, in respect to the wild cattle, should be confined as much as possible to the capture and delivery of such animals as may be required by the settlers and the crews of vessels; and that in any case care should be taken that no risk of loss to the public should be incurred by the management of them.” 507

**December 17th**, Capt. Ross in HMS Terror sails for the South Shetland Islands and Antarctica.

“The Inhabitants on shore out of respect to the expedition fired a Royal Salute at which I am sorry to say a serious accident occurred by one of the Guns being fired by some neglect - and by which a Captn of a Merchant Brig had his hand nearly blown off and a Man belonging to the Settlement had his right arm broke & both hands nearly blown off. We hove too and both came onboard of us to get dressed. After which we Stood away with Studding sails low & aloft to the SE. and bid adieu to the Falklands.” 508

**December 19th**, George Whittington writes to Lord Stanley complaining that his ‘rights’ on East Falkland Island are not being recognised; his brother there having been given a notice; “... of Trespass and Illegal Occupation, and also proscribing our Right of Fishery, or Killing Wild Cattle for sustenance...” 509

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506 Morning Post Wednesday November 30, 1842
507 Accounts and Papers 1843 vol.4 p.42
509 FO 6/502/118. There is no indication that Whittington ever received a reply. George Whittington laid out many of his
December 23rd, Minister Arana writes to Argentina’s consul in London, George Dickson, suggesting that there was an; “… opportunity for Mr. Moreno, in accordance with his instructions, to sue HBM government (for) compensation for the right to the Falkland Islands…”  

Arana suggests that this could be tied to the outstanding Barings Bank loan.  

December 27th, Governor Rosas sends his annual message to the Legislatura de la Provencia de Buenos Aires.  

“Our Minister in the Court of London perseveres in claiming our rights to the Malvinas Islands… The Government expect an equitable and honourable end to this question..”  

1843 – January 6th, John Ross lands on Cockburn Island in the South Shetlands; “… and took formal possession of this and contiguous lands…”  

January 25th, Lord Stanley writes to Lieutenant-Governor Moody.  

“I have had under my consideration your general Report on the present state of the Falkland Islands; and I have now to acquaint you that Her Majesty's Government propose to complete the measures in part carried into effect by my predecessor for the colonization of those islands. It is my intention to apply to Parliament, in the ensuing Session, for the requisite authority to establish a legislative power there; and I have recommended to the Lords Commissioners of the Treasury also to apply to Parliament for the means of maintaining an establishment of Government, of which I enclose to you an estimate.”  

The estimate of the sum required for maintaining a ‘Government of the Falkland Islands’ amounts to a first year total of £4,350, including the wages of the Governor, a Magistrate, Chaplain, Surgeon, Surveyor and Clerk.  


February 17th, Argentina’s Minister Insiarte, tells the Baring Brothers Bank representative Palicieu Falconet, that; “… that the government … have authorized the Argentine Minister in London to make to the government of his Britannic Majesty the proposition of yielding the Malvinas Islands in payment of the debt.”  

“This note abounds in considerations about the rights of the Republic to the islands, and the confidence that that they are recognized by the British government.”  

February 26th, Lord Stanley informs Lieut-Governor Moody of the proposals being put to Parliament.  

“I am happy to inform you, that all your demands have been anticipated by Her Majesty's Government. With my despatch of the 25th ultimo, you will receive a copy of the estimate which it is intended to propose to Parliament during the present session, and which includes the salaries of a magistrate, a chaplain, and a surgeon. I shall lose no time in selecting the fittest persons whom I can find to complaints, in particular against Lieut. Governor Moody and Lord Stanley, in Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845 vols.1 & 2  
510 Sierra 1978 p.248  
511 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.21  
512 Field 1928 paras.271 & 272. cf. 1829 & 1907  
513 Lord Stanley to Lieut. Governor Moody January 25,1843 in Accounts and Papers 1843 vol.4  
514 CO 78/5. All but one of the crew made it ashore and, eventually, Port Louis.  
515 Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales in Revista del Instituto Rosas no.13 1948.  
516 Ibid.
undertake these respective offices. With respect to your application for a vessel of war, I have the
honour to inform you, that I have received a communication from the Lords Commissioners of the
Admiralty, announcing their intention to station a small gunbrig at the Falkland Islands.” 517

March 3rd, less than happy with the proposals, the Admiralty write to Lord Stanley.

“... relative to the permanent, employment of a gun-brig at the Falkland Islands, I am commanded by
my Lords to acquaint you, for the information of Lord Stanley, that their Lordships cannot, without
inconvenience, appropriate two vessels of war to relieve each other merely for guard duty at the
Falkland Islands; that the Philomel sloop-of-war, surveying vessel, has been ordered there since the
date of Lieutenant Moody's letter; and their Lordships will direct Commodore Purvis to send, for the
duty pointed out by Lieutenant Moody, one of the small vessels under his command, and to cause this
service to be attended to, and kept up, as far as may be in his power, and the means at his disposal will
admit of, which their Lordships trust will sufficiently meet the object of his Lordship, and of the
Lieutenant-governor.” 518

March 16th, the Colonial Office writes to Moody.

“H. M. Govt., have applied to Parliament for the necessary powers to enable Her Majesty to empower
(you) to make regulations for the Govt., of the Falkland Islands and leave has been obtained for the
introduction into the House of Commons of a Bill for that purpose.” 519

In the same letter, Lord Stanley complains about the imposition of alcohol taxes by the Governor.

“I have not the slightest doubts as to the motives by which you have been activated... But I fear that ...
you have exceeded your authority. Neither Legislative nor Judicial functions have as yet been
delegated to you by Her Majesty...” 520

In Washington, US Secretary of State, Abel Upshur, appoints Harvey M. Watterson to oversee a re-establishment
of relations with Buenos Aires.

“More than ten years have passed since we had a diplomatic agent accredited to that Government. It
does not seem necessary at present to detail the causes which led to the interruption of the exchange
between the two Governments. The right of (the) Government of Buenos Ayres to the jurisdiction of the
Falkland Islands was the main question...” 521

March 21st, Moody reports to Lord Stanley with regard to the difficulty he has in using paper money. Settlers
distrust it and traders decline to accept it, preferring specie (coins). He also mentions the buildings that are
under construction at Port Louis.

“The small barracks and other necessary Government buildings and inclosures in progress of
construction, I have disposed in a defensible form, with windows and doors inwards, and the exterior
walls and bastions at the corners loopholed, so that when completed, if efficiently manned, they will be
capable of offering a good resistance against anything except artillery.” 522

517 Lord Stanley to Lieut. Governor Moody February 26, 1843 in Accounts and Papers 1843 vol.4
518 John Barrow to Lord Stanley March 3, 1843 in Accounts and Papers 1843 vol.4
519 FO 78/5
520 Stanley to Moody March 16, 1843 in FO 78/5
521 Upshur to Watterson September 26, 1842 in Fitte 1966 pp.428-429
522 Moody to Stanley March 21, 1843 in Accounts & Papers of the House of Commons vol.31. The barrack building
constructed in 1843 at Port Louis is often mistaken for Luis Vernet’s house despite being some 150 yards away.
March 24th, following consultation with the Colonial Land and Emigration Office, Lord Stanley sends further instructions to Governor Moody in the Falklands, regarding the principle town in the Colony.

“I am compelled to concur in the opinions expressed by the Commissioners, and by the naval authorities, that the seat of government should be at once fixed at Port William. You will therefore take the necessary steps for removing to that place as early as possible; and you will take care that in any sales of land which may be made, no misunderstanding is allowed to occur on this point.”

“In 1843 the British government decided – against the wishes of Moody and some of the leading residents – to move the seat of government from Port Louis...”

March 31st, on East Falkland Island, the population comprises 77 men, 20 women and 14 children. Of these 56 are recognised as settlers.

April 5th, from London, Moreno responds to Buenos Aires regarding Minister Arana’s December 23rd letter.

“While th(is) government denies sovereignty of the islands (resting) in the Republic, as it has done so far, there is no way to induce it to compensate for the transfer of that domain.”

Moreno adds that he doubts that the British Government will accept that the archipelago is worth the outstanding £1,900,000 owed to Barings Brothers Bank.

“Rosas's proposition, nothing more than an exchange of notes between Arana, Moreno and Dickson without the official knowledge of the Foreign Office, constitutes a mistake by the government, ...”

April 11th, in London, a Colonial Office Bill; ‘to enable Her Majesty to Provide for the Government of Her settlements on the coast of Africa and in the Falkland Islands,’ receives Royal Assent to become an Act of Parliament.

“Whereas divers of Her Majesty's subjects have resorted to and taken up their abode and may hereafter resort to and take up their abode at divers places on or adjacent to the coast of the Continent of Africa, and on the Falkland Islands: and whereas it is necessary that Her Majesty should be enabled to make further and better provision for the civil Government of the said settlements: be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for Her Majesty, by any order or orders to be by Her made, with the advice of Her Privy Council, to establish all such laws, institutions, and ordinances, and to constitute such courts and officers, and to make such provisions and regulations for the proceedings in such courts, and for the administration of justice, as may be necessary for the peace, order, and good governance of Her Majesty's subjects and others within the said present or future settlements respectively...”

June 2nd, with nothing to show for his efforts, George Whitington declares himself bankrupt.

“My individual interests would be best promoted by the Sovereignty of the islands being confirmed to Buenos Ayres.”

523 Lord Stanley to Lieut. Governor Moody March 24,1843 in Accounts and Papers 1843 vol.4
524 Pascoe 2020 p.177
526 Sierra 1978 vol.1 p.248
527 Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales in Revista del Instituto Rosas no.13 1948.
528 Ibid. There is no evidence that Moreno submitted the proposal to the British Government.
529 6 Vict.c.13 in The London Gazette No. 20213
530 Whitington quoted in Ellerby 1990 p,10 citing Whitington to Secretary of State May 30, 1834 in CO 78/1
“... it will be seen that the official mismanagement, tyranny, and injustice, which have from first to last prevailed there, ... creating hostility, jealousy, treachery, loss, and disaster, have established for the place the detractive and injurious designation of the "Isles of Misfortune;" whilst their position and resources should and might entitle them to the better cognomen of the "Isles of Relief." ... no doubt whatever exists that ere long the entire question in reference to those islands must become the subject of parliamentary investigation, ... and here I may observe, that assuredly as the chief functionary returns from his government, he will be made a personal defendant in a court of law for illegalities and injuries,...”  

**June 23rd**, Letters Patent provide for the “Settlements in the Falkland Islands and their Dependencies.”

“... the formal establishment of the islands as a colony of her majesty only occurred on June 23rd, 1843, through a Letter Patent. ... Under English law, the British Crown can obtain territorial sovereignty by settlement, cession, conquest or annexation. Great Britain claims to have established sovereignty over the Falklands/Malvinas by settlement. Acquisition by settlement occurs through the "settlement by British subjects in a place where there was no population or no form of government considered civilised and recognised in international law." ... If the settlement in question was that of McBride (sic) in 1766, the islands were already occupied by France,...”

Lieut. Governor Richard Moody is gazetted Governor and Commander-in-Chief of the Falkland Islands, with powers to appoint officials and Judges.

“Great Britain appointed a Governor for the islands, something it had never done before... the State that claims to be sovereign over the islands since 1765 only appointed a Governor once it had expelled Argentina, and nearly eight years after the supposed establishment of its sovereignty,... The truth is that the Falklands/Malvinas had never been incorporated into the possessions of Her Britannic Majesty by a legislative, or any other, act before 1843.”

Worthy of note that France only occupied a single bay on East Falkland Island. That did not automatically give France sovereignty over the whole archipelago. Spain’s purchase of the French buildings only gave it right over Soledad Island from 1767. The British settlement at Port Egmont of 1766 provided rights over West Falkland and the western isles concomitant with effective occupation. A legally recognised requirement for possession in the 18th century. The British Crown has not claimed its rights of sovereignty are based upon ‘settlement.’ Britain’s claims have variously been based upon discovery (moot), recognition (by Spain and France in 1771 and thereafter by the other European nations) and effective occupation from 1766. The only country capable of arguing with this is Spain. Argentina is not Spain.

A Governor is just an official. The presence of such a person is not a necessary indication of sovereignty.

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531 Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1844 vol.1 p.608. The “chief functionary” was a reference to Lieut. Governor Moody. The article was signed 'G.T.W.' (George T. Whittington).
533 The London Gazette No. 20236. Also reported in the Naval & Military Gazette & Weekly Chronicle for the United Service Saturday June 24, 1843. The power to appoint a Legislative Council was reserved for the Privy Council
534 Kohen & Rodríguez 2017 p.145. Two confused lawyers. They also appear to have forgotten the ratification of the 1771 Convention – by Parliament.
535 See 1810, 1816 and 1863

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94
**June 27th**, reported in the Southern Australian newspaper.

“Colonization Commissioners advertise that they will sell land at the Falkland Is at 12s per acre.”

Governor Moody reports the arrival of 28 foreign ships over a period of a few months. His secretary, Murrel Robinson, employs 2 Argentine gauchos to work on the Islands. 536

Samuel Lafone sets upon a plan to exploit the wild cattle still on East Falkland Island, and informs Luis Vernet; “I (had) thought no more about the Falklands until the year 1843 or 45, when Governor Moody wrote the British Consul in Montevideo, soliciting an undertaker to form a company in those Islands.” 537

**August 18th**, reported in the London Evening Standard.

“The Maitland, convict-ship, arrived yesterday at Spithead. Twenty-five convicts were embarked on Board this morning, in addition to those taken on board at Woolwich. They are destined for the Falkland Islands, where government works are about to be erected; the keepers go out in the same ship, being men selected from the military pensioners, and have salaries of 75l. per annum in addition to their pensions.” 538

**August 18th**, the decision to move to Port William is announced to the colonists by Sergeant Robert Hearnden.

“Transfer of the capital from Port Louis to Port William, ordered by London for the convenience of shipping, made Moody unpopular not only with Whittington, but much of the rest of the populace. Nevertheless his correspondence indicates his motivation by a sincere sense of duty and desire for the Islands’ welfare.” 539

**September 24th**, in Bell’s New Weekly Messenger.

“It is said that our colonies are a benefit to the mother country. I can only wish that the colonies would prove and establish the assertion by paying their own expenses. Speaking in round numbers, we have a grant of about £5,000 for the Falkland Islands, and for the fee simple of which, no merchant or stock broker in London would give a quarter of that amount.” 540

**December 5th**, in the USA, President Tyler presents his annual address to Congress.

“In consequence of a misunderstanding between this Government and that of Buenos Ayres, occurring several years ago, this Government has remained unrepresented at that Court, while a minister from it has been constantly resident here. The causes of irritation have in a great measure passed away, and it is in contemplation, in view of important interests which have grown up in that country, at some early period during the present session of Congress, with the concurrence of the Senate, to restore diplomatic relations between the two countries.” 541

**December 27th**, in Buenos Aires, Governor Rosas repeats Argentina’s claim to the Falklands at the opening session of the Legislatura de la Provencia de Buenos Aires.

536 Murrell Robinson had arrived with Moody in 1842; listed as a surveyor. He also appears to have acted as the storekeeper. Sent back to England in 1845. It is assumed that the gauchos were needed to work the cattle.

537 Lafone a Vernet June 23, 1852 in AGN VII 2-3-7

538 London Evening Standard Saturday August 12, 1843. The Globe reported an attempted escape on August 24, 1843.

539 Bernhardson 1989 p.266

540 Bell’s New Weekly Messenger Sunday September 24, 1843. Signed Publicola

541 In 1884, Argentina's Minister Dominguez argued that Buenos Aires had accepted that the Lexington question be set aside. Until, at least, the sovereignty issue with Britain was decided. Dominguez used this passage of Tyler's speech to support his argument. cf. 1842 & 1884
“The Government trusts that the Government of H.B.M. By an honourable act of justice will hasten the moment of attending to the right possessed by the Republic to the territory of the Falkland Islands.” 542

“The Message then alludes to the Falkland Islands, to which it is hoped the British Government will acknowledge the right of the Argentine Republic.” 543

December 30th, Moody reports that an estimated 300 million cubic feet of peat can be found on the Islands. 544

1844 – January 8th, William Fishbourne is appointed Magistrate for the Falkland Islands. 545

An agent of Samuel Lafone arrives in the Islands to evaluate the potential for a cattle business.

“Consequent on Moody’s proposals for land rent, Lafone sent Marcelino Martinez, an ‘estancia’ owner from Buenos Aires, to the Falklands to prospect the possibilities for livestock. Martinez estimated cattle numbers on East Falkland at 100,000 and reported favourably to Lafone.” 546

January 23rd, Amory Edwards, US Consul at Buenos Aires, notes the arrival of special envoy Watterson in a letter to the US Secretary of States. Edwards laments the fact that Watterson has not been appointed charge d’affairs, and considers the challenges that the envoy will face.

“Another difficulty presents itself to Mr Watterson’s settlement of claims. When Capt Duncan visited the Falkland Islands in the sloop of war Lexington in 1831, some property was wantonly destroyed there belonging to Argentine Citizens. The amount of the claim for this, will be small but there will be a claim to which Watterson must answer that he has no instructions to treat on that subject. The consequence will be that the negociations (sic) must be stopped, and Argentine Gov't, will be sure to avail themselves of the pretext, to request further instructions from Washington.

The question of the Falkland Islands will be a most difficult and vexatious one. It is not for the Interest of the Government of the United States, that those Islands remain in hands of the English. The acts of Vernet when Govr. there were decide contrary to the laws of Nations and piratical, yet, the Argentine Government in avowing that he was their officer take(s) the responsibility. Comm. Duncan's mode of rooting them out and destroying their settlement was not very diplomatic.” 547

February 16th, in England, following a number of hearings, the bankruptcy case against George T. Whitington comes before Commissioner Fonblanque, who grants a certificate of bankruptcy. The Times newspaper reports “general hilarity” when, during the proceedings, Whitington asserts that Argentina had granted him land on East Falkland to the value of £200,000.

“The bankrupt was described as a merchant, carrying on business at Great St. Helen's, and also the projector of the Falkland Islands Emigration Association, ... His debts and liabilities ... were 22,931l.19s, contracted between January, 1840 and June, 1843, while as yet little or no assets had been realised, and the only expectations of realising any would appear to be from the returns of certain

542 FO 6/502/284. Also Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.54
543 Morning Advertiser Friday March 8, 1844
544 Far from Moderate: An account and appraisal of some aspects of the human involvement with the natural environment of the Falkland Islands and South Georgia by Stephen Palmer 2004
545 The London Gazette No. 20303
546 From Feral to fully farmed: 250 years of Cattle on the Falkland Islands, 1763 to 2013 R. Trevor Wilson 2016 in Journal of Agriculture and Environmental Sciences June 2016 vol.5 no.1 pp.1-19
547 Manning 1932 pp.230-233. Also Fitte 1966 pp.430-432
consignments, and the produce of certain ships at sea, together with some compensation from government for 100 square miles of land, which he had obtained from the government of Buenos Ayres, but which our Colonial Secretary refused to ratify. The fiat was issued on the 7th of June last, and after repeated hearings and examinations, the bankrupt passed his final examination, and today appeared to apply for his certificate.” 548

“The Judge felt... that he had been too sanguine in his expectations of bringing the Government to consider the hardship of his position, from difficulties, in which generosity and misplaced confidence had involved him .... he alleges, ... that the expenses he had incurred by sending ships out to the Islands with emigrants, was for the purpose of enabling the then-existing Government to lay claim to them as a Colony.” 549

February 21st, in Buenos Aires, Baring Brothers Bank representative Palicieu Falconet informs the Foreign Ministry that their suggestion that the Falkland Islands be exchanged for the outstanding debt is unacceptable; “... Lord Aberdeen having rejected all claims in this regard.” 550

March 20th, Minister Insiarte repeats the offer to Falconet, based upon; “... the legitimacy of the rights of the Republic to the territory.” 551

March 23rd, Lafone’s agent, Marcelino Martínez, returns to the Islands and is interviewed by the Governor.

“When ... Moody asked Martinez what capital Lafone proposed to raise in England, and what elsewhere, the latter merely responded that "Nothing definite is resolved on this point." When asked what capital he thought necessary to the enterprise of establishing cattle farms, selling stock, and killing bulls, fat oxen, and older cows for hides and other products, Martínez replied that "A definite amount of capital is not to be come at, as in the case of carrying out with success the enterprize, the operations, for some time, will constantly (be) repeated, and multiplying of stock will represent both outlay and increase. ... All that can be said is, that the necessary amount will be found, and it is believed that the results, if it please God to prosper the undertaking, will surpass the expectations of the British Government...” Moody was concerned...” 552

Martínez assures Governor Moody that they will find willing emigrants from the Shetland Islands.

In April, Sir William Gore Ousley goes to Buenos Aires as British Minister.

April 19th, in Buenos Aires, US agent Watterson’s proposals are met with enthusiasm by President Rosas whose territorial ambitions are struggling in the face of an informal coalition of France, England, Brazil, Uruguay, Paraguay and Chile. No mention of the Lexington dispute is made by either side.

On the same day in Britain’s House of Commons.

“£9812 were voted for the Falkland Islands. Mr. Roebuck expressed a wish to be informed whether we had any clear right to these islands. Lord Stanley declared that this could not be disputed; and the colony was useful for furnishing our ships with fresh meat &c.”

548 London Evening Standard Wednesday January 17, 1843
549 The Colonial Magazine Wednesday January 17, 1843
550 Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales in Revista del Instituto Rosas no.13 1948.
551 Ibid.
552 Bernhardson 1989 p.271
April 22nd, Capt. John James Onslow re-visits the Falklands while in command of HMS Daphne.

“... (he) expressed his extreme regret to find such little progress made since be planted here the British flag, as commander of H.M.S. 'Clio.' He says the place looks far more sad and miserable than it did then, and fewer persons resident; indeed, there will not shortly be a civil labourer left, for every ship putting in takes away two or three.” 553

In May, Samuel Lafone’s formal proposals arrive in Stanley for the consideration of the Governor. 554

May 17th, reported in the Hull Advertiser.

“The population of the Falkland Islands, according to the last accounts, consisted of 111 individuals, including government officers, military, and seamen, but of permanent settlers there were only 56, of whom 31 were from the United Kingdom”

June 14th, diplomatic ties between Buenos Aires and Washington resume. William Brent is appointed US charge d’affaires.

“... the suspension of the question in reference to the Falkland Islands, involves of course a suspension of the claims of the citizens of the United States, growing out of the seizure of their sealing vessels there, if indeed any claim could be preferred against that Govt. on their account, without implying that Vernet’s authority was lawful. The obligation to make amends for an improper exercise of jurisdiction would seem to be inseparable from the right of jurisdiction itself.” 555

July 12th, American sealers Pavilion (Capt. Adams), Richard Henry (Capt. Beck) and Sarah Louise (Capt. Plaskett) are reported at the Falkland Islands.

“As his predecessors had done, Moody also asked the Admiralty to station additional armed patrol vessels in the colony during the breeding season. Again the Admiralty refused, and illegal hunting continued...” 556

August 12th, announced in the Morning Post.

“Sir, I am directed by Lord Stanley to inform you, that in consequence of the superior advantages of Port William, in the Falkland islands, over Port Louis, the governor has been authorised to remove the site of the principle town, which had been originally fixed at the latter, to Port William.” 557

October 7th, Governor Moody reports that he has issued inconvertible notes for 2s.2d. each; redeemable at will and not on demand, to be made legal tender; in order to cover a shortfall in the funds voted by Parliament. 558

No. 159. Anson, Falkland Islands.

'I promise to pay the Bearer the sum of Two Shillings and Two Pence on the part of the Colonial Government.  

(Signed) ‘R. C. Moody, ‘Lieutenant-Governor’

553 Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1844 vol.1 p.614. To be taken with a pinch of salt as the author of this item was the bankrupt, George Whitington.  
554 Protracted negotiations lasted until 1846.  
555 Secretary of State Calhoun to William Brent Jr. General Instructions No.1 July 15, 1844  
556 Dickinson 2007 p.53  
557 Downing Street to Lloyds in the Morning Post Monday August 12, 1844  
558 Sydney Morning Herald on May 20th, 1845. Vernet's promissory notes could still be found on the Islands.
This motivates a letter to the press; “By the way, Mr. J. B. W.– who has paid the government a deal of money one way and another; and what becomes of it I don’t know, for we are treated with government paper, of which I send you a specimen: ... Now, as it is here legal tender, and only redeemable at will, and not on demand, we must take it, and keep it.” 

**November 22nd**, William Henry Moore, an Irishman, is appointed as Stipendiary Magistrate to the Islands. 

**November 30th**, *The Australian* reports.

“It is a matter of infinite gratification to learn, that Her Majesty's ministers have at length become fully alive to the vital importance of the Falkland Islands, and have, (according to a generally accredited report) decided upon their immediate colonization and simultaneous formation of a strong naval depot. This is, indeed, an object of vast consequence to the nation, placing a new Gibraltar within her grasp – a haven of safe retreat to her friends...”

Lord Stanley responds to the information regarding Moody's inconvertible currency notes.

“Her Majesty's Government regrets that, even for a temporary purpose, you should have entertained such a project, ... The estimate about to be submitted to Parliament, will, if approved, afford the means of redeeming all this paper, and you will understand that you are not hereafter, on any consideration whatever, again resort to such an expedient.”

**December 27th**, Governor Juan Manuel de Rosas speaks to the Legislatura de la Provencia de Buenos Aires.

“The Government has not ceased to urge the perfect right of the Republic to the territory of the Falkland Islands.”

“Papers from Buenos Ayres, reaching to the 25th January, afford further evidence of the unsettled state of the Argentine Confederation in its foreign relations,... It observes that Rosas whether in earnest, or with the view of amusing his own subjects, still asserts his right to the Falkland Islands.”

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560 Described as the caricature of a provincial lawyer, Moore was argumentative, self important, on the make and a heavy drinker. He is reputed to have argued often and violently with both of the Governors he served under.

561 *The Sydney Morning Herald* September 26, 1845

562 FO 6/502/284

563 *Morning Advertiser* Tuesday April 8, 1845
1845 – January 17th, La Gaceta Mercantile de Buenos Ayres reports.

“The support of the perfect right of the Republic to the territory of the Falkland Islands that the government perseveres to is not contradicted by the fact that the British government has not settled so just a claim...”

January 28th, William Brent Jr., US charge d'affairs to Buenos Aires, writes to US Secretary Calhoun. He reports that he has informed Argentina’s Foreign Ministry that Washington is not prepared to discuss any outstanding claims relative to the Falkland Islands.  

“I have had two interviews with the Ministers of Foreign Affairs, related to the settlement of the respective claims of each Government, and with the signing of a treaty between them. The result of these conversations is that the resolution of the complaints will be adjusted by the Minister of Foreign Affairs and myself, here, unless during the progress of the business, it is considered more advisable to entrust the task to a commission. I have informed the Minister that I have full power to reach an agreement, except in the case of the Falkland Islands, since the United States does not feel inclined to enter into a settlement until the question of jurisdiction is resolved.”

April 2nd, an Executive Council is appointed in the Falklands.

“The lands in this colony are now open for sale. The mode of sale is the same as that adopted in the Australian colonies. The upset price of country lands is, for the present, 8s per acres. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at £50. Deposits of purchase-money may be made in this country, in the mode prescribed for the Australian colonies, but the depositors will be entitled to nominate for a free passage six, instead of four, adult labourers, for every £100 deposited.”

April 16th, HMS Philomel sails from the Falklands, taking away four of the original Sappers & Miners that had accompanied Moody.

July 18th, on East Falkland, the new capital is named after Lord Stanley, Secretary of State for the Colonies.

September 18th, a blockade of the Rio de la Plata is declared by French and British forces.

September 19th, HMS Herald and HMS Pandora visit the Falklands during their circumnavigation.

September 23rd, the Reverend James Moody is gazetted as Her Majesty's Colonial Chaplain at Stanley.

On the same day, a letter written by a resident, Thomas Edmondston, puts the total population at 150 people.

September 25th, in Rio de Janeiro, Argentina’s Minister Tomas Guido speaks to Uruguay’s charge d’affaires, Carlos Creus.

“... any treaty in which Spain recognized the independence of Argentina, would recognize the (Falkland Islands) as an integral part of it, for Spain, with possession, was the only country that could renounce it.”

564 Brent to Calhoun January 28, 1845 No.3 in Manning 1932 p.259
565 Quoted in Fitte 1966 pp.435-436
566 Liverpool Mail Saturday April 5, 1845
567 See Pascoe 2020 p.183
568 Not directly relevant to the Falkland Islands. At least, not until this dispute was finally resolved. cf. 1849
569 The London Gazette No. 20511
570 Tomas Guido a F. Arana Sept 25, 1845 in Archivo de Ministerio de Relaciones Exteriores, Buenos Aires. The context of this conversation is not clear. Argentina established diplomatic relations with Spain in 1863. Uruguay did so in 1870.
October 20th, Governor Moody writes from the Falklands with concerns that with Britain blockading the Rio de la Plata, General Rosas may be inclined to some adventure on the Falklands. Moody also raise his specific worries with regard to one member of the population.

“... a native of the United States named Smyley... he has the character of being an active, bold adventurous man with very few scruples... I am inclined to think that if the slightest encouragement were given by the Argentine Government, he would not hesitate to undertake any daring exploit... You will perceive I solicit a Guard for the Colony consisting of a detachment of Marines…” 571

“(Smyley) commanded and I have reason to believe commands, an armed schooner with a good compliment of men, sealers of all nations. He is ... better acquainted with every port creek and inlet of the Falkland Islands than any person existing, having sealed and whaled there for about fifteen years ... besides dwelling on shore for a few years in secluded parts which it is reported he made much money by slaughtering cattle and salting beef and hides, besides many other circumstances which induced Captain Grey in command of HMS Cleopatra to go in pursuit of him, but without any further success than destroying a shallop belonging to him found high up a creek near which spot he was at the time concealed. He is also known at Montevideo from having robbed the Lobos Islands.” 572

October 27th, Carmelita Penny (43 yrs), one of Vernet’s indentured slaves taken to Port Louis in 1828; who had avoided removal by USS Lexington and remained on the islands after the 1833 massacre, commits suicide. 573

November 13th, a Legislative Council of the Falkland Islands is founded.

November 20th, following some months of dispute over access to the Paraná River, an Anglo-French force breaks the chains across the river at Obligado and forces a passage for merchant vessels. 574

“The Argentine defenders lost the battle, but the heroic fight against the European invaders inspired them with patriotism and united them behind Rosas, so the Battle of the Vuelta de Obligado became a defining symbol of Argentina’s rise to nationhood.” 575

December 27th, Governor Rosas sends his annual message to the Buenos Aires Legislatura at its opening.

“The Government perseveres in remaining attentive to the incontestably perfect rights of the Republic to the territory of the Falkland Islands.” 576

“The (Argentine) government continues to pay unremitting attention to the incontestable perfect rights of the republic to the territory of the Falkland Islands.” 577

Spain did not recognise the Falklands as Argentine territory with either treaty. However, a Spanish representative did arrive at Stanley in 1863 and salute the British flag. cf. 1863
571 Moody quoted in FO 6/502/182.
572 Moody to Ousley October 20, 1845 in CO 78/12 quoted in Dickinson 2007 p.56. See footnote to December 31, 1831
573 Carmelita’s husband, Richard, had died earlier in 1845. Their son, also named Richard Penny, is recorded as being on the islands in 1846 (aged 9) and again in 1851. cf. 1828, 1830, 1833 & 1842
574 Relevant to later events. See 1849.
575 Pascoe 2020 p.180
576 FO 6/502/284. Also Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.89
577 London Evening Standard Thursday April 16, 1846

101
1846 – February 25th, Governor Moody reports.

““It is with pleasure I am enabled to inform your Lordship of the entire satisfaction with which the removal of the settlement from Anson to the present site is now regarded by, I believe, every individual in the colony. … Three jetties have been constructed at an expense to government of (in all) £293 6s 7d; and now the expense in landing stores here is only about one-third the expense of landing them at Anson … Seven town and four suburban allotments have already been purchased from the Crown, and these again subdivided among individuals; in addition to which one town allotment is rented by a Government officer; and five are occupied by settlers,…”” 578

March 16th, Samuel Lafone is contracted to hunt the wild cattle on East Falkland.

““Her Majesty Queen Victoria sells to Lafone that part of East Falkland lying south of the isthmus in Choiseul Sound, Also the islands in Choiseul Sound, and all other islands adjacent to the coast purchased; also Beauchene Island; also one town allotment of half an acre, and one suburban allotment of twenty-five acres in the principal town. For six years and six months from this date, Lafone to have absolute dominion over all wild cattle, horses, sheep, goats, and swine on east Falkland. 3d. For the above advantages, Lafone is to pay her said Majesty Queen Victoria, £60,000 by instalments…”” 579

In Buenos Aires, Luis Vernet is less than happy.

“(The) Government has sold a part of my lands and all the wild cattle, estimated in the Parliamentary papers of 1841 and 1842 at 40,000 head,... and refuses to give me compensation for this property of mine, property which I have shown in my memorials, and will again show, is legitimately MINE.” 580

“Lafone was awarded the contract – signed by his brother Alexander Ross Lafone – in March 1846. This dismayed Moody as it effectively prevented his allotting wild cattle to new settlers and made Stanley dependent on Lafone for beef…” 581

In May, Britain sends a negotiator, Thomas Hood, to try and resolve the Rio de la Plata dispute. 582

In the Falklands, at Stanley, a room in the barracks is designated as a school.

September 19th, the Trafalgar sails from Berkeley Sound.

““By the Trafalgar transport, arrived at Spithead, there is intelligence from these islands to the 19th of September. Its report of the state of affairs there is discouraging. There were about 100 inhabitants on the island. Most of the emigrants were employed by government making its roads, at 5s to 6s per day. The sheep had nearly all perished. No vegetables were reared on the settlement. General discontent pervaded the settlement and had turned itself against the governor.”” 583

578 Reported in The Sydney Morning Herald, New South Wales November 12, 1847
579 CO 78/43. Lafone was the first of the absentee landowners, never visiting the Islands.
580 Vernet 1858
581 Wilson 2016
582 Hood was unsuccessful, although the basis of his proposals would be adopted in 1849.
583 London Daily News Tuesday December 22, 1846
October 12th, in the Falklands, a census return records 145 inhabitants. Amongst those listed are Antonina Roxa and Gregoria Parry. Gregoria is the last survivor of the group of indentured slaves removed to the islands by Luis Vernet in 1828. 584

November 1st, Francis Parry is appointed as Chief Constable of the Falklands Colony. 585

November 22nd, Paloma arrives from Montevideo with gauchos to hunt the wild cattle. 586 Farm manager, Richard Almond Williams, is with them.

December 27th, in his annual message to the Buenos Aires Legislatura, Governor Rosas asserts Argentina's position over the archipelago.

“The Government perseveres in upholding the perfect rights of the Confederation to the territory of the Malvinas Islands.” 587

584 Antonina Roxa was noted as aged 33, two years less than recorded in 1842. Gregoria had been referred to as Gregoria Madrid in 1833; her age given as 28 in both 1842 and 1846. Parry/ Perry appear interchangeable.

585 Constables Ordinance 1846. The prefix 'Royal' would be added to the Falkland Islands Police Force in January, 1992.


587 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.111. Noted in the Evening Chronicle Friday April 9, 1847
1847 — at Port Stanley, Governor Moody opens Government House.

In May, a Frenchman, Count Walewski, and an Englishman, Lord Howden, arrive in Buenos Aires to mediate, in an attempt to end hostilities and lift the Anglo-French blockade.

“"We have news from Buenos Ayres to the 26th inst., but nothing was known as to how the negociations (sic) were proceeding. ... The following additional intelligence appears in the (Times) for the correctness of which, however, it does not hold itself responsible: "The Priscilla, arrived at Cork from Rio, brings advices that the Rattler had arrived there, and that nothing was done with Rosas, who demanded the cession of the Falkland Islands, and a payment of 4,000,000 dollars (...), as an indemnity for negociating at all."..."588

“... we learn that the hopes of a speedy termination of the long-continued and barbarous warfare by which the Argentine territories have been desolated, are likely to prove fallacious. It is stated that Rosas, encouraged by the recall (sic) of the former British Minister, Mr. Ousley, now insists upon a pecuniar indemnity of four million of dollars from the French and English Governments before he will treat with them; and some private accounts state, that to this insolent demand he has added an even more outrageous, namely, the cession of the Falkland islands by England!..." 589

May 10th, Napoleon, with twelve gauchos, four wives and a child aboard, all from Argentina arrive at Stanley from Montevideo. Accompanied by Vigilante, with fourteen gauchos and four boys. All employees of Samuel Lafone. The ships also carry 30 settlers from Spain, and 24 from Uruguay.

“Moody’s estimate of Lafonia’s area was quickly discovered to be about twice the true extent. The implications for cattle numbers not only affected Lafonia but East Falkland as a whole because estimates were based on counts of sample square leagues extrapolated to the presumed area of the island. East Falkland is now known to cover 2,250 square miles. A total of 30,000 cattle would imply 13.33 cattle per square mile whereas 100,000 would equate to almost 45 per square mile. Lafone now started litigation with Moody that was to continue for years...” 590

“... for the 350-ton Norwegian ship Napoleon, which reached Stanley from Montevideo on 10 May 1847 with a total of 117 people, there is a passenger list, which names 104 people with their countries of origin. There were 77 men, 18 women and 9 children, including 12 Argentine men, with 4 women and 1 child; there were 15 Uruguayan men, with 6 women and 3 children, and 24 "Spanish" men with 4 women and 2 children (some of whom may have been South Americans). Thus out of those 104 people, 71 were Spanish-speaking. There were also 16 French men, with 2 wives and 1 child; 3 Brazilian men; 1 German with his wife; and 6 British men with 1 wife and 2 children. Such details are not recorded for the other ships Lafone sent, so it is likely there were more Argentinians. Of those people, 78 were still there in 1851, including 17 Argentinians and 15 Uruguayans, which suggests that the original total had been more than 17 Argentinians. The documentation disproves assertions by Argentine authors (and speakers at the United Nations,) that Argentinians were not allowed to go to the islands.” 591

588 John Bull Saturday August 14, 1847. In the Manchester Courier & Lancashire General Advertiser Wednesday August 18, 1847 the demand for a cession of the Falklands was described as “very modest.”
589 Perthshire Advertiser Thursday August 19, 1847
590 Wilson 2016
591 Pascoe 2020 p.278. One of the Spaniards was Jose Llamosa who, in 1870, leased 12,000 acres of East Falkland.
In the Falklands, Governor Moody introduces a grazing scheme to encourage small-scale farming.

**July 15th**, following differences between the French and British negotiators, and a failure to get any agreement in the Rio de la Plata dispute, Lord Howdon instructs Commodore Sir Thomas Herbert to change tactics.

“... the blockade, having entirely lost its original character of a coercive measure against General Rosas, has become exclusively a mode of supplying with money, partly the Government of Monte Video, and partly certain foreign individuals there, to the continued detriment of the extensive and valuable commerce of England in these waters; I hereby request you, Sir, to raise the blockade of both sides of the River Plate,...” 592

“(Rosas) also insists on the right of the Falkland islands; so that, even if Lord Howden was ever so well disposed towards Rosas, he could not countenance such monstrous propositions, and the end of it will be, that England will withdraw herself.... By the return to France of the Baron Desfandes, it would appear that France, as well as England will back out, and leave Monte Video to the cruel fate that awaits her.” 593

“The British forces withdrew from this intervention in mid-1847, probably because British merchants in Buenos Aires finally made their protests heard. Thereafter the French had but a single warship stationed off Buenos Aires, and this quasi-blockade ended in midwinter of 1848...” 594

**July 17th**, reported in Holbart’s *The Courier*.

“The lands in the Falkland Islands are now for sale... The price of country lands is, for the present, 8s per acre. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at £50..... depositors will be entitled to nominate for a free passage for six, instead of four, adult labourers for every £100 deposited.”

In **September**, a red and white triangular beacon is erected at Cape Pembroke. To attract ships passing to the east of the archipelago.

“...from the few Vessels that come into this port, is attributed to the ignorance of most Merchant Captains that there is a British settlement here, where supplies can be obtained.” 595

**November 6th**, in the *London Daily News*

“It is reported that Mr. George Rennie, formerly MP for Ipswich, has been appointed governor of the Falkland Islands.”

A conference is arranged by the Peruvian government to discuss Spain’s attempts to recover some of its old colonial territory in South America.

“It is sometimes stated that the uti possidetis of 1810 was proclaimed by the Congress at Lima in 1848, but the statement appears to be not altogether accurate. The assembling of this Congress, which met on Dec. 11, 1847, on the invitation of the Peruvian Government, and in which Bolivia, Chile, Ecuador, New Granada (Colombia), and Peru were represented, was due to the apprehension felt as to the expedition which General Flores was organizing in Spain to recover the government of Ecuador. In the instructions of the Peruvian Government of Nov. 30, 1847, to its plenipotentiary, we therefore find this paragraph:” 596

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592 Quoted in *Comercio del Plata* July 19, 1847. France did not immediately follow suit; keeping its blockade until 1848.
593 London Evening Standard Wednesday September 8, 1847
594 Naval Warfare in the Rio de la Plata region, 1800 – 1861 C. B. Kroeber 1956
595 J. M. Dean to W. Dobson (Secretary, Lloyds) September 13, 1847 published in *Lloyds List* December 30, 1847.
596 Memorandum on Uti Possidetis J. B. Moore 1913. The Battle of Ayacucho was the deciding encounter in Peru’s pursuit of independence, and marked the final retreat of Spain from South America.
"There will be a stipulation made between the allied nations to preserve their territorial integrity: consequently, they will not permit any foreign power, under any pretext whatever, to occupy any part whatever, no matter how small it may be, of the territory of any of the allied States, who for fixing their limits will adhere to the rule of the uti possidetis of 1824, when the war of independence ended with the battle of Ayacucho."

**November 11th**, Vigilante arrives at Stanley with; “... Emigrants for Mr. Lafone.” 597

**December 11th**, at Lima, South American Ministers from Bolivia, Chile, Ecuador, New Granada and Peru meet for the Congress. An attempt to revive the Bolivarian ideal of an untied Latin America. Britain, the US and the Argentine Confederation send observers. Spain is not invited. 598

“The norm cascade stage in the development of uti possidetis – when states that have accepted the norm attempt to socialize other states to accept it as well – began with the 1847-1848 Congress of Lima, which was the first multilateral effort that we are aware of that explicitly addresses the intraregional dimension of territorial integrity.” 599

**December 15th**, Lieut. George Rennie is gazetted as Governor of the Falkland islands. 600

“The detachment of Sappers and Miners stationed at the Falkland Islands, under the command of Capt. R. C. Moody, the governor and commander-in-chief of those islands, is under orders to return home, Capt. Moody having been superseded in the governorship of that colony.” 601

**December 16th**, at Lima, a draft treaty is submitted to the Congress.

“By Art. VII of this project it was proposed that the Confederated Republics should "recognize as a principle founded in perfect right, for the fixing of their respective limits, the uti possidetis of 1810"; that, in order to mark such limits, when they were "not found in a natural and precise way" (donde no lo estuvieren de una manera natural y precisa), they should name commissioners, who, having met, and recognizing as far as possible the territory involved, should determine the dividing line.” 602

**December 17th**, discussions at Lima continue.

“When Art. VII was reached, Peru proposed to substitute the uti possidetis of 1824 for that of 1810. A majority of the Plenipotentiaries expressed the view that the battle of Ayacucho had nothing to do with the discussion, and had created no new right as to limits; that the Spanish-American Republics could found their territorial rights only on the dispositions of the Spanish Government, in force at the time of the declaration of independence, and on the treaties and conventions celebrated since that date, and this was what the article provided. ...” 603

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597 Pascoe 2020 p.277 fn.5
598 Rosas still held out hopes of regaining control over Uruguay and Paraguay and was unwilling to commit to a conference concerned with South American solidarity.
599 Territorial Integrity Treaties, Uti Possidetis, and Armed Conflict over Territory Paul R. Hensel, Michael E. Allison & Ahmed Khanani 2006
600 The London Gazette No. 20801
601 London Daily News Monday December 27, 1847
602 Moore 1913
603 Ibid.
December 18th, in the Hampshire Chronicle.

“Yesterday the Government transport Nautilus came up to Spithead, from South America, bringing news from the Falkland Islands to the 14th of August, at which time they were in the most abject state of distress. The Nautilus lay at the islands three weeks before she could get a bullock. All the improvements contemplated for giving character and employment to the place were stopped, the Government had not hands, or anything for them. The islands in short, were in a fair way of being deserted. The three roads laid out by the governor were not proceeded with.”

December 27th, responding to a letter from Lafone’s brother in Liverpool, the British Government refutes the poor picture of the Falklands painted by the journals following the return of Nautilus.

“I am desired by Earl Grey to state that he has much satisfaction in acquainting you that the unfavourable account of the state of the Falklands, contained in The Times of Saturday week, is not confirmed by the official despatches. ... They include the usual periodical returns of the progress of public works up to the middle of the year, and neither mention that they have been arrested, or that there has been any emigration of the small number of settlers hitherto located on these islands. They are about to be recruited, as you are aware, by some additional emigrants from this country. The returns from the Governor show that he had in his possession an ample store of provisions for the subsistence of the settlers, and active measures were in progress to tame and render available portions of the large herds of cattle belonging to the Crown in the Falkland Islands.” 604

On the same day in Argentina, Governor Juan Manuel de Rosas presents his annual message to the Legislatura de la Provencia de Buenos Aires. 605

“The justice of the claims of the republic over the unjust detention of the Malvinas Islands by the Government of His Majesty imposes on the Confederation a strict duty to sustain them, as it will always sustain them.” 606

December 30th, Governor Moody forms the Militia Force of the Falkland Islands with two platoons of infantry taken from the population. 607

604 Hawes to Lafone December 27, 1847 published in the Evening mail Monday January 3, 1848
605 In London, Rosas's address was reported in, inter alia, the Evening Mail Friday March 31, 1848
606 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.148
607 Probably no more than 16 men.
1848 – January 13\textsuperscript{th}, from Buenos Aires, General Rosas protests to the Austrian Minister regarding Austria's recognition of Paraguay as a nation; "... acceding to undue solicitations made to it by that of the Province of Paraguay for the recognition of its pretended independence as a sovereign State..." 608

January 24\textsuperscript{th}, gold is discovered in California, sparking a dramatic increase in ships doubling Cape Horn. 609

January 29\textsuperscript{th}, reported in Perth, Australia.

"The official and private accounts from Anson, the chief settlement of the Falkland Islands colony, have been so gloomy and discouraging for some time past, that many persons have doubted the probability of continued possession; and few persons have been found adventurous enough to enter personally upon the work of colonization there. We learn, however, that since the substitution of Stanley for Anson, as the chief settlement, some very marked alterations and improvements have become apparent in the position and prospect of the settlers;... The amount invested by the Government, and individual colonists at the new settlements is between £10,000 and £20,000; and..., we shall not be surprised to learn that a considerable increase of population has taken place." 610

February 8\textsuperscript{th}, the Lima Congress concludes with the Treaty of Confederation signed by Peru, Bolivia, Chile, Ecuador and New Granada. 611 It includes an agreement on borders.

"Article VII. The Confederated Republics declare their right is perfect to keep the boundaries of their territories as they existed at the time of the independence from Spain of the respective Viceroyalties, Captaincies-general or Presidencies, into which Spanish America was divided; and in order to mark out said boundaries where they are not found in a natural and definite way, they agree that in such case the Governments of the Republics interested shall appoint commissioners, who having met and recognizing as far as may be possible the territory under consideration, shall determine the dividing line of the Republics, taking the summits that separate the waters and thalweg\textsuperscript{612} of the rivers, or other natural lines, provided the localities permit it; to which end they shall be able to make the necessary and compensatory exchanges of land, in such manner as may best suit the reciprocal convenience of the Republics. If the respective Governments do not approve the demarcation made by the commissioners, or if the latter are not able to come to an agreement in order to make it, the matter shall be submitted to the arbitral decision of one of the Confederated Republics, or of some friendly Nation, or of the Congress of the Plenipotentiaries. The Republics which, having been parts of the same State at the proclamation of independence, were separated after 1810, shall be kept within the boundaries which they recognized for themselves, without prejudice to the Treaties they may have celebrated or shall celebrate in order to vary or perfect them in conformity with the present article. What is provided in this article shall in no way alter the Treaties or Conventions concerning boundaries celebrated between any of the Confederated Republics, nor constrain the liberty which these Republics may have to arrange among themselves their respective borders." 613

# Researcher's Comment: There had been previous agreements between some of the new nations to follow the boundaries as they had been generally recognised during the Spanish colonial period. Despite, in most cases, those lines not being accurately drawn. The 1848 Lima Congress was the first time, however, that a majority

608 FO 6/145/136. Paraguay had declared itself independent in 1811. Argentina in 1816. In 1848, after 37 years, Buenos Aires still referred to Paraguay as one of its provinces and calling its President, 'Governor'. Austria's recognition brought the issue to the fore and may have been a prominent reason for Rosas', six months later, to settle with Britain and France. Rosas went to war with Paraguay shortly after.

609 Within 2 years the number of ships stopping off at Stanley more than doubled. The population would grow in response

610 The Perth Gazette and Independent Journal of Politics and News

611 The Republic of New Granada was formed in 1831 and survived until 1856.

612 The line of lowest elevation within a valley or watercourse.

613 Quoted in Moore 1913 pp.37-38. There is no evidence that any of the five signatories actually ratified the agreement.
agreed in principle to adopt the borders as they had stood during the last recognised year of Spanish dominance – 1810. This would become generally known as ‘uti possidetis juris of 1810.’ None of the nations that signed at Lima ratified the agreement however. Argentina refused to sign at all while Spain, which still claimed many of these territories as its own, had not been invited. The concept of uti possidetis juris was, and remains, contentious. As can be seen from the comments below.

“1847-1848. Congress of Lima (December 11 to July 8) to form an alliance of American republics. Five powers represented. A confederation agreed on, and a postal convention, but never ratified.”

“It thus appears that in the final treaty the specification of a date when the several viceroyalties, captaincies-general and presidencies became independent of Spain was omitted, the year 1810 being mentioned only in connection with States which split up after the movement for independence began.”

“The principle laid down the rule that the boundaries of the newly established republics would be the frontiers of the Spanish provinces which they were succeeding. ... To be sure, there were many regions that had not been occupied by the Spaniards and many regions that were unexplored or inhabited by uncivilised natives, but these sections were regarded as belonging in law to the respective republics which had succeeded the Spanish provinces... These territories, though not occupied in fact, were by common agreement considered as being occupied in law by the new republics from the very beginning.”

“... 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. ... His Majesty’s Government recognized the succession of the new republics only in territories which had been effectively occupied.”

“Uti possidetis juris was a rough and ready agreement between the new Latin American states to establish their respective territorial limits. As a principle, it could be applied only to a dispute between Latin American nations. ... Whether it is applicable in a dispute with a non-Spanish American nation is open to doubt.”

“... the uti possidetis principle... is essentially an accord on boundaries between successor states of the same (Spanish) empire, not an assertion of sovereignty against outsiders.”

“The doctrine of uti possidetis juris is of questionable applicability as a tenet of contemporary international law. ... uti possidetis juris fails to square properly with the legal establishment of non-Hispanic states in the New World, as well as the more recently evolved principles of decolonization and self-determination. Further, save for Latin American states, succession from original Spanish rights has neither commanded widespread respect nor attracted international acceptance, either in practice or in principle. Hence, ... uti possidetis juris contributes but a modicum, if indeed any, legal support to Argentina’s position of valid title over either its South Atlantic or Antarctic claims.”

615 Moore 1913
616 Quote from the dictum of the Federal Council of Switzerland in the Colombia-Venezuela boundary dispute 1922. The ‘common agreement’ being between those South American Republics that stood to gain; not any extra-continental nation.
617 Memorandum on the Falkland Islands 1947 in LCO 2/490. cf. 1848
618 Falklands or Malvinas? The Background to the Dispute J. Metford 1968
619 Falkland Title Deeds Malcolm Deas 1982
620 Anglo-Argentine Rivalry after the Falklands/Malvinas War: Laws, Geopolitics and the Antarctic Connection C. Joyner in Lawyer of the Americas 1984
“This congress produced a Treaty of Confederation between New Granada, Ecuador, Peru, Bolivia, and Chile. Article 7 sought to prevent hemispheric solidarity from being disrupted by border issues between the Latin American states, leading to a declaration that (in the absence of special arrangements by the interested parties themselves) borders should be those that the respective countries had possessed at the time of their independence from Spain.” 621

“Not a single arbitration tribunal has ever proprio motu, (on one’s own initiative) in the silence of the compromis, (formal agreement) taken a decision to apply the uti possidetis.” 622

“... the Lima Conference instituted the uti possidetis iuris, a tool created by the new Latin American nations to resolve their territorial borders...” 623

“... adopted by Latin American countries in Article VII of the Treaty of Confederation signed at the Congress of Lima on 8 February 1848, in a complex form which gave a certain importance to the boundaries of earlier Spanish regions but also allowed the new republics to appoint commissioners to determine boundaries; it thus served only as a general guideline and was never a rigid principle, contrary to what is sometimes stated.” 624

**June 27th**, the new Governor, George Rennie, arrives in the Islands. 625

“In 1848, when a new governor was appointed, sixty houses had been erected at Port Stanley, besides the establishment of Mr. Lafone in the southern peninsula, and a small farm of sheep and cattle, belonging to Mr. Whittington, at the old settlement of Port Louis. The entire population numbered from 300 to 400 souls.” 626

In **July**, following exploratory inquiries by Britain’s consulate in Montevideo, Buenos Airean Governor Rosas signals that he is prepared consider an agreement with Britain to end hostilities. Rosas indicates that his terms will include the provisions that (a) the Argentine squadron captured by the Royal Navy is returned; (b) that compensation is paid and (c) that the Falklands are “restored” to the Argentine Confederation. 627

“*It was said that Rosas would only agree to a settlement on condition that he received twenty millions of dollars as an indemnification for damages done to him during the war, and the English to return to him the Falkland Islands.*” 628

“*It is said that Rosas comes out boldly with his demands from the English government – viz., modifications in the treaty; restitution of the Falkland Islands and Martin Garcia; indemnification for the seizure of his squadron, and the guano taken off the coast of Patagonia; recognition of his right of the navigation of the rivers, &c. ... It was affirmed that Rosas had declared, in a most formal and decisive manner, that he would receive no British agent so long as the government of Great Britain did not give him all the satisfaction he demanded.*” 629

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621 Hensel P. R., Allison M. E. & Khanani A. 2006 p.10
622 *Territorial Integrity in a Globalizing World* Abdelhamid El Ouali in *International Law and States Quest for Survival* 2012 p.134, fn 98
623 Peña & Peña 2018
624 Pascoe 2020 p.49
625 *Aboard Nautilus*, which had sailed from England on February 21, 1848, shortly after Rennie had received his instructions on the 15th.
626 *British Packet & Argentine News* December 29, 1849
627 *Hood to Palmerston July 21, 1848* FO 6/140. This Hood, the vice-consul at Montevideo, was the son of Britain’s previous negotiator who had attempted to reach a solution in 1846. Another negotiator, John Caradoc had also tried and failed in 1847. The Hood “bases” as they became known, would form the foundation of the eventual deal. Quite when the demand that the Falklands be handed to Buenos Aires was dropped, is not clear. *cf. 1849*
628 *Blackburn Standard Wednesday August 9, 1848*
629 *Shipping & Mercantile Gazette Thursday October 5, 1848*
July 15th, Richard Moody sails from the Falklands in Nautilus. Accompanying him are four of the original sappers and miners that arrived in 1842; plus eleven colonists. 630

“Three of them (James Biggs, Thomas Yates and John Herkes) purchased their discharge from the army and remained in the islands (where Biggs and Yates still have descendants), and the others left with Governor Richard Moody in HMS Nautilus on 15 July 1848.” 631

July 25th, Sir William Molesworth, the colonial reformist and radical politician, delivers a long speech in the House of Commons on the subject of colonial expenditure. He details the monies spent on all the colonies and says of the Falkland Islands.

“I will now conclude the catalogue of the military stations with the Falkland Islands. On that dreary, desolate, and windy spot, where neither corn nor trees can grow, long wisely abandoned by us, we have, since 1841, expended upwards of £35,000;... What I propose to the House is this.... acknowledge the claim of Buenos Ayres...” 632

“Sir W. Molesworth submitted a resolution ... He proposed to withdraw our military establishments from the Ionian Isles, to dispense with maintaining a fleet on the coast of Africa, to give free institutions to the Cape of Good Hope and the Mauritius, to keep a sharp look-out at Hong Kong and Labuan, and to recognise the claim of Buenos Ayres to the Falkland Islands. He calculated all this would save a cost of £1,000,000.” 633

“In the session of the British Parliament of the 25th July, 1848, in the House of Commons, Sir William Molesworth, a distinguished member of that House, treating of a motion for reducing expenditure, and arranging the administration of the British Colonies, referred to the Malvina Islands. He enumerated them among the colonies that he considered burdensome, and said - "Here occur the miserable Malvina Islands that produce no wheat, and where trees do not grow, islands lashed by the winds, that since 1841, have cost us no less than 45,000 pounds sterling, without return of any kind, or any profit whatever. I am decidedly of opinion that this useless possession should be immediately restored to the Government of Buenos Ayres, that justly reclaims it." (From the Morning Chronicle and daily News of London). This sensible motion, from so distinguished and influential a member of the House of Commons, as the Honourable” 634
“... on the sidelines of discussion concerning the negotiations with the Argentine Government, Member of the House of Commons, William Molesworth had proposed to accept the Argentine claim...”

“As a Liberal, Molesworth was anti-colonialist and in favour of free trade – to him, the possession of a territory that offered no trade was anathema.... At that time Molesworth was unaware that Buenos Aires was about to drop its claim to the Falkland Islands, which rendered his suggestion otiose. And he failed to obtain a vote – it was past midnight, the debate failed to retain a quorum of forty MPs and was adjourned without a division.”

Researcher’s Comment: Molesworth's words were misreported in Argentina, with the implication that the claim of Buenos Aires to the Falklands had the support of influential men in Britain’s Parliament. Molesworth did not recognise the Buenos Airean claim as ‘just’ and was only concerned with expenditure. As for being ‘influential’, when Molesworth gave his speech, there were less than 40 MPs in the chamber and no vote was taken. This MP repeated his speech in 1849, but failed to mention the Falkland Islands.

A schooner, John D. Davison, arrives in the Falkland Islands under the command of Capt. William Smiley and with a young member of the crew aboard, Luis Piedrabuena.

July 27th, Molesworth’s speech is reported in the Morning Chronicle newspaper.

September 1st, Ambassador Moreno enthusiastically reports Molesworth's speech to Buenos Aires, enclosing copies of the reports in British newspapers.

“... after the first enthusiasm, attention waned again. The English Admiralty certainly felt very different than that member of the House of Commons, especially so in a time when two powers competed to occupy not only productive regions but islands that could serve as naval bases.”

September 5th, in the Morning Chronicle.

“A lease of the Falkland Islands had been granted to that gentleman (Mr. Enderby), to carry on the whale fishery in that part of the world...”

September 23rd, in the Falklands, an Aliens Ordinance is enacted requiring employers bringing in non-British labour to the Falklands accept the responsibility, and costs, of repatriation should they lose that employment.

“... a bond of £10 (ten pounds) per person on anyone bringing “aliens” (non-British people) into the islands without the Governor’s permission, and also imposed the same bond on every “Foreigner” landing or settling in the islands without the Governor’s permission. The money was not to be paid on arrival but only if the regulations were infringed, and there seems to be not a single case in which it was actually paid.”

635 Kohen & Rodríguez 2017 p.152. There were no - “... sidelines of discussion concerning the negotiations...”
Molesworth's comments were a statement to the British House of Commons regarding the costs of colonization and not in the least concerned with any negotiations with Argentina.
636 Pascoe 2020 p.179
637 See 1868 and 1883. Revisionist Argentine histories credit Piedrabuena with maintaining Argentina’s claim to Patagonia and Statenland (Isla de los Estados).
638 Caillet-Boise 1982 p.366
639 Morning Chronicle Tuesday September 5, 1848. A lease supposedly granted by the Colonial Office.
640 Kohen & Rodríguez (2016) assert that the British authorities retained a portion of workers’ wages to pay for any repatriation. This was not the case, although their employers could be required to lodge £10 with the Governor for each worker to facilitate repatriation. The problem had arisen as a result of Lafone’s managers laying off staff in winter and then abandoning them in the Islands.
641 Pascoe 2020 pp.183-184
October 5th, Henry Southern arrives at Buenos Aires with instructions to negotiate a peace treaty with Rosas.

The General welcomes Southern but makes it plain that this is on a personal level, and that he will not recognise Southern officially until their talks have resulted in a treaty.

“The Government expressed to him its sincere sorrow, in its not being able to proceed to his reception, in the character in which he came accredited by H. M., without satisfaction and redress being previously given to these Republics, for the very grave offences that the Government of H. M. in union with that of France, had inferred upon them, during the Anglo French intervention.”

“Mr. Southern's case remains as before. Rosas refuses to receive him officially, and it is generally understood that he will continue to do so until he is authorised to accede to the demands of Rosas, which are said to be the restoration of the Falkland Islands to the Argentine republic, and remuneration for the guano brought by English ships from Patagonia, as well as the damage caused by the British fleet in the Parana.”

Henry Southern responds that he will inform the British Government of the situation he has found himself in.

“The (Confederation) Government has the satisfaction of cherishing the hope, that that of H. M., informed of these unfortunate incidents, which that of the Confederation could not avoid, without violation of the national honour, and without disregarding the imperious exigencies of the independence of these Republics, will decide upon removing the actual inconveniences, for the re-establishment of the relations of friendship, between the Government of H. M. and those of these Republics, celebrating public Conventions of Peace, upon the Hood bases, and the modifications wherewith they were accepted by them. The Government, animated by ardent hopes for so plausible a result, is persuaded that those of that of H. M. are identical. Reposing in the elevation an l justice of the British Cabinet, it tranquilly awaits a satisfactory solution of the unfortunate differences, that still keep altered the good harmony between the two Governments. That of the Confederation invariably sustains the unquestionable rights of the Republic to the territory of the Malvina Islands. Accordingly it will continue its serious attention to the attacks against the sovereignty of the Confederation, that merchant vessels, with the flags of friendly nations, especially with that of Great Britain, persist in committing upon the Guano Islands on the Patagonic coasts, and others of that littoral; as also to that of having established an English settlement in the Straits of Magellan.”

October 14th, Southern reports to Lord Palmerston.

“... (he) has an immense idea of his own importance. He returned to His original argument: that it would be dishonorable for Him and to the Confederation, if after all that has passed, He did not terminate on a convention of peace...”

642 Southern was an experienced diplomat who spoke fluent Spanish. He arrived with a personal message from Queen Victoria, specifically designed to address the ego of General Rosas. Britain had wanted a simple negotiation merely addressing the outstanding issues identified by Hood and others in 1847 and 1848; but Rosas wanted a flamboyant peace treaty to demonstrate that Argentina was an equal with France and Britain, and a new world power. Rosas got his way.

643 The Confederation’s Foreign Minister, Felipe Arana, addressed Southern as ‘Minister Negotiator of the Peace.

644 Archivo Americano Y Espiritu De La Prensa Del Mundo 1849 Buenos Aires.

645 Morning Post Tuesday February 27, 1849

646 Archivo Americano Y Espiritu De La Prensa Del Mundo 1849 Buenos Aires. The mention of an English settlement in the Strait of Magellan probably referred to the missionary post at what is now Ushuaia.

647 FO 6/139 f.64

648 Southern to Palmerston October 14, 1848 FO 6/139. It had to be a full treaty, rather than a mere convention.
“Britain would have preferred a less formal agreement that merely settled specific complaints, and would have liked to re-establish full diplomatic relations beforehand. Britain was unhappy with Rosas’s insistence that Britain should accept from the outset that there was first to be a peace treaty.”  

October 18th, in the Worcestershire Chronicle.

“Government has made a grant to Mr. Charles Enderby, of Liverpool, of the Falkland Islands, for the formation of a colony for the re-establishment of the British Southern Whale Fishery. A Royal Charter of Incorporation is to be granted to a proposed company.”

November 3rd, Capt. Hiram Clift in Hudson, sails from Mystic, Connecticut, to hunt whales at the Falklands.

November 22nd, in Buenos Aires, Gaceta Mercantil reports Molesworth’s remarks of July 25th in the Commons.

December 2nd, HMS Dido arrives in the Falkland Islands. She left Auckland on November 1st, and rounded the Cape on the 21st; “Her run, it will be seen, was one of extraordinary speed.”

December 11th, in the London Evening Standard;

“We stated some time since that, for the better protection of these islands, the Admiralty had ordered a man of war to visit the island occasionally. A body of military pensioners are about to be sent there to form the police of the island; but, in the meanwhile, it has been deemed advisable to order a man-of-war, with some marines from Commodore Sir Thomas Herbert’s squadron at Monte Video, to take care of the island until their arrival. In such remote places as the Falklands, the absence of a British pendant is too often the excuse for the indulgence of lawless conduct on the part of the discontented and ill-disposed, as it affords also an opportunity for reckless and insolent merchantmen of all nations to break through the rules and regulations of the island with impunity. No islands of the extent of the Falkland Islands, in any part of the British dominions, should be without a man of war pendant occasionally flying in one or other of their ports.”

December 27th, Governor Rosas sends his annual message to the Legislatura de la Provencia de Buenos Aires.

“... (the British) Government persists in the detention of the Malvinas Islands and of another portion of territory belonging to the Argentine Confederation, in all these in grave breaches by the Government of his Majesty, of the rules of international justice and the provisions of the treaty of February 2, 1825 between the Confederation and Great Britain...”

“The speech or message of General Rosas on the opening of the National Congress has attracted much attention, because of the bold and independent tone assumed by the chief magistrate of the republic in treating of the conduct of those European Governments which have by their mischievous and inconclusive interference, retarded for so many years a settlement of affairs... Many persons here consider the highly triumphant tone adopted by Governor Rosas as fully justified... The claim for the Falkland Islands is again referred to, and little disposition is shown to relinquish it without some negotiation or pecuniary compensation on the part of this country. Whether the claim is question will ever be recognised and allowed is, nevertheless, uncertain. ...”

649 Pascoe 2020 p.181
650 See 1854
651 South Australian Register, Adelaide August 29, 1849.
652 London Evening Standard citing the United Services Gazette
653 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.193
654 Morning Post Monday April 2, 1849
“To raise the interdict, we will have to prove the fact of the dispossession and prove the will to preserve our right, through our protests of a century, and in collaboration with, as an appendix, a chronological synthesis of these protests. I exclude from it the simple manifestations consigned in messages, such as those made by Rosas annually before the Legislature, because those are not protests, properly speaking, within the norms of international law…” 655

December 28th, Governor Rennie writes to Earl Grey complaining that Lafone’s monopoly has; “… unhinged the system commenced by Capt. Moody, without as yet proving a satisfactory and efficient substitute.” 656

1849 – January 27th, Governor Rennie reports a population of 101 European males, 44 females, 56 ‘alien’ males and 25 females. Also five ‘coloured’ males and four females.

“Any comment on so serious a disproportion is unnecessary; nor is there any probability of the evil being remedied by the desultory arrival of single men from the River Plate, or of sailors shipwrecked or leaving their ships … this inequality prevents those of the population who are unmarried from identifying themselves with the Colony, and they no sooner realize a moderate sum of money that they go elsewhere.” 657

Negotiations between Rosas and Southern continue slowly. Southern is, however, successful at persuading Rosas to drop a demand that Uruguay be pulled into the Argentine Confederation against its will.

February 18th, following a stop-over by HMS Inconstant, en-route from the River Plate to Valparaiso, its commander, Captain Shepherd, submits a report to the Admiralty.

“Three persons holding Government Contracts employ all the labourers who chose to work. Mr. Phillips, with some labouring people, is employed by the Government, to search for minerals. Labourers under Mr. Goss and Mr. Murray are employed Road making, draining, and sinking a well. The mechanics about 12 in all when they choose to work, several wasting three fourths of their time in a state of intoxication, are kept by Government in constant employment at 6/- and 6/6 per diem.” 658

February 24th, a P. Simmonds writes to Lord Palmerston; “A large party of emigrants with their families, of whom I am the principal, propose forming a British settlement at New Bay on the North eastern coast of Patagonia, at our own risk. We understand that Gen Rosas claims this country on behalf of the Argentine Republic, as he did the Falkland Islands, we therefore beg to enquire whether this claim is recognised by the English Government, as the Rio Negro, is usually considered the boundary of that country. Although we intend going in a body sufficiently armed & provisioned to defend ourselves, we would require before completing our arrangements, whether we may expect the protection of the British Government as Englishmen, should we be molested & attacked from Buenos Ayres…” 659

March 3rd, Rosas, via Minister Arana, submits the terms under which he is prepared to resume diplomatic relations with Britain. Henry Southern sends the document to London; “… transmitting to the Government of H.B.M. the confidential draft of Convention, which this Republic presented to him.” 660

655 Rojas 1950 p.29
656 Quoted in Wilson 2016
658 FO 78/22
659 FO 6/147/74. Poor timing in light of the state of negotiations between the British Government and General Rosas.
660 Felipe Arana to H.E. The Minister of Foreign Relations of the Oriental State of the Uruguay, Dr. Don Carlos G. Villademoros April 7, 1849. Contrary to his intimation of July, 1848, Rosas did not include either compensation, or the Falklands, in his demands of March 1849. These terms were forwarded by Southern to Palmerston on March 6, 1849 and
March 8\textsuperscript{th}, Palmerston's office respond to Simmonds.

“Her Majesty's Govt., cannot interfere in any way in the matter to which (your) letter refers.” \textsuperscript{661}

March 10\textsuperscript{th}, Simmonds presses Palmerston.

“(Does) the British Government recognise the claim of the Argentine Republic to Patagonia from the Rio Negro to Cape Horn...” \textsuperscript{662}

March 16\textsuperscript{th}, the Foreign Office responds; “... the Eastern Coast of Patagonia is claimed by the Argentine...” \textsuperscript{663}

March 17\textsuperscript{th}, Simmonds, undeterred, writes once again for a clearer response.

“I was quite aware as my letters will show that the Argentine Republic claimed Patagonia but the information I sought was whether the British Government admitted this claim as legal and valid. If your Lordship is not disposed to answer my enquiry... I should prefer being told so at once; as I would then elicit some information in Parliament through a member...” \textsuperscript{664}

March 23\textsuperscript{rd}, Isaac Waldron and William Smyley petition US Senator William Seward; requesting US diplomatic assistance in the pursuit of a claim against Luis Vernet for compensation amounting to $5000 regarding events at Port Louis in 1830 and 1831. \textsuperscript{665}

March 28\textsuperscript{th}, the Foreign Office respond to Simmond’s persistent demands.

“... the Question put by you in that letter is one that has not been mooted between the Governments of Buenos Ayres and of Great Britain and it is one therefore which Lord Palmerston does not feel himself called upon to give any answer.” \textsuperscript{666}

April 9\textsuperscript{th}, the Alecto steamer leaves Montevideo with mails and despatches.

“This vessel was ordered to England by the British Minister at Buenos Ayres with important despatches to the Government, and she also brings the convention of peace with Rosas for the ratification of the French Government.” \textsuperscript{667}

In the Falklands, incensed at regular breaches of contract, Governor Rennie shuts down all of Lafone’s operations. Rennie sends a letter to Rio de Janeiro.

\hspace{1cm} \underline{received in London on May 15, 1849.}
661 FO 6/147/87
662 FO 6/147/93
663 FO 6/147/97. Interestingly, the note has been amended by Palmerston striking out the words “but that H.M's Govt., are not aware whether the Govt., of Buenos Ayres have fulfilled all or any of those Conditions which the Law of Nations prescribes as necessary in order to establish a tenable Right to the soil.” A footnote initialled by Palmerston adds; “What are those Conditions? Would it not be better to stop at “claimed by the Argentine Govt.?"
664 FO 6/147/99. Simmond's persistence caused the Foreign Office to consider questions about the extent of the Spanish Viceroyalty and whether Britain had ever; “... admitted or denied the Right of Buenos Ayres to the whole or to any part of the Eastern Coast of Patagonia?” The discussion raised the claims made by Buenos Aires in their dispute with the USA in 1832 but seems to have concluded that, as far as the British government were concerned, the question had not previously arisen. With a peace treaty being negotiated, Simmond's timing could hardly have been worse.
665 Waldron claimed that Luis Vernet had stolen seal skins from him in 1831 while Smyley complained that he had been 'arrested' by Vernet for “illegal sealing” in 1830. cf. 1831, November 1849 & 1856
666 FO 6/147/9108. That appears to have been the end of the matter.
667 Evening Mail Friday June 15, 1849. The Alecto arrived at Falmouth on June 13, 1849.
“One (promissory) note of ten dollars was sent to the British Consul at Rio de Janeiro in 1849 with a view of reminding Mr. Vernet (at that time residing in Rio) of his obligations…” 668

April 23rd, the Earl of Harrowby, in the House of Lords, raises the issue of the negotiations taking place between Buenos Aires and London, and demands to know the what is happening.

“… It will not be enough for the noble Marquess opposite to tell us that this information cannot be given, … Are we to agree to give a compensation of about three millions sterling for the very grave offences and the very serious damages which our Government, in concert with that of France, has inflicted on Buenos Ayres during the Anglo-French intervention? Are we prepared to give up the Falkland Isles? Or to make the whole settlement of affairs in that country dependent upon the good will of General Oribe? For these, it appears, are the only terms upon which President Rosas will deign to receive an accredited Minister from Her Majesty? In what position are our interests now?” 669

The Marquess of Lansdowne responds on behalf of the Government.

“… negotiations are now pending, and proceeding upon terms contained not only in the instructions recently issued, but in the instructions issued by the noble Earl formerly at the head of the Foreign Department to Mr. Hood; … and upon which it has recently assumed a very promising aspect, so far as it relates to the probability of the modifications founded upon the basis of Mr. Hood being agreed to. … What those modifications are, the noble Earl cannot expect, nor can any one of your Lordships expect, that I should now state. I can only say that those modifications do not go at all to the extent that the noble Earl has assumed Rosas is likely to ask…. The noble Earl has referred to a speech lately made by General Rosas. I believe the noble Earl has overrated the importance of that address. It is not from speeches made by General Rosas to his council or to his parliament, whatever the importance of that council or parliament may be, but it is from the direct communication of General Rosas himself, that his intentions are to be judged; and certainly from those communications I have recently received, I cannot but believe there is a desire – I had almost said, an intention – on the part of Rosas to come to a satisfactory arrangement with this country—an arrangement which, most undoubtedly, must include a due regard to the interests of persons on the other side of the river.” 670

April 27th, the War Office notifies the conditions under which half a company of Pensioners are to be sent out to the Falklands; “The description of candidates to whom a preference is to be given for this service is pointed out in the printed conditions. The following will also be required to proceed with the detachment:- viz., 1 baker, 1 butcher, 4 carpenters, 1 joiner, 2 masons, 1 shoemaker, 1 blacksmith, 1 tailor. … You must forward your recommendation … on or before the 8th of May next,…” 671 Service is for seven years and the maximum age of the candidates is not to exceed 45; preference being given to married men under that age and with less than four children.

“They will receive pay at the rate of 1s 3d per day for a private, 1s 6d for a corporal, and 1s 10d for a sergeant, in addition to pension, from the period they are called on to leave their home till embarkation; … They will receive a free passage to the Falkland Islands, for themselves, their wives, and their families, with rations for

668 CO 78/43. Noted in Governor Moore's report of December, 1858 and received by the Colonial Office on March 5, 1859. Sadly no day or month is provided. Vernet had left debts behind; debts he would subsequently attempt to ignore when pursuing a claim against the British Government between 1852 and 1858.
669 This speech was reproduced in full in the British Packet & Argentine News on Saturday, July 21, 1849.
670 HL Deb 23 April 1849 vol.104 cc602-17
the whole ... They will receive one quarter's pension, in advance, on embarkation, to be applied, under the direction of their officer, in purchasing the necessary outfit for the voyage. They will be provided at the Falkland Islands with a cottage of two rooms, for each family, so soon as the same can be erected after their arrival; the materials are to be taken out in frame-work, from this country, and put up by the pensioners on the ground allotted to them. Each pensioner will also receive a free grant of ten acres of land for cultivation... each family will also be provided with one cow and one sow...” 672

“... in sending out this handful of men, the object is not to form a fortified post, but merely to obtain the presence of a few steady and loyal subjects trained to arms, who could suppress any sudden tumult or repel any insult from any wandering vessel.” 673

May 4th, Rennie complains to London about Lafone's failure to supply beef to the colony.

“It is painful to think that an undertaking which seemed to promise so many important results to these Islands should dwindle into petty attempts on the part of Mr Lafone to evade his engagements... With the exception of introducing 50 or 60 Spanish Indians with about as many horses for lassoing – the erection of a very few turf and wooden huts and the capture of perhaps 3 or 4,000 cattle, 2,000 of which are tamed – I am not aware of anything he has done... in the meantime, Mr Lafone retains possession of all the rights and privileges he would be entitled to if he complied with his contracts.” 674

May 12th, Dido’s Captain writes to the Admiralty extolling the virtues of a stop at the Falkland Islands when using the Cape Horn route from New Zealand – claiming this shortens the journey by 20 days. 675

May 15th, in London, Lord Palmerston receives the draft-treaty forwarded by Southern in March.

“The Penguin packet, which arrived at Falmouth on Sunday, from Rio de Janeiro, is bearer of a treaty from Rosas, the Dictator of Buenos Ayres, for the approbation of the British and French governments; it is suspected, not with the expectation of its being accepted, but merely to gain time until his further aggressive plans are matured.” 676

“The basis on which this treaty is made is the same as that proposed by Mr. Hood, without the modifications hitherto insisted on by Buenos Ayres.” 677

May 17th, estimates by the Colonial Land and Emigration Commission suggest that just 14 more settlers have departed for the Falklands during 1848. 678

In The Globe of London.

“Letters from Buenos Ayres of the 7th ult. state that treaties of peace were rumoured to have been agreed to, and that propositions to that effect had been forwarded to our government by Mr. SOUTHERN, her Majesty’s Minister in that country.” 679

672 Ibid.
673 Memorandum of Conditions on Which it is Proposed to Enrol Pensioners (sic) for Service in the Falkland Islands. Thirty pensioners were duly recruited, for a minimum of 7 years, together with their families – a total of 120 people. ‘Pensioners’ is a relative terms as, despite the age condition, the oldest was 53, and the youngest, 26.
674 Rennie to Grey, May 4, 1849 in Bernhardson 1989 p.290
675 General Report of the Colonial Land and Emigration Commissioners 1850 Appendix 54
676 Manchester Courier and Lancashire General Advertiser Wednesday May 16, 1849
677 Banner of Ulster Tuesday May 22, 1849
678 The Perth Gazette and Independent Journal of Politics and News
679 Repeated in The Scotsman, two days later.
June 1st, in a Parliamentary debate on the costs of the colonies, Mr. Cobden refers to the Falklands.

“... There was a governor, 800l.; magistrate, 400l.; chaplain, 400l.; surgeon, 300l.; first clerk, 200l.; second clerk, 150l.; schoolmaster, 20l.; surveyor's department, 1,230l.; public works, 1,050l.; Gaucho's, 300l.; purchase of stores, freight of vessels, and incidental expenses, 1,100l.; rations, 750l.—in all, 5,700l. Really, if this country had more money than it knew what to do with—if it were the most flourishing nation in the world, it would be impossible to throw away its money in a more wanton manner than they were doing.” 680

A Government spokesman responds; “The Falkland Islands.... were not held simply for colonial or commercial purposes, but political considerations had been involved. It was thought a convenient station;…” 681

The 9th General Report of the Colonial Land and Emigration Commissioners is published.

“In the course of the year we have received a remittance, amounting to £675 11s 6d from the colony for the value of land sold there up to the present time. A deposit of £100 has been made here for the purchase of land. These sums, in addition to a balance on Mr. Lafone's first instalment, will be available for the introduction of labour. Measures are in progress for settling in the islands a small body of military pensioners, with their families, who will be judiciously selected from districts in Scotland, where their present habits and mode of life are likely to make them a valuable acquisition in this colony. …”

In Buenos Aires, the Gaceta Mercantil journal rails against the introduction of more settlers to the Falklands, referring to the “execrable” Samuel Lafone. 682

June 6th, the Derby Mercury reports.

“ ‘It has been determined to extend military colonisation to Falkland islands, Vancouver's Island and other settlements.’ ”


“ ‘Advices from Buenos Ayres state that Mr. Southern had despatched letters to the British Government with the result of his negotiations with the Republic, which it was understood were of a satisfactory tenor.’ ” 683

June 13th, in a private letter, Southern sends assurances to Lord Palmerston with regard to Falklands claims.

“ ‘An angry paragraph has appeared in the Gazette on the subject of an expedition of colonists to the Falkland Islands led by an officer of the British Navy. The possession of these Islands by England is always maintained in public documents as an unjust aggression and in terms of indignation, whereas I believe General Rosas really attributes no importance to the question. It is a farce like so many others, which he thinks it wise to keep up. In none of the very many conversations we have had on all subjects has he ever alluded to the Falkland Islands.’ ” 684

June 26th, Sir William Molesworth again addresses the House of Commons on the subject of colonial expenditure, but, although his speech is similar to that given in 1848, he makes no mention of the Falklands.

680 HC Deb 01 June 1849 vol.105 cc1039-78
681 Evening mail Monday June 4, 1849
682 A little unfairly as Lafone sent workers, not settlers.
683 Illustrated London News Saturday June 9, 1849 p.11
684 Southern to Palmerston, June 13, 1849 in FO 6/502/266. Arrived in London on September 5, 1849. The 'expedition' appears to be a reference to the Chelsea Pensioners.
July 27th, in the House of Commons, a question is submitted by Mr. H. J. Baillie, enquiring; “... whether it was true that the government of Buenos Ayres had laid claim to the Falkland Islands, and, if so, what had been done upon the matter.” 685

“Viscount Palmerston said that there was a claim made some time ago, which had been resisted by the British Government. Great Britain had always denied the claim of Spain to the Falkland Islands, and the government was certainly not inclined to yield to Buenos Ayres what it had refused to Spain. The result was, some ten or twelve years ago the Falkland Islands were taken possession of and occupied by the British, and ever since that period there had been a settlement there. He thought, under these circumstances, the hon. Gentleman would see that there would be no great use in reviving the correspondence which had ceased with the acquiescence of both parties, the fact being that for the last 10 or 12 years we had occupied the Falkland Islands as a possession of the British crown.” 686

“... he thought it would be most unadvisable (sic) to revive a correspondence which had ceased by the acquiescence of one party and the maintenance of the other.” 687

The exchange is reported in a number of Britain's newspapers and journals.

“Lord Palmerston replied to a question put to him by Mr. H. Baillie, with reference to the claim of Buenos Ayres to the Falkland Islands, that those islands had been in the undisputed possession of this country for the last 12 or 15 years.” 688

685 London Daily News Saturday July 28, 1849 p.2
686 Ibid. p.2. This version of Palmerston's response also appeared in the Shipping & Mercantile Gazette Saturday July 28, 1849 p.4.
687 The Times July 27, 1849. There were different versions of the exchange in Parliament for which there is no entry in Hansard. The word 'maintenance' presumably refers to the occupation of the islands by Britain; but the suggestion of acquiescence was controversial.
688 Bell's Weekly Messenger Saturday July 28, 1849 p.5
“Lord Palmerston said it was true that our claim to the Falkland Islands had been disputed by the Spanish Government. Great Britain had now, however, undisputed possession; and he did not see any good to be derived from the revival of a correspondence which had ceased for the last twelve or fifteen years. ...” 689

“Lord Palmerston said, that a claim had been made many years ago, on the part of Buenos Ayres, to the Falkland Islands, and had been resisted by the British Government. Great Britain had always disputed and denied the claim of Spain to the Falkland Islands, and she was not therefore willing to yield to Buenos Ayres what had been refused to Spain. 10 or 12 years ago (sic) the Falkland Islands, having been unoccupied for some time, were taken possession of by Great Britain, and a settlement had ever since been maintained there; and he thought it would be most unadvisable (sic) to revive a correspondence which had ceased by the acquiescence of one party and the maintenance of the other.” 690

**July 30**th, In the Falklands, Governor Rennie ceases the monthly distribution of rations. 691

**July 31**st, noting the press reports of Palmerston’s reply to Baillie, Argentina’s Minister Manuel Moreno writes to protest on behalf of his Government.

“... in order that the silence of this Embassy may not be at any time taken for a confirmation of the erroneous assertion attributed to Y.E. in case it has really occurred, I take the liberty of reminding Y.E. that the Government of Buenos Aires and Confederation of Argentina has never consented to the deprivation of its sovereignty over the Falkland Islands effected by the English Government in the year 1833; and that, far from withdrawing its protest of the 17th June of that year, repeated in that of the 29th December, 1834, it has maintained its indisputable rights to that possession by all the means in its power, and has constantly declared its just complaints that it has not received satisfaction. In its Messages to the legislative body, it has ever since, and year after year, entered a formal record of the question, and supported its claims...” 691

Moreno includes the statements of his Government made to the annual opening of the Legislature of Buenos Aires for the years 1843, 1844, 1845 and 1848.

“... if for some time past the correspondence has not been so active, this is owing to the circumstance that the discussion is nearly exhausted, and to the state of relations since the intervention. But H.E. Viscount Palmerston, in his great wisdom, cannot confound the intermission of a correspondence with a consent tacit or expressed or with an acquiescence, which has never in any manner been shewn by the Argentine Government in the acts of H.B.M.'s Government in this affair.” 692

**August 2**nd, from London, Moreno reports to Arana that he has “defended” Argentina’s title to the Islands.

“The Argentine Minister gave account of an extraordinary reply, of that of the Foreign Affairs of H.M., in the House of Commons, upon the question of the Falkland Islands...” 693

“But there was no reaction at all from Buenos Aires, since Argentina was in the process of dropping the Falklands dispute.” 694

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689 Morning Post Saturday July 28, 1849 p.2
690 Evening Mail Monday July 30, 1849 p.1
691 These had been a regular necessity since 1841. By 1849, the settlers were far better equipped to produce their own food.
692 FO 6/502/279. Translation at 282
693 Message of the Government of Buenos Ayres to the Twenty-Seventh Legislature 1849 in FO 6/149
694 Pascoe 2020 p.186
August 3rd, reported in the *Evening Mail*.

“A late report from the Governor of the Falkland Islands, the possession of which formed one of the points of our dispute now in course of arrangement with Buenos Ayres, furnishes some interesting details of the capabilities and resources of these almost unknown settlements. Regarding their value to a naval and commercial nation, the Governor points out that their successive occupation by England, France, Spain, and Buenos Ayres at different periods since the year 1764 would seem to imply an early recognition of their geographical importance...”  

August 8th, Palmerston responds to the Argentine Minister in London.

“I have the honour to acknowledge the receipt of your note of the 31st of July, stating that the Reply which I was reported by some of the London Newspapers to have made to a question put to me by Mr. Baillie in the House of Commons on the 27th of July, did not correctly describe the State of the question between the British Government and the Government of Buenos Ayres respecting the Falkland Islands; and I have the honour to acquaint you that whatever the Newspapers may have represented me as having said on the occasion above referred to, I have always understood the matter in question to stand exactly in the way described by you in your letter.”

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# Researcher’s Comment:
There has been some debate as to Palmerston’s meaning, and it is occasionally asserted that the Foreign Secretary was acknowledging that the question of Falklands sovereignty remained unsettled; still “pending.” In fact there is little doubt that Palmerston was being coy in the knowledge that anything said would be repeated in the Argentine press. A peace treaty had yet to be signed and the situation remained fluid until it was. Palmerston did not need the subject of Falklands’ sovereignty to become an issue in Argentina’s newspapers.

“The Argentine Minister has recently transmitted the reply that he received from that of the Foreign Affairs of H.M. –

*In it the Honourable Viscount Palmerston acknowledged receipt of the note of the Argentine Minister, in which the latter had expressed to him, that the answer that had been reported in some of the London papers, as having been given by his Lordship, to a question that had been asked by Mr. Baillie in the House of Commons on the 27th July, did not correctly describe the state of the question, between the British Government and that of Buenos Ayres, respecting the Falkland Islands; and declared that he had the honour of informing the Argentine Minister that, whatever the public papers might have represented him as having said on the occasion referred to, he had always understood the matter in question was exactly on the state the Argentine Minister had described in his communication. –

The Government has replied to him, that it had felt much pleasure on being informed of the satisfactory result his reclamation had had, as regarded the true state of the question, as well as of the sincerity wherewith the Honourable Lord Palmerston, Minister of Foreign Affairs of H.M., had admitted that the affair was in the state described by the Plenipotentiary of the Confederation...”  

“The issue remained unsettled and was recognised as such by the British Foreign Secretary in 1849.”

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695 *Evening Mail Friday August 3, 1849* p.2
696 *Message of the Government of Buenos Ayres to the Twenty-Seventh Legislature 1849* in *FO 6/149*
697 *Islas Malvinas, Georgias del Sur y Sandwich de Sur* unattributed but distributed at a conference held at the London School of Economics December 3, 2007.
“In fact neither Palmerston nor Moreno said or implied that the question was "pending" – there is no such expression in the statements by either of them. ... (Palmerston) knew from the draft treaty sent by Henry Southern that Argentina was indeed acquiescing in Britain's possession of the islands and was hence dropping the Falklands dispute. ... in saying "I have always understood the matter in question to stand exactly in the way described by you in your letter", Palmerston said Moreno was right in saying that he, Palmerston, had referred to acquiescence over the Falkland Islands. In other words, in confirming Moreno's account he confirmed his Parliamentary statement. He did not say that he accepted Moreno's view that Argentina was not showing acquiescence.”

August 11th, the Robert Fulton is wrecked off Prong Point, Lively Island.

August 27th, Britain's Queen Victoria signs a Royal Patent giving Henry Southern the authority to conclude a peace treaty with Governor Rosas.

September 3rd, Palmerston notifies Southern that Queen Victoria has authorised his signing of the proposed Treaty with the Argentine Confederation; “... as Her Majesty's Plenipotentiary.”

September 15th, reported in the Dover Telegraph.

“In Buenos Ayres, the Honourable Chamber of Notables had (after a delay of six months) voted an answer to the message of General Rosas. The answer is, as usual, an echo of the message, but if possible more insulting towards England, more strongly insisting on the right of the Argentine Republic to take possession of the Falkland Islands, to expel the British invaders from the Strait of Magellan, to put a stop to the robbery of guano on the coast of Patagonia by British vessels...”

September 28th, Governor Rennie informs the Colonial Office of a prosecution.

“I had directed the Master of the American Whaler “Hudson”, Captain Hiram Clift, to be prosecuted for killing and appropriating to his use several wild cattle, at that time the property of Mr. Lafone.”

October 12th, Henry Southern reports that General Rosas is preparing for conflict with Paraguay, which has taken territory from the adjoining Argentine provinces. Buenos Aireans support the action as they still view Paraguay as a province, and not as a separate country.

“I find it extremely difficult to procure information in this Country. On the one side the profoundest reserve is maintained, and on the other the wildest and most exaggerated statements are fabricated without the slightest reference to truth.”

October 13th, the population in Stanley rises to 200 with the arrival on Victory of 30 Chelsea Pensioners and their families. Wooden cottages are shipped over with them and each is given 10 acres of land.

“Rennie intended them "to form a kind of military village apart from the settlers, providing attached to each house, a small garden..." In addition, these men and their families were to receive some cattle...

698 Pascoe 2020 p.187
699 Dover Telegraph & Cinque Ports General Advertiser Saturday September 15, 1849 p.6
700 FO 97/35/86
701 Southern to Palmerston October 12, 1849 in FO 6/145/57
703 Bernhardson 1989 p.297. Pensioners and families amounted to 137 people; and not old-aged pensioners – the youngest was 26, the oldest, Henry Felton, 53. Most would leave after 1856 when their service agreement expired but at least 7 families remained, with surnames Felton, Fleming, Reddie, Roach, Simpson, Smith and Short - surviving into the 1960’s. Some are there still; including the descendants of John and Sarah Short.
October 20th, in Argentina, *The Times* report of the July House of Commons exchange, is reproduced in the *British Packet and Argentine News*, accompanied by an Editorial.

“To say nothing of the question of right, Lord Palmerston’s memory serves but indifferently as to facts. When, in the beginning of 1833, Captain Onslow was sent in H. M’s sloop Clio to port Louis for the purpose of executing, in the name of Great Britain, the alleged rights of sovereignty over the Falkland Islands, he found there a colony established by Mr. Vernet under the auspices of the Argentine Government, and which had been in existence for nearly seven years! Again, the Government of the Confederation, so far from silently waiving its right, takes yearly the opportunity of reasserting it in the most public and solemn document emanating from the Executive.”

November 15th, Rosas authorises Minister Arana to sign the draft-Treaty on behalf of the Confederation.  

“Well, in that treaty nothing is said about the Malvinas Islands, which is curious because Rosas was very particular about Martin Garcia Island, which, even through an association of ideas, should have reminded him of the other irredentist islands.”

November 24th, a “Convention for re-establishing the perfect Relations of Friendship between Her Britannic Majesty and the Argentine Confederation”, otherwise known as the 'Convención de Paz' in Buenos Aires, is agreed and signed – by Southern, Arana and Rosas.

America’s representative in Buenos Aires reports the news to Washington.

“The rumor is today, that the convention lately made with this Government, by Mr Southern, the English Minister, for the settlement of their long pending difficulties, and sent to his government for examination and approval, has been returned to him, with directions to sign it, and to exchange the ratifications. On the other hand, it is said, that the French Government will not agree to the convention made for the same object, by Admiral Le Predour. I shall enquire into the truth of these rumors, in the proper quarter, perhaps today.”

“Rosas (sought) to buy with the Falkland Islands, which were already in the hands of England, the abstention of the Englishmen in the matter of the Rio de la Plata... 8º: (No escrita). Inglaterra se quedaba con las islas Malvinas...”

“... a concession to Britain or a culpable oversight?”

704 FO 93/10/4  
705 Rosas y las Malvinas Absalón Rojas 1950 p.13  
706 Under the terms of this, the occupied island of Martin Garcia was returned to Argentina and Britain was required to salute the Argentine flag with “20 cannon shots.” No mention being made of the Falkland archipelago; it remained in English hands. Called at the time the Convention of Peace/Convención de Paz; more recently the treaty has become known in Argentina as the Southern-Arana Treaty, despite the signature of General Rosas also on the document. See https://falklandstimeline.files.wordpress.com/2018/03/convention-between-great-britain-and-the-argentine-confederation-for-the-settlement-of-existing-differences-and-the-re-establishment-of-friendship-november-24-1849.pdf  
707 US charge d'affairs Harris to US Secretary Clayton November 24, 1849 in Manning 1932 p.492  
708 Rosas y Thiers: La diplomacia europea en el Río de la Plata (1838-1850) Carlos Pereyra 1919 pp.202-206. Republished in Buenos Aires 1944 (pp.217-222). Deputy Rojas, speaking in the Chamber of Deputies in 1950, sought to explain Pereyra’s words; “According to Pereyra, this was a secret clause; he affirms it in a categorical way, although without mentioning the source of such an assertion, all the more surprising from the mouth of a hundred percent Rosista (Rosas supporter).” An implication that there was, in addition to the Convention’s 7 articles, an unwritten 8th handing the Falklands to Britain.  
709 Deputy Absalon Rojas, speaking in the Argentine Congress on July 19, 1950 quoted in Cuando Rosas quiso ser inglés Alfredo R. Burnet-Merlín 1974. See also Rosas y las Malvinas Absalón Rojas 1950
“Dr. Rojas’ interpretation can be countered as follows: 1° Article 1, in referring to "differences" being resolved, reads that they are "those that have interrupted political and commercial relations between both countries". The Malvinas/Falklands conflict had not provoked this effect.”

“For Rosas the Falkland Islands were... a frozen asset in the game of diplomacy, nothing more.”

“Rosas signed the treaty of friendship with Queen Victoria. There it says: “Under this convention perfect friendship between Her Britannic Majesty's Government and the Government of the Confederation, is restored”. In no article or detail of the document is there any proviso for the restitution of the islands iniquitously usurped.”

“The treaty was not imposed on Argentina by Britain; the Argentine leader General Juan Manuel Rosas humiliated Britain by prolonging negotiations for nine months (October 1848 to July 1849) until he got everything he saw as important, including recognition of Argentina as a sovereign power in which European powers were no longer to intervene at will, and sovereignty over the River Paraná, which he particularly wanted in order to isolate separatist rebels in Paraguay and Corrientes. Argentine historians generally regard the Convention of Settlement as a triumph of Argentine diplomacy, though some have criticised it for omitting Argentina’s claim to the Falklands. In fact Rosas had long regarded Argentina’s claim as something that could be traded away in exchange for more direct advantages.”

“Although admittedly the principle of uti possidetis would apply in favour of a territory’s occupier when a Peace Treaty makes no reserve to such occupation, it would not apply to the Southern-Arana Treaty because the conflict had nothing to do with Malvinas but was confined to the more actual and urgent situation in the River Plate,...”

“The words "perfect friendship" are definitive and all-encompassing; the Convention thus "wiped the slate clean" of all disputes and put relations between Britain and Argentina on a new footing.”

December 10th, Rosas and Southern hold a long, near all-night, meeting to discuss, inter alia, the resumption of diplomatic relations. To Southern’s surprise, Rosas remains opposed to formal recognition of Southern as an Ambassador until the peace treaty is ratified. In the face of Southern’s protests about how that would appear, Rosas lists Argentina’s demonstrations of ‘good faith’ including his dispensation of the question of compensation and there having been no mention, so far, of the issue of the Falkland Islands.

“... has not introduced the grave question which is pending of the Falkland Islands”

Southern tells Rosas that the peace treaty has resolved these issues.

“... countries and places occupied or conquered remain in the power of the party that occupies them, ... that is to say, things are to remain in the state they are in at the moment of peace; thus each party retains the sovereignty of the territory it occupies.”

711 Britain and Argentina in the Nineteenth Century H. S. Fern 1960 p.232
712 Historia de las Islas Malvinas Juan José Cresto 2011, President of Argentina’s Academy of History
713 Pascoe & Pepper 2012 p.7
715 Pascoe 2020 p.190
716 Rosas to Southern December 15, 1849 in FO 6/145 f.203
717 Southern to Palmerston December 13, 1849 in FO 6/145 f.178
718 Le Droit international théorique et pratique Carlos Calvo 1886
“What was the reason for Rosas to omit any reference to the Malvinas Islands? There are two hypotheses: first, because he left them for further negotiation; second because Rosas was so bound to England that he could not even allude to that matter... The first hypothesis, related to the possible subsequent negotiation, could be acceptable, but in that case, it should have, at least, a reservation of rights. For that reason I discard that first hypothesis, ... What hidden understanding, what secret commitments, what secret was there between England and this lonely and taciturn man ...?” 719

“(Rosas) did attempt to make a reservation of the Falklands dispute after the treaty was signed, but Southern pointed out to him that treaties of peace ended all differences between their signatories; far from disputing the point, Rosas actually repeated it, and did not mention the Falklands again.” 720

**December 11**th, Southern writes to Rosas, so that there is a record of his comments, repeating that the negotiations have ceased and that all matters are settled. 721

“All national differences are terminated by solemn and public Conventions of Peace...”

“... on 11 December, the day after the conversation, he handed a 5-page written memorandum to Rosas's daughter "Manuelita" (who acted as his secretary) summarising the previous night's conversation. It included Southern's statement that: ‘All national differences are terminated by solemn and public Conventions of Peace...’” 722

**December 15**th, Rosas replies to Southern. 723

“Rosas's long reply repeated the arguments in Southern’s memorandum, first giving the statement by one side, then the reply by the other, and adding his own extensive additional explanations. Significantly, Rosas merely repeated without further comment Southern’s statement that "All national differences are terminated by solemn and public Conventions of Peace" – that statement therefore appears twice in the exchange, first in Southern's memorandum to Rosas and again in Rosas's reply to Southern. By repeating Southern’s statement without contradicting it or limiting it in any way, Rosas showed unambiguously that he accepted the ending of the Falklands dispute.” 724

**December 17**th, Southern writes to inform Palmerston that Rosas has accepted that he should submit the peace treaty to Congress without awaiting a prior ratification by Britain.

**December 24**th, US Senator William Seward writes to Secretary of State John Clayton requesting that the US Government intervene; “... on behalf of Isaac P. Waldron and William H. Smyly, who were injured in their persons and property at the Falkland Islands in 1832, by Louis Vernet who claimed to be the Governor of those Islands under the authority of the Buenos Ayrean Government.” 725 Attached is a petition signed by the two claimants.

“This petition sets forth, the capture the capture of property and imprisonment, and other harsh and illegal treatment of claimants by Vernet, supported by their affidavits before F. R. Lee, Commissioner of deeds, and certified by James Connor, Clerk of the city and county of New York. The Memorial claims $50,000, damages but shews no bill of particulars of the articles lost or confiscated...” 726

719 Rosas y las Malvinas Absalón Rojas 1950 pp.14 & 15
720 Pascoe 2020 p.191
721 Southern to Palmerston December 13, 1849 in FO 6/145/178
722 Pascoe 2020 p.199
723 FO 6/145 f.214
724 Pascoe 2020 p.200
725 Manning 1932. cf. 1831, March, 1849 & 1856
726 James A. Peden to William L. Marcy No.43 June 2, 1856 in Manning 1932 p.592.
December 27th, Rosas addresses his annual message to the Legislatura de la Provencia de la Buenos Aires.  

“The differences pending with the Government of HBM have reached a solution, that accelerates, in a reciprocally honourable manner, the re-establishment of the previous cordial understanding.”

Governor Rosas briefly mentions the Falkland Islands dispute in his message.

“The Government pays serious attention to the outstanding claims of the Republic to Great Britain, for the unjustifiable detention of the Malvinas Islands.”

Rosas also mentions Minister Moreno’s exchange with Lord Palmerston.

“The Argentine Minister gave account of an extraordinary reply, of that of the Foreign Affairs of H.M., in the House of Commons, upon the question of the Falkland Islands, calculated to show that, many years ago reclamations had been made on the part of Buenos Ayres to the Falkland Islands; which had been resisted by the British Government –

That Great Britain had always disputed and resisted the right of Spain to the Falkland Islands, that she was not disposed to cede to Buenos Ayres, what she had refused to Spain; that said Islands having been disoccupied, ten or twelve years ago, Great Britain took possession of them, and had maintained an establishment there from that time; and that he considered it very impolitic to revive a correspondence, that had ceased by the acquiescence of one of the parties, and the perseverance of the other –

The Argentine Minister added, that he had immediately protested against this unexpected declaration; and very clearly and distinctly against the ambiguous or erroneous idea or assertion, of the withdrawal of the reclamation of the Republic, and its consent to the usurpation of the Malvina Islands, by the British Government; the Argentine Minister reserving the right of afterwards pointing out other serious inaccuracies, that were observable in said reply, as to the history and state of discussion –

The Government fully approved the well founded reclamation and protest of the Argentine Minister, against the incorrect assertions of that of the Foreign Affairs of H.M. – And expressed to him, by that opportune protest, he had maintained, as it was proper he should have done, and as he should do in all cases, the just rights of the Confederation to the Malvina Islands, against the new disavowal that had been made of them, by the Minister of Foreign Relations of H.M., upon the so unfounded supposition, that the correspondence might have ceased, by acquiescence on the part of the Confederation, or of both parties, according to the two different versions that appeared in the periodicals, of that idea of H.M.'s Minister –

The Government recognised the tact wherewith the Argentine Minister reported to it, that he had reserved the right of afterwards pointing out other very grave inaccuracies, that were observable in the reply of the Minister of Foreign Affairs of H.M.; a manifestation that hinged upon the following expressions: "that many years ago, a reclamation was made on the part of Buenos Ayres, respecting the Falkland Islands – Great Britain always disputed and denied the claim of Spain to the Falkland Islands, and therefore was not disposed to concede to Buenos Ayres what she had refused to Spain –

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727 The ‘mensaje’ was dated December 27, 1849 and signed by Rosas, but it was not read out to the Legislature on that date; nor was it read out by Rosas as tradition demanded. Not actually delivered until January 1, 1850. All 453 pages read by a clerk to those assembled. It took four days.

728 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 p.265

729 Coming before the agreement was confirmed by ratification, this was the last mention of the Falkland Islands in the mensaje for 91 years; although it should be acknowledged that internal conflicts prevented any message in 1850.
That ten or twelve years ago, the Falkland having been occupied for some time, England took possession of them; and since then had always kept an establishment there” –

The Government ordered its Minister that, on treating of this, he should always maintain the same principles, and should found upon the very acts that resulted from the correspondence that had taken place on this affair; and transmitted to him other orders, for the support of the unquestionable rights of the Confederation to the Falkland Islands.”

“... it is absurd to claim that Rosas renounced the Falklands/Malvinas through the treaty, when he continued to officially claim the islands a month after having concluded the treaty!”

“... in December 1849 the treaty was not yet ratified and so had not yet come into force. Southern and Rosas confirmed in their conversation on the night of 10-11 December 1849 that a treaty did not come into force until it had been ratified, so both knew that any statements made before ratification did not contradict the treaty or cancel it. So Rosas's protest of December 1849 was merely symbolic and did not lessen the effect of the peace treaty.”

# Researcher’s Comment: Treaties were 'concluded' upon an exchange of ratifications. In this case, that did not occur until 1850. See below.

Correspondence relating to the signing of the Treaty is laid before the Chamber of Representatives.

Governor Rosas writes to Henry-Southern to confirm that, despite what may have been said in Congress, there were no further issues and that therefore there would be no impediment to the ratification of the treaty.

“After this protest, ... until 1884, under the government of General Julio A. Roca, Argentina did not claim rights over the Falklands. Neither Urquiza, nor Mitre or Sarmiento, nor Avellaneda recalled the existence of this international dispute.”

On the same day in Washington, responding to Senator Seward’s letter of December 24th, US Secretary John Clayton, writes to William A. Harris. The US charge d'affaires at Buenos Aires is given instructions regarding the complaints and claims of William Horton Smyley and Isaac Waldron.

“You will press this case for an adjustment at the same time with those of the other citizens of the United States who were aggrieved by Vernet at those Islands.”

December 29th, the British Packet & Argentine News reports on Lafone’s contract and a dispute about the estimated land area that he was granted under the agreement.

“... some reduction should be made in the instalments. This is still a point of dispute between the contracting parties; the sooner, however, an equitable adjustment takes place, the better for the colony, whose energies are considerably retarded by this delay and uncertainty. The latest reports from the islands state that the governor is about to stop the works of Mr. Lafone: this would be a serious blow to the settlement.”

730 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910 vol.2 pp.266-267
731 Kohen & Rodriguez 2017 p.155
732 Pascoe 2020 pp.200-201
733 Juan de Rosas to the Honourable Chamber of Representatives December 27, 1849 in Archivo American y Espiritu de la Prensa del Mundo No. 21 Buenos Aires 1850 p.100
734 Sierra 1978 p.245
735 Manning 1932 p.40. Also Fitte 1966 p.437
736 Also on this date, the British Packet & Argentine News commenced a series of articles entitled Wild Sports of the 128
An editorial note reports the British Government’s intention to send out military pensioners to the archipelago.

“A large ship of 800 tons (the Victory) has been chartered by government to take out ninety pensioners and their families. This large and useful addition to the population of the islands will be of inestimable benefit.”

1850 – January 7th, Algernon Sidney Montague, is appointed resident Magistrate and Coroner for the Falkland Islands. 737

January 9th, Samuel Lafone’s contract is modified; extending his rights to wild cattle until 1856, and redrawing the boundaries.

“... all that peninsular or tract of land, part of the island of East Falkland (whatever be its extent), lying south of a line of demarcation running from a point in Darwin harbour, to a point in Brenton Sound, on the other side of the island, and which line of demarcation was fixed and indicated by the late Governor Moody by stakes and mounds,...” 738

“Despite the agreement, relations were slow to improve. Less than a month later, Rennie complained of William’s unwillingness to supply cattle at £1 per head (which Rennie considered equitable), rather than £1 10/-, because the hides alone were worth ten shillings. Moreover, Lafone’s agent was unwilling to guarantee the latter price for more than a year.” 739

“A new contract was signed on 9 January 1850. The Lafones were to purchase all of East Falkland south of a line between Darwin Harbour and a point on Brenton Sound together with Beauchene Island and some town and suburban allotments. Up to 1 January 1856 the Lafones have "the absolute right to an exclusive dominion over all wild horses, horned cattle, sheep, goats and swine upon the Falkland Islands, or any of them, with full power to kill and dispose thereof, but subject to the following restrictions (namely) not to kill except with the permission of the Governor for the time being any cows, wild or tame, except those unfit for breeding, or which should be required for consumption in the said Colony, nor reduce the number of bulls below the number requisite for insuring the largest possible annual increase."

The Lafones also had exclusive rights to supply beef to Government and visiting ships. The price was £30,000 of which £10,000 had been paid in 1846, £10,000 cash was due immediately and the remainder was to be paid at £2,000 per annum without interest from 1 January 1852. Specified numbers of horses and pigs were to be "exhibited" to the Governor between 1850 and 1854 as well as a stipulated number of other stock between 1850 and 1856. In 1855 this was 1,500 cows, 25 bulls, 8,000 ewes and 80 rams and culminated in 1856 with 10,000 ewes and 100 rams. The sheep: cattle ratio marks the change to the former from the latter as the linchpin of the agricultural economy. Cash flow started in 1850 when 429 hides raised 10 shillings and 6 pence each in Montevideo. A contract to supply Sullivan with 700 tamed cattle at 30 shillings each and 16 horses was completed within two months of signature. Whittington bought 300 tamed cattle for local consumption at 40-50 shillings a head...” 740

Falklands

737 The London Gazette No. 21059. Montague left England in July 1850 to take up his post, leaving his wife destitute. The Colonial Office arranged sufficient funds for his wife to join him but when, in June, 1854, Montague resigned his post and returned to England, he again left her behind, destitute. She survived by opening a small school.
739 Bernhardson 1989 p.290
740 Wilson 2016

129
January 18th, British Packet & Argentine News reports that the Southern-Arana treaty; “... puts an end to all old animosities.”

January 24th, in Buenos Aires, the Chamber of Representatives authorises Governor Rosas to ratify the “Convention of Peace, between the Argentine Confederation and the United Kingdom of Great Britain.”

That evening Rosas formally receives Henry Southern as “Her Britannic Majesty’s Minister.”

“The main difference between the secret clause of the First Nootka Sound Convention and other treaties and pacts where secret clauses were alleged is that in the former case, the secret clause was included in the text. ... such was not the case ... in the Southern-Arana Treaty of 1849 that ended the armed conflict between Great Britain and Argentina over the navigation of interior rivers, though the abrupt interruption of Argentine protests for the British takeover (of the Falklands) strongly suggests the existence of such an arrangement.”

“In concluding the Convention of Peace, Rosas was giving up the Falklands as a lost cause, but what mattered to him was that he had forced Britain to accept Argentina as an equal partner on the world stage. It is important to remember that Argentina was not coerced by Britain into signing a peace treaty – it was the other way round: Argentina had forced Britain into signing a peace treaty.”

February 5th, signed copies of the treaty arrive in London for ratification.


“In considering this question, I will first state generally how our present Colonial empire stands, and as the facts in detail must be familiar to most Members of the House, I will content myself with the merest outline of those facts... At the commencement of the (18th) century, during the war, Gibraltar fell into our hands. After the glorious war of 1756, many more islands were added to our dominions,...”

In listing the colonies taken between 1600 and 1815, the PM does not specifically mention the Falklands.

On the same day, Lord Palmerston instructs Britain’s representative in Washington, Sir Henry Bulwer, to speak to the US Secretary of State; “... in regard to the adoption of measures for warning American Shipowners & Shipmasters engaged in the South Sea Whale Fisheries that the destruction by them of Wild Cattle on the Falkland Islands is an unlawful act.”

March 24th, from Buenos Aires, William Harris, US charge d'affairs, writes to Washington confirming receipt of the note regarding the Waldron/Smiley claims.

741 Peña & Peña 2018
742 Pascoe 2020 p.202
743 FO 93/10/4. At this time treaties only came into force upon ratification, not signature.
745 Until the peace treaty had been ratified, it would have been foolish to agitate Argentina’s press. There would undoubtedly have been a reaction which may have caused delay or abandonment of Argentina’s final seal. Some Argentine commentators, however, make much of the absence of any mention of the Falklands within this list; although it would seem to have been nothing more than a matter of political expediency.
746 FO 97/35/100. There was no response to this instruction. See 1853
“I certainly shall present and prosecute this claim, at the time and in the manner, which you have indicated. Mr. Smyly himself has just left this City, leaving at the same time, such directions and instructions, in regard to this claim, as he deemed it proper and advantageous for me to pursue.” 747

May 5th, Britain’s ratified copy of the agreement arrives in Buenos Aires.

“I am instructed under the Eighth Article of that Convention, to exchange this Ratification against a similar Instrument, ratified by H.E., the Governor and Captain general of Buenos Ayres, charged with the Foreign relations of the Argentine Confederation, Brigadier Don Juan Manuel de Rosas.” 748

May 10th, Governor and Captain General of the Province of Buenos Aires, Juan Manuel de Rosas, formally ratifies the Convention of Peace. 749

“As between the belligerent powers themselves, it is held that the conclusion of peace legalizes the state of possession existing at the moment, unless special stipulations to the contrary are contained in the treaty. This is called the principle of uti possidetis, and it is of wide and far-reaching application.” 750

May 15th, ratifications of the treaty are exchanged in Buenos Aires; bringing the convention into force.

“Art. I. The Government of Her Britannic Majesty, animated by the desire of putting an end to the differences which have interrupted the political and commercial relations between the 2 countries, having on the 15th of July, 1847, raised the blockade which it had established of the ports of the 2 Republics of the Plata, thereby giving a proof of its conciliatory sentiments, now hereby binds itself, in the same amicable spirit, definitively to evacuate the Island of Martin Garcia; to return the Argentine vessels of war which are in its possession, as far as possible in the same state as they were in when taken; and to salute the flag of the Argentine Confederation with 21 guns…” 751

Art. V. Her Britannic Majesty’s Government having declared “that it is freely acknowledged and admitted that the Argentine Republic is in the unquestioned enjoyment and exercise of every right, whether of peace or war, possessed by any independent nation; …” 752

“… Mr. Southern, ..., signed the convention with this Government, which puts an end to all old animosities, and re-establishes the former relations of friendship and good understanding.” 753

“The effect of the treaty of peace is to put an end to the war, and to abolish the subject of it.” 754

“The treaty of peace leaves every thing in the state in which it found it, unless there be some express stipulation to the contrary. The existing state of possession is maintained, except so far as altered by the terms of the treaty. If nothing be said about the conquered country or places, they remain with the conqueror, and his title cannot afterwards be called in question.” 755

747 Harris to Clayton March 24, 1850 No.46 in Manning 1932 p.493. cf. 1849 & 1856
748 Southern to Arana May 5, 1850 published in the British Packet & Argentine News August 8, 1850
749 British Packet & Argentine News August 8, 1850
749 The Principles of International Law Thomas J. Lawrence 1910 p.571
751 Many of the Argentine squadron seized by the British were unseaworthy, and no British garrison had been on Martin Garcia after 1847. Rosas had known this, but insisted on these terms being included simply because he could.
752 Article 5 constituted final and absolute recognition of the Republic as a de jure Nation. Something Britain had not done in 1825, and that Spain would not do until 1859 (without Buenos Aires) and 1863 (with Buenos Aires). cf. 1825
753 British Packet & Argentine News May 18, 1850
754 The Law of Nations or the Principle of Natural Law Emer de Vattel 1797
“As between the belligerent powers themselves, it is held that the conclusion of peace legalizes the state of possession existing at the moment, unless special stipulations to the contrary are contained in the treaty.” 756

“Unless the parties stipulate otherwise, the effect of a treaty of peace is that conditions remain as at the conclusion of peace... if nothing is stipulated regarding conquered territory, it remains in the hands of the possessor, who may annex it.” 757

“The Convention of Settlement was an international agreement between Britain and Argentina. It was a peace treaty, so by ratifying it in 1850, Argentina accepted that the Falklands were legitimately British and no longer regarded them as Argentine territory.” 758

“... the Republic of Argentina mentions the treaty on friendship and navigation between the Argentine Republic and the United Kingdom, concluded in 1825, but does not also refer to the Convention of Settlement, ratified in 1850 by the British Government and the Republic of Argentina which comprehensively settled all existing differences and established a "perfect friendship" between the two States. Subsequent to this ratification, the Republic of Argentina submitted only one official diplomatic protest regarding the Falkland Islands during the following 90 years. This shows that the matter had been settled to the satisfaction of the Argentine Government at that time.” 759

“The feeling that Great Britain and Argentina had reached a peaceful and an agreed arrangement to the dispute over the Falklands/Malvinas was shared by several nations. From 1850 onwards, ten countries opened consulates in Port Stanley, giving a strong impression that they considered the conflict to be over.” 760

“... we are used to hearing that our country did not deal with the Islands until well into the 20th century. The rosista claim can be questioned as "humdrum", and even when Rosas was willing to negotiate sovereignty with England on occasion. But, the Rosario strategy is a subject of debate, a country in permanent war does not seem in a position to do much more, and even so, from the fall of Rosas until the end of the century, the subject disappeared even from the routine.” 761

“... it annihilated Argentina's title to the Falklands. If two countries conclude a treaty that makes their friendship "perfect", they have ended all their differences. It is not possible to continue a territorial dispute and still have "perfect" friendship.” 762

# Researcher’s Comment: In the final analysis it can be argued that Rosas gave up his nation’s claim to the Falklands archipelago with the ratification of the 1850 treaty. Whether he had intended to do so is moot. He was no diplomat whereas Southern was. The impression is, however, that Rosas simply had never cared enough about the archipelago for it to figure in his plans. He wanted a deal before he took on Paraguay. He wanted a deal that made him look good. He got both. A sixteen year old claim would not be allowed to interfere with that. Rosas received everything he wanted from Britain, and the question of the Falklands was dropped for more than 30 years.

It must be emphasised, however, that the abandonment of an unfounded and spurious claim does not make it any the less unfounded or spurious. Argentina's claims to the Falklands had no legitimacy. Abandoning those

756 The Principles of International Law Thomas J. Lawrence 1910 pp.571-572
757 Oppenheim’s International Law Hersch Lauterpacht 1952 vol. 2 p.611
758 Pascoe & Pepper 2012 p.8
760 Peña & Peña 2018
761 Las declaraciones de Madrid O la diplomacia como la continuacion de la guerra por otros medios Guillermo Martin Caviasca 2018
762 Pascoe 2020 p.191
claims did not change that situation. By 1850, Britain’s claim to the whole archipelago was strongest, as Spain would acknowledge in 1863. Argentina had never really been in the game.

May 29th, reported from Stanley.

“Sir, The Government has made an alteration in the beacon on Point Pembroke, by erecting a sort of wooden tower at its base, ... above which is a topmast 30 feet high, the beacon, from base to top, being from 65 to 70 feet, and can be seen from seawards a distance of 10 miles. The Governor has wished me to state, that he has erected a reservoir, by which vessels can be watered for 5s to the quantity of twenty tuns, and 1s per tun for extra.” 763

July 9th, the survey vessel, HMS Rattlesnake, commanded by Lieut. Charles Yule, anchors at Port Stanley during her return from the Pacific. Her crew are to make “magnetical (sic) and astronomical observations”. 764

September 12th, William Horton Smyley is appointed as a Commercial Agent for the USA at Stanley. 765

“I certify that Captain William H. Smiley of Rhode Island has been appointed by the President of the United States their Commercial Agent for the Falkland Islands with all the privileges and authorities of right appertaining to that appointment.” 766

From Montevideo, Samuel Lafone proposes a new venture to capitalise on his Falklands contract. Samuel’s brother, Alexander Ross Lafone, attempts to sell the idea to the existing company’s creditors in London.

“Despite the Lafones repeated complaints that the cattle of East Falkland did not exceed 30,000, Alexander Lafone assured potential investors that "I have every reason to believing that they may be estimated at 80,000 head or upwards."...” 767

“The Lafone venture was not a success. By 1849 (before the Government contract was signed) the brothers were negotiating with London creditors to launch a joint stock company named "The Royal Falkland Land, Cattle, Seal and Fishery Company". Alexander had primary contact with creditors but he was economical with the truth. A letter to William Boutcher, one of the financiers, stated "the riches all being in the cattle, all the produce of which can be exported to advantage [and] there is not a shadow of doubt of our being able to subdue the whole [...] rapidly [and] the first and principal difficulties are overcome, I consider that we have already 3,000 head tamed". Other misleading statements included the "increase of livestock will be great". Regarding £10,000 he proposed to use to buy rights to cattle, he had "every reason for believing that they may be estimated at 80,000 head or upwards [...] of a large size, they produce first-rate hides, good beef and plenty of tallow [and] the contract for supplying the Governor and colony with beef at 2d per pound will prove very beneficial."...” 768

Lafone also puts forward proposals regarding the seal fur and oil rookeries.

763 Notice to Mariners by J. M. Dean published in the Morning Advertiser Thursday October 17, 1850
764 Globe Friday October 25, 1850.
765 A Consul is the commercial agent for a nation; empowered to engage in business transactions but not political matters. Whether a Commercial Agent could act as Consul, however, is moot. See below. For Smyley generally see 1830, 1831, 1832, 1835, 1839, 1845, 1849, 1850, 1853 & 1854
766 Signed by Secretary of State, Daniel Webster. FO 6/502/503. Also FO 78/25. cf: 1851, 1854 & 1855
767 Berhardson 1989 p.292a
768 Wilson 2016
“A very important product of the rocks and islands of the Falklands is the fur seal, and for quality of fur the seal of these islands is admitted to be the richest in the world. The island of Beauchêne, the sealion group, and its adjacent rocks, all in the Company's grant, are favourite resorts of these valuable animals, as are the Jasons on the north-west extremity of West Falkland. Hitherto, these valuable rookeries have been so much poached by French and American adventurers and fished in so indiscriminate a manner, that on some of the best grounds the animals are becoming shy and scarce; a few years preserving would however repair this mischief and secure an abundant supply. It is well known that the fur seal will return to their favourite haunts if a respite be given to them. The profit attached to such an undertaking where, as in this case, the ground is favourable, is too well known to need much demonstration, suffice it to say that, a barren island in the same seas well protected [the Lobos Islands] is producing a very large revenue to the present Grantee of the south peninsula of the east Falkland.” 769

“Although the government was also unwilling to approve the request for a sealing monopoly, it did agree to award the company rights to specific sites if it could protect them from over hunting. The firm did not take up the offer…” 770

**October 26th**, Marie moors at Hope Place in Lafonia with “peons as passengers”, workers for Lafone’s estate.771

**November 30th**, from Stanley, Governor Rennie, responding to Lafone’s practice of importing workers on inequitable terms, writes to London proposing an *Ordinance for Regulating the Admission and Settlement in the Falkland Islands of persons not being British subjects.* 772

“The protracted warfare in the River Plate having diminished employment there, a considerable number of French mechanics, Spaniards, Negro’s (sic) and others have come here, some sent by Mr Lafone and others to find employment on their own account. The greater portion of Mr Lafone’s emigrants refuse to work with him on the terms he says he engaged them, and have left him…” 773

**December 11th**, the coal carrier Waldron, on fire between Carcass Island and New Island, is abandoned.

“I have the honour to enclose the Blue Book of this colony for the year 1850. 2. I have the gratification to state that on every source of interest or advantage to the colony there has been a satisfactory increase. 3. The resort of shipping to the settlement has greatly augmented. ... In 1849, only 12 English merchant vessels entered the harbour; in 1850 there were 23... 4. The fixed revenue, likewise, small as it is, shows a decided advance, from 184£ 10s in 1849, to 442£ 14s 2d in 1850. 5. Labour is in great demand, and at high wages; unskilled from 2s 6d to 4s 6d., mechanics from 5s to 8s per diem. Provisions of all kinds are at reasonable prices, and from 20 to 30 per cent. Lower than during the system of Government rations. ...” 774

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769 Quoted in Dickinson 2007 p.54 citing 'A Notice issued in London in the Year 1850' in Falkland Islands Journal 1970
770 Ibid.
771 Pascoe 2020 p.277 fn.5
772 The proposal was approved.
773 Rennie to Grey November 30, 1850 in Bernhardson 1989 p.299
774 Despatch from Governor Rennie to Earl Grey February 20, 1851 in FO 78/25

134
1851 – in January, notices appear in British newspapers and journals noting the advantages of Port Stanley as a 'free port'.

“The port of Stanley possesses peculiar advantages: it is easily entered, well protected, has a safe anchorage, and is a most desirable harbour of refuge during the westerly gales so prevalent in the latitude of Cape Horn... Application has been made to the government to erect a tower or lighthouse on Cape Pembroke, the south-east point of East Falkland Island, on which a telegraph may also be placed. When this is done it will greatly assist captains who have not been there before...” 775

March 3rd. Capt. William Horton Smyley presents himself to Governor Rennie.

“... in 1851, (Smyley) presented himself at my Office in a diplomatic uniform handing to me a Communication signed by Mr. Webster Secretary of State, United States, appointing him to be Commercial Agent of the United States at the Falkland Islands... and Captain Smyley was informed that until I had been apprised of Her Majesty's Grant of an Exequatur I could not recognise him as a public functionary.” 776

Governor Rennie sends the authorisation signed by the US Secretary of State in September, 1850, to London.

“It is with some satisfaction that I notify this recognition by a foreign power of the growing importance of this Colony...” 777

April 24th, Samuel Lafone agrees to sells his rights to the new company, provided that he remains both a Director and 'Manager at the Falklands,' with 20% of the share issue.

“... but serious problems lay ahead. The whole edifice was based on a grossly inflated valuation of the assets taken over (£212,000) without any attempt to audit them, and whatever his title Lafone was anything but an on-site manager.” 778

“In 1851, a new phase began in the Islands, when the recently created Falkland Islands Company obtained the lands of Lafone with the objective of raising sheep and producing wool. The workforce, the majority of whom came from what is now Uruguay, were subjected to iron discipline which, when necessary; included whipping and hanging.” 779

Governor Rennie, however, remains unhappy about the Lafone agent’s practice of laying off and abandoning the company's workers whenever the weather prevents cattle hunting.

“Mr Williams discharged them, generally destitute, and without the means of returning to their own country. The consequence was that they flocked to (Stanley), half clothed, and scarcely physically able to perform the light work which I was under the necessity of finding for them to prevent starvation...” 780

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775 Liverpool Mail Saturday February 15, 1851
776 FO 6/502/498. An exequatur is the official recognition by a government of a consul, agent or other representative of a foreign nation, granting them the power to exercise their office. No exequatur was ever issued by Britain for Smyley's role at Stanley. cf. 1854 & April, 1855
777 Rennie to Earl Grey March 3, 1851 in FO 78/25
779 Falklands or Malvinas? Conrado E. Bullrich 2000 pp.110-111. There is no evidence of executions, or whippings.
Bullrich provides a single example of a hanging – Hilario Cordoba – who he claims was 'summarily' hung on the orders of the Governor. In fact Cordoba was tried, in 1854, on a charge of murdering a Basque labourer, Jean Cousteau. Cordoba was found guilty and legally executed for his crime.
780 Rennie to Packington September 7, 1852 in Bernhardson 1989 p.300
Captain Campbell on Levenside, is granted a licence to investigate the guano deposits of New Island.

A population census shows that there are now 383 people present on the Islands, including 72 'Spaniards,' and 74 persons, 'born in Ireland.' 781

“In 1851, when the British colony had become firmly established, there were 51 adults and 18 minors or either Argentine or Oriental (what is now Uruguay) origin. All were registered in British records as Spanish to avoid them appearing as Argentines.” 782

“A large proportion of the Victorian army came from Ireland and the 1851 census counts seventy-four persons of the Irish nation; fifteen were military pensioners and many of the rest their wives and children.” 783

“... the 1851 Falklands census actually records a population of 383, and the 1851 Blue Book records a total of 423 people, made up of 190 "white" and 2 "coloured" males, 130 "white" and 1 "coloured" female, and "about 100 aliens and resident strangers" – some of the figures are clearly approximate, and the discrepancy of 40 no doubt arose from under-recording at Hope Place. The population of the islands was slowly increasing: in 1851 there were 5 marriages, 6 births, 3 deaths, and 38 "scholars" in full-time education.” 784

May 17th, in London, a meeting is held between Lafone’s creditors.

“The final prospectus produced to entice investment was even more optimistic than Lafone’s letter to Boutcher. Assets were valued at £212,000 including £120,000 for 800,000 acres (by then known to be at least one third too much) at 3 shillings per acre; £80,000 for cattle at 20 shillings each but with a note that the real number was 100,000-200,000 of which about 15,000 were in Lafonia with 3,000 wild horses; and £12,000 for other stock and infrastructure built by the Lafones.” 785

May 29th, Brazil, Paraguay, Uruguay and the Confederation Provinces of Entre Rios and Corrientes form an alliance against the Argentine Confederation.

July 14th, in a Commons debate, and before asking MPs to agree to £5,000 for the islands’ expenses, War Office Minister, Benjamin Hawes, explains the position of the British Government.

“The Falkland Islands are, in point of fact, a naval station of great benefit and advantage to the power and general trade of this empire; and when we possess a station of that sort, of course it is necessary we should have some kind of government, and proper officers to carry it into effect. It was always considered of great importance that England should possess this naval station;...” 786

August 6th, Armantine, with a cargo of wines and silks, is wrecked at Cape Frechel.

August 18th, in Buenos Aires, Governor Rosas declares war on Brazil and its allies.

August 22nd, Governor Rennie submits an estimate of the Colony's costs for the forthcoming year 1852 to 1853 of £5,000; “... the same as that proposed for the current year.” 787

781 One resident was recorded as 'Peruvian.'
782 Bullrich 2000 p.114
783 Murray 2005
784 Pascoe 2020 p.276
785 Wilson 2016
786 Hansard: Supply – Civil Service 14, July 1851 at 672. In reality, the Falklands were never used as a naval station with Rio de Janeiro continuing to act as the primary South American base throughout much of the 19th century.
787 Rennie to Ear Grey August 22, 1851 in FO 78/25
November 21st, Robert Gore arrives in Buenos Aires as Britain’s newly appointed charge d’affairs and Consul General. On receipt of Gore’s papers, Foreign Minister Felipe Arana refers to:

“... the relations of perfect cordiality that happily exist between the Government of Her Britannic Majesty and that of the Argentine Confederation.” 788

1852 — January 10th, the recently formed Royal Falkland Land, Cattle, Seal and Whale Fishery Company gains a Royal Charter; additionally signing a 7 year contract with the British Government for the conveyance of mail, by ship, between Montevideo and the islands for £700 per annum. All to Governor Rennie’s satisfaction.

“The transference to the Falkland Islands Company of the large interests held by Mr. Lafone, and the commencement by that corporation of a more comprehensive system of operation, supported by a large capital, gives me very favourable hopes of benefit to the colony,...” 789

“For a beleaguered Rennie, creation of the Falkland Islands Company was a relief, its first local manager a welcome change. After several interviews with J. P. Dale, a former consular official at Montevideo, the Governor expressed to “cordially cooperate with Mr. Dale...” ... The conciliatory Dale agreed to comply with the Alien Ordinance by assuring the Governor that no imported peons would become a public responsibility. ... In fact, Company-Government relations proved no less difficult in succeeding years, even though the tenor of the exchange was, for a time, less directly confrontational.” 790

“On receiving its Royal Charter on 10 January 1852, the lengthy title was redacted to The Falkland Islands Company Limited (hereafter FIC). Samuel Lafone became a director and his brother-in-law John Pownall Dale was appointed the first manager in the islands. The Record was chartered and sailed from Liverpool on 19 June 1852 with Mr Hicks (FIC Storekeeper), shepherds and artisans and their families on board. A report to the Board noted "the total number of persons sent out by the Directors is forty-five; the number of Cheviot sheep forty-six, together with one Galloway bull, and six shepherd dogs"...” 791

January 26th, Levenside founders in Port William while the Governor is on board.

February 3rd, General Rosas is defeated at the battle of Caseros. He flees to Buenos Aires where he takes refuge in the house of Britain’s charge d’affairs, Robert Gore.

“... to my astonishment I found General Rosas in my bed...” 792

“After the fall of Rosas – perhaps the only man who could have held the country together – Argentina broke apart.” 793

February 10th, Gore arranges for Rosas, with his family and two servants, to go aboard HMS Centaur, which is moored in the Rio de la Plata. From there they are transferred onto HMS Conflict and sail for England. 794 However, Gore is concerned about repercussions.

788 Arana to Gore December 1, 1851 in The British Packet & Argentine News December 6, 1851
789 Rennie to Packington January 8, 1853
790 Bernhardson 1989 p.304. Dale was Lafone’s brother-in-law.
791 Wilson 2016
792 Gore to Palmerston February 9, 1852 in FO 6/167/60
793 Pascoe 2020 p.211
794 A number of army officers were also allowed to go aboard.
“I consider it would be most beneficial to the Publick Service if Your Lordship would give me a leave of absence for 6 months or a year to proceed to England, until the angry feeling is calmed that at present exists against me on account of the assistance I gave to save the life of that General.” 795

“The immediate aftermath of the fall of Rosas was ... another series of confrontations between Buenos Aires and the provinces.” 796

“Rosas was overthrown in February 1852. Argentina was divided and from that year till 1860 the province of Buenos Aires was an independent State separate from the rest of the Confederacy.” 797

“Rosas’s supporters, both past and present, have praised him as an advocate of provincial rights, an icon of authentic Argentine culture, and a staunch defender of national sovereignty. To his critics he was a ruthless tyrant who ordered the murder or exile of his opponents and kept Argentina mired in backward tradition.” 798

“After the fall of Rosas – perhaps the only man who could have held the country together – Argentina broke apart.” 799

After a voyage lasting over 3 years, Capt. Hiram Clift returns to the Mystic seaport in Hudson, with 2,382 barrels of whale oil and 18,000 lb of bone, taken from around the Falkland Islands.

February 18th, a report is presented to the a meeting of the Royal Falkland Land, Cattle, Seal and Whale Fishery Company.

“A Royal Charter has been obtained incorporating the Company... The Charter authorises this Corporation to carry out by trading the objects for which the Company was established... Seven hundred shares (have) been subscribed... the Directors found themselves in position to make arrangements for commencing the business of the Company. They therefore concluded the contemplated agreement with Mr. Samuel Lafone for the purchase of the Lands in the Falklands, with all the live and dead stock possessed by him in the Colony, and the rights and privileges agreed to be conveyed to him by the Crown. The amount to be paid is that set forth in the Prospectus, namely £20,000 in money and 10,000£ in 200 Shares of the Company...” 800

February 19th, Gore, in Buenos Aires, informs the Earl Granville that Minister Moreno in London is to “be recalled,” albeit with no replacement decided upon. 801

March 1st, the new Buenos Airean Government permit the appointment of a Spanish Consul for the city. 802

March 22nd, in Britain, the Morning Post reports.

“We may state..., on what we deem to be very good authority, that the late Governor of Buenos Ayres, General Rosas, was transhipped (sic) to the steamer Conflict, and that he is daily and hourly expected. ... this extraordinary man is now fast approaching the shores of Great Britain.”

795 Gore to Palmerston February 9, 1852 in FO 6/167/57. Gore withdrew his request on February 27, 1852.
796 Argentina, 1516-1987: From Spanish Colonialism to Alfonsin D. Rock 1987 p.121
797 Kohen & Rodriguez 2016 p.215
798 “Sometimes Knowing How to Forget Is Also Having Memory”: The Repatriation of Juan Manuel de Rosas and the Healing of Argentina Jeffrey M Shumway 2004 in Death, Dismemberment, and Memory: Body Politics in Latin America Lyman L. Johnson (ed.) 2004
799 Pascoe 2020 p.211
800 CO 78/43. Lafone accepted the £20,000 in debentures bearing interest at 5%, payable in instalments.
801 Gore to Granville February 29, 1852 in FO 6/167/197
802 Gore to Granville March 1, 1852 in FO 6/167/206. The first official Spanish position in Buenos Aires since 1810.
On the same day, a 'Treasury Order' is sent to the south coast ports.

“Gentlemen – General Rosas, the late ruler of the Argentine Confederation, being daily expected to arrive in England, accompanied by his daughter, on board Her Majesty's steamer Conflict, I am directed by the Lords Commissioners of Her Majesty's Treasury to desire that you will give the necessary directions to the officers of your department at Southampton, Portsmouth, and Plymouth, in order that General Rosas, in the examination of his baggage and effects, may be treated with the consideration and courtesy which are due to a person who has filled the exalted station in his country which General Rosas has filled.— I am, Gentlemen, your obedient servant, G. A. Hamilton.”

Luis Vernet sets out for England.

“I had in vain applied for redress to the British Government through the Admiralty on the station, and through Lord Palmerston, and – deprived as I had been of all my disposable property – I had not the means to come to England personally to claim justice, and the agents whom I successively appointed to act for me, neglected to do so, because I could not supply them with the necessary funds to meet the expenses. However, in 1852, I had succeeded to gain some money,...”

April 26th, Juan Manuel de Rosas arrives in Plymouth as a political refugee.

“Another "refugee" has found an asylum on our shores. Manuel Rosas, the ex-tyrant of Buenos Ayres was at Queenstown, Ireland, yesterday week, and has since then made good his landing on English ground. The Guardian thus sums up his claims upon our good offices:- "Of all the refugees whom successive storms have flung upon our shores he is perhaps the most unworthy of the hospitable shelter he will find. A thorough man of the pampas, he has never understood civilization, nor civilization him; and he has learnt nothing by contact with it but rapacity and cunning. His career has been one long reign of violence, treachery and terror. Having for years baffled and overreached us, injured our commerce, mocked our diplomacy, and defied our arms, he seeks an asylum now in the only country in the world where he can be sure that it will not be converted into a prison.”...

“... on his arrival at Plymouth he was waited upon so soon as he reached that town by the Port Admiral, Sir John Ommannney, and the other heads of departments; that by a Treasury Order his luggage was allowed to pass through the Custom House without the usual mode of examination, and that facilities were afforded him of a very peculiar nature, in consequence of the position that he was supposed to hold. ...”

Among Rosas personal effects is a large file labelled 'Importante sobre Malvinas'. This file contains all the official documentation between Woodbine Parish and Buenos Aires; papers relative to the attack by USS Lexington; correspondence with the US Government; the basis of Argentina's claim; items from periodicals; a report presented by the Consul General of France Mr. Vins de Payssac; books; details of Madariaga's seizure of Port Egmont in 1770; details of the withdrawal of the British garrison in 1774 and other state papers.

803 Hansard HC Debate 30 April 1852 vol.121 cc 5-7
804 Letters from MLV to the Right Hon. Lord Stanley, Secretary of State for the Colonies, Concerning his Claims on the British Government, and the Neglect of the Colony of the Falkland Islands Louis Vernet 1858
805 HL Deb April 29, 1852 vol.120 cc1278-83. Rosas stepped ashore at Falmouth on April 22, 1852.
806 Cambridge Chronicle & Journal Saturday April 24, 1852
807 Hansard HC Debate April 30, 1852 vol.121 cc 5-7
808 Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales in Revista del Instituto Rosas no.13 1948. Leaving in such a hurry, it begs the question why Rosas thought it necessary to carry this with him. It seems the file formed part of the copious documentation subsequently provided to Dr. Adolfo Saldías to write his History of the Argentine Confederation. The file went back to Buenos Aires, where it was handed to President Roca in 1884. Seemingly used in
April 30th, in Parliament, the Chancellor explains the nature of the welcome extended to General Rosas.

“Whatever may be the character or the exploits of General Rosas, he is, at least, an individual with whom this country has often been in negotiation, and, if I am not incorrectly informed, one with whom our gracious Sovereign has entered into treaty. Therefore, it must be obvious to the House that General Rosas occupied a very important position, and has been placed in very important relations with the Crown and the people of England.”

May 7th, after his arrival in London, Luis Vernet submits a claim for compensation.

“... your Memorialist having now obtained the necessary funds to enable him to undertake a voyage to this country has arrived here, and has it now in his power for the first time, to represent his claims personally to the British Government. ... Your Memorialist, therefore, humbly prays, that your Lordship will be pleased to direct that the value of your Memorialist’s Lands and property, which have been granted to Mr. Lafone, and sold by him to the Falkland Island Company, may be paid to your Memorialist, and that the residue of your Memorialist’s Property, with its rights and privileges may be restored to him, or that your Lordship will be pleased to grant such redress to your Memorialist as, under the circumstances, may be reasonable and just.”

June 2nd, Vernet’s submission is referred to the Secretary of State for the Colonies.

“I am directed by the Lord of Malmesbury to transmit to you, in original, a Memorial and its enclosures, from Mr. Lewis Vernet, whom the records in the Colonial Department will show to be the individual by whose means the Government of the Argentine Confederation attempted to obtain a footing and to establish a settlement in the Falkland Islands some years ago...”

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the dispute with Britain during the affair of the map. However, never published and not now to be found in Argentina's archives. cf. 1884

809 Ibid. Woodbine Parish went to visit Rosas, who lived quietly as a farmer near Southampton until his death. cf. 1877 His body was repatriated to Argentina during President Menem's détente with the UK. cf. 1989

810 Vernet’s Memorandum Presented 7 May, 1852 in CO 78/43. In 1835, Sir Graham Hammond had valued Vernet's property at less than £1,000

811 Vernet 1858. Vernet put his claim at £14,295 plus interest; taking it to £28,000

140
In the Falklands, cattle loss to trespassing whalers increases.

“... this is the very locality now resorted to by marauders for stealthily obtaining beef, not merely for present supply, but for committing so wholesale a destruction as will enable them to salt down sufficient for a long cruise. It is pretty well known that in numerous vessels from England, America, and other places, a stock of salt is taken out for the purpose of curing a supply of provisions at the expense of these islands.” 812

In July, Hudson, commanded by Hiram Clift, accompanied by a tender, Washington, under by Capt. Eldridge, sails again for New Island in the Falklands. 813

July 15th, Paraguay and Argentina sign a treaty setting the borders between the two nations. 814

July 26th, Justo José de Urquiza is elected provisional Director of the Argentine Confederation. Urquiza summons a Constitutional Congress to write a new constitution based on that of the USA.

August 9th, a Treaty of Friendship, Trade and Navigation between Portugal and the Argentine Confederation is signed in Buenos Aires.

September 6th, in London, Luis Vernet submits further documents in support of his claim. These include allegations that Samuel Lafone “usurped” his interests and acted as an “obstacle” to the speedy colonisation of the Islands. Vernet also complains that he was not invited to return to the Falklands, when his experience could have been of benefit.

September 9th, Vernet’s demands for compensation are sent by the Colonial Office to the Falklands, for comment by Governor Rennie. 815

September 11th, while the Confederation’s Director, Justo José de Urquiza, is in Sante Fe, the Province of Buenos Aires rejects the new constitution and formally splits from the Argentine Confederation; declaring itself an independent nation State. Valentin Alsina is elected to head the State of Buenos Aires.

“... in the year 1852, on request of Justo Jose de Urquiza ... the official historian Pedro de Angelis developed a draft National Constitution whose Article 5... established "The same Assembly shall dictate the necessary measures to enforce the rights of the Republic over the Province of Tarija, the Malvinas Islands and part of the Strait of Megallan, illegally occupied by foreign forces." It is clear that in 1852... Argentina had not given up its sovereignty over the Falklands/Malvinas. ...” 816

# Researcher’s Comment: In 1825, Britain had recognised the de facto existence of the United Provinces. That broke up in 1828. In 1850, Britain recognised the de jure existence of the Argentine Confederation. That broke up in 1852. In the 1850s, Argentina did NOT claim the Falkland Islands.

October 16th, in Buenos Aires, published in the British Packet & Argentine News is a letter from James Hewett, master of the barque Rosalind, recommending the Falklands to visitors.

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812 Atlantic and transatlantic: sketches afloat and ashore L.B. Mackinnon. 1852
813 New York Times May 23, 1854. Clift and Hudson had been sealing around the archipelago in 1849. cf. 1853
814 Buenos Aires did not actually recognise the independence of Paraguay until an act of Congress on June 4, 1856; during the period of Buenos Airean ‘independence’ from the Confederation. Despite Argentina’s long held claims to have ‘inherited’ all the territory of the Spanish Viceroyalty, they were by this time without the Banda Oriental (Uruguay), Paraguay and East Falkland Island (Soledad).
815 Thereby introducing a delay of some months. Vernet took the opportunity to visit his place of birth, Hamburg, and there petition the government to support his claims against both Britain and the USA. It would seem likely that the Colonial Office were aware of these attempts. cf. May, 1853
816 Kohen & Rodriques 2017 p.162. cf. 1854
“Everything can be had there as regards repairs, such as covering boards, stanchions, bulwarks, masts, rudders, repairing or new, and caulking, and often boats, all at a very low rate. Good provisions – that is, beef – in any quantity, may be obtained... This port lying at no great distance from Cape Horn, why should not ships, in case of accident, run in instead of proceeding to the River Plate or Rio for repairs, when they can be done at Stanley at least 30 per cent less, besides saving so much time... The only thing which is wanting there is a small colonial bank...”

Charles Gleadell arrives in the Falklands to work as a shepherd for Capt. Packe. 817

November 5th, HMS Swift arrives at Port William, en-route to Rio de Janeiro and England, with orders; ... to obtain every information relative to the deposit of Guano at those Isles, the quantity, quality and best mode of shipment... and also if possible to obtain a sample to forward to the Admiralty.” 818

“From enquiries I made at the Settlement it was the general opinion that the Guano was not of a very good quality due to the dampness and swampy nature of the land around it, although there appears from all accounts to be a large supply of it.” 819

December 14th, Rear-Admiral Henderson writes from Britain’s South American Station at Rio de Janeiro to inform the Admiralty that large guano deposits have been identified in the Falkland Islands; notably at New Island.

“... Governor Rennie request(s) I will send him a vessel to convey an authorised agent of the Government to New Island where the Guano is found to establish regulations for its shipment, and for collecting the 5/- duty which he is to levy on its Exportation.” 820

Henderson complains that he only has six vessels at his command, and is required to keep up to half of them on-station near the River Plate; “I trust their Lordships will see the difficulty I have in meeting Governor Rennie’s wishes...” 821

December 30th, a boats crew from Stanley arrive at New Island.

“... were at that time in port there, the brig “Nautilus,” Captain Stockdale, loading with guano, and the “Byron,” Captain Holt, American whaler.” 822

Two decades after 1833, there was a new colony; a new administration and a new seat of government. Add to that Argentina’s apparent surrender of its pretensions in 1850 and the future looked bright for the British Falkland Islands – gateway to the western Pacific Ocean in the period before the Panama Canal. There were still problems however. Agriculture was almost impossible and it was not easy to make money: not for the settlers, nor for the administration which needed funds for future projects.

The obvious way forward was to exert legal control over the fishing and seal oil industries – the very act which had laid Vernet’s plans low. However, London was better at diplomacy than Vernet had ever been, and chose to play the long game.

817 Gleadell’s descendants can still be found in the Islands.
818 Alman to Henderson November 22, 1852 in FO 78/31
819 Ibid.
820 Ibid.
821 Ibid.
822 FO 78/30
Paper 8 will consider the tentative steps towards the licensing of the fishing industries and also Argentina's attempts to resurrect its Falklands claims 30 years after Rosas. Growth would be slow in the new colony, but nothing stays the same.