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 [1]

Paper 4[2]

1775 – 1815

Whalers & Sealers

"Strange, astonishing, unheard-of it is, Señor, that England should dare … pretend that all South America is open to all nations, and that its territories shall belong to the first that desires to occupy them." [3]

◈

England had withdrawn its garrison from the Falklands, but not abandoned its sovereignty. Spain was expected to follow suite, but Spain was reluctant to do so. It knew that Britain would be back. The only question was when? Also, Madrid had promised Paris that an armed watch would be maintained over the islands. If Spain withdrew, Paris would argue for the islands' return to France. However, Spain's bigger problem was that the archipelago was not the only area of the Americas where its claims were under threat. Its authority over large tracts of American territory were becoming an issue and in 1789 and 1790, Spain and Britain would face-off once again. This paper deals with these issues. It also considers the rise of Republican France; Napoleon and the final end to the seemingly interminable Anglo-Spanish Wars. [4]

1775 – January 17th, Captain James Cook lands on South Georgia, claiming it for George III and Britain.[5]

> *"This land I called the Isle of Georgia in honour of His Majesty."*

Witnessed by *Endurance*'s naturalist, Johann George Adam Forster. [6]

> *"Here Captain Cook displayed the British Flag, and performed the ceremony of taking possession of those barren rocks, in the name of his Britannic Majesty, and his heirs forever. A volley of two or three muskets was fired into the air. … South Georgia, besides being uninhabitable, does not appear to contain any single article, for which it might be visited occasionally by European ships. Seals and sea-lions, of which the blubber is accounted an article of commerce, are much more numerous on the desert coasts of South America, the Falklands, and the New Year's Islands, where they may likewise be obtained at a much smaller risk. If the northern ocean should ever be cleared of whales, by our annual fisheries, we might then visit the other hemisphere, where these animals are known to be numerous…"* [7]

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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 – 2021. 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 focused upon the disputes surrounding the Falklands archipelago. 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 4

3 Ministers' letter to King Carlos IV of October 25, 1790. See below.

4 Copies of the charts referred to in this paper can be found at https://falklandstimeline.wordpress.com/charts/ Many of the images used contain a hyperlink to a larger version.

5 Previously discovered by English explorer Anthony de la Roche in 1675.

6 The abbreviation HMS (His Majesty's Ship) was not in common use until after 1789.

7 *Journal* of J. George Forster (George is often styled as Georg)

Cook also notes the presence of seals. [8]

"The treaty of Tordesillas (1494) under which the Spanish and Portuguese divided the New World between them... would have the effect of awarding South Georgia to Portugal... at no time has the Portuguese Government claimed any sovereignty over it." [9]

"It is, we think, a clearly established principle of international law that a discovery by itself confers no more than an inchoate title which must be completed by effective occupation within a reasonable time after first discovery. If this test is applied, the conclusion results, in our view, that in the case of each territory it became after first discovery res nullius, since the discovery was not followed up within a reasonable time by any act which could be said to amount to effective occupation. The result is that each area remained until early in the twentieth century res nullius,.." [10]

"There is no doubt that Great Britain's presence in the Antarctic has been evident for more than two centuries. The earliest discovery of land in the area is believed to have been South Georgia in 1675 by the British merchant, Anthony de la Roche." [11]

"The first discovery of land in the Antarctic, south of the Antarctic Convergence, was most probably the sighting of South Georgia in 1675 by a London merchant, Antoine de la Roche. ... only a translated precis survives. ... The island that la Roche discovered was almost certainly South Georgia. ... Dr. L. Harrison Matthews reviewed the description. His interpretation, based on an extensive knowledge of South Georgia, was that la Roche sailed past the southern side of the island, turned north near Cape Disappointment and anchored in Doubtful Bay or Drygalski Fjord..." [12]

January 20th, in London, during a House of Lord's debate on the situation in America, the Duke of Richmond mentions; *"... the fact stated by count de Guines in his Memorial, that the English ministry, in the question of the Falkland Islands, had agreed to disarm first."* Lord Rochford rises to declare; *"... that as to disarming first, the count was mistaken; for that long before he (Lord Rochford) had made the proposal of disarming, he had received a letter from Lord Harcourt, informing him that the French had begun to disarm; that the proposal he made about disarming, was to do it reciprocally, at a given time; that the object of the armament being at an end, form was not necessary as to the period of disarming, more especially, as from all his advices from the King's Ministers abroad, both the French and Spaniards had first began to disarm."* [13]

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8 *Charting the Sealing Islands of the Southern Ocean* Michael Pearson 2016 p.5
9 *Memorandum on the Falkland Islands Dependencies* 1947 in *LCO 2/490. cf.* 1494
10 *Opinion of the Law Officers* 1947 in *LCO 2/490*
11 *Anglo-Argentine Rivalry after the Falklands/Malvinas War: Laws, Geopolitics and the Antarctic Connection C.* Joyner 1984
12 *The Island of South Georgia* Robert Headland 1992 p.21
13 *Parliamentary History of England vol.xviii AD 1774-1777* Thomas C. Hansard 1813 p.168.Disarming here is in the context of the war preparations by England, Spain and France in 1770. *cf.* 1770, 1771 & May, 1775

January 31st, sailing further south, Capt. James Cook discovers the South Sandwich archipelago.

> *"I steered S.E. and in 59° S. discovered another (land) exceedingly high and mountainous, and so buried in everlasting snow, that it was necessary to be pretty near to the shore to be satisfied that the foundation was not of the same composition. I coasted this land to the north and found it to terminate in isles in that direction..."* [14]

"The treaty of Tordesillas (1494), under which the Spaniards and Portuguese divided the New World between them, whose provisions specifically extended to the South Pole, would have the effect of awarding the South Sandwich islands to Portugal. Nevertheless, the Portuguese Government has at no time laid any claim to these islands." [15]

13,000 seal skins from the Falkland Islands are sold in Canton, China for $5 each; by American vessels. [16]

Two ships, captained by William and Jonathon Mooers of London, transport a cargo of Elephant Seal oil from the Falklands to Dunkirk. [17]

March 2nd, from high ground overlooking Port Egmont, covert observers from the Spanish garrison at Puerto Soledad, note the presence of a British frigate in the harbour. [18]

> *"Making sure to **remain hidden** during this operation when possible due to the serious consequences that can follow, and for which you will be responsible... during the trips out and back you will not fire any guns that may set fields alight and attract the attention of the British, nor will you leave any traces by which they can infer they have been observed..."* [19]

"In 1775 the previous (1774) verification was reiterated. The captain and pilot of the Royal Navy, Juan de la Peña, anchored with his ship behind Mount Vigia, and was able to make sure that, in fact, in Port Egmont there were no more settlers." [20]

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14 Quoted in *Cape Horn* F. Riesenberg 1950 p.142. Named after the First Lord of the Admiralty. Now comprising the islands of Candlemas, Vindication, Saunders, Montagu, Bristol, Bellingshausen, Cook and Thule (discovered by Cook) together with Zavadoski, Leskov and Visokoi (discovered by Bellingshausen in 1819)

15 *Memorandum on the Falkland Islands Dependencies* 1947 in *LCO 2/490.*

16 *The War against the Seals: A History of the North American Seal Fishery* Briton Cooper Busch 1985. The names of the vessels, or when they were at the Falklands, is not noted.

17 *Chronological List of Antarctic Expeditions and Related Historical Events* R. Headland 1989. During the early Industrial Revolution, seal oil was used as a lubricant in the new machines.

18 *Despacho no 455 de Juan José de Vértiz a Julián de Arriaga, Montevideo, 31 de julio de 1775. AGI, Buenos Aires, 55.* Carrington-Bowles chart of 1770. Puerto (Port) Soledad (East Falkland Island). *cf.* 1767 & 1774 Also March, 1776 below for a chart.

19 *Instrucción que debe observar el 2° piloto de la Real Armada y capitán de este puerto don Simón Fernández Pellón en la expedición que va a ejecutar por tierra desde el Estrecho de San Carlos hasta el Puerto Egmont en la colonia inglesa. Francisco Gil y Lemos, Puerto de la Soledad, 5 de noviembre de 1774. AGI, Buenos Aires, 553.* My emphasis. This order from the Spanish Governor at Soledad, was in compliance with instructions from Madrid. See Paper 3.

20 *Una Tierra Argentinas: Las Islas Malvinas* R. R. Caillet-Bois 1982 (6th ed.) p.152

On the same day, Britain's Parliament, hears the views of American loyalists regarding Atlantic whaling grounds.

"Among those appearing was Captain Seth Jenkins of Nantucket, who gave not only comprehensive answers to questions but presented a picture of whaling from the Colonies, which commanded the attention ... His listeners learned that, at this time (1775), the Nantucket whaling fleet exceeded one hundred vessels, practically all being owned by members of the Society of Friends,... that these craft had "lately extended their sperm whale fishery as far as the Falkland Islands, and were sometimes twelve months on a voyage," and were the only Colonial mariners fully engaged in this... Southern Fishery." [21]

March 22nd, Edmund Burke, in a House of Commons speech arguing for conciliation with the revolting American colonists, refers to the expansion of their whaling fleet into the southern Atlantic.

> *".. look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry."*[22]

King George arrives at Dartmouth, Massachusetts, with a cargo of seal skins and oil from the Falklands archipelago. Its commander, Captain Greenwood, reports to Leonard Jarvis, a boat-builder, on the advantages of fishing in the South Atlantic. Jarvis, in turn, passes on the information to a merchant/whaler – Aaron Lopez.

> *"From the conversation I had with him I think there is a prospect in the Fishery at those Islands well worth attending to, notwithstanding the small quantity of Oil this Vessel brought home..."* [23]

"Lopez had the commercial background to organize an oiling venture. ... His extensive contacts in New England included the Rotch firm of Nantucket... Jarvis, Lopez and Francis Rotch therefore agreed to form a partnership to operate at the Falklands..." [24]

April 12th, from Paris, Britain's Ambassador St. Paul writes to Lord Rochford. To tell him that in internal correspondence between ex-Ambassador de Guines and Minister Aiguillon there is one letter that implies, yet again, a British promise to withdraw from the Falklands. However, de Guines had spoken to St. Paul, saying that he did not mean to convey this impression. [25]

May 8th, from Puerto Soledad, Governor Gil y Lemos informs Governor Juan José de Vertiz in Buenos Aires that the Royal Order of April 9th, 1774, has been complied with, but that the British are still present in the harbour of Egmont.[26]

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21 *Whales & Destiny: The Rivalry between America, France and Britain for Control of the Southern Whale Fishery, 1785-1825* Edouard A Stackpole 1972

22 *Parliamentary History of England from the Earliest Period* …. 1813 vol.18

23 *Leonard Jarvis to Aaron Lopez April 5, 1775* in *Commerce of Rhode Island 1726-1800* Boston Society 1914 vol.2 p.15. *King George* had been in the harbour of Port Egmont when the garrison departed. *cf.* 1774

24 Dickinson 2007 p.29

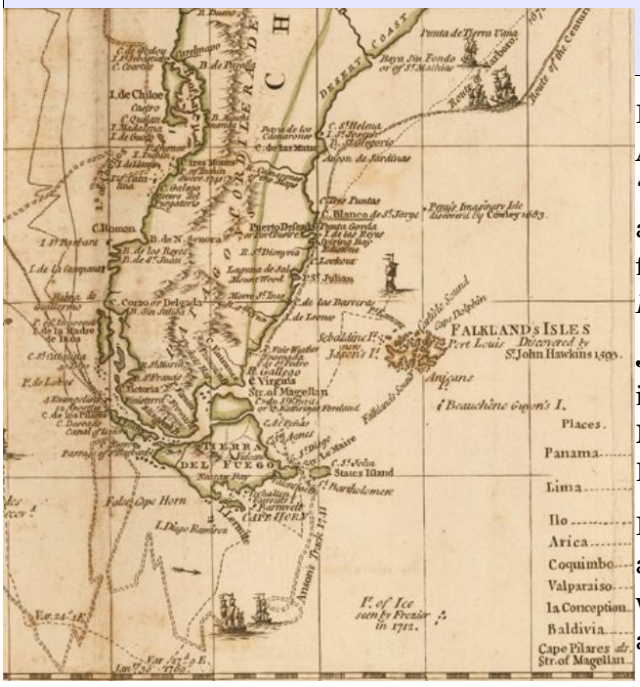
25 *St Paul to Rochford April 12, 1774* in *SP 78/295/88.* The suggestion, rumour, implication, of a 'secret promise' by the British to abandon Port Egmont and the Falklands was dealt with extensively in Paper 3. De Guines had been French Ambassador to London during the 1770/71 crisis. Among other things, he was accused of spreading rumours to play the 'Alley' (stock market). Chief negotiator in late 1770 and 1771 had been Lord Rochford, who grew increasingly annoyed at the suggestion of some promise to leave the Falklands. See 1770, 1771 and 1774.

26 The Royal Order required that a covert watch was kept on Port Egmont to see whether the British would return. The British Navy was not there, but Spain's observers had not been able to get close enough to identify the ships as whalers.

May 17th, from Paris, Ambassador St. Paul writes once again to Lord Rochford.

> *"In consequence of the honor of Your Lordship's letter relative to the Duke d'Aiguillon's correspondence, I have taken an opportunity of seeing M. Le Comte de Guines, and have acquainted him with the necessity you might possibly be under, of mentioning in the House of Lords, what he had said to me upon that subject, viz.*
>
> > *That he was ready to publish to all Europe, in the most explicit terms, that you **never** told him, either ministerially, or otherwise, that when Falklands Island was restored to us, and the honour of the Nation saved, our intention was to evacuate it, either immediately or at a given time.*
>
> *When I translated the words to him literally he answered that nothing was more true and in his Dispatch of 16th March, 1771, in representing to his Court, that he had reason to presume we should abandon Falklands Island, from the Language held to him by different Persons on that subject, he had particularly said a l'exception de My Lord Rochford. M. de Guines is clear, and precise in regard to this Circumstance, and it is with great pleasure I am able to transmit this..."* [27]

Researcher's Comment: De Guines never did name names. The intimation at the time was that Rochford had made the offer, something Rochford vehemently denied. The only other possible suspect was Lord North, First Lord of the Treasury (Prime Minister) who also rebuffed any such suggestion. However, it can be seen from the correspondence between 1771 and 1775 that this false suggestion of a promise to abandon the Islands was a staple of Spanish thinking. A clutched straw. It remains one of Argentina's arguments to this day; but there had never beenany British promise to abandon its sovereign claims to the archipelago. Withdrawal had only ever been discussed as a mutual exercise in disarming from the war footing and it was frequently confirmed that any such withdrawal could not amount to a cession of British rights. Britain knew it would be back. Spain knew too.



In **June**, an updated version of the 1753 chart of the Americas, by John Green, is published (detail left), *"according to Act of Parliament."* It shows the whole archipelago, styled as *Falkland's Isles*, in the colour code for British territory; noting '*Discovered by Sr. John Hawkins 1593*'.[28]

July 31st, from Buenos Aires, Governor Vertiz passes the information provided by Gil y Lemos to Minister Arriaga in Madrid. That the British are still firmly established at Egmont. [29]

In **August**, Samuel Enderby, a London based merchant and whaler, writes to a contact in the American colonies with a proposal regarding the exploitation of the whales and seals to be found around the Falkland Islands.

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27 *St. Paul to Rochford May 17, 1775* in *SP 78/296/37.* Underlining is original emphasis. Bold is my emphasis. "*Language held to him by different Persons...*" is vague and capable of meaning anything from gossip to reputable sources. *cf.* 1770, 1771 & 1773 (Spain) and also 1833, 1834 and 1888 (Argentina).

28 Published by the Robert Sayer/John Bennett partnership some 18 years after Green's suicide. See https://falklandstimeline.files.wordpress.com/2019/01/1775-john-green-london.png

"The plan involved establishing a base at Port Egmont in the Falkland islands from which to operate their business under the British flag and thus market their whale oil directly in London." [30]

Sixteen ships are outfitted at Martha's Vineyard, Massachusetts, by American loyalists Francis Rotch, Richard Smith, Aaron Lopez and Leonard Jarvis. [31]

"... in 1774 and 1775 Francis Rotch and Aaron Lopez formed a plan and a company to equip a fleet of vessels for the South Sea fisheries, which after filling, were to go to the Falkland Islands, located off the southeastern coast of South America ... There the ships were to deliver their oil and refit for the South Seas grounds again. Apparently fifteen ships and brigs were equipped in New Bedford and Newport, two of them new ships which were bought in Newbury port." [32]

"Francis Rotch, ... organized a fleet of whaleships to sail from Nantucket and Bedford... and proceed directly to the South Atlantic, as far as the latitude of the Falkland Islands. The vessels – numbering sixteen – were to avoid "all touch" with the South American coast, and if provisions were needed they were ordered to go into Port Egmont, in the Falklands. Francis Rotch, himself, planned to go there also during this particular period, to supervise the operation of the fleet." [33]

August 23rd, in London, King George III proclaims the American colonies to be in a state of *'rebellion.'* [34]

> *By the KING,*
> *A PROCLAMATION,*
> *For suppressing Rebellion and Sedition.*
>
> *GEORGE R.*
>
> *WHEREAS many of Our Subjects in divers Parts of Our Colonies and Plantations in North America, misled by dangerous and ill-designing Men, and forgetting the Allegiance which they owe to the Power that has protected and sustained them, after various disorderly Acts committed in Disturbance of the Publick Peace, to the Obstruction of lawful Commerce, and to the Oppression of Our loyal Subjects carrying on the same, have at length proceeded to an open and avowed Rebellion, by arraying themselves in hostile Manner to withstand the Execution of the Law, and traitorously preparing, ordering, and levying War against Us; And whereas there is Reason to apprehend that such Rebellion hath been much promoted and encouraged by the traitorous Correspondence, Counsels, and Comfort of divers wicked and desperate Persons within this Realm: To the End therefore that none of Our Subjects may neglect or violate their Duty through Ignorance thereof, or through any Doubt of the Protection which the Law will afford to their Loyalty and Zeal; We have thought fit, by and with the Advice of Our Privy Council, to issue this Our Royal Proclamation, hereby declaring that not only all Our Officers Civil and Military are obliged to exert their utmost Endeavours to suppress such Rebellion, and to bring the Traitors to Justice; but that all Our Subjects of this Realm and the Dominions thereunto belonging are bound by Law to be aiding and assisting in the Suppression of such Rebellion, and to disclose and make known all traitorous Conspiracies and Attempts against Us, Our Crown and Dignity; And We do accordingly strictly charge and command all Our Officers as well Civil as Military, and all other Our obedient and loyal Subjects, to use their utmost Endeavours to withstand*

29 *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1514 – 1810* 1910 vol.2 p.237. *cf. Francisco Gil y Lemos, gobernador de las islas Malvinas (1774-1777)* I. G. Aguado (2012)

30 *Ships Employed in the South Sea Whale Fishery from Britain: 1775-1815* Clayton 2014

31 Otherwise known as United Empire Loyalists, Tories, Royalists or King's Men. Those colonists who remained loyal to the Crown of England during the American Revolution.

32 *The Rotches* John M. Bullard 1947 p.51

33 *Whales & Destiny: The Rivalry between America, France and Britain for Control of the Southern Whale Fishery, 1785-1825* E. A. Stackpole 1972

34 Confused as these issues usually are, this can be taken as the start date for American War of Independence.

and suppress such Rebellion, and to disclose and make known all Treasons and traitorous Conspiracies which they shall know to be against Us, Our Crown and Dignity; and for that Purpose, that they transmit to One of Our Principal Secretaries of State, or other proper Officer, due and full Information of all Persons who shall be found carrying on Correspondence with, or in any Manner or Degree aiding or abetting the Persons now in open Arms and Rebellion against Our Government within any of Our Colonies and Plantations in North America, in order to bring the condign Punishment the Authors, Perpetrators and Abettors of such traitorous Designs.

"Loyalties on both sides of the Atlantic splintered in what was ... regarded as another British civil war." [35]

In Spain, a chart of South America is published by Juan de la Cruz Cano y Olmedilla (detail right). The archipelago is identified as *Islas Maluinas o de Falkland.* [36]

September 4th, in Newport, Capt. John Locke (*Minerva*), receives orders from Francis Rotch and Aaron Lopez.

"You are then for many reasons particularly that of Insurance at all events to proceed for Port Egmont in the Falkland Islands where you are with all the rest of our vessels to rendezvous & recruit & where, if no unforeseen accident prevents you may be assured you will find our Francis Rotch etc.- You shall be at liberty either to winter with our Francis Rotch there or to return home again etc..." [37]

Researcher's Comment: That insurance conditions required ships go to Port Egmont is intriguing. Marine insurance was introduced in England in the early 1600s and codified in the mid 18th century. Lloyds had been operating since 1720, but there were many other underwriters.

"From 1771 to 1775, Massachusetts employed annually ... one hundred and twenty-one vessels, of 14,026 tons, in the southern (fishery); navigated by 4,059 seamen. Before the revolutionary war, the small island of Nantucket had ... eighty-five ships, of 10,200 tons, in the southern fishery." [38]

September 8th, Rotch sails to Britain, in *Francis,* to talk terms with Samuel Enderby.

"(Enderby) was the first adventurer from Britain in this Southern Whale Fishery and had persevered in it during the war,.." [39]

"The initial impetus for a British southern whale fishery arose out of the American colonies' quest for independence, when a number of London based oil merchants and their suppliers on the east coast of America

35 *The English and Their History* Robert Tombs 2014 p.351
36 This would seem to have been a copy of a 1771 chart, by the same cartographer.
37 *Rotch/Lopez to Locke, Newport, Sept 4, 1775* in Bullard 1947
38 *An Appeal from the Judgments of Great Britain Respecting the United States of America* Robert Walsh 1819 part.1
39 Quote in Stackpole 1972 p.17, citing *Memorandum, Board of Trade Records, PRO BT 6/93*

sought relocate the business, some ships and crews from New England to London. Before this time a small number of New England ports, particularly Nantucket, had exclusively supplied sperm oil to the British market. The first ships which sailed from London met with little success. However, it did not take the English ships long to acquire the skills and knowledge necessary to make a success of the fishery. The driving force behind the push to conduct whaling out of London at this time is credited to the firm of Samuel Enderby & Co., and there is no doubt that Enderby vessels were amongst the most enterprising of those seeking the whale." [40]

In **October**, as the Nantucket whaling fleet sails south, five vessels are seized by the British men-of-war ships *Renown* and *Experiment*; the crews pressed into service in the Royal Navy. [41]

"The various unfortunate occurrences that has attended this pursuit had nearly defeated all our purposes, the most material of which are a seizure of five of our Vessells (sic) on their voyage and bringing them to England, to wit., the Falkland, Enterprise, Abigail, Minerva, and Diana. ... attended with the loss of all our men,.." [42]

In **November**, Rotch hears of the seizure of the Nantucket ships.

> *"Portsmouth, November 19. Arrived here, the Abigail, Edward, and the Minerva, Clear. These ships, with two others, were taken by the Renown and Experiment men of war, and made prizes of, in the passage to America. They were fitted out at Nantucket, and bound for Falkland's Island."* [43]
>
> *"Portsmouth, November 25. ... The Diana, Torito; Abigail, ---; Enterprize, Lawford; Minerva, Gellehare, and another, name unknown, are brought in here as prizes."* [44]

Rotch negotiates with the British Government for the release of the vessels and for protection from the Royal Navy; arguing that his business should be considered an English one, and not an American enterprise. Those whalers for which Rotch initially seeks protection are *Jacob* (Matthew Cornell); *Africa* (Joseph Ripley); *Cleopatra* (James Fitch); *Lydia* (Thomas Folger); *Charlotte* (John Woodman); *Ann* (John Darling); *Fox* (Silas Butler); *George* (George Whippey); *Mermaid* (Lokbury Blackman); *Minerva* (Ephraim Pease); *Dartmouth* (Peter Pease); *Delight* (Benj. Norton); *Nelly* (Wm. Norton); *Royal Charlotte* (Nathaniel Hathaway). [45]

"He (Rotch) ... (explained) the intention of their returning to London with their cargoes, and then to fit out from there and become an arm of the newly established British South Whale Fishery,.." [46]

In **December**, the British Government agrees to release the New England vessels and crews, and in return Rotch contracts to purchase supplies to the value of £10,000 from merchants in London.

> *"Government, we are informed, intend to make Falkland's Island a place of strength, and that encouragement will soon be made public for establishing fisheries in those seas, which abound with seals, whales, &c."* [47]

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40 *An overview of the British Southern Whale Fishery* Dale Chatwin 2016

41 *Ahab's Trade: The Saga of South Seas Whaling* Granville A. Mawer 1999. Also *The Blackheath Connection: A Website Book* D. Byrnes 2000. Five captured, leaving 12 whalers still en-route to the Southern Atlantic. It has been suggested (*CO 5/40 fol.94b*) that a Royal Navy ship of 33 guns, *Niger,* was sent after the 12, but there are no subsequent reports.

42 *Francis Rotch to Aaron Lopez February 20, 1776* in *Commerce of Rhode Island 1726-1800* Boston Society 1914 vol.2 p.39

43 *Scots Magazine* November 1775 p.47

44 *Hampshire Chronicle* Monday November 27, 1775

45 Stackpole 1972 p.395. Seemingly, the list changed two or three times between November and January, 1776.

46 *Ships Employed in the South Sea Whale Fishery from Britain: 1775-1815* J. Clayton 2014

47 *Hampshire Chronicle Monday* December 18, 1775 p.3

"By a letter from Gosport, we are informed, that the vessels brought in here about three weeks ago, which were taken by one of our men of war at sea, and deemed prizes, are given up to the merchants; as it appears they were actually bound to Falkland's Island on the service of whale fishing, and they are now getting ready to proceed on the voyages." [48]

In late **December**, the first elements of the New England whaling fleet start to arrive at the harbour of Port Egmont in the western Falkland Islands. [49]

"In 1775 the first British attempt was made at the Southern fishery. Ships of from one hundred to one hundred and nine tons were sent to .., the coast of Brazil, the Falkland Islands, ..." [50]

"The English southern whale fishery, to the south and west of England, commenced from London in 1775 and for the next eighty years the trade was almost exclusively carried out from London to the South Seas. For the first fifteen years the trade was conducted primarily in the mid to south Atlantic." [51]

48 *Reading Mercury* Monday January 1, 1776

49 Quite how many is unclear. It had been Rotch's intention to follow the fleet to Port Egmont, but he was recorded as still being in London on December 6, 1775 (*CO 5/40 fol.94b*). Two whalers, *Britannia* and *Amazon* would be captured, by revolutionary American privateers, on their homeward journey in August 1777. There is no suggestion, however, that the Spanish made any attempt to interfere in what was a substantial enterprise at the Falklands. *cf. Francis Rotch to Lord Germaine* in *CO 5 vol.115 folio 215.* Also 1777

50 *A History of the Whale Fisheries* James Travis Jenkins 1921

51 Chatwin 2016

1776 – January 1st, at the Royal Society in London, William Clayton, last British Military Administrator of Fort George, describes the archipelago.

THE
Caledonian Mercury

No. 8555. EDINBURGH, TUESDAY, August 6, 1776.

"Falkland's Islands, or, as the Spaniards and French call them, the Malonie (sic) Islands, are situated between the latitude of 52° 26 and 51° 6 S. they are numberless, forming a mass of broken high lands, or very low sedgy keys and sunken rocks. The largest is the easternmost island, and on the eastern side the Spaniards had a settlement, which the Crown of Spain purchased of M. Bougainville, who on his private account, had formed a settlement in the year 1764,..

Adjoining to the second large island, to the westward, lies Saunders Island, on which the English settlement was made, a blockhouse erected, several spots inclosed for gardens and three storehouses, and five dwelling-houses or huts, built at different times by the ships crews who were stationed there.

***The harbour of Port Egmont was formed by these islands**, and another high, barren, rocky island, named Kepple's Island, and some lesser islands to the N.E. and eastward, and was entirely land-locked, or inclosed by the land on every point; it was very spacious; the bottom was muddy and good holding ground. From the hills through the bogs drained several runs of water, and as the landing-places were good, and a natural small cove for boats to lie in safety on the north side of Saunders Island, sheltered from the S.W. Winds, it induced Captain Macbride (sic) to make settlement on it. …*

The coasts of these islands abounds with whales of the spermaceti kind; the islands with innumerable seals and sea-lions, from whence a valuable fishery might, if thought proper, be carried on. The passage out is twelve weeks; the same home. Ships might be loaded with oil ready made, in six and eight weeks, and the price of that article greatly reduced. These are all the remarks I made while I commanded on that barren, dreary, desolate, boggy, rocky spot, in 1773 and 1774." [52]

Piloto Juan de la Peña arrives at Puerto de la Soledad, in the brig *Santa Paula.*

"… the Governor of *Puerto Soledad, in observance of the orders that had been given, and even ignoring the compliance given by the British to the word pledged, continued to maintain a discreet vigilance on that point, which, periodically, was visited by Hispanic pilots. In early 1776, Gil and Lemos obtained information that the British had left the base. He then resolved to verify the truth of what he had been told."* [53]

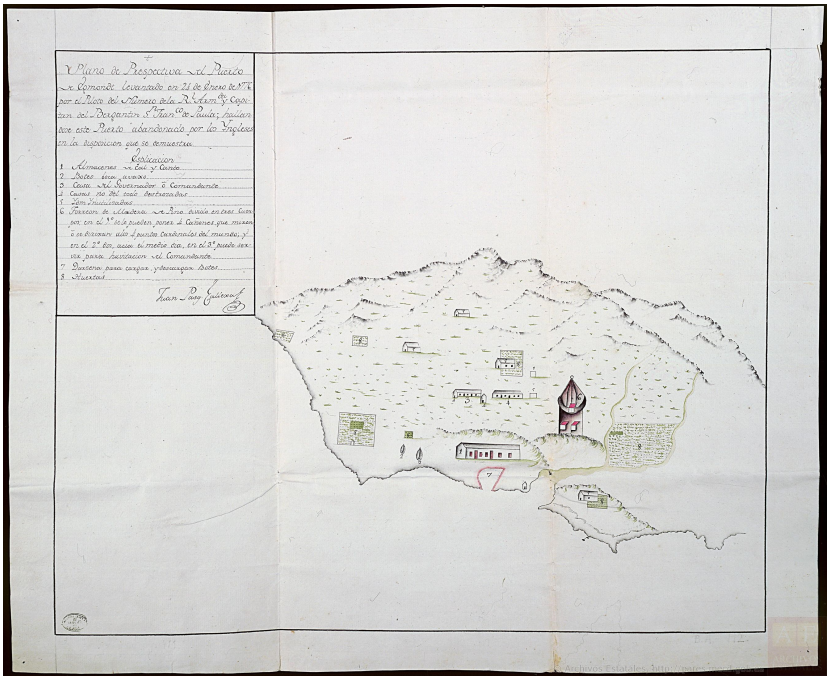
January 10th, from Portsmouth, whalers *Abigail, Falkland* and *Enterprize*, sail for the archipelago. [54]

52 *Caledonian Mercury* August 6, 1776. Also published in *Philosophical Transactions vol. LXVI. cf.* Papers 2 & 3. My emphasis

53 Caillet-Bois 1982 (6th ed.) p.167

54 *Hampshire Chronicle* Monday January 15, 1776. Also *Francis Rotch to Aaron Lopez February 20, 1776*

January 24th, *San Francisco de Paula*, commanded by Capt. Juan Pascual Callejas, sails into Port Egmont.



"*… you will, from time to time, renew your exertions to make sure that they do not return to that quarter, informing me precisely of whatever may occur at present, or at any future time; which instructions I communicate to you by His Majesty's order, to be exactly complied with, until, on a future opportunity, a more complete idea be given of all that pertains to this point. God preserve you many years. PS. Until further advices, which I shall address to you, you are not to deviate from the letter of the instructions I now give you; nor allow any one to proceed to the said relinquished settlement, except those whom you send for the purpose on which they may be ordered."* [55]

Finding evidence of recent use, Callejas sketches the site (above). Before removing the lead plate left by Lieut. Clayton in 1774.

"In the beginning of 1776, Captain Juan P. Callejas formally reconnoitered Port Egmont and the adjacent bays; he found the roads covered with grass, the doors of the Houses and Stores open, the roofs almost entirely fallen in and some effects scattered on the shore." [56]

"... Callegas (sic) ... visits the remains of our settlement at Port Egmont and discovered there the Inscription left by Captain Clayton upon his quitting the place the year before (sic). This Inscription fully set forth His Majesty's rights and was on a leaden plate, and was sent by Callegas to Buenos Ayres, where I am told it was carefully preserved until General Beresford took possession of the city, and sent it to England." [57]

"Capt. Pascual Callejas, who visited Port Egmont while carrying out a coastal survey, reported that the abandoned settlement had been virtually destroyed by sealers from New England." [58]

Researcher's Comment: Much is occasionally made of what amounted to little more than an act of petty theft. When the British garrison had withdrawn in May, 1774, its commander, William Clayton, had nailed a lead plate to the door of Fort George, which clearly stated Britain's existing claim – *Be it known to all Nations, That Falkland's Island, with this Fort, the Storehouses, Wharfs Harbours, Bays and Creeks thereunto belonging, are the sole Right and Property of his Most Sacred Majesty George the third, King of Great Britain, France*

55 *Don Juan de Arriaga to the Governor of the Malvinas April 9th, 1774* reproduced in Minister Moreno's *Memoria and Protest to Viscount Palmerston June 17, 1833* in *FO 6/501*. Also *AGN VII Coleccion Biblioteca Nacional t.189*. *cf.* 1774. A copy of this instruction was obtained by Woodbine Parish in 1830 and forwarded to London with his letter of November 20 of that year. *cf. FO 6/499.*

56 *Report of the Political, and Military Commandant of the Malvinas (Informe del Comandante Politico y Militar de Malvinas)* Luis 1832 *cf.* 1774 & 1780

57 *Woodbine Parish to Earl Aberdeen 20, November 1830. FO/6/499.* For Beresford, see 1806

58 *Seal Fisheries of the Falkland Islands & Dependencies: A Historical Review* A. B. Dickinson 2007p.27

and Ireland, Defender of the Faith. In Witness whereof this Plate is set up and his Britanick Majesty's Colours left flying as a mark of possession by S. W. Clayton, commanding officer at Falkland's Island. A.D. 1774.

Juan Pascual Callejas stole the plate in 1776.

In London, on the same day, a report is published in the journal, *Saunders's News-Letter*:

> *"Two men of war and ten ships are fitting out in the river for Falkland's Islands, but upon what plan they are going out, is not known."* [59]

> *"Captain Cook, in the new voyage which he is going to make (Captain Clarke, the commander of the second ship) is to take Omiah to Otaheite, and from thence to proceed upon the discovery of the North-West passage to the northwards of California..."* [60]

Spain's Ambassador to the Court of St. James, Don Filippo Vitorio Amadeo Ferrero de Biella, Prince of Masseran (Masserano), complains about English ships seen at Port Egmont. [61]

> *"It is said that the Spanish Ambassador has lately presented a strong memorial against our sending ships into the South Seas; and that, in consequence of which memorial, our Court have come to a determination to put an entire stop to the intended expedition of Captain Cooke, who was soon to have sailed thence, and his destination will be changed."* [62]

"(The) British Minister again assured him of the abandonment, adding that he had reason to suspect that Vessels belonging to the revolted Colonies of North America often went to the Islands to fish for Whales; on which account the Court of London had in its contemplation to send 1 or 2 Frigates to expel them." [63]

"... the Prince de Masserano had complained to Lóndres, that some English vessels had been seen at Port Egmout, because this was contrary to the solemn and repeated protests with which he had been assured the total abandonment of that place." [64]

Ambassador Masserano writes to Madrid. He informs Minister Grimaldi that he has mentioned the situation at Falklands Island to the British government. Masserano adds that he has little in the way of evidence to support his complaints.

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59 *Saunder's News-Letter* Monday January 22 to Wednesday January 24, 1776. Seemingly a reference to a new expedition planned for Capt. James Cook. See below.

60 *Ipswich Journal* January 27, 1776. Omai, a young man from Raiatea of the Society Islands in Polynesia, had gone aboard *Adventure* during Cook's second voyage. The return of Omai to his homeland was used as cover for a third voyage of discovery. There is some, rather vague, evidence that the original plan had been for Cooke to take a westward route, via the Falklands.

61 Exact date unknown. Buenos Aires had despatched news of sightings at the end of July, 1775, suggesting that Spain would have become aware in early October. Madrid reported Masserano's complaint in a letter of February 7, 1776. As it took some two weeks for despatches to reach Madrid from London, it seems likely that the Ambassador's complaint was made in mid/late January,1776. However, Masserano's general orders from 1771 were to keep the issue low key, so any complaint was likely to have been made as part of an informal conversation, possibly on the basis of press reports. The nature of the complaint is also open to question. The only source is the *Report* by Luis Vernet of 1832 (cited below); which is not entirely reliable. Vernet was arguing in favour of an Argentine claim based upon Spanish history. He did not identify a source for this 1776 complaint, and subsequent references in 1885 and 1887 are based upon Vernet's report. The single British source, is the mention in the *Kentish Gazette* (below), which refers only to the South Seas (Pacific Ocean) and not Port Egmont.

62 *Kentish Gazette Saturday* March 16, 1776 p.4. I can find no *'memorial'.*

63 *Report of the Political, and Military Commandant of the Malvinas (Informe del Comandante Politico y Militar de Malvinas)* L. Vernet 1832

64 *Títulos de la República Argentina a la Soberanía y Posesión de las Islas Malvinas* I. P. Areco 1885 p.44. The plate left in 1774, by the British commander, rather puts the lie to any suggestion of British abandonment in terms of sovereignty.

"It is of the utmost importance to publish before long our nation's travel and discoveries made in these regions. The long-promised maps also need to be published for there are no better acts of possession for this nation than such printed materials. With these publications in hand, we can manifest to Europe that no other has the right to claim our now confirmed discoveries." [65]

January 31st, from Puerto Soledad, after receiving Callejas's report, Governor Gil y Lemos writes to the Governor in Buenos Aires to tell him that the British settlement is, "*depopulated*." [66]

Legislation in Britain, the *Whale Fishery, etc. Act 1776,* extends the whaling bounty system to the South Atlantic.

> *"It being found that a profitable whale fishery may be carried on in seas south of 44 degrees north latitude, premiums from £100 to £500, to continue for eleven years, were offered by parliament to the five ships, owned, and carrying men and apprentices, agreeable to the regulations enacted for the Greenland ships, fitted out after the 1st of August, and returning to port before the 1st of November, which should bring home the five largest quantities of oil, each being the produce of at least one whale caught by them."* [67]

"In response to the need to ensure a continuing supply of oil for Britain the Government instituted an incentive scheme which offered premiums to the most successful ships, ranging from £500 to £100. The premiums were designed to encourage success rather than simply reward participation, as was the case with the bounty system employed in the northern whale fishery." [68]

February 7th, Madrid informs Governor Vertiz, that British Ministers have assured Masserano that any ships seen at Port Egmont were likely to be American patriot vessels not under the control of London. Vertiz is instructed to be more assertive in his approach, and evict the Americans. [69]

"On this occasion, the Government of Buenos Ayres was desired to cause the Governor of the Malvinas (sic) to again reconnoitre the Islands, and if he found any individuals there to order them off immediately." [70]

"The government of Buenos Aires was then ordered to conduct a new reconnaissance and require eviction, causing the occupants of that island to be immediately withdrawn." [71]

February 29th, from London, *Nancy* sails for the Falklands' whaling grounds. [72]

"That the Rotches had not abandoned the Falkland Islands as a base during the Revolution is revealed by an entry in the London customs, showing their ship Nancy, Captain Scott, had been granted a permit to sail hence." [73]

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65 Masserano quoted in Buschman 2014 p.46 (no source provided, nor any date other than 1776)

66 *Francisco Gil y Lemos a Juan José de Vértiz, Puerto Soledad, 31 de enero de 1776. AGI, Buenos Aires, 56*

67 *16 GEO.III c.47.* Introduced to encourage the Greenland industry in 1733, the scheme lasted until 1821. PRO *BT 6/93*

68 Chatwin 2016

69 *AGN Sala IX 27-3-10* (AGN = General Archive of the Nation in Buenos Aires). Not published.

70 Vernet 1832

71 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887* Buenos Aires, 1887, pp. 201-278

72 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards (BSWF = British Southern Whale Fishery). Owned by Francis and William Rotch, commanded by James S. Scott. Returned April 29, 1777. Other whalers sailing for the Falklands in early 1776, exact dates unknown, include *Africa*, *Flora*, *Fox*, *Francis*, *George*, *Minerva* and *Sally.* See November, 1775

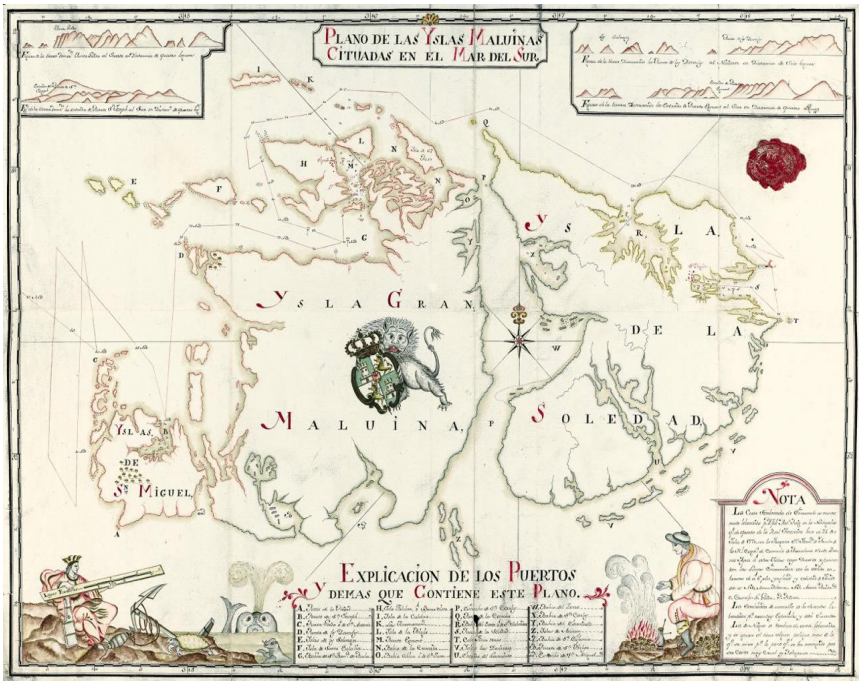
73 Stackpole 1972 p.16. This most likely refers to the agreement between Francis Rotch and the British Government of December, 1775 to prevent whaling crews being pressed into the British navy. The documents issued to the ships do not appear to have survived.

March 1st, in Madrid, notification of the wording on the plate left at Fort George by the British in 1774, is received at the Spanish Court. [74]

March 7th, from London, Masserano writes to Minister Grimaldi to report the departure of British whaling vessels believed to be on their way to the harbour at Port Egmont. [75]

"It is difficult to be precise about how many ships were involved in the Falklands Fleet venture as the various sources quote different numbers;.. However, twenty-one have been identified in the 'Ships' List'..." [76]

March 25th, at Port Egmont, Spanish *piloto* José de la Peña, arrives below Look-out Hill on Keppel Island, only to see a brig anchored near the British settlement site on Saunders Island. The brig's crew appear to be loading and unloading supplies. Peña does not attempt to challenge the vessel, which is not displaying any ensign, instead observing it for 5 days before returning to Soledad for supplies. Instructed to return, Peña watches the brig for a further seven days before it sails away; after which the Spanish *piloto* lands on Saunders Island. Inspecting Jasons Town and Fort George, Peña discovers a supply of timber, but no people. [77]



March 28th, *Frances*, commanded by Capt. Buckley, sails from Portsmouth for "*Falkland's Islands*." [78]

April 1st, a suggestion is made in Britain's Parliament, that convicts should be sent to the Falklands. [79]

April 2nd, from Madrid, Minister for the Indies, Julián de Arriaga, writes to the Governor of Soledad with Masserano's intelligence that 20 whaling ships are en-route to the Falklands. [80]

On receipt of the instructions of February 7th, Governor Juan José de Vertiz in Buenos Aires, orders a further reconnaissance of the Gran Maluina. [81]

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74 *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1514 – 1810* 1910 vol 2 p.245 citing *122-5-9 Archivo General de Indias.* No protest was made to the British government. Indeed, the removal of the plate was seemingly kept entirely secret. The plate remained in Buenos Aires until discovered durting the British attack on that city in 1806. *cf.* 1806

75 *Masserano al marqués de Grimaldi, Londres, 7 de marzo de 1776. AGI, Buenos Aires, 553.* Somewhat inconsistent with the reported assurances given by British Ministers just the month before. Also, no suggestion of a protest by Masserano.

76 *Shipowners investing in the South Sea Whale Fishery from Britain: 1775-1815* Jane Clayton & Charles Clayton 2016

77 *Francisco Gil de Taboada y Lemos* Andrew David & Carlos Novi in *The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981* D. Tatham (ed.) 2008 p.240. The 1778 date in Tatham is a misprint. The work observed was most likely linked to the whaling operations of Francis Rotch.

78 *Hampshire Chronicle* Monday April 1, 1776 p.2

79 *Convicts and Empire: a Naval Question, 1776-1811* A. Frost 1980

80 *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1514 – 1810* 1910 vol 2 125-5-2 *Archivo General de Indias*

81 West Falkland Island. East Falkland Island had been named Soledad by the then governor of Buenos Aires, Bucareli, in 1767. This chart above, circa 1770, is attributed to the Spaniard, Joseph Antonio Puig

"Two frigates were despatched from Buenos Aires to inform the Americans that since Spain considered that Great Britain had abandoned the islands, they should stop destroying Spanish property and leave. The sealers paid no attention to this order." [82]

May 10th, Gil y Lemos reports to Governor Vertiz, that a British ship has been seen in Egmont harbour. [83]

"Thus, in March 1776, Julián de la Peña, captain of the brig San Francisco de Paula, entered the disputed port sighting a brig that was carrying out cargo operations; in May he repeated the visit and found the port "exhausted of settlers"." [84]

June 8th, Vertiz tells Madrid of the sighting; adding that he has asked for the vessel to be identified if it returns.

One of the Rotch fleet of whalers, *Fox*, under Capt. Silas Butler, arrives in Barbados from the Falklands. In a poor condition, the cargo is sold there. [85]

In Buenos Aires, Mariano Santos, a 20 year old who has already spent seven years in prison for the crime of sodomy, is further sentenced to the Soledad garrison for 'life.' [86]

July 4th, rebels in Britain's North American colonies declare independence at a Continental Congress. France and Spain agree, in secret, to assist the Americans against the British. [87]

July 7th, in London, one whaler of the Falklands fleet, *Abigail*, arrives with 87 tuns of whale oil. [88]

July 12th, Capt James Cook sails from Plymouth, for the Pacific Ocean. [89]

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82 Dickinson 2007 p.27 citing *The Falkland Islands* V. F. Boyson 1924

83 *Gil y Lemos a Vértiz de 10 de mayo de 1776 AGI, Buenos Aires, 56.* Probably the ship observed in late March.

84 Caillet-Bois 1982 (6th ed.) pp.167-168. No date for a May reconnaissance is provided.

85 Stackpole 1972 p.394

86 *¿Custodia, castigo o corrección? Consideraciones sobre la cárcel capitular de Buenos Aires a fines de la época colonial (1776-1800)* Lucas Esteban Rebagliati 2015 citing *El memorial en Archivo General de la Nación (AGN), Sala IX, Solicitudes de presos, Legajo (L) 12-9-13, Folios (F) 303-307. AGN, Sala IX, Justicia, L 31-2-9, E 20, visitas 9/8/1776 a la 4/12/1776.*

87 Neither France nor Spain felt sufficiently prepared to openly declare against Britain, but US records date Spanish assistance from this time. Whilst not obviously related to the Falklands, I include this information as it helps to explain Spain's deteriorating relations with England over the following few years. Spain would eventually declare war in 1779. Although the original agreement with France was made in secret, there is little doubt that the British were well aware of Spanish involvement. Persistent rumours of an attack by Britain upon Spain's South American colonies circulated London from early 1777. *cf.* 1779

88 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards. One vessel of the New England fleet operated by Francis Rotch.. Having only left London in January, 1776 it is possible that this ship had its cargo of oil transshipped from other members of the New England fleet on its arrival in the Falklands, and had promptly turned around.

89 Cook's third and final, fatal, voyage into the Pacific via Cape Town and New Zealand.

August 1st, Carlos III of Spain appoints Pedro de Cevallos as Viceroy of the Rio de la Plata; *"... located between 15º and 37º latitude South"* (see map on previous page). [90]

> "*I create you my Viceroy Governor and Captain General of those of Buenos Aires, Paraguay, Tucumán, Potosí, Santa Cruz de la Sierra, Charcas and all the Corregimientos, Peoples and Territories to which the Jurisdiction of that Hearing extends; which you can preside in the case of going to it with the own faculties and authority, that enjoy the other Viceroys of my dominions of the Indians, according to the Laws of them, including under your command and Jurisdiction the Territories of the cities of Mendoza and San Juan de la Pica, which today are dependent on the Government of Chile, with absolute independence from my Viceroy of the Kingdoms of Peru,..*"

"In 1776, partly owing to Portuguese aggression, the important resolution was taken to separate the provinces of the Rio de la Plata from their dependence upon the government of Peru and to create a new viceroyalty with Don Pedro Cevallos, governor of Buenos Aires from 1757 to 1766, as the first viceroy. The capital of this viceroyalty was Buenos Aires, and it comprised the provinces of Buenos Aires, Paraguay, Cordova, Salta, Potosi, La Plata, Santa Cruz de la Sierra or Cochabamba, La Paz, and Puno, besides the subordinate governments of Montevideo, Moxos, and Chiquitos, and the Missions on the rivers Uruguay and Pararni. ... Cevallos, as Governor of Buenos Aires, had opposed the Portuguese with vigor, even to the point of war in 1762." [91]

"The Viceroyalty of Rio de la Plata was born from a split of the Viceroyalty of Peru and integrated the territories of the governorships of Buenos Aires, Paraguay, Tucuman and Santa Cruz de la Sierra, the Village de Cuyo and the villages of the Provencis of Charcas. These territories covered the surface of the republics of Argentina, Uruguay, Paraguay, Bolivia and parts of southern Brazil, northern Chile, southern Peru as well as the Falkland Islands. Also included nominally were the African islands of Fernando Poo and Annobon in Equatorial Guinea today, ceded by Portugal in 1777, although the attempt to colonize them failed. The Viceroyalty was located in the Southern Cone of South America and possessed coasts in both the Atlantic Ocean and the Pacific Oceans." [92]

Montevideo is appointed as Spain's primary naval base for the South Atlantic. [93]

"From the creation of Naval Apostadero in 1776, the Malvinas were under the Montevidean naval jurisdiction, which has even allowed some scholars to apply for a possible Uruguayan claim of sovereignty ..." [94]

One of the New England whaling fleet – *Britannia* – is seized by a revolutionary sloop, *Providence*, commanded by John Paul Jones.

> *"She is a Nantucket Whaler, and appeared by the voluntary testimony of the Master, Mate, etc., to be the property of rank Tories, who had ordered their oil to be carried to the London market, and the amount of it to be shipped out in British goods to Nantucket."* [95]

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90 *Revolucion Hispano-Americaux* Mariano Torrente 1829 p.11. As the Falklands archipelago lies well outside these co-ordinates, it would seem that the islands were not initially to be a part of the new Viceroyalty. Map courtesy of San Antonio Museum of Art.

91 *The United States and the Independence of Buenos Aires* Eugene R. Craine 1961

92 *Las mercedes del Rey. Los Titulos de Castilla vinculados con el Virreinato del Rio de la Plata* Francisco Javier Almozara Valenzuela 2014.

93 *Real Apostadero de Marina*

94 *Visiones Uruguayas sobre la cuestión Malvinas* José Ramiro Podetti 2013

95 *John Paul Jones to Marine Committee, Continental Congress* in Stackpole 1972 p.8. *Tory* was a name given to North American loyalists (loyal to the Crown of England), during the American Revolutionary War.

August 9th, a letter, accompanying a Royal Order, is addressed to the Governor of Buenos Aires by Joseph de Gálvez, Secretary of State for the Indies. [96]

> *"The evacuation of the establishment which (Britain) made in the Great Maluina has already been verified by the court of London, and it being a constant fact that the situation and sterility of those Islands make population unpractical, and precludes the subsistence of individuals other than those which the King maintains at his own expense, His Majesty has resolved on the idea that two Frigates, destined for the protection of the Rio de la Plata and for the conservation of the Maluinas, (by) the attached instruction signed by my hand, one of them must continually at all times, be present in that colony with two Zumacas, or Brigantines, when it is considered convenient, and as appropriate they shall travel cautiously and stealthily the coast and ports to observe what may occur, and to make sure (that) the English do not actually return to the old establishment."* [97]

Soledad's status is changed from *Gobernacion* to *Comandancia-Gobernacion*. [98]

> *"The King considers (it) the greatest work to be followed by the Frigate Commander who is destined (for) the Port of Soledad of the Maluinas on account of having to be at the same time Governor and hold himself in both commands.... [99] His Majesty has considered it appropriate to determine that, without making (a) **formal establishment**, that Port be protected, and (with) continued vigilance for what may happen around it, taking such measures that accord with your present circumstances or await the arrival of the expedition under the command of Don Pedro de Cevallos whom you will advise of this, so that with a greater force and having several ships of the Royal Armada under Lieutenant General Marquis de Casa Tilly, (you) can with his agreement, verify this new plan and advise the Governor of those islands, so he is informed when the time comes (and) in the event of it being put into practice."* [100]

"... since the situation and sterility of those islands made any population impracticable, and made it impossible for the subsistence of individuals other than those that the King maintained at his expense; and on the concept that two frigates destined to protect this river and conservation of the Maluinas should continue, the Royal Order of August 9, 1776, referring to the instruction of the (King), determined the continued existence

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96 *Secretario de Estado del Despacho Universal de Indias.* This letter probably accompanied the announcement of the new Viceroyalty, although it would be sometime before Cevallos would arrive in Buenos Aires to proclaim it. Sadly, the Royal Order is missing. To-date I have seen two differing transcriptions of this letter; passed to me by two – not unconnected – sources. Neither willing/able to provide an AGN reference number. An early copy however, appears to be catalogued amongst the *Mata Linares Collection* at the Spanish archive in Seville (*Tome CVII ff.366-368*). Both Vernet (1832) and Aquado (2012) make mention of this correspondence; although the brevity of Vernet's reference suggests that the Royal Order had become detached and lost prior to 1832.

97 *Joseph de Galvez to the Governor of Buenos Aires August 9, 1776*. Very much the plan presented by Francisco Gil de Taboada y Lemos in May, 1773. A cautious vigilance is also consistent with the instructions issued after 1774. A *Zumaca* or *Smack* was a small coastal vessel common around the River Plate at that time; mainly used for fishing. A *Brigantine* was of a similar size; the name referring to a particular style of rigging. *cf.* May & August, 1773

98 Two commands, two hats – Commander and Governor. These changes were to take effect from the beginning of 1777.

99 *Joseph de Galvez to the Governor of Buenos Aires August 9, 1776*. Also quoted in Podetti 2013. The next part of the letter does not translate well, but deals with remuneration ("*gratificación*") for the new *comandante-gobernador* at Soledad. It also seems to confirm that there had been problems with supplies reaching the Soledad garrison during the tenure of the Governors.

100 *Ibid.* My emphasis. That the garrison at Soledad was not seen as a '*formal establishment*' is unexpected, and requires further investigation. The final part suggests that the accompanying order was provisional in nature and subject to revision by the new Viceroy.

of one of (the ships) in that colony with two sumacas and brigs (and) that when it was deemed convenient and opportune, they should travel the coast with caution and concealment to observe what may happen, and to carry out other reconnaissance and purposes of the Royal service…" [101]

"On the 9th of August of the same year, 1776, the court ordained, that, England having already evacuated the Establishment she had formed in the Malvinas, the Government of Buenos Ayres should destine two Frigates to cruize in those parts." [102]

"By the end of 1776, Gil y Lemos was in very poor health, and his continued presence at the head of the Colony was unsustainable. The R. O. of August 9 of that year granted him the necessary license, by virtue of which he handed over the command to the interim Governor, commander Don Ramón de Carass…" [103]

"On August 9, 1776, the Apostadero de Montevideo was created and there was to be a war frigate prepared to relieve another similar unit that was staying in the Malvinas. As the time passed and a second Spanish naval decay was accentuated, the frigates were replaced by corvettes and later they were replaced by bergantines and even sumacas." [104]

"… the Commander of the frigates responsible for communications with the Falklands were available as necessary in order to assume the Government of the Islands…" [105]

"*It is worth reading the Royal Order of August 9, 1776 by which the Spanish crown created the Naval Apostadero of Montevideo, because it allows an appreciation of the importance that the Falkland Islands had. Most of its text, as well as that of its annexed instructions, is dedicated to specifying the rotation of the ships between Montevideo and Malvinas, establishes those that must be fixed in Puerto Soledad, deals with the details of the facilities in the islands and the provision of its marine equipment, and fixes the surveillance routines of the archipelago and its coasts. The Royal Order begins with the explanation that its provisions derive from the then extinct British occupation and by virtue of the risk of further attempts in that regard:.."*[106]

"During the term of office of Francisco Gil y Lemos as governor at Puerto Soledad (1774-7) the islands were ***demoted*** *from a "gobernación" to a "comandancia", and their commander became a "comandante" with limited responsibilities rather than a "gobernador" with general powers. Overall authority was initially exercised by the Viceroy of Peru, himself subservient to Madrid, but on 1 August 1776 Carlos III signed a "cédula real" [royal warrant] setting up the Viceroyalty of the River Plate, with its seat of government at Buenos Aires. It covered not only what is now Argentina but the whole of Paraguay and Uruguay, parts of Bolivia and the whole of southern Chile – modern Argentina covers only part of the territory of the Viceroyalty of La Plata, which lessens the force of Argentina's claim to have inherited the Falklands from Spain."* [107]

September 26th, Spain's frigate commanders receive orders to warn off American ships near the Falklands. [108]

"… it is the will of the King.. on the adoption of measures with a view to ascertain whether the English from the Colony of Boston continue to cruise in these seas for the purpose of whaling… That no vessel belonging to that

101 *Vértiz to Galvez October 8, 1779* in *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vértiz 1784 in Revista del Rio de la Plata* 1871 vol.2

102 Vernet 1832

103 Caillet-Bois 1982 (6th ed.) p.168

104 *Sintesis de la Geografia y la Historia de las Islas Malvinas, Georgias y Sandwich del Sur* L. H. Destefani 1982 p.39. An *Apostadero* was a naval command in, mostly, the Spanish colonies.

105 Aguado 2012

106 Podetti 2013

107 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.44. My emphasis.

108 Vernet 1832. *Grimaldi to José Bernardo de Galvez y Gallardo September 24, 1776* also mentions English whalers.

nation be molested or detained by our ships of war but that the Commanders of the latter may (mildly, urbanely, …) ***hint*** *to the masters of such vessels, that these Seas and Coasts appertain to Spanish dominion, and that all nations refrain from frequenting them…"* [109]

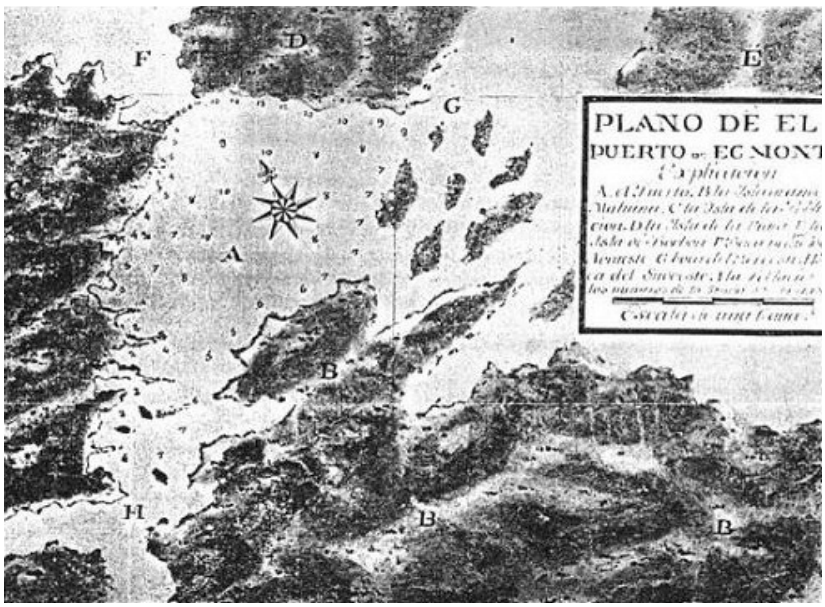
Three Rotch ships, *Francis*, *Flora* and *Nancy* sail for the Falkland Islands. They are followed by *America*, *Abigail* and *Egmont* (George Hayley) *Enterprise* and *Falkland* (Barclay & Co.) and *Beaver* (Harrison & Co.). [110]

November 20th, Spain's newly appointed Viceroy of the Rio de la Plata, Pedro Antonio de Cevallos, prepares to sail from Cadiz with six warships and an army. [111]

"… a military and naval expedition of 9,000 men was dispatched in secrecy from Spain to the River Plate. Cevallos's mission was to quash the Portuguese in Colonia, and then to confer on Buenos Aires the status of a viceregal capital. … The territories of the new jurisdiction embraced five regions: the governorships of Buenos Aires (including the Plates east bank and the missions), Paraguay, Tucuman, the corregimiento of Cuyo, and Upper Peru … Upper Peru possessed both half the population and the silver mines of Potosi." [112]

December 7th, from Montevideo, Capt. Don Martin de Lastaria writes to inform Secretary Galvez, in Madrid, of an early departure of the packet-boat *San Cristobel.* Carrying supplies for the Soledad garrison. [113]

"To ensure the survival of the garrison, convicts and the crew of the ship, and necessary repairs of the ship during the trip, it must carry a years food supply at least, clothing, medicines, and the necessary spare parts, for all the people of that place, so the commander of the islands gives notice one year in advance to the Intendant of the Army and Royal Hacienda of what needs to be sent. The beginning of January is the best time for the departure of the ship…"[114]



Import values into Britain from the Falkland Islands between Christmas 1775 and Christmas 1776 are recorded as £783 5/-. Exports to the archipelago are listed as being £321 16/- for the same period. [115]

Capt. Callejas, surveying Port Egmont, reports activity in the area of the British settlement (chart above). [116]

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109 *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/610.* My emphasis. The handwriting is not easy to read.
110 Information from Jane Clayton – January, 2018
111 Spanish – Portuguese War of 1776/7. Cevallos had been Governor of Buenos Aires between 1757 and 1767.
112 *Argentina, 1516-1987: From Spanish Colonialism to Alfonsin* David Rock 1987. Widely reported in British newspapers.
113 *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1514 – 1810* 1910 vol.2 p.262. Also *125-5-2* Archivo General de Indias.
114 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784* in *Revista del Rio de la Plata* 1871
115 *Annals of Commerce, Manufactures, Fisheries, and Navigation* David Macpherson vol.3 1805. primarily whal oil and bone.
116 *Plano de el Puerto Egmont.* Saunders Island is the land mass to the left (C). The harbour of Port Egmont at A., Keppel Island at the top (D).

1777 – January 4th, Spain's Governor of Soledad, Gil y Lemos, claiming illness, sails for Montevideo.[117]

"His departure also coincided with a fundamental reform of Falklands government. Following the recommendations he had raised three years before, the figure of governor of the islands was suppressed, responsibility passed to the captain of the frigate stationed in Puerto Soledad." [118]

January 7th, Capt. Lastaria reports the preparation of a brig, *Nuestra Senora de Rosario*, for Soledad's, *"care."*[119]

January 30th, from Montevideo, Governor Gil y Lemos assures Minister Galvez that *teniente de fragata* Carassa y Souza is fully aware of the need to identify and report on any English ships arriving in Port Egmont.

February 6th, *teniente de fragata,* Ramón de Carassa y Souza, arrives at Soledad. His official title is *comandante-gobernador*, and his orders are to regularly inspect Port Egmont. Also to report if the British return, as they are expected to. Carassa y Souza notes the presence of 385 head of cattle, at the garrison. [120]

"Confirmed in office, Carassa continued the work begun by his predecessors. A good part of the constructions continued to be of sod with the disadvantages that derived from such material: two warehouses needed to be rebuilt; the powder store was ruined; the four barracks also required to be rebuilt and four barracks or huts."[121]

On the orders of the new commander, Juan Pascual Callejas reconnoiters Port Egmont in the *Señor del Buenfin*.

> *"I arrived at the anchorage, finding no one, and disembarked, finding the following: In the same quay was found a quantity of greaves, and pieces of Wolf skins, a(nd) sign of oils from them…"* [122]

"Traces were found on this occasion of the base having been visited shortly before:... he stumbled upon huge pipes, vessels, tar barrels, lime barrels, traces of roof tiles being made, a furnace and a new forge, more than three thousand roof tiles, etc. The houses were in terrible condition, to the extent that most of them were uninhabitable." [123]

February 24th, King Joseph I of Portugal dies. His daughter sues for peace with Spain in South America.

March 8th, in a *Memorial* to the Spanish King, Carlos III, North American rebels argue for a Spanish declaration of war against Great Britain. Spain's Chief Minister, the Marquis de Grimaldi, responds.

> *"You have considered your situation and not ours. The moment is not yet come for us. The war with Portugal – France being unprepared, and our treasure from South America not being arrived – makes it improper for us to declare immediately. These reasons will probably cease with a year, and then will be the moment."* [124]

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117 Officially, Gil y Lemos remained Governor until his replacement's arrival on February 6, 1777

118 Aguado 2012

119 *Juan José de Vértiz a José de Gálvez January 8, 1777* in *122-5-9 Archivo General de Indias*

120 *Malvinas: Hombres, Ganados y Technologia Rural Criolla (Siglos XVIII y XIX)* J. F. Jiminez, S. B. Alioto & D. Villar 2018 p.110 fn. All of which appear to have been the result of 18 head shipped out in 1768. *cf.* 1768

121 Caillet-Bois 1982 (6th ed.) p.168

122 Quoted in Caillet-Bois 1982 (6th ed.) p.168 citing *Elementos para la historia de nuestras Islas Malvinas* A. Gomez Langenheim 1939 vol.1 pp.95-96

123 *Ibid*

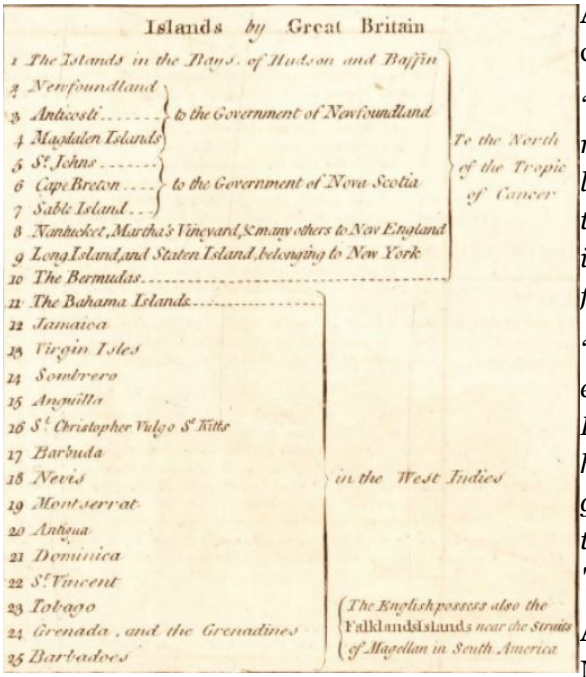
124 *Diplomatic Correspondence of the American Revolution* vol.1 p.408. Spain did, however, agree to supply ammunition.

In London, a '*General Atlas describing the whole Universe*' is printed for Robert Sayer and John Bennett. Included is a chart of North and South America entitled – *A new map of the whole continent of America: divided into north and south and West Indies with a descriptive account of the European possessions, as settled by the definitive treaty of peace, concluded at Paris Feby. 10th. 1763.*

Port Egmont is named. Also *Berkley Sound Spanish Settlemen*t.

A box on the chart (below) lists the *Continent and Islands of America possessed by the European Nations.*

> '*The English possess also the Falklands Islands near the Straits of Magellan in South America.*' [125]


Islands by Great Britain

1 The Islands in the Bays of Hudson and Baffin
2 Newfoundland
3 Anticosti ... } to the Government of Newfoundland
4 Magdalen Islands }
5 St. Johns ... }
6 Cape Breton ... } to the Government of Nova Scotia
7 Sable Island ... }
8 Nantucket, Martha's Vineyard, &c. many others to New England
9 Long Island, and Staten Island, belonging to New York
10 The Bermudas ... } To the North of the Tropic of Cancer
11 The Bahama Islands ... }
12 Jamaica
13 Virgin Isles
14 Sombrero
15 Anguilla
16 St. Christopher Vulgo St. Kitts
17 Barbuda
18 Nevis
19 Montserrat
20 Antigua
21 Dominica
22 St. Vincent
23 Tobago
24 Grenada, and the Grenadines
25 Barbadoes
} in the West Indies
The English possess also the Falklands Islands near the Straits of Magellan in South America

April 1st, Pilot of the Royal Squadron, Don Pablo Sisur, is commissioned to inspect Port Egmont.

"... he was ordered, if he found there any American Vessels, to make to them the before-mentioned intimation, as it was no longer under British dominion; and in case he should find there any English Vessels, he should make the same intimation to them, and further accuse them of a want of good faith." [126]

"Pablo Zizur, captain of the brig Santo Cristo del Buen fin, entered Port Egmont and recognized its total abandonment. He found, like the previous pilots, visible traces of the place having been frequented by whalers, such as ballast for boats, greaves, salt barrels, small tablets with inscriptions, etc. The tower was empty and the Governor's house badly treated as "full of grass and dust"..." [127]

April 22nd, Pedro Antonio de Cevallos lands at Montevideo. Marching on the disputed city of Colonia del Sacramento he forces its surrender, before leading his army towards the Rio Grande do Sul, in Brazil.

April 28th, *comandante-gobernador* Carassa y Souza reports on Sisur's reconnaissance of Egmont. [128]

"... because of the order which he had to reconnoiter and advise if they returned to occupy it, on the (inspection) of 1777 when doing this task, the commissioned pilot found a new situation with no ships in the

125 In British red.
126 Vernet 1832. The '*want of good faith*' averred to Spain's belief that Britain had '*promised*' to abandon the settlement. *cf.* 1770 & 1771
127 Caillet-Bois 1982 (6th ed.) p.168
128 *138-6-4 Archivo General de Indias*

harbour nor inhabitants on the land, (but) they saw that there were many smaller buildings constructed, such as ovens, smelting sites, covered spaces for storing materials of which there were large quantities." [129]

In **May**, a sealer, *Flora*, arrives back in England from the Falkland Islands. [130]

"In the 1776 to 1777 season alone, the following products were brought back to London from the South Atlantic Grounds including the seas around the Falkland Islands; train oil worth £3,786-0s-0d, spermaceti worth £840-0s-0d and whalebone worth £1,280-0s-0d." [131]

June 6th, from Madrid, instructions require that the frigate stationed at Soledad should be prepared, at all times, to return quickly to Montevideo. In case of need. [132]

June 30th, from Spain's royal palace at San Lorenzo, a Royal Order is despatched to the Viceroy at Buenos Aires, requiring the destruction of those whalers' buildings and supplies observed at Port Egmont by *piloto* Sisur. [133]

*"... it was inferred by our Court that some **American** colonists, or other unknown private individuals, without the knowledge of the English Ministry (as they assured us)*[134] *looked to establish themselves in a permanent fashion; for this the King commanded by his Royal Orders of June 30 1777 to repeat the reconnaissance **with customary precautions**, and when the subject carrying out the commission **has assured himself** that there are **no inhabitants there**, or people from any nation, he should proceed to burn all the buildings which have been started or finished, doing the same with all the materials which have been gathered there..., which with luck, **on the return of the people who have left them there**.., their permanent settling will be put back or made impossible."* [135]

Researcher's Comment: The words appear clear enough. A destruction of buildings built by American colonists or private individuals; but only when they were not there. Not an order to attack Britain's Port Egmont establishment as is often claimed. A requirement to sneak in, destroy and sneak out again, can hardly be viewed as an act of sovereignty. No British buildings were destroyed before 1780, and only then during a time of war between Spain and Britain. As will be seen below, a declaration of war would be the deciding factor behind an instruction to raze the British base. A standard tactic then, as now – destroy the enemy's places of resort and refreshment.

"In 1777, the Governor of Malvinas received Orders from the King to entirely demolish the Establishment of Port Egmont, and not to leave a vestige of it remaining. This was afterwards done, and the Spanish Government, under the date of the 8th of February, 1781, acknowledged the receipt of the Despatch acquainting it with the fulfilment of its Instructions." [136]

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129 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784* in *Revista del Rio de la Plata* 1871 vol.2 p.647. Hardly a *"new situation*" as New England whalers had first arrived at Egmont in December 1775. Also, Juan Pascual Callejas had noted signs of use in January 1776, while a ship had been observed there for a period during March, 1776. *cf.* Bullard 1947

130 Clayton 2014

131 Clayton & Clayton 2016

132 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784* in *Revista del Rio de la Plata* 1871 vol.2.

133 *Ibid. cf.* October, 1779 & February, 1780

134 See February, 1776

135 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784 in Revista del Rio de la Plata* 1871 vol.2. My emphasis.

136 Vernet 1832. Seemingly a deliberate conflation of separate events, designed to deceive. *cf.* 1779, 1780 & 1832

"On June 30, 1777, Jose de Galvez, Minister of the Indies, sent a Royal Order to the Viceroy of the Rio de la Plata to - "proceed to burn the buildings of all kinds which may be completed or begun and the same with any materials found stockpiled."..." [137]

October 1st, the *Treaty of San Ildefonso* between Spain and Portugal recognises Portuguese sovereignty over Brazil. It also reaffirms the *Treaty of Madrid 1750*, including its provisions abandoning the limitations in the *Treaty of Tordesillas 1494*.

"... the Treaty of Tordesillas and its complements were annulled by the Treaty of Madrid of 1750, then reinstated by the Treaty of El Pardo of 1761 and finally abolished by the Treaty of San Idelfonso of 1777, thirteen years after the French occupation of 1764, twelve years after the British settlement in Port Egmont in 1765 and some fifty years before the first Argentine effective occupation ... Spain has always based its rights to all territories, terra firma or insular, discovered or not, on the (Papal) Bulls." [138]

October 15th, Pedro Antonio de Cevallos, finally arrives in Buenos Aires. There, he proclaims the Viceroyalty de la Rio de la Plata, and himself as Viceroy. [139]

October 27th, *Egmont*, a sealer owned by Francis Rotch, sails for the Falkland Islands. [140]

On the same day, Spain's King Carlos III issues a Royal Order for Pedro Antonio de Cevallos to hand over to another Viceroy. [141]

> *"By my warrant of August 1 of last year, I had the right to appoint for Viceroy, Governor and Captain General of the Provinces of Rio de la Plata, and District of the Audencia Of Charcas with the territories of the cities of Mendoza and San Juan de la Frontera or of the Pico of the Government of Chile, to the Captain General of my Royal Army, Pedro Cevallos, by means of the circumstances that concurred thereto, and during this time Captain General in the commission to which he was stationed in that southern America.*
>
> *And realizing how important it is to my Royal service and good of my vassals in that part of my domains, the permanence of this dignity, because from Lima at a distance of a thousand leagues it is not possible to attend to the Government of the said Provinces so remote, ...:*
>
> *I have come to resolve the continuation of said employment of Viceroy, Governor and Captain General of the Provinces of Buenos Aires, Paraguay, Tucuman, Potosi, Santa and of all villages, towns and territories to which the jurisdiction of that Audiencia extends, including under the same command and jurisdiction, the territories of the cities of Mendoza and San Juan del Pico, which were in charge of the government of Chile, with absolute independence from the Viceroy of Peru and the president of Chile."*[142]

137 *Las Malvinas Entre el Derecho y la Historia* M. G. Kohen & F. D. Rodriguez 2016 p.77. There was no destruction of Fort George or Jason's Town before 1780. The Order was quite clearly aimed at the Americans.

138 *Falklands or Malvinas: Myths & Facts* M. P. Peña & J. A. Peña 2018. *cf.* 1493

139 See August, 1776

140 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.

141 Cevallos was to be rewarded for his successes with a promotion.

142 Quoted in *Las mercedes del Rey. Los Titulos de Castilla vinculados con el Virreinato del Rio de la Plata* Francisco Javier Almozara Valenzuela 2014

1778 – in **February**, two Spanish snows,[143] *San Cristobel* and *Nuestra Señora de la Gloria*, and a zumaca, *Nuestra Señora de Olivera,* sail from Montevideo with supplies for the Soledad garrison. [144] Also on board is a prisoner, Antonio Espinoza. Sentenced to manual labour at Soledad for four years. [145]

March 24th, Madrid sends an instruction to Buenos Aires, requiring the formation of an establishment in the Patagonian Bay of San Julián. To deter British whalers. [146]

In **May**, from a Buenos Aires goal, Diego Aparicio, who has already served two years, is further sentenced to manual labour at the Soledad garrison for life. [147]

May 14th, Madrid orders the founding of further settlements on the Atlantic Coast of Patagonia. [148]

"Our occupation of the Falkland Islands, in the first instance, and the work shortly afterwards published by Falkner in this country, pointing out the defenceless state of Patagonia, joined to the enterprising character of the British voyages of discovery about the same period, appears to have stimulated the Spaniards, in alarm lest we should forestall them, to examine their coasts, to explore their rivers, and to found settlements, of which ***every record was concealed*** *from public view, lest the world at large should become better acquainted…"*[149]

June 5th, from the Soledad garrison, *comandante gobernador* Ramón de Carassa y Souza reports the loss of a zumaca, *San Antonio*. [150]

"Carassa, aware of the misgivings of the Court, found in 1778 that the international situation had worsened markedly: there were well-founded misgivings that the English were attempting an invasion: the Colony was exposed and its three "small and flimsy batteries" quite deteriorated, at the same time that the gunpowder and rifle cartridge was "entirely in waste"…" [151]

June 8th, a Royal Order to Buenos Aires instructs that forts and settlements must be founded on the Patagonian coast from the Rio de la Plata to the strait of Magellan; *"… to ensure the pure possession of those domains, and to guard against the dangerous designs of the British Ministry…"* [152]

June 12th, Viceroy Cevallos hands over the Viceroyalty to another ex-Governor of Buenos Aires.

"Don Juan Joseph de Vertiz y Salcedo, commander of Puerto-Llano in the Order of Calatrava, lieutenant-general of the royal armies, viceroy, governor and captain general of the Provinces of Rio de la Plata, Buenos Ayres, Paraguay, Tucuman, Potosi, Santa Cruz de la Sierra, Moxos, Cuyo and Charcas, with all the villages, towns and territories to which it extends its jurisdiction: of the Maluinas Islands, and superior president of the Real Audience of the Silver River &c." [153]

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143 A square-rigged vessel with two masts.
144 *Ramón de Carassa y Sousa* A. David & C. Novi in Thatham (ed.) 2008 p.138
145 Rebagliati 2015 citing *AGN, Sala IX, Justicia, L 31-2-9, E 20, visitas 1/3/1777 a la 27/5/1778*
146 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278*
147 Rebagliati 2015 citing *AGN, Sala IX, Justicia, L 31-2-9, E 20, visitas 4/12/1776 a la 27/5/1778.* After six years at Soledad, Aparicio was released due to his age and "*being broken*."
148 *Economía e imperio. Los establecimientos de la Real Compañía Marítima en América* Carlos Martínez Shaw 2008
149 *Buenos Ayres and the Provinces of the Rio Del La Plata* Woodbine Parish 1839. My emphasis. This secrecy would prove counter productive for Spain during the Nootka Sound Convention negotiations in 1790.
150 David & Novi in Thatham (ed.) 2008 p.138
151 Caillet-Bois 1982 (6th ed.) p.169
152 Areco 1885 pp.45-46. Also Angelis 1852 pp.xxviii-xxxii. The instructions of May and June are sufficiently similar to suggest a single Order. Recognition, perhaps, that only effective possession could secure a claim of sovereign rights?
153 *Revista del Archivo General de Buenos Aires* vol.4 1872 p.194

June 18th, from Soledad, *comandante gobernador* Ramón de Carassa y Souza writes to the Viceroy complaining that he has been unable to reconnoitre Port Egmont, there being no ship available; *"in the season."* [154]

"However, from information brought by the Gloria, shipwrecked in the vicinity of that port, he was confident that, since the previous examination in April 1777, there were neither inhabitants there nor any signs that any had returned." [155]

October 10th, from the garrison, surgeon Ignacio Donadeu writes to Montevideo recommending that de Carasa, bedridden with rheumatism, be replaced. The surgeon is unable to treat the commandant, as there are no medicines at the garrison. [156]

"Of the extent of the Spanish settlement at Soledad during this period, we have no distinct accounts ... It was under the superintendence of an officer entitled Commandante of the Malvinas, who was dependent on the Viceroy of La Plata." [157]

"In 1778 the cattle bought and raised or left in liberty by the Spaniards, were ... 166" [158]

A whaler *Pitt*, out of London for the Falklands, takes shelter at Waterford. [159]

40,000 seal skins and 28,000 tons of elephant seal oil valued at £40,000, arrive in London from Britain's Southern Whale Fishery.

1779 – a British sealer *London*, Capt. Hazard, hunts at the Falkland Islands. [160]

In accordance with the Royal Order of June 8th, 1778, Juan de la Piedra is sent out from Buenos Aires to explore and found settlements along the coast of Patagonia below latitude 41ºS. [161]

May 28th, a Royal Order from Madrid, alerts Viceroy Vértiz that a war with England is imminent. [162]

> *"... on the occasion of the Royal Order of May 28, 1779, in which I was generally warned, (that) I should beware of the designs of the Corte de Lóndres, of whom I was already suspicious of a break, and sending, as I immediately did, the notices and provisions leading to the Maluinas Islands and establishments on the Patagonian Coast, so that they may beware as much as possible and avoid being surprised, ..."* [163]

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154 The '*season*' being the austral summer.

155 David & Novi in Thatham (ed.) 2008 p.138. The only other reference I have been able to find regarding the *Nuestra Señora de la Gloria* has her foundering, in early 1774, at Port Egmont. However, an 1817 Spanish report talks of the remains of *Gloria* being found in November, 1816 at Puerto Soledad (see November, 1816). Andrew David informed me, via David Thatham, that Carlos Novi had conducted their research in Spain, but that contact had been lost and he had not himself seen the source for this. I have been unable to contact Novi. The August 9, 1776 instructions deployed two frigates to Montevideo with one always at Soledad, (its commander being in charge of the garrison) although some flexibility is implied by the June 6, 1777 order. Captain and his ship appear to have been parted on this occasion; and, indeed, on others, as the lack of a vessel seems to have become a regular problem. Visits to Egmont quickly reduced to an annual event – with gaps even then.

156 *AGN IX 16-9-4*

157 *The Falkland Islands, a Memoir, descriptive, historical, and political* R. Greenhow 1842

158 Destefani 1982 (2)

159 *Saunders's News-Letter Thursday* December 31, 1778

160 *Caledonian Mercury* Saturday July 17, 1779

161 *Economía e imperio. Los establecimientos de la Real Compañía Marítima en América* C. M. Shaw 2008. During 1779, settlements were founded at Bahia Sin Fondo and on the Rio Negro.

162 Noted in *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/614-615*

163 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784 in Revista del Rio de la Plata* 1871 vol.2

"... the Virey of Buenos Aires was ordered to send out some well-armed warships, to reconnoiter those seas, and to protect the new settlements of the Patagonian and Malvinas coast, against English corsairs who were going to leave from London in the direction of Cape Horn." [164]

"He was warned to guard against the designs of the court of London." [165]

A map of the territory of Buenos Aires is produced, recognising its southern border as the Rio Salado (below). [166]

"... an Account of Patagonia, published in England in 1774 of a Map is prefixed, in which a Line is marked near the River Salladillo, a little to the Southward of the Rio de la Plata, and stated to have been fixed by Treaty with the Indians in 1740, as the Limit beyond which the Spaniards were not to settle to the Southward." [167]

Plan of the Frontier of Buenos Ayres that was recognized by order of His Excellency Don Juan Ioseph de Vertiz Viceroy and Captain General of these Provinces ...1799

June 21st, Spain declares war on Britain; publicly joining France in support of the American revolutionaries. However, Madrid declines a formal alliance with the American rebels, fearing a reaction in her own colonies.

August 12th, in England, there is press speculation as to the whereabouts of a small squadron.

> *"... two frigates, and a sloop, ... are now reported to be gone for Falkland Islands, together with a store-ship laden with Ordnance Stores,... The frigate, sloop, and storeship above alluded to sailed soon after Christmas last. It is plain the Spaniards have had no intimation of this,.."* [168]
>
> *"The two frigates and a sloop, which have been missing in the Government accounts of the naval forces in different quarters of the globe, are now reported to be gone for Falkland islands, together with a*

164 Areco 1885 p.46

165 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887, pp. 201-278*

166 South at top

167 *Leeds to Fitzherbert August 17, 1790* quoted in *A narrative of the negotiations occasioned by the dispute between England and Spain in the year 1790* J. B. Burges 1791.The map referred to is here - https://falklandstimeline.files.wordpress.com/2020/08/1774-map-by-thomas-falkner.jpg *cf.* 1790

168 *Stamford Mercury* Thursday August 12 1779.

storeship laden with ordnance stores, and all other necessaries to make that settlement respectable; it is also thought, that Captain Cooke, the circumnavigator, is now at the same place." [169]

".., it is said, that an expedition was planned, and ready to be carried into execution, against the Spanish settlements in the South Seas, as soon as three ships of the line could be spared, and it was known that Spain was preparing to break with us. ..." [170]

August 15th, from Madrid, instructions are sent out to the Rio de la Plata, for the Viceroy to send ships out against English settlements; *"... on his coasts and at the 'Malouinas'..."* [171]

"It is confidently reported that the Spaniards, have received some intimation of the designs of our Court relative to Falkland Island in South America, have privately dispatched a force thither to dislodge any that may have gone from this kingdom." [172]

"... to counteract the design 'in posse,' against the settlements on his (Majesty's) coasts and at 'Maluinas,' of various English ships which are now being fitted out by private persons, with a view to round Cape Horn and to invade the King's dominions in the South Seas." [173]

October 8th, concerned about the demands of a war with Britain, Viceroy Vértiz writes to Madrid.

"... it turns out that (the Islands) cannot be defended against an enemy moderately prepared to attack them, and it is also clear that any help from the province will not cover them ... and what can inevitably be expected if in fact they are harassed by the enemies with medium force (is that) possessed of our island they would manage to get more than 500 heads of larger cattle and many flours, ovens, utensils and other aids that would serve as a refreshment to continue their expedition and to make the privateering without other designs that they could bring, so that this should be considered a port that in time of war risks dishonor of losing it (to the) consequent utility and advantage of enemies, and in (time) of peace it causes increased expenses to the Treasury" [174]

Viceroy Vértiz recommends that the Soledad garrison be abandoned, the cattle killed and the site levelled so as not to give any British force an easy prize. [175]

"In 1778 (sic) Vértiz, viceroy of Rio de la Plata, proposed the transfer of the governor's seat from Puerto de la Soledad to Port Egmont (Puerto de la Cruzada), arguing that it offered greater advantages as it was at a shorter distance from the mainland." [176]

An engraved map of South America by Thomas Bowen appears in Charles Middleton's *New and Compleat (sic) System of Geography* published in London (detail below).

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169 *Dublin Evening Post* Thursday August 12, 1779. Widely circulated in the press, but unconfirmed by any official source.

170 *Whitehall Evening Post* January 20, 1780 quoted in *An Australian Perspective on the English Invasions of the Rio de la Plata in 1806 and 1807* Robert J. King *International Journal of Naval History April* 2009 vol.8 no.1. King notes that this report would have been "*attentively*" read in Spain.

171 *Vertiz a Joseph de Galvez Octobre 8, 1779* in *AGN V 125-5-2.* Also Angelis 1852 p.xxxii

172 *Stamford Mercury* Thursday August 19, 1779

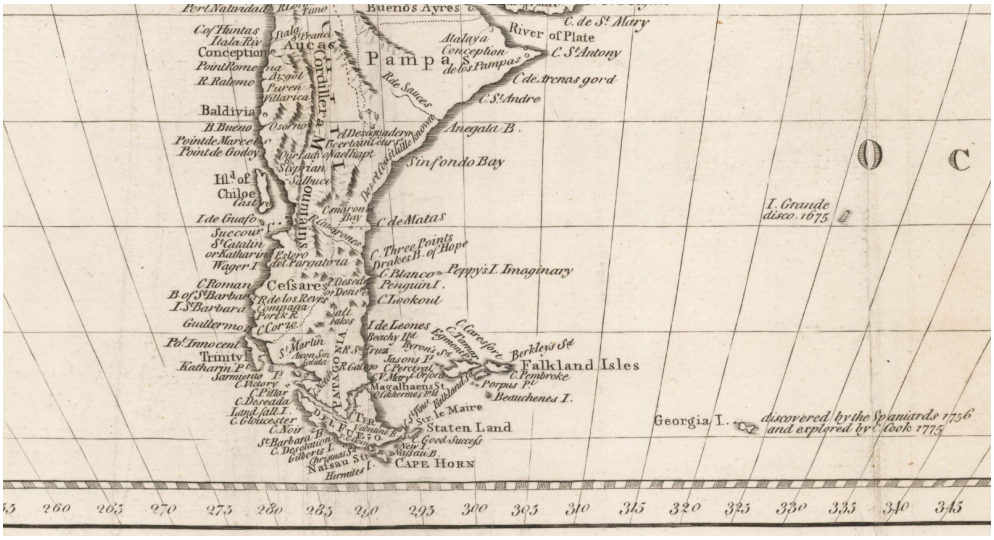
173 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing *Salvez (sic – Galvez) to the Viceroy of La Plata, 15th August, 1779 (Document No.64); Enclosure in Harris to Gastrell, No.16, 21st January, 1880 FO 6/502.* The mention of 'private persons' suggests that the vessels were privateers.

174 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784 in Revista del Rio de la Plata* 1871 vol.2

175 *125-5-2 Archivo General de Indias.* Vértiz had at his command less than 500 men, no ship of the line and only 2 frigates. See King 2009. Also Aguado 2012. For Madrid's response, see June, 1780

176 David & Novi in Thatham (ed.) 2008 p.138

October 22nd, instructions are sent from Madrid to Buenos Aires, ordering the destruction of Port Egmont; to deny the British a base for any attack on South America.[177]



"The declaration of war on England and the intervention of Spain united with France in the struggle waged by the rebel settlers of North America, prompted the adoption of new measures in the far South. The Governor was especially charged with the destruction of everything found in Port Egmont (October 22, 1779)" [178]

Researcher's Comment: The details are a little murky. In June, 1777, a Royal Order had been issued for the destruction of buildings and materials; the reference in the Order being to "*some American colonists or other unknown private individuals without the knowledge of the English ministry.*" The implication, therefore, was that it was property belonging to those, which was to be destroyed – albeit while they were not there. There is no known report of that order being carried out. What is known, from the reports and sketches of 1780, is that the official British buildings were still there. In a poor state of repair certainly, but they had not been destroyed in 1777 (see below). So, in October, 1779, correspondence indicates an instruction for the destruction of the British establishment at Port Egmont. However, there is no evidence that this was a Royal Order. It does seem likely, though, that this requirement was a direct result of the rumours appearing in the English journals during August, 1779; of three ships-of-war sailing for the Falklands.

In **November**, the sealer *London* returns to England, from the Falklands sealing grounds. [179]

"Sealing and whaling were quite different trades though they were often undertaken by the same people. More complex technological requirements and the higher capital costs of outfitting a whaling ship precluded sealers from going whaling, but not whalers from going sealing. The navigational and sailing skills required to pilot a ship in the pursuit of the sperm whale at sea were also considerably greater than the skills required in sealing and to a lesser extent, shore-based bay whaling. The pursuit of the sperm whale had its rewards, however. For much of the life of the trade sperm oil was worth on average twice as much (sometimes even three times as much) as seal or black oil." [180]

November 22nd, at Soledad, *teniente de navio,* Salvador de Medina y Juan takes over as *comandante gobernador* from Ramon de Carassa. [181]

177 Caillet-Bois 1952 (2nd ed) p.169. This instruction would take some two months to arrive at the Rio de la Plata. See June, 1777, October, 1779 and February, 1780

178 *Ibid.*

179 Clayton 2014. This vessel was renamed *William* in 1780.

180 Chatwin 2016

181 One source (*Una Tierra Argentinas: Las Islas Malvinas* R. R. Caillet-Bois (6th ed.) 1982 p.169) suggests that an order for Egmont's destruction was given by Vertiz to Salvador de Medina, before he sailed for Soledad. This is improbable. *cf.* 1777 & 1780.

"On November 22, 1779, Carassa was relieved of command by Lieutenant Salvador de Medina. The new chief inspected the defence works and verified their weakness. The three batteries were not able to withstand "the fire of a Frigate from any part of the Bay" and there was no possibility of resisting or preventing a landing." [182]

"... the day after taking over as governor, he informed Viceroy Vértiz that with the departure of the brig Nuestra Senora del Rosario, stationed until then at Puerto de la Soledad, with no other small craft left in the colony, it was no longer possible to comply with royal orders that included keeping a watch on Port Egmont and other duties in the Islands. He therefore asked the Viceroy to consider his situation in that light and to consider what course of action it was proper for him to take." [183]

November 23rd, *Nuestra Senora del Rosario* sails for Montevideo, with the departing commandant and de Medina's letter for the Viceroy.

In **December**, the value of imports into Britain from the Falkland islands, between Christmas 1778 and Christmas 1779, is put at £3,400. [184]

Madrid's October 22nd order arrives in Buenos Aires. [185]

1780 – in **January**, the garrison at Puerto Soledad is raised to the status of *presidio*. [186]

"In 1780 the penitentiary was established in the Malvinas. At that time the population of the Malvinas was composed of officers, troops, seamen and convicts. Supply ships, brigs or mercantile frigates came annually in the summer with reliefs and stores. The governors ... were distinguished officers ... The civilian population had been evacuated, and no French families or civilian colonizers remained. In the library ... seventeen books could be found. ..." [187]

"... by 1780, all women and children may have left. The military establishment included the Commandant and three aides, three chaplains, a surgeon, a storekeeper, ten naval officers, two laborers, 19 naval artillerymen, 16 sailors, ten apprentice seamen, four brigade artillerymen, 24 soldiers from a naval battalion, nine servants, and seven prisoners." [188]

"Inmates were sent regularly, some of whom also covered trades and even some exiled characters appear, sent from Spain." [189]

Buenos Aires founds further settlements on the coast of Patagonia at San Julian and Puerto Deseado. [190]

January 16th, the conditions prevalent at Soledad are assessed by the garrison's priest. In a letter, he records a lack of piety with poor attendance at the Chapel and at mass.

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182 Caillet-Bois 1982 (6th ed.) p.169

183 *Salvador de Medina y Juan* Andrew David & Carlos Novi in Tatham (ed.) 2008 p.366

184 *Annals of Commerce, Manufactures, Fisheries, and Navigation* D. Macpherson 1805

185 A deduction. Assuming that no time was wasted in the letter's dispatch, it would have taken around two months to reach Buenos Aires. An arrival in late December, 1779, therefore seems probable, although January, 1780 is possible. That would accord with one source (*La cuestion de las Malvinas contribucion al estudio de la relaciones hispano-inglesas en el siglo XVIII* M. H. Nieto 1947) which dated the local orders from Vertiz, for the destruction of Port Egmont, to early 1780. It is assumed that Vertiz would not unnecessarily delay in executing the orders.

186 A *presidio* was variously described as a *'penal colony'*, *'fort'* or *'garrison.'* These were not settlements, and women were prohibited. Military convicts had been employed at Soledad as labourers since the arrival of the Spanish, in 1767.

187 Destefani 1982. There was no prison, as such, at Soledad. This does seem to confirm, however, that the French settlers left behind by Bougainville in 1767, had departed. *cf.* 1766 & 1767

188 *Land and Life in the Falkland Island* W. Bernhardson 1989 p.129

189 Podetti 2013

190 Shaw 2008. The San Julian settlement was abandoned in 1784.

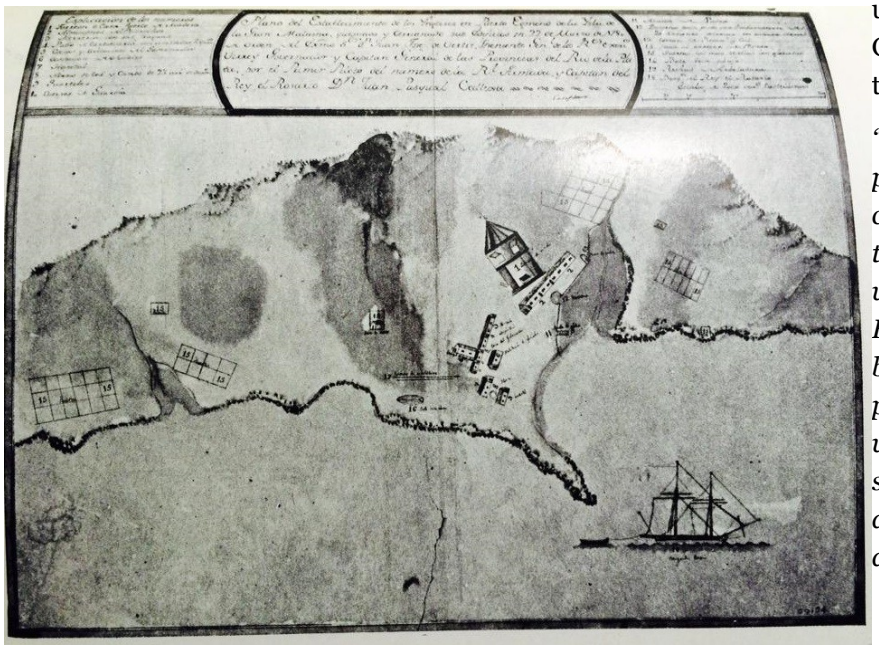
He records that drunkenness and bestiality are "*common*." [191]

In late **February**, the Viceroy sends Juan Pascual Callejas to the Falklands in the brig *Nuestra Senora del Rosario*. In obedience to the Royal Order of October 22, 1779, Vértiz orders Callejas to carry out the demolition of anything remaining at the British settlement. Callejas is, however, to proceed with caution, and retreat if he finds a force there, greater than his own. [192]

> *"Under this (June 30, 1777) order, and with war already declared with England, I dispatched the first pilot of the Royal Navy…"* [193]
>
> *"By virtue of this order, .. and* ***having already declared war with England****, I dispatched the pilot in the Royal Navy, Don Juan Pascual Calleja, so that, with the utmost precaution and reserve, he should proceed to the reconnaissance of Port Egmont and, (if) finding no superior force on arrival and (if when he) went down to the land, he saw that the English had left, immediately move to destroy the wooden keep, warehouses, barracks, hospital, ovens, and every building he found standing, burning the woods and rendering impossible what he found capable of any service, which (was) reported to the Court on April 29, 1780."* [194]

March 4th, from Soledad, unaware that Callejas is en-route to assist, *comandante gobernador* de Medina again writes to the Viceroy complaining that he has no ship with which to reconnoitre the archipelago. [195]

March 17th, Callejas arrives at the harbour of Port Egmont. He finds nobody there but notes signs of recent usage. Sketches are ordered of Fort George and Jasons Town together with the laid out horticultural areas (left).



"In compliance with the order the pilot Juan Pascual Callexa, commanding the brig Rosario, came to Port Egmont on March 17th, 1780, where it was easy to see that the British had been in that place shortly before. On the 18th, after making a plan, everything given to the flames which was capable of being burned; simultaneously pulling down walls and ceilings, a demolition to the total destruction of the old base." [196]

191 *Francisco Diaz a Salvador de Medina Enero 16, 1780* in *AGN IX 16-9-5*
192 Reminiscent of the instruction of 1770; and also that of June, 1777.
193 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784 in Revista del Rio de la Plata* 1871 vol.2 p.647. See June 30, 1777 and October 22, 1779
194 Vértiz quoted in *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278.* My emphasis.
195 David & Novi in Tatham (ed.) 2008 p.366.
196 Caillet-Bois 1952 (2nd ed.) p.169

"They began with a thorough reconnaissance of the area. It seemed the British (or Americans: the Spanish report calls them all "Yngleses") had only recently left, since they found fresh-looking footprints and a newly-whittled piece of wood used as a bolt on the door of the main storehouse. The following day, 18 March, Callejas had a sketch-map of the buildings made, then the work of destruction began. First they burnt spars, a boat and timber on the beach, and demolished the garden walls (essential to growing vegetables), which took all day. On 19 March they demolished the bakery, a stone house ans the smithy, and piled wood from their roofs around the base of the wooden blockhouse-tower, which took them until the 21st. Then at 1pm on 22 March they set fire to the blockhouse, the storehouses and dwellings. The blockhouse, being of wood, was totally consumed, and the work of burning continued throughout the 23rd and into the 24th. ... Finally, some 8,000 new slates piled up by the jetty were destroyed "by hand",..." [197]

Researcher's Comment: Obviously, there had been no previous destruction of the buildings erected by the British between 1766 and 1774. Even the gardens established during that period were still there, and in sufficient good order as to be sketched. The recent use, was undoubtedly by British sealers and whalers who had used Port Egmont as a place of refreshment and overwintering since 1774. Insurance policies had required that they do so (see September, 1775).

The destruction that followed the arrival of Callejas, was simply an act of war. Not an act of sovereignty. On sailing away, Callejas left nothing behind to record his passing. No flags, no notices, no marks or signs of sovereignty. This was a raid. Nothing more.

As for oft heard claims that the British did not protest this destruction, it is evident that London did not even notice. Combatants in war do not generally complain about acts of damage. Destruction is what wars are all about.

March 25th, with work complete Callejas sits out a storm, before departing on the 28th.

"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." [198]

"... completely ruined, of the houses of stone there remain the walls but no ceilings, nor doors." [199]

"... there was no official reaction to the destruction of the settlement at Port Egmont carried out by Spain.." [200]

"... the buildings at Port Egmont were destroyed in wartime, which is unremarkable. Even after the destruction British and American sealers and whalers regularly used Port Egmont and even partly rebuilt it – the Spaniards were powerless to stop them." [201]

April 29th, from Buenos Aires, Viceroy Vértiz informs Madrid that the destruction of Fort George is complete. [202]

June 26th, from Madrid, Chief Minister Gálvez responds to the Viceroy's October 8th, 1779, letter.

197 *The Falklands Saga* Graham Pascoe 2022 vol.1 p.316. The presence of 8,000 'new' slates, six years after the British garrison was withdrawn is intriguing.

198 Captain Grey's *Journal* of 1836 quoted in E*xtracts from the diary of Admiral the Honourable George Grey* Thompson W H. (ed.) 1969. James Weddell claimed to have found some signs of the old fort when he visited Egmont in 1823, although these may have been the remnants of structures reported to have been erected in 1787 or 1817 by sealers.

199 Quoted in Caillet-Bois 1982 (6th ed.) p.170 citing *Revista de la Biblioteca Nacional* vol.2 No.6 pp.636 to 655. The problem with this report, is that it suggests that the 1780 destruction of the British establishment at Port Egmont was not as complete as suggested by Callejas

200 *The Malvinas/Falklands Between History and Law* M. G. Kohen & F. D. Rodríguez 2017 p.55. A ridiculous comment.

201 Pascoe 2020 pp.45-46

202 This date is obtained from *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/615*

"In a letter dated October 8 of last year, number 203, Your Excellency, answering the Royal Order of May 28 of the same year, relates in general (terms) the provisions that (you) had given for the defense of that province, taking charge of the current situation, the establishments on the Patagonian coast and the Falkland Islands, and ... that it would be the best approach to abandon (Soledad). The King having been (reminded) of all the antecedents that motivated the acquisition of the Malvinas Islands and their conservation and of this proposal of Your Excellency, His Excellency considers the abandonment of that establishment to be very dangerous and harmful to his interests because the Court of Lóndres could then consider the Malvinas as pro derelicto, (to be) acquired in favor of the first occupant by the right of the people. The occupation of that territory is an encumbrance of the crown, as are others, in exchange that our enemies do not have them, who from there would achieve their fixed point of support and refreshment to settle in the vicinity of the Strait of Magellan, invade our establishments and ride Cape Horn with ease.

For these reasons it is not the King's spirit to maintain a formal population, nor that it be precisely in the same port of La Soledad, because if it were better to transfer it to Egmont or the Crusade port, His Majesty wants to do so in a small presidio, capable only of resisting some light vessels that may arrive there on the occasion of fishing, and not to an attack or formal expedition, so that from any treaty England cannot claim her peaceful possession and our abandonment; (although), for now, there is no reason to believe that there is any expectation by the State or the English government for those (circumstances).

Under this concept, which is what Your Majesty has proposed, it leaves to the penetration of Your Excellency and your well-known dedication to the best service, the decision of what should be done to verify it in the terms that Your Excellency finds most appropriate and that correspond to your interests, and so I warn Your Excellency (as to) its fulfillment, advising me of the results of what he intends to provide or do for the news of His Majesty. The King believes that a presidio of twenty-five or thirty men will suffice to preserve our possession in Malvinas." [203]

"In reply to his communication No: 420, touching the condition, in which the Establishment at 'Malouines' should remain, signifies His Majesty's approval of the garrison being diminished; on condition that reconnoitring operations at Port Egmont be carried out by vessels returning from San Juliano ..." [204]

"(The) Virey is ordered to hold the Malvinas at all costs so that England could not consider them derelict." [205]

"This document is the clearest demonstration that Spain never recognized the claims of S.M.B. and that it was determined to maintain its effective possession in order to preserve the dominion of the Crown of S.M.C. Moreover, it had full right to occupy Port Egmont, abandoned by the English since 1774." [206]

"... a large saving was obtained, lowering expenditures to 11,102 pesos, which represented one fifth of what they used to be." [207]

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203 *Gálvez a Vértiz June 26, 1780* quoted in *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784 in Revista del Rio de la Plata* 1871 vol.2. Also *Quesada to Bayard, May 4, 1887* and *125-5-2 Archivo General de Indias. cf.* 1766 & 1783

204 Note dated May 22, 1781 in *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/615.*

205 Areco 1885 p.46

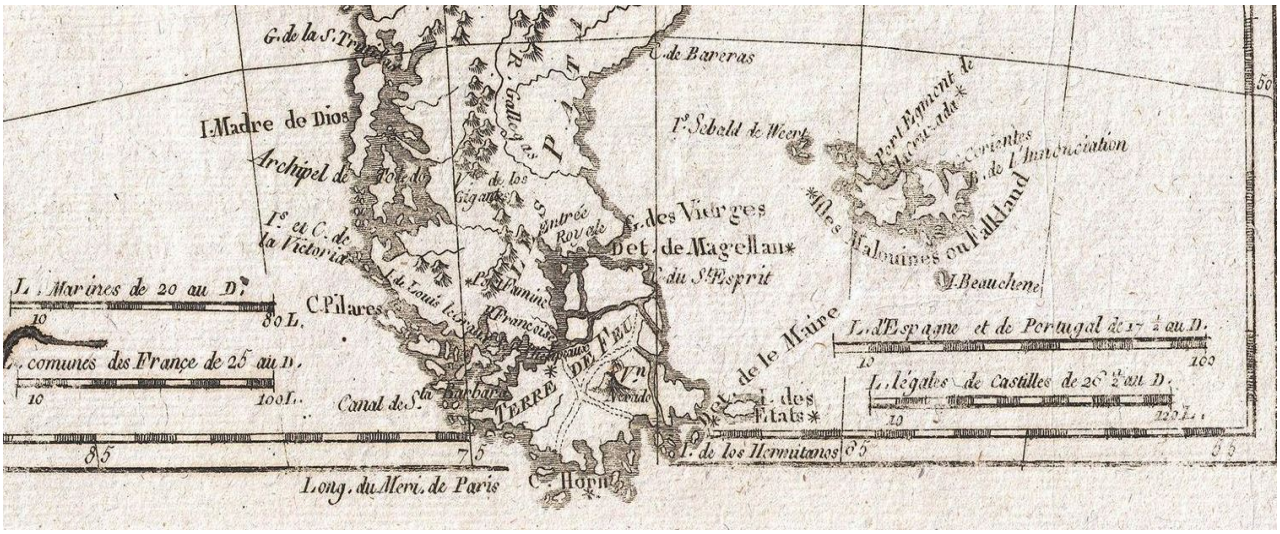
206 *Quesada to Bayard, May 4, 1887*

207 Destefani 1982

"The occupation of that territory is a responsibility of the crown as are others, .., (as) from there they would obtain a fixed place of backup, and to settle in the vicinity of the Strait of Magellan, invade our establishments and easily set up (in) Cape Horn." [208]

"... the strategic value of the archipelago was clearly perceived by Spain – and by Great Britain, of course – as verified in a note sent by the Minister José de Gálvez to the Viceroy José de Vértiz in 1780, in response to a letter from the latter to the King (regarding) the possibility of leaving the islands. There it was recorded that - "The occupation of that territory is a burden of the crown, as are others in exchange for not having our enemies there, who would achieve a fixed ... (base) ... in the vicinity of the Strait of Magellan, to invade our establishments and easily set up near Cape Horn."..." [209]

In Paris, an Atlas is published by Guillaume Raynal using charts by cartographer Rigobert Bonne.[210] A map of Chile includes the Falklands archipelago as *Isles Malouines ou Falkland*. Port Egmont is marked as *Port Egmont de la Cruzada*. Berkeley Sound as *B. de l'Annunciation*. The Spanish garrison site is not shown.



1781 – January 26th, Viceroy Vertiz acknowledges Madrid's decision of June 26th.

"Instructed as to the will of His Majesty and yet (despite) that the establishment of Port Egmont offered more advantages to the object with which that of Solitude is maintained, having destroyed the buildings left (there) by the English, and that (considering) it would be necessary to do the same with the de la Soledad, killing the cattle or transporting them at all costs, and building new rooms in the other, it seemed to me nothing new should be done, (just) preserving the establishment of La Soledad where thirty men subsist only to prove possession with their commander of the navy who also of the small ship that remains there ..." [211]

February 8th, the Spanish Court notes the destruction of the British fort and establishment at Egmont on; *"... receipt of the Despatch acquainting it with the fulfilment of its Instructions."* [212]

208 *Espanoles y Extranjeros en las Regiones Australes: Aspectos Economicos y Sociales de una Vinculacion Obligada* Hernan A. Silva & Marcela V. Tejerina 1996 citing *Memorias de los Virreyes del Rio de la Plata. Recopiladas por Sigfrido Radaelli. Bs. As., Bajel, 1945 p.69.*

209 *La soberania argentina sobre las Islas malvinas, de ayer a hoy* C. Panella 2015

210 *Atlas de Toutes les Parties Connues du Globe Terrestre, Dressé pour l'Histoire Philosophique et Politique des Établissemens et du Commerce des Européens dans les Deux Indes, 1780.*

211 Vértiz in *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784 in Revista del Rio de la Plata* 1871 vol.2. Also *125-5-13 Archivo General de Indias*

212 Vernet 1832

"The King has learnt, with much satisfaction, from H.E.'s letter of the 29th of April last, of the destruction of all habitations and of everything belonging to the English, at their settlement at Port Egmont." [213]

February 20th, *capitan de frigata*, Don Jacinto Mariano del Carmen Altolaguirre, arrives at Puerto Soledad. [214]

February 26th, taking command as *comandante-gobernador*, Altolaguirre records that the garrison's compliment consists of two priests, a treasury official, three officers, a surgeon, 50 soldiers, 43 convicts, one mason and a baker. There are 20 buildings plus five '*rooms*.' Half made of stone, and the remainder of turf. [215] Defences consist of 3 batteries equipped with 4 twenty-four pound guns; 7 eight-pounders and 2 six-pounders, together with ammunition. Also 4 three-pounder stone mortars at the head of the pier. Cattle numbers are noted as 614 together with 48 horses and 98 geese.

"In his inventory of buildings for that year, Altolaguirre noted that the church required repairs to the altar, the door frame, the window frames and chests of the sacristy, the door frames to the padres' apartments, and even the walls. Storehouses for peat, food, and other goods required roofing and other repairs…. The baker's oven needed doors, and the bakery an entire new roof. The hospital ceiling was collapsing, and its entire roof needed new thatch. Of 29 buildings, only three did not require repair." [216]

"… there was a significant traffic of supplies that allowed construction of the necessary buildings (bricks, tiles and lime), to equip them (furniture, tables, wood and nails, glass, reeds, tin leaves, estuary, canvas, tents, cauldrons), and sustain its population. There are numerous remittances of cattle (cattle, sheep and poultry) along with the fodder to keep them, as well as food of a very varied type. The lists also include medicines and medical utensils, clothing and cloth, fabrics and blankets, coal and firewood, wheels for wagons, brakes and spurs, parts and ammunition for artillery, gunpowder, weapons. There are also money remittances for payment of salaries and other effects. For all this traffic, which involved what was called the "Malvinas run", a stone pier was built in Puerto Soledad and numerous vessels of different types and tonnage were facilitated. For the defense of the site, four batteries with cannons of various calibers were built, whose ammunition was provided regularly from Montevideo." [217]

Altolaguirre orders a reconnaissance of Port Egmont harbour; *"… one of his first actions was to send acting Teniente Vicente Villa in the snow San Cristobal to reconnoiter the former British settlement in Port Egmont …"* [218]

September 30th, José Morel reconnoitres Port Egmont; *"In September 1781, Port Egmont was reconnoitered by land by .., José Morel, and by the farm laborer, José Calletazo, without discovering anything of importance."* [219]

213 Note dated February 8, 1781 in *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/615.*

214 The first 'criollo' - of Spanish descent born in South America – to hold the post. An indication perhaps of how far the status of the garrison had fallen.

215 *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1514 – 1810* 1910 vol 2. Two years later, garrison numbers had been halved. See April, 1783 below.

216 Bernhardson 1989 pp.128-130

217 Podetti 2013

218 Davis and Novi in Tatham (ed.) 2008 p.42. A *snow* was a type of brig, and typically, a merchant vessel.

219 Caillet-Bois 1982 (6th ed.) p.170

1782 – February 1st, at Puerto Soledad, it is recorded that 300 head of cattle have escaped. [220]

March 27th, in Britain, the position of Southern Secretary is abolished; the office holder becoming the Foreign Secretary. That of Northern Secretary is re-designated as Home Secretary, to oversee domestic matters. [221]

April 8th, after 12 months in at the garrison, *comandante-gobernador* Altolaguirre prepares a manifest; *"... the establishment, including the crew of the San Cristobal, consisted of 7 officers, 34 soldiers forming the garrison, 41 seamen and 43 convicts."* [222]

"In the time of Governor Altolaguirre there were more than forty convicts; many of them were "criollo" farm-hands who worked with the horses and cattle." [223]

"... the Commandant reported almost every structure reconstituted. Except for the newly thatched peat shed, which still required work, and the estancia house beyond the settlement, where gauchos kept watch on the cattle, all were in good condition. The hospital was newly roofed, its walls and interior renewed, along with the chapel's walls. ... Although Altolaguirre may have overstated improvements, the garrison and presidio undoubtedly enjoyed better living conditions." [224]

In **May**, 2º *teniente de navio*, Vicente Villa, again reconnoitres the area of Port Egmont. [225]

Tentative peace talks commence between British and American Patriot representatives, seeking an end to the revolutionary war. [226]

November 30th, American and British negotiators sign preliminary articles of peace.

"Peace negotiations were dominated by Shelburne. He had long sympathized with the American Patriots, and wanted to safeguard trade and political influence by a generous settlement... Britain gave full independence to all the thirteen colonies involved in the rebellion, ceded to them all of the territory south of the Great Lakes, and returned Florida to Spain. The Americans jumped at this, abandoning their allies – the preliminary peace agreement was signed without the French even being informed." [227]

A "*famous and incorrigible*" thief, Antonio Rodríguez, is banished to the Soledad garrison for life. He is warned that if he breaks his exile, the gallows will be waiting. [228]

December 30th, Vertiz informs Altolaguirre that *San Cristobal* will be replaced by a brig, *Rosario*. Manning at the Soledad garrison is to be maintained at a minimum level.

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220 Jiminez, Alioto & Villar 2018 p.110 citing *Estado del Ganado existente que hay en esta Ysla, con distinción de machos y hembras, procreación anual, consumo que se hace en la colonia y sobrante con que S. M. puede contar.* Signed by Pedro Sanguineto. In *AGI-ABA, 553*.

221 Southern/Northern Departments dated from 1660. Reorganised, the domestic responsibilities of both Departments were taken by a new Home Secretary, and the foreign responsibilities of both, by a Foreign Secretary. Each had an 'Office'.

222 Andrew Davis and Carlos Novi in Tatham (ed.) 2008 p.42.

223 Destefani 1982

224 Bernhardson 1989 p.129 citing *AGN IX 16-9-5*

225 *Ibid*

226 Very tentative at this time (May) despite there having been no actions since the British defeat at Yorktown in October, 1781. Information received by the USA regarding French approaches to the British government in September, 1782, provided the impetus for Benjamin Franklin to let London know he was willing to talk seriously.

227 Tombs 2014 pp.360-361

228 Rebagliati 2015 citing *AGN, Sala IX, Justicia, L 31-2-9, E 20, visitas 6/6/1782 a la 24/12/1782.*

1783 – January 14th, in compliance with orders issued by Soledad's *comandante-gobernador,* Altolaguirre, 2° Lt. Vicente Villa of the mail-boat *San Cristobal*, embarks upon an overland reconnaissance of Port Egmont harbour. As Spain and Britain are still at war, Altolaguirre's order requires that Villa use all caution. [229]

January 20th, Anglo-Spanish/French negotiators sign preliminary articles of peace; bringing about a ceasefire in North America. [230]

> *"Art. 1. As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannic Majesty and his Catholic Majesty, their kingdoms, states, and subjects, by sea and by land, in all parts of the world."*

January 22nd, in a position to view Port Egmont, and the area once populated by the British garrison prior to 1774, Lt. Villa sees that the area is empty of vessels and people.

> *"Sworn statement that I, Don Vicente Villa, 2nd lieutenant of the Royal Armada and chief of the compliment of the king's vessel San Cristobal, existent in the establishment, give in regards of the reconnaissance of Port Egmont, Bahia de la Cruzada, and the territory of the Gran Malvina; that I have just done by land (having crossed San Carlos strait on the boat of the Zumaca Perdida, called El Carnero) following the order and instruction that I obtained, and I fulfilled on Jan 14 of this year, from (the) Governor of these Islands, Don Jacinto Altolaguirre, which I fulfilled in its totality, and I declare here: Having observed precisely in my march, what this Governor ordered me about the fulfillment of the superior order, I managed to reach with the requested caution, after 4 days of march, to the Bay of San Carlos; from where, with the boat 'Relacionada', I crossed on the 18th, the strait of that name, and entered in(to) the Bay Chica del Diamante, from where I (re)started my trip, reaching in front of the (habitation) of the said establishment as I did on the 22nd of the same month; with the objective that I could carry the observation required, and with the caution mentioned in the order. In my punctual observance, I didn't see (any) vessel, nor remains of it, nor individual on land, nor smoke indicating the existence of any inhabitant, which I ratified the next day, so I arranged to return to the Colony, (conformable), to my mission, and with caution on my march, to the stipulation of the order, which meant the same procedure, which I executed on the 23rd, and I finish(ed) the (day) prior to the current day, not having found .., anything worth the attention, nor that could cause, any suspicion or indication of foreign explorers. ..."* [231]

"... second Lieutenant Vicente Villa reconnoitered Port Egmont by land, bay of the Cruzada and territory of the Great Maluina, proving the total abandonment in which the territory was found." [232]

February 22nd, from Buenos Aires, Viceroy Vértiz writes to Minister Gálvez in Madrid; complaining of the expense (*1,24,000 reales*) in maintaining the outer stations at San Julian, Santa Elena, San Gregorio, Puerto Deseado, and the garrison at Soledad. Vértiz proposes that these be abandoned; leaving behind a "*column or pilaster*" with an inscription identifying ownership by the Spanish Crown. [233]

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229 It seems unlikely that the Soladad garrison would have been aware that peace negotiations were taking place, and perhaps Altolaguirre was not prepared to risk the mail ship. This is reminiscent, however, of the covert observations conducted by Spain between 1774 and 1776.

230 *Cobbetts Parliamentary History of England* 1814 vol.23. See September, 1783.

231 *Report of Vicente Villa, March 4, 1783* in *AGN Sala IX 16-9-6* provided by Juan Celli of Buenos Aires.

232 Caillet-Bois 1982 (6th ed.) p.170. Callet-Bois states that the inspection took place in February, 1783. He also notes that Jose Ignacio Goicoechea spent 6 days at Port Egmont in 1783, but does not say when or under what circumstances.

233 *Quesada to Bayard, May 4, 1887.* Traditionally, Spain had erected iron crosses in South America as an indication of its sovereignty. One had been erected at Port Egmont in 1770, but removed when the British returned in 1771. It was never replaced, Spain restricting its 'marks & signs' to flags flown at Puerto Soledad. *cf.* 1770

"When I was in command of this province, I calculated the expense to which the conservation of these islands rose annually, and, according to the smallest computation, it reached 53,528 pesos, without (taking into account) the salaries of the troops guiding that colony ... (about) this growing expense, I was determined to find the means to obtain the greatest saving of the Real Estate, and consult(ed) on the matter with the captain of the Royal Navy, Don Felipe Ruiz Puente, governor ... of those islands, and with that captain of Frigate, Don Francisco Gil, who had been repeatedly in that place,.." [234]

"In 1783, the viceroy of Buenos Aires, Juan Jose de Vertiz, appalled at the expense entailed by the preservation of settlements on the Falklands, proposed to his government that these establishments be abandoned." [235]

April 1st, a supply vessel from Montevideo arrives at Soledad. Altolaguirre hands over command of the garrison to c*apitan de fragata*, Don Fulgencio D. Montemayor, whose initial manifest records that the establishment, including the crew of his vessel *San Sebastian*, consists of 7 officers, 25 soldiers of the garrison, 29 seamen and 22 convicts. He also notes that the fort has 62 horses and 89 geese. [236] There are 720 cattle.

"By this time, then, the Spanish appear to have abandoned any thought of permanent settlement and instead committed themselves to a presidio to isolate some of their more recalcitrant prisoners and a garrison to discourage the return of the British." [237]

Captain Frost in the *General Knox,* hunts seals at the Falklands. [238]

August 1st, from Madrid, orders go out for the abandonment of the majority of Spain's new stations along the Patagonian coast. To reduce costs following the appeal from Viceroy Vértiz. [239]

> *"... the establishment in the ports and places of the Bay of San Julián (to be) effectively abandoned, leaving in it a column or pilaster containing the real arms of His Majesty, and an inscription that proves the ownership of that land, which shall be visited and recognized every year at the same time as that of the Port of Egmont in the Falkland Islands,.."* [240]

However, with regard to Soledad, Viceroy Vértiz is reminded of the instruction of June 26th, 1780. [241]

"*This document is the clearest demonstration that Spain never recognized the claims of S.M.B. (His British majesty) and that it was determined to maintain its effective possession in order to preserve the dominion of the Crown of [Spain].*" [242]

"... after three or four years, in which upwards of a million of hard dollars was spent upon them, orders were sent out to abandon them all, except the settlement upon the Rio Negro, after setting up at San Joseph's, Port

234 *Memoria de Gobierno Presentada al Marques de Loreto por un Antecesor el Virey de Buenos Aires D. Juan Jose de Vertiz 1784* in *Revista del Rio de la Plata* 1871 vol.2. Vertiz later claimed that he achieved a reduction in costs to an annual amount of 11,102 pesos by 1784.

235 *The Struggle for the Falkland Islands* J. Goebel 1927 p.424. No settlements in 1783. Only a garrison.

236 *Fulgencio D. Montemayor* Andrew David & Carlos Novi in Tatham (ed.) 2008 p.379. Caillet-Bois (1982 (6th ed.) p.170) dates the handover to March 8, 1783.

237 Bernhardson 1989 p.129. It had been a condition of the French handover in 1767, that Spain maintain a garrison in the Islands; so that Britain would not obtain exclusive control over the south-west Atlantic.

238 *Lloyds Lists* show that during the 1780's British whalers; *"... were exploiting Brazil, Trinidad, the Falkland Islands, South Georgia, and, after the establishment of Botany Bay, Norfolk Island."* See Byrnes 2000.

239 *Historia del Río de la Plata* vol.1 Roberto P. Payró 2007. Also Shaw 2008

240 Quoted in *Memoria Historica sobre los Derechos de Soberania y Dominio de la Confederacion Argentina ...* Pedro de Angelis 1852 p.33

241 See above

242 *Quesada to Bayard, May 4, 1887*

Desire, and San Julian's, signals of possession, as the English had done at Port Egmont, for evidence in case of need, of his Catholic Majesty's rights." [243]

"The Spanish Government took the obvious view that such a step would be regarded as a dangerous precedent and one prejudicial to Spanish rights, since the British would be justified in treating the islands as derelict and therefore subject to occupation." [244]

September 3rd, in Paris, the *Treaty of Versailles*, officially ends the American War of Independence.

> *"This day the definitive treaties between Great Britain, France, Spain and the United States of America, were to be signed. On the part of Great Britain it is a day of humiliation – she confirms the independence of her own subjects, and treats them as Sovereign States."* [245]

Great Britain signs separate agreements with France and Spain. That with Spain, renews and confirms, *inter alia*, the treaties of 1670 and 1713. Article 6 deals with Britain's occupancy of the Mosquito Shore. [246]

> *"Art. VI: ... provided that these Stipulations shall not be considered as derogating in any wise from is Rights of Sovereignty. Therefore all the English, who may be dispersed in any other Parts, whether on the Spanish Continent, or in any of the Islands whatsoever, dependent on the aforesaid Spanish Continent,.. shall retire..."* [247]

"... in the 1783 Peace Treaty of Versailles, at the end of the North American War of Independence, there was a ratification of the previous stipulations of 1670, 1713 and others that prohibited the English from sailing in the Southern Seas." [248]

"In the peace (talks) held in Paris in 1783, which recognized the independence of the United States of America, nowhere (is it) recorded (that) the British attempt(ed) to secure their purported rights to a land on which their installations had just been destroyed. We consider it obvious to emphasize that, not for a moment, did they advance an hypothesis of expelling their rivals from Puerto Soledad." [249]

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243 *Buenos Ayres and the Provinces of the Rio Del La Plata* W. Parish 1839

244 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* quoting Goebel's 1927 (p.424) opinion almost word for word. Goebel's 1927 book is now considered largely flawed. *cf.* 1880, 1887 & 1927

245 *Kentish Gazette* Saturday September 6, 1783

246 The Mosquito Shore was the Caribbean coastline between of what is now Nicaragua, between Honduras and Costa Rica in Central America. British logwood cutters had been there since the 1680s, although the area had never been considered a British colony. Art. 6 permitted logwood cutting to continue within a limited area but the wording was sufficiently vague as to allow for local reinterpretations that would continue to annoy Spain. *cf.* 1784 & 1786

247 *The Definitive Treaty of Peace and Friendship, between His Britannick Majesty, and the King of Spain, 3 September 1783.* The stipulation was that any English citizens should 'retire' to the designated area, and remain only within that. Spanish negotiators had originally argued for just '*Continent*' to be used within the article, but Britain insisted upon '*Spanish Continent*', considering it suitably vaguer. Later, it would be argued, that the Mosquito Coast, which had never been occupied by Spain, could not be included. The Falkland Islands were certainly not mentioned by name although the phrase "*any islands whatsoever, dependent on the aforesaid Spanish Continent*" could have presented an argument for Spain. There is no evidence, however, that Spain ever referred to this 1783 Treaty in relation to the archipelago. Following an agreement in 1786, over 2000 logwood cutters were moved by Britain from the Mosquito Shore to Belize. Presumably, also not part of the Spanish Continent.

248 Speech to the *Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples September 9th, 1964* by Dr. José María Ruda. Ruda was Argentina's Ambassador to the United Nations in 1964. His interpretations of history were very partial and are much disputed. *cf.* 1670, 1713, 1790 & 1964

249 Caillet-Bois 1982 (6th ed.) p.170 fn.15

"Further territorial provisions were included in the peace treaties of 1752, 1763 and 1783. But beyond the borders actually drawn there was no comprehensive description of the possessions at large, which meant it was still open to doubt to which territories mutual recognition and guarantee applied." [250]

"Finally, in 1783, France and Spain signed a series of treaties at Versailles reallocating among themselves the various colonial possessions seized during the conflict. The North American colonies gained independence, but Britain recovered various important Caribbean sugar islands lost during the war... The Treaty of Versailles also required the evacuation of British settlements, except Belize, from all parts of the 'Spanish Continent.' This ambiguous phrase immediately became a source of discord..." [251]

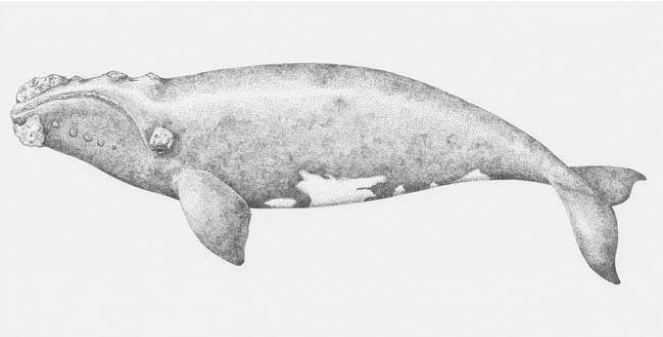
"The fate of America was largely decided in the West-Indies, which had first call on British troops and ships. Despite the legend of lumbering Redcoats being defeated by straight-shooting frontiersmen, there is little doubt that the Crown forces, including many Americans – among them the native and enslaved – could have defeated the half-hearted 'Roundheads' had Britain not also been fighting a world war. This, however, is not how we remember it. ... Here indeed is a case of history being written by the victors." [252]

Researcher's Comment: If the 1780 attack on Port Egmont could be considered a conquest, then Art. VIII would have restored that part of the Falklands to Britain. A return to the situation found after the Anglo-Spanish Convention of 1771.

November 27th, at Poole, *Commerce* (Capt. Coffin) arrives from the Southern Whale Fishery with 12 "*fish*." [253]

"Almost immediately after the Treaty an import duty of £18/3 was placed on American oil. The news was a vital blow to the Nantucketeers. With the establishment of the import duty the British government gave the London merchants both a protection and an incentive." [254]

"Attempts by loyalist or neutral Nantucketers to avoid becoming embroiled in the conflict between the mother country and the colonies were unsuccessful and the island was unable to protect or maintain its stated neutral status in the years following 1775. When the British Government introduced its Prohibitory Act in 1783, implementing a punitive tariff of £18.3.0 on American oil, Nantucket was effectively excluded from the British market. In response, some Nantucketers left the island and relocated to Nova Scotia, Britain, and even France."[255]



250 *The Falkland Islands in the European Treaty System 1493-1833* J. Fisch 1983 p.118
251 *The Evacuation of the Mosquito Shore and the English who stayed behind, 1786-1800* Frank G. Dawson in *The Americas* vol.55 no.1 (Jul., 1998) pp.63-89. *cf.* 1786
252 *The English and Their History* R. Tombs 2014 p.361
253 *Hampshire Chronicle* Monday December 1, 1783
254 Stackpole 1972 p.13
255 Chatwin 2016

1784 – March 7th, in Buenos Aires, Viceroy Vértiz hands over to a new Viceroy, Nicolas de Campo.

> *"For the subsistence of the (Soledad) garrison, some convicts and crew of the ship, besides the regular spare parts for these voyages, you must send at least for one year of food, clothes, medicines, and other spares.. At the beginning of January is the preferred time for the departing vessel..."* [256]

Vértiz points out to de Campo that the abandonment of Soledad is not an option, much as he has recommended it, because the King; "*does not find it convenient*."

"In compliance with the previous royal orders, a garrison of thirty men remained in the Malvinas to accredit the possession. They sent them annually from Buenos Aires, food, clothing and medicines; the governor of Soledad informed the intendant of the capital of the Viceroyalty (of) what he needed, thus spending 11,102 pesos per year in that possession, ... This document is dated March 12, 1784."

Sir Robert Liston is appointed Minister Plenipotentiary at Madrid. Specifically, he is charged with finding a solution to the ongoing dispute with Spain concerning British loggers on the Mosquito Shore. [257]

"The Treaty of Versailles (1783) also required the evacuation of British settlements, except Belize, from all parts of the 'Spanish Continent.' This ambiguous phrase immediately became a source of discord as Britain asserted that the Shore, never having been conquered or settled by Spain, was not within the 'Spanish Continent. ... A resumption of hostilities seemed likely unless diplomats could agree modifications of the (1783) Treaty with which neither the British nor the Spanish were totally content. In 1784 Sir Robert Liston was appointed English Minister Plenipotentiary to Madrid to negotiate a resolution of the controversy." [258]

May 1st, *teniente de navio*, Don Agustín de Figueroa, takes over command of the garrison on Soledad Island as *comandante gobernador*.[259] He notes that the establishment at Soledad consists of 34 buildings; *"... the population (of) 82 people and the cattle to 7774 head."* [260]

United States (Capt. Benjamin Hussey) hunts whales off the Falkland Islands. [261]

December 21st, another whaler, *Orange*, sails from London for "*Falkland's Island*." [262]

"Following the American war, the new owners in the southern fishery capitalised on the advantage offered by the tariff on alien oil and continued to expand." [263]

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256 *Government Report presented to the Marquis de Loreto by his predecessor the Viceroy of Buenos Aires Juan Jose de Vertiz* in *Revista del Río de la Plata: periódico mensual de Historia y Literatura de América. Tomo III 1871*

257 When negotiations moved to London in April, 1785, Liston continued talks with Minister Floridablanca in Madrid. *cf.* 1783

258 *The Evacuation of the Mosquito Shore and the English who stayed behind, 1786-1800* Frank G. Dawson in *The Americas* vol.55 no.1 (Jul., 1998) pp.63-89. *cf.* 1783, 1786 & 1789

259 Caillet-Bois 1982 (6th ed.) p.170

260 *Títulos de la República Argentina a la Soberanía y Posesión de las Islas Malvinas* I. P. Areco 1885 citing *Informe del gobernador de Malvinas D. Luis Vcrnet, por el Dr. D. Valentín Aliina.*1832. Cattle numbers in 1781 were put at 641. A dramatic increase to nearly 8000 in just three years? For a total population of 82 people? This figure cannot be correct. 777 seems more likely. Worth noting that the source appears to be the report by Luis Vernet of 1832. Submitted to the government of Buenos Aires during an argument with the USA over alleged acts of piracy from Port Louis (Puerto Soledad). Vernet either made an error, or was inflating his figures in support of his cattle ranching business on East Falkland Island. *cf.* 1832

261 Dickinson 2007 p.30

262 *Caledonian Mercury Wednesday 12 January 1785*

263 Chatwin 2016

1785 – in **April**, Anglo-Spanish negotiations regarding the Mosquito Shore dispute move to London.

May 15th, *capitan de fragata,* Don Ramón de Clairac y Villalonga, takes over command at Soledad.

"When he took over as governor in 1785 the settlement had consisted of 34 buildings and its population was under 100, including the garrison. The settlement was also protected by batteries which had been established earlier, two of which he repaired. Livestock of ***all kinds*** *numbered 7,774 head (sic). Communication between Puerto de la Soledad, Puerto Deseado on the coast and Montevideo was kept up by six warships with orders to protect the Islands from all attacks."* [264]

From Buenos Aires, Viceroy Nicolás Francisco Cristóbal del Campo, Marquis of Loreto, reports to Madrid.

"... (a) considerable number of English and Bostonians frequenting those (southern) seas under the pretext of whale fishing, possible with hidden intentions,.." [265]

August 18th, from the Port of London, *Maria*, a Rotch family whaler, sails for the Falkland Island. [266]

"Insofar as sealing is concerned,.. the ship Maria had sailed to the Falkland Islands on a whaling voyage and there taken hundreds of seal pelts." [267]

> *"The Americans, ... have sent 25 Ships to the Southern Whale Fishery, and we have only sent seven."* [268]

In **September**, Lieut. Thomas Edgar, on leave from the Royal Navy, is appointed Master of the whaler *Hope*. [269]

September 21st, British whaler, *Sophia*, sails from Poole in Dorset, for the Southern Whale Fishery and the Falkland Islands. [270]

November 4th, *Hope* sails for West Falkland.

> *"Amount of Oil produced from the Southern Whale Fishery from 1777 to 1785 Inclusive: 2485 Tons at £40 Ton on an average - £151,585. Bounties paid for 9 years - £16,000 near 10 percent."* [271]

"... the British Southern Whale Fishery had been gradually developed over the decade following Enderby's fitting out their first ship in 1775. In 1776 there were ten whaleships owned in London; twelve in 1777; thirteen in 1778...; dropping to four in 1779 and seven in 1780, but rising again to ten in 1781... six in 1782... fifteen in 1784..; and eighteen early in 1785..." [272]

In Paris the Hôtel de Thou publishes - *Cartes et figures du troisième voyage de Cook* (Maps & Figures of Cook's Third Voyage. Included is *Carte de Maidenland ou de la Virginie de Hawkins* (next page). [273]

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264 *Ramon de Clairac y Villalonga* Andrew David & Carlos Novi in Thatham (ed.) 2008 p. 153. My emphasis. I suspect that these authors did not believe the livestock numbers either. See footnote above.

265 Silva & Tejerina 1996 citing *AGI., Audiencia de Buenos Aires, 70*

266 Stackpole 1972 p.111

267 *Ibid.* P.121

268 *Derby Mercury Thursday August 11, 1785*

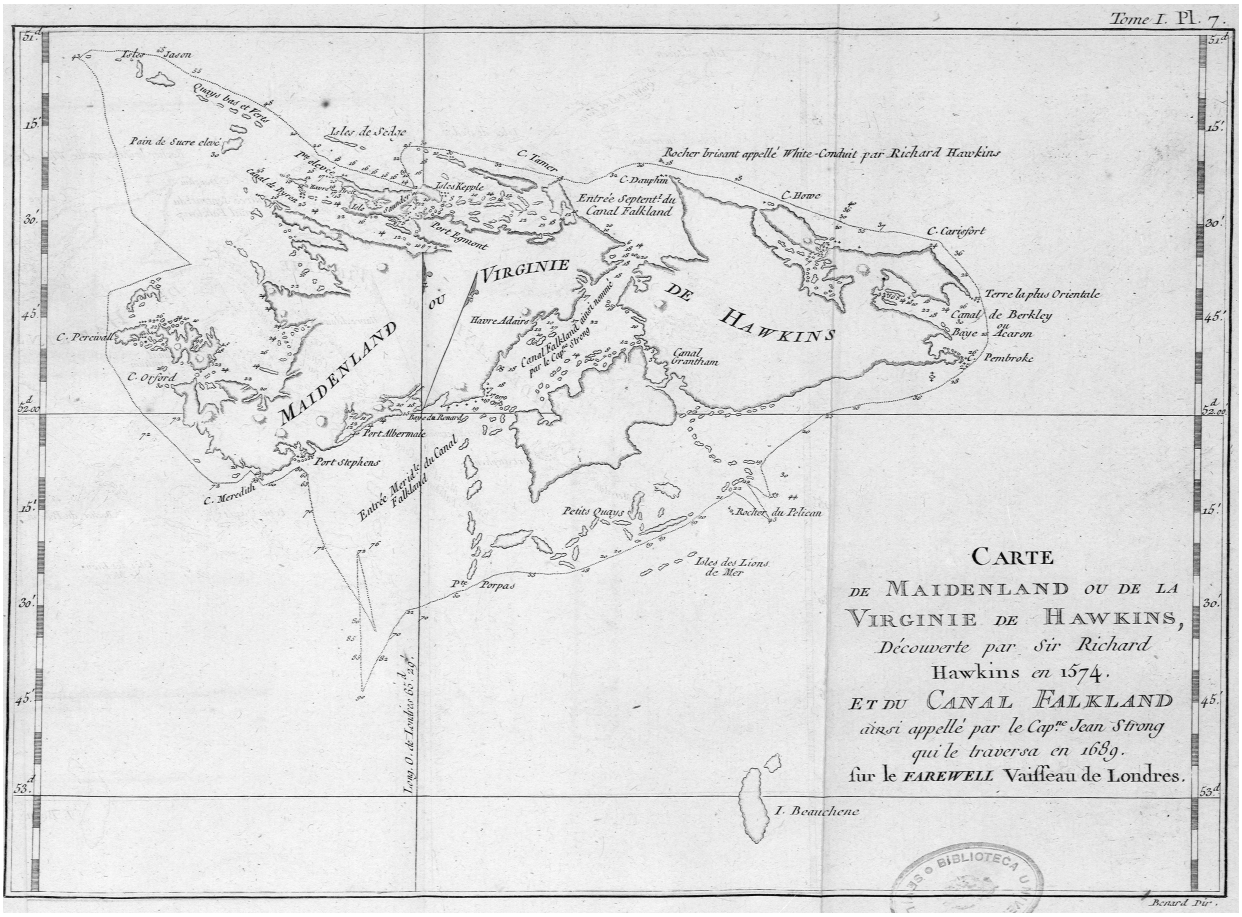
269 Edgar had served as Master of *Discovery* under Capt. Clerke on Cook's third, final, and fatal, voyage in 1776. Promoted to Lieutenant in 1781. See below.

270 See may 20, 1786, below

271 *TNA BT 6/93* at *50.* These figures were laid before the House of Commons (*Kentish Gazette April 4, 1786*)

272 Stackpole 1972 p.73

273 A surprising inclusion as Capt. James Cook did not visit the Falkland Islands on his third voyage. This chart appears to be based on Hawkesworth's 1773 map.



1786 – January 5th, English ships *King George* (Nathaniel Portlock) and *Queen Charlotte* (George Dixon), arrive at the harbour of Port Egmont. [274]

> *"We stood in for the harbour under an early sail, and at eleven o'clock came to anchor with the best bower on the East shore in twelve fathoms of water… when moored we were land-locked, except at the entrance we came in by…"* [275]

> *"At eleven o'clock both ships came to anchor in Port Egmont, in seventeen fathom water over a sandy bottom … Tis most probable that this was near the place where Captain Macbride lay in the year 1766, when he wintered here, as we found on the adjacent shore the ruins of several houses, said to be built by him, but destroyed since by the Spaniards…"* [276]

Captains Portlock and Dixon take soundings around the shores of the harbour. [277]

January 8th - 9th, Portlock grants shore leave on Saunders Island.

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274 Both captains had sailed with Cook.

275 *Voyage round the World: but more particularly to the North-West coast of America performed in 1785, 1786, 1787, and 1788 by the King George and Queen Charlotte Captains Portlock and Dixon. Dedicated, by permission, to His Majesty* Nathaniel Portlock 1789 p.29

276 Letters X & XI in *A Voyage round the world, but more particularly to the north-west coast of America: performed in 1785, 1786, 1787, and 1788, in the King George and Queen Charlotte, Captains Portlock and Dixon. Dedicated, by permission, to Sir Joseph Banks, Bart* Captain George Dixon 1789 p.36

277 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards*. Also *Voyages round the World* E. Fanning 1833

"… some of them discovered the ruins of a town, with some garden ground adjoining, in which there were a few flowers; several sorts of vegetables in small quantities, such as horseradish, shallots, a few small potatoes, and some celery... They landed on the West side of the harbour, near the ruins of the town…; and at some distance in the country saw a bullock, a cow, and several hogs, which probably were left behind when the place was evacuated. " [278]

Researcher's Comment: References to 'ruins of a town' must raise some questions as to the efficiency of the 1780 destruction which, supposedly, levelled the site of Jasons Town.

January 14th, from the ruins, stone ballast is taken aboard both *King George* and *Queen Charlotte*. [279]

January 15th, a sloop, *Speedwell*, arrives in the harbour of Port Egmont.

"Sunday 15. At nine o'clock this evening a sloop arrived in the harbour, and anchored off the town. Early next morning, captain Coffin came on board the King George, and informed me that his sloop is named the Speedwell, and is tender to a ship called the United States, commanded by captain Hussey, and now lying in a good harbour at Swan Island, in company with the Canton, captain Whippy: both these Vessels were employed in the oil trade, and had nearly completed their cargoes; the United States having 300 tons of oil on board, and the Canton about half that quantity.

The chief part of their oil is procured from animals they call sea elephants. These creatures are certainly amphibious, as they generally frequent sandy bays, or the points of bays that are composed of smooth flat stones. A good sea elephant yields near half a ton of oil, which is produced without boiling, the blubber is so exceedingly free: if put into casks, the blubber will soon run to oil, and afterwards it may be strained off into other calks; but this process being rather tedious where there are very large quantities of blubber, captain Coffin informed me they had discovered a better and more expeditious method. They build a tank on shore, of a size sufficiently large to contain any quantity of oil they expect to procure. Over this tank a grating work is fixed by way of strainer; the blubber is then thrown on the grating, and weights being put on it, the oil is soon pressed out. Adjoining to the large tank is a smaller one, into which the oil is strained a second time; by this means it is rendered perfectly fine, and may be put into casks at pleasure." [280]

January 17th, in London, owners of the whaling fleet approach the Government with proposals for the encouragement of the Southern Whale Fishery through changes to the system of bounties. [281]

"The Londoners knew they had powerful friends in government. Whatever private inquiries were advanced to the Privy Council were treated so sympathetically that the merchants were encouraged. On January 17th, 1786 a well prepared "Memorial" was submitted by Samuel Enderby Sr., and Sons, Alexander Champion, and John St. Barbe. ... The "Memorial".. stipulated that no time element be established for the departure of the ships, as they were fitted out at all seasons of the year, "either to the Coast of Brazils, Guinea, Falkland Islands, West Indies, or elsewhere, as it almost requires sailing at different seasons from each of the above named places.... Your Memorialists have proposed the Bounty of 40 shillings per ton for three years..."..." [282]

278 Portlock 1789 p.33

279 *Ibid.* p.34. Seven tons were taken aboard *King George* and a greater weight onto *Queen Charlotte*. In 1767, 50,000 bricks had been delivered to Port Egmont for help in the construction of Jasons Town. Demolished in 1780, the rubble has never been found. It seems possible, even likely, that it ended up as ballast.

280 *Ibid.* pp.34-35

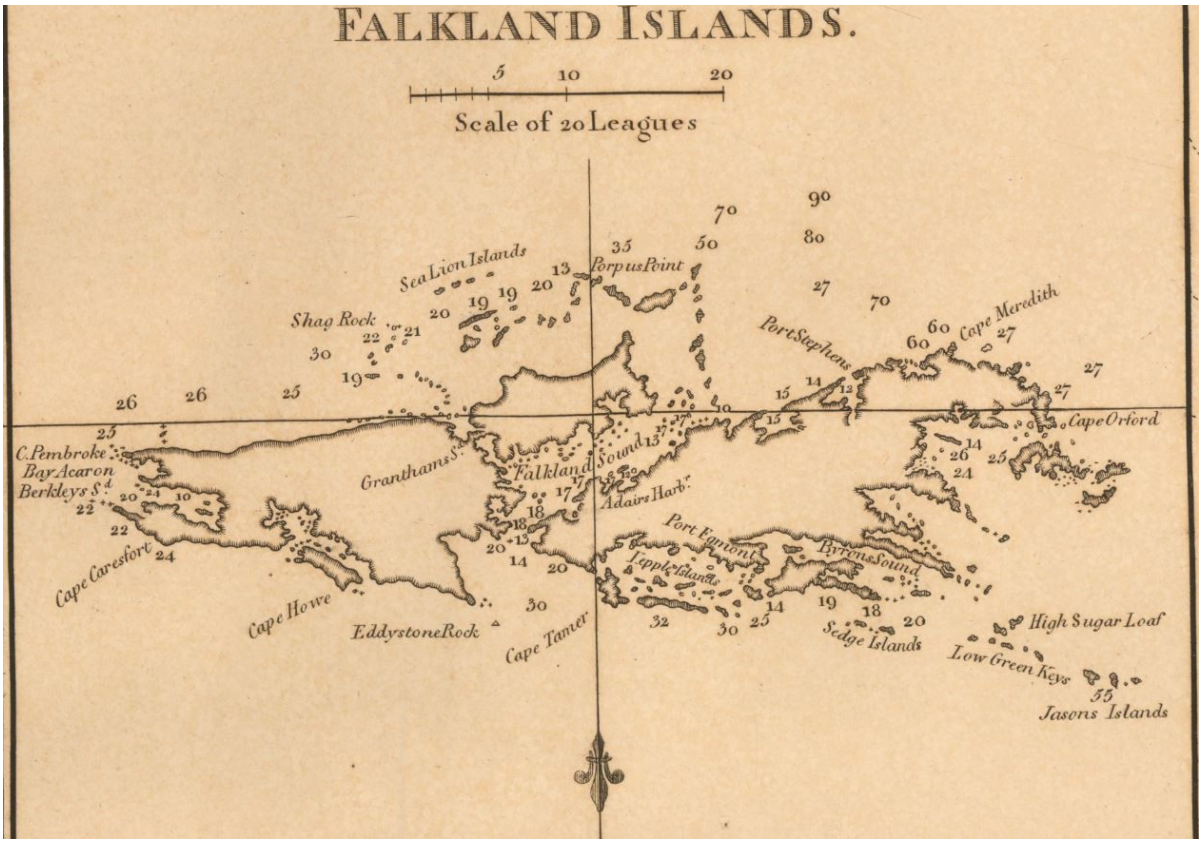
281 *TNA BT 6/93*

282 Stackpole 1972 p.52 citing *Memorial of Samuel Enderby & Sons, et al, January 21, 1786 BT (Board of Trade) 6/95*

"The whalers sought pelagic sperm whale, which was either being fished out in some areas or becoming more successful at avoiding whalers. In January 1786, leading fishery firms approached the Treasury for financial assistance, bounties, and the right to sail into the Indian and Pacific Oceans." [283]

"In 1786, a quantity of 1,113 tons of whale oil was brought into Britain without duty having a value of £26,712 and whalefins (bone) totalling 357 cwt., worth £2,860 in 42 whaling vessels from the southern oceans. Of this, 327 tons was sperm oil that sold at £43 per ton." [284]

Thomas Edgar and *Hope* arrive in the Falklands. After dispersing the sealing crews, Edgar sets out to survey the islands (north is down). [285]



Researcher's Comment: The only known chart published from Edgar's survey work is of West Falkland Island in 1797. Also the first chart I have found, to use that name for the western half of the archipelago. That there only appears to be West Falkland may be an indication of how Edgar saw the question of sovereignty.

283 *The Blackheath Connection: A Website Book* D. Byrnes 2000

284 *Shipowners investing in the South Sea Whale Fishery from Britain: 1775-1815* J. Clayton & C. Clayton 2016 citing Beale 1835 p.145

285 The current location of Edgar's survey work of 1786 and 1787 is unclear, although a copy of the West Falkland chart was issued as late as 1831 according to the Royal Geographical Society. Originally published by Arrowsmith in 1797, a box on the West Falklands chart shows the whole archipelago (above) in the style of Hawkesworth's 1773 map (albeit upside down). A copy of this 1797 chart held in the National Library of Australia was apparently carried by Luis de Freycinet in 1820 when his ship, *Uraine*, foundered in Berkeley Sound. See 1797 below for detail of Port Egmont. Full map here - https://falklandstimeline.files.wordpress.com/2018/01/1786-7-edgar-published-1797-north-is-down.png However, a far better (magnifiable) copy is available to view here - https://www.raremaps.com/gallery/detail/56023/a-chart-of-west-falkland-island-from-an-actual-survey-by-lie-arrowsmith

January 19th, *King George* and *Queen Charlotte* sail for Swan Island, to rendezvous with the *United States*. [286]

> *"... captain Coffin came on board the King George, in order to pilot us into West Point Harbour; ... he likewise put a pilot on Queen Charlotte ... At noon we anchored with the best bower in West Point Harbour, in seven fathom water, over a sandy bottom, and moored with the kedge. ... This harbour is certainly one of the finest in the world, being sheltered from every wind..."* [287]

January 21st, *King George* and *Queen Charlotte* arrive off Swan Island. [288]

> *"Here we found riding at anchor the United States, the Canton, and the Speedwell and Maria sloops, tenders to the United States."* [289]

> *"The United States was the property of Mrs Hayley, relict of the late George Hayley, Esq; and sister to the celebrated Mr. Wilkes. These vessels had been at Falkland's Islands occassionally for more than a year, and had wintered in Huffey Harbour..."* [290]

January 23rd, *King George* and *Queen Charlotte* sail for Cape Horn.

On the same day, Britain's Minister Plenipotentiary to Madrid, Sir Robert Liston, writes to the Marquis of Carmarthen.

> *"... I have reason to believe that a Plan has actually been formed by the Court of Spain for the Encouragement of the(ir) South Whale Fishery, and that proposals lately made, by Subjects of the United States of America, for supplying the Country with Whale and other Animal Oil, have been in a great Measure rejected."* [291]

February 21st, Mariano Solis and Ambrosio Riquelme are sentenced by a Viceroyalty court to 200 lashes and "*ten years of imprisonment in Maluinas.*"

February 28th, in Buenos Aires, Viceroy del Campo notes reports of a French whaler seen at Egmont. He calls for continued surveillance. [292]

March 22nd, in London, a Privy Council committee (Trade and Plantations), considers the Southern Whale Fishery. [293]

Enderby & Sons representative inform the committee, that they have; *"... in 8 years... received £7,700 Premiums and in that time have received from their South Whale Fishermen (34 sail) Oil to the amount of*

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286 *United States* had been captured by the Royal Navy in 1777 when she was called *Delaware. S*ubsequently sold to Mrs Mary Hayley, a loyalist living in London and an associate of Francis Rotch. This ship, also known as *States* or *Rising States,* was moored up around the archipelago for the purpose of the trans-shipment of oil during 1784 and 1785. It anchored at Egmont in 1786 where it trans-shipped 100 tons of *spermaceti* oil to the *Lucas*. Two reasons for the trans-shipment of oil are apparent; firstly to ensure that vessels heading back to England took a full load and secondly, to ensure that only British ships took oil back. This was to avoid the duty placed upon American whalers arriving in Britain. *United States* operated around the islands until 1791 when it was wrecked. *cf.* Clayton 2014. An alternative account (Busch 1985 p.6) claims that *United States* was fitted out by Rotch at Nantucket in 1784; returning to New York in 1786 with 13,000 seal skins and 300 tons of oil.

287 Portlock 1789 pp.40-41

288 The purpose being, apparently, to take up an offer by Capt. Huffey to sell oil and seal skins at a reasonable rate. Capt. Portlock considered the opportunity should not be missed, as they could sell the same in Canton for a higher price.

289 Portlock 1789 pp.40-41

290 Dixon 1789 p.38.

291 *TNA BT 6/93* at *79*

292 *122-6-1 Archivo General de Indias.*

293 Mandated by an Order in Council of March 5, 1786, the committee's job was to regulate trade with the colonies.

£77,000…" [294] He adds that; *"… the Quantity of Oil imported from America in one year was 5,000 tons which sold for £200,000… two thirds came from Nantucket."* [295]

April 9th, in Madrid, information received from Spain's envoy in New York, is forwarded to Buenos Aires.

> *"… a merchant from one of the responsible houses in London, whom I know from many years ago, provided me with a conversation, which I think it may be convenient to inform Your Excellency… I asked him about the state of several branches of the commerce of England after the separation of these states; and he informed me among other things that the prohibition for the introduction of whale fat, had revived … fishing again on the coasts of Falkland Island where some boats were directed in the year 1784 but many more in the year of which we were talking, precisely from 1785, where he did not doubt that the whalers could have formed some settlement on the same island, because apart from being useful for refreshing the water, they found a lot of amphibious animals and skins of great value. He concluded this subject by telling me that he had sent a merchant frigate to that destination (which had been there) for nine months and that for this reason he speaks with experience and that he did not doubt that many adventurers could be found (there)."* [296]

Chief Minister, José de Gálvez y Gallardo, Marquis de Sonora, attaches further instructions. [297]

> *"… it was with date April 9 of this year his Excellency Marquis of Sonora, telling me of the Royal Reserved Orders, with the news received by His Highness that several commercial vessels from the United States of the North of America were fishing for whales on the coasts of these islands and sends me a personal commission with which I am in agreement, that I effect reconnaissance of the Port and island of "Falklan" (sic), and that I destroy as many buildings and barracks which I may find as it has been done before…"* [298]

"Royal palace of El Pardo, April 5 (sic), 1786. From His Majesty to Virey. He sends a copy of a letter written in New York by D. Diego Gardoqui, Spanish envoy, … it requires (him) to reconnoitre the port and island of Falkland and destroy any buildings and barracks (he) find of the English." [299]

May 5th, the Privy Council's debate regarding the Southern Whale Fishery, is considered in Parliament. [300]

May 8th, Sir Robert Liston, from Madrid, reports on his progress regarding the Mosquito Shore negotiation. [301]

"… the British minister plenipotentiary appointed to negotiate a solution to the dispute, reported from Madrid in May 1786 that while both the Spanish king and his First Minister, the Count of Floridablanca, were anxious "to hasten the conclusion of the Mosquito Affair," the French wished to prevent a settlement and "will make a

294 *TNA BT 6/93*
295 *Ibid.*
296 Document and translation provided by Juan Celli, of Buenos Aires.
297 *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1514 – 1810* 1910 vol.2
298 *Viceroy Loreto to Pedro de Mesa November 23, 1786* in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150132673.* In 1786, the Marquis of Sonora, was José de Gálvez y Gallardo, Spain's Chief Minister. Royal Reserved Orders, probably relate to the Royal Orders of June, 1777 and October, 1779. See November, 1786, below.
299 *Catalogo de 3,036 Documentos … del Archivo General de Indias de Sevill* Enrique D. Parodi 1891 in *Revista del Paraguay* pp.115-116. A catalogue of correspondence to be found in the Spanish archives in 1891, with only a basic description of each item. Diego Gardoqui was a Spanish diplomat. An envoy to the USA, based in New York. See July 8, 1786, and February, 1787, below.
300 *Sussex Advertiser* Monday May 8, 1786
301 *Liston to Francess May 8, 1786 Pitt Papers University Library Cambridge Add.6958 f.100*

new effort to disappoint the Mosquito Business and set Spain and us by the Ears." As Liston observed, it was in Britain's interest to cultivate good relations with Spain to prevent its joining a proposed French and Dutch alliance." [302]

May 20th, at Soledad Island, a British whaler, *Sophia*, arrives near the Spanish garrison site during a storm. Don Fernando Zambrano is sent out to *Sophia* to interview its captain, Tristan Clark.

> *"The commander of the corvette Mr. Gil Don Pedro de Mesa, who returned from the command of the Malvinas Islands to Montevideo, gives an account of what happened in the Port of Soledad with a Bergantin who turned out to be English, named Sofia (Sophia), her (captain) Tristan Clark, coming from Paulle (Poole?) in England on the 21st of September of 1785, planning to enter in(to) the seas of the south for whale fishing, having filled with its oil 20 pipes, and still for filling ... 300. That was its only load, and (Sophia) must return in April of 1787.*
>
> *Sighted on May 20, 1786, ... a storm made it enter the Port, and in two statements that were taken ... expressed, that even though he went to the Port of Egmont to cool off and hunt until August, he was made to deviate by the storms, not knowing this place in which he was because of not knowing the islands, and becoming aware of being in Puerto de la Soledad, or San Luis, he answered (that) he knew it had been French, not knowing that it belongs to Spain. And he gave the news to have seen in those seas up to 20 boats destined to fishing from Brazil to Cabo Blanco (no war ships) of them 10 Americans, and 3 English little-frigates that told him they were going to* ***Puerto Egmont****, it is the* ***point of reunion*** *of those of his nation, spending the winter on board, for not having coves.* [303]
>
> *The commander Mesa, according to the reserved instructions of the Viceroy, made the captain understand with great gentleness, that by the treaties with England, no one can frequent those seas or even enter any port of the islands,.., to which he answered he did not know, and he would let the other captains that he may find know. He (Mesa) made this captain 3 gifts of fresh meat and vegetables, (Clark) making a request of license to hunt while the weather did not allow him to raise the sail, (Mesa) granted it for only the island of La Paxa, sending troops with him with all the necessary precautions, and putting them in his brigantine under the pretext of preventing desertion... The weather (was bad) until 25, (when) the bergantin raised sail and was lost from sight."* [304]

May 25th, at Soledad, *teniente de navio*, Don Pedro de Mesa y Castro officially takes over as *comandante-gobernador*, from Ramon de Clairac. [305]

June 7th, in London, Britain's Parliament pass an *Act for the Encouragement of the Southern Whale Fishery*. Existing bonuses are increased for vessels fishing below latitude 36° South. [306]

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302 *William Pitt's Settlement at Black River on the Mosquito Shore: A Challenge to Spain in Central America, 1732-87* Frank G. Dawson 1983 in *Hispanic American Historical Review* 63(4), 1983 pp.677-706

303 My emphasis. Confirmation that Port Egmont remained a recognised, and well used, rendezvous for British whalers.

304 Report by Pedro de Mesa dated October 6/8, 1787 Montevideo: Spanish web archive identification code – *BMDB20150132697*. *Sophia* had been hunting for some months when this encounter took place, but the amount of oil on board would suggest that this vessel had either been very unlucky or had already transferred its load, possibly to *Audacious* which was at Egmont during this period for the purpose of transshipping oil.

305 *Pedro de Mesa y Castro* Andrew David & Carlos Novi in Thatham (ed.) 2008. The *Sophia* report suggests that de Mesa was already in control on May 20, 1786.

306 *26 GEO.III c50 955-75*

"Act 26 Geo III c.50 gave whalers Cape Horn to 50 degrees west of cape and up to Equator, Cape of Good Hope, 15 degrees east of cape and up to 30 degrees south. Some 29 ships brought home sperm oil, whale oil and seal skins valued at £53,350." [307]

"In 1786 an 'Act for the encouragement of the southern whale fishery' cemented for the trade its privileged position. In addition to the existing premiums, further 'prize' premiums, ranging down from £700 to £300 this time, were to be offered to the five most successful ships returning each year. In recognition that if the trade was to continue to develop and expand it would require experienced seamen, a special clause was inserted to promote wholesale movement of Nantucket whalemen and their families to England." [308]

From the Falkland Islands, a shipment of seal oil and skins arrives in Britain. [309]

"When the Nantucket whaleship Canton arrived at Falmouth, England in June 1786, she brought four thousand seal skins as well as whale oil from the Falklands. [310]

July 8th, in Buenos Aires, Viceroy Loreto acknowledges receipt of the New York intelligence, and the destruction order from Spain's Chief Minister. [311]

July 14th, Britain and Spain sign the *Convention of London*. Britain agrees to evacuate its citizens from the controversial Mosquito Coast of Central America. [312]

> *"Article I. His Britannick Majesty's Subjects, and the other Colonists who have hitherto enjoyed the Protection of England, shall evacuate the Country of the Mosquitos, as well as the Continent in general, and the Islands adjacent, without Exception, situated beyond the Line herein after described,.."* [313]

"... Britain agreed to evacuate the Shore, and in return Spain extended Belizean logwood cutting boundaries, agreed to permit mahogany cutting and fishing, and conceded the right to occupy St. George's Key and other islands." [314]

August 14th, whaler *Diana* arrives back in England from the Falklands, with 52 tuns of whale oil. [315]

August 23rd, following a new Order in Council, the Privy Council Committee (Trade and Plantations) is upgraded and granted new powers. Commonly referred to as the Board of Trade,[316] Charles Jenkinson, Baron Hawkesbury in the County of Gloucestershire, is appointed President by William Pitt (the Elder).

> *"Every man who is acquainted with the commercial and political interests of this country must applaud the encouragement given by parliament, on the suggestion and motion of the late Mr. Jenkinson, now*

307 Byrnes 2000. Headland (*The Island of South Georgia* 1992 p.33) suggests that regular sealing around South Georgia commenced in 1786.

308 Chatwin 2016

309 *A Voyage to the North West Side of America: The Journals of James Colnett 1786-89* Robert Galois 2003 p.302

310 Stackpole 1972 p.121. Also Clayton 2014

311 Parodi 1891 p.116. Another related file in the Spanish Archives – *ES.41091.AGI / 23 // BUENOS_AIRES, 44* – remains undigitized. *cf.* April, 1786, November, 1786 & February, 1787 below

312 Ratified on September 1, 1786. Some 2600 British settlers were subsequently relocated, most going to Belize. *cf.* 1783 & 1789

313 *Convention between His Britannick Majesty and the King of Spain. Signed at London, 14 July 1786* in *The British Supertendency of the Mosquito Shore 1749 – 1787* William S Sorsby 1969 (Internet published thesis). Worthy of note that 1783's "*Spanish Continent, or in any of the Islands whatsoever,.."* had been reduced to "*the Continent in general, and the Islands adjacent.."*. Britain and Spain had disputed the definition of adjacency in 1770. Spain liked to consider 100 leagues (300 miles) as adjacent, but Britain did not accept that. *cf.* 1770 & 1790

314 Frank G. Dawson 1983 *Hispanic American Historical Review* 63(4), 1983 pp.677-706

315 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.*

316 The name was only officially adopted in 1861

Lord Hawkesbury, to the Southern Whale Fishery. The importance of that, and of the Whale Fishery in general, may be estimated from the endeavours that France is now making to encorage (sic) her subjects to turn their thoughts to that branch of trade,.." [317]

Capt. Storey in the whaler *Albion*, sails from Hull for the Southern Whale Fishery. [318]

September 7th, Thomas Delano in the *Lord Hawksbury* sails from England for South Georgia. [319]

September 26th, a Royal Order is sent to the Viceroy at Buenos Aires regarding the way in which fishing vessels of foreign nations should be treated. [320]

"For ways how to conduct ourselves regarding vessels, which are employed for fishing when coming or going or which cover the coasts... or who go in to our coasts, or ports, the Royal Order of September 26th must be used ... so that nobody can allege ignorance, ... those seas belonging to the Spanish Domain and which all nations (should) even refrain from transit through them, .., and in the case of arrival of a foreign vessel, which can't be avoided, the most exquisite precautions must be taken to avoid introduction of goods, even if they are legal to commerce, because no one is permitted at our establishments, the commander will be responsible for permitting, (or) not permitting..." [321]

In **October**, British whaler *Sophia* (Clark), is recorded as still at the Falkland Islands. [322]

October 31st, London whaler *New Hope* sails from England for the Falklands. [323]

November 16th, the Viceroy reports to Madrid that a relief ship will depart for Soledad in January and will not be subject to further delay. That vessel then providing an opportunity for the destruction of any building or barracks found at Egmont, once the change of garrison has taken place. [324]

November 23rd, Viceroy Loreto writes to *capitan de fragata* Don Ramon Clairac, with orders; *"... please to take the control of the establishment of the Port of the Solitude and Malvinas Islands, I caution Your Excellency that your predecessor the Lieutenant of Navio D. Pedro de Mesa y Castro is appointed by me for the reconnaissance and operations that must be performed at your expense ... according to the instructions I have given you ", etc..."* [325]

Loreto also issues orders for de Mesa on what he should pass on to Clairac; *"... (you) will give to your successor in that command, a perfect and reserved intelligence of all what is considered necessary for him knowing, and for practising reconnaissance, which he must (complete) in the appropriate seasons, I recommend covering coast and ports of all the islands with caution and slyness, to observe what could be happening, confirm the news, understand, we must proceed according to that..."* [326]

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317 *Kentish Gazette Friday* December 29, 1786. Jenkinson's son, Robert Banks Jenkinson, also known as Lord Hawkesbury, would be Foreign Secretary when the French demanded a fishing establishment on the Falklands. *cf.* 1801

318 *Newcastle Courant* Saturday September 2, 1786

319 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.* Also Headland 1992

320 There is a passing mention of this in *Nicolas del Campo a Pedro de Mesa Noviembre 23, 1786* in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB201550132673.* I have not, as yet, found a copy of this Order.

321 *Ibid.*

322 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards. cf.* May 20, 1787

323 *Ibid*. This ship returned to London June 19, 1787 with 80 hundredweight of whalebone, 100 tuns of whale oil and 6 tuns of sperm oil.

324 Parodi 1891 pp.116-117 and *122-6-2 Archivo General de Indias.* Britain's Fort George and Jasons Town had been reported razed by Callejas in 1780, so this suggests that further buildings had been erected. See February 1, 1787.

325 Quoted in Parodi 1891

326 *Nicolas del Campo a Pedro de Mesa Noviembre 23, 1786* in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB201550132673*

Also on the action he (de Mesa) should take after being relieved.

> *"... After the arrival of the relief... Your Grace... using the Brig Rosario, will go to Port Egmont, ... ensuring its reconnaissance, with the customary precautions, if no vessel is found with crew... to do the diligent deed with no witnesses, who can record. ... Your Grace should go ashore, and make sure that there are* ***no inhabitants nor passengers of any nation****, you will* ***then*** *proceed to destroy all buildings of all types which you find finished, or started or existing in any form, even vestiges, do the same with materials which you may be lucky to find, in this way making useless all that exists ... (that has) the purpose of shelter against the weather,.. this should make it more difficult for them... If at Port Egmont nothing were found by Your Grace, it must be repeated, by necessity, both by land and sea, there or nearby, or by water to other places further away, may Your Grace extend reconnaissance, because the news leaves us in no doubt, that on those coasts there are formed settlements, barracks at least, for use of adventurers, to renew water, and other refreshments ... we should not be satisfied with reconnaissance made so far,.. because we must try where possible, to pursue the foreigners with our vigilance everywhere... so they are delayed and ultimately unable to settle. As Your Grace has been informed, that if such establishments or ranches have not been abandoned, you must not try to extend your diligence any further, except to perfect reconnaissance: this is what the Royal Orders demand, and which direct that all such operations be carried out without witnesses, evading being recorded, (there may be) consequences between the Courts and even that they may adventure a resistance, it is clear Your Grace, that for to expel by force, different dispositions must be taken,.., I instruct to do this on the terms in what it has been done, ..."* [327]

Researcher's Comment: There is a theme, commencing in 1774, when the then Governor at Soledad issued instructions that reconnaissance of the harbour of Port Egmont should be carried out covertly. A requirement that appears again and again in Spanish orders and reports. Destruction, but no witnesses. Avoidance of direct confrontation. Why? If Spain was confident that the British had abandoned the western islands of the archipelago and had done so in compliance with some secret understanding of 1771, why not boldly state their authority? But hiding around corners until the sealers had gone to work, before sneaking in and burning their buildings? Or, in another case (see below) lying to a ship's Pilot as to why they were at Egmont, before suggesting politely that he tell his captain that no ships other than Spain's were allowed in those seas?

It is clear that Spain was less than confident that the British had abandoned their claims; less than certain that any action they took would not again result in a rift with London. Despite being, during that period, more often at war with England, than being at peace, still the Spanish seemed intent on avoiding a head-on clash over who owned the Falklands. Hard not to see this as an oblique recognition of British rights over Egmont and West Falkland.

November 24th, whaler *Audacious*, sails from London for Port Egmont; commanded by John Loveday. [328]

December 8th, London whaler *Prince of Wales* (Shubael Coffin) sails for the Falklands. [329]

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327 *Nicolas del Campo a Pedro de Mesa Noviembre 23, 1786* in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB201550132673*

328 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.* Loveday or Lovejoy. This vessel acted as a depot ship based at Port Egmont, for the transshipment of oil. Returned to England May 4, 1790.

329 *Ibid.* Owned by *Champion & Co*, this should not be confused with the vessel of the same name under the command of James Colnett, which was a fur trader. See January 1787. Capt. Coffin returned to London on April 28, 1788.

1787 – whalers sailing from London include *Spencer* (Capt. Owen Bunker); *Ranger* (Capt. Matthew Swain); *Fox* (Capt. Ransom Jones); *Waterford Packet* (Capt. Francis Barrett); *Lucas* (Capt. Paul Coffin); *Dolphin* (Capt. William Swain); *Ann Delicia* (Capt. Timothy Fitch) and *London* (Capt. Joshua Coffin). [330]

Vessels in the Southern Whale Fishery from the British colony of Nova Scotia include *Romulous* (Capt. Latham Chase); *Rachael* (Capt. Obed Barnard); *Lively* (Capt. Jonathon Chadwick); *Parr* (Capt. Tristam Folger); *Sally* (Capt. Paul Worth); *Watson* (Capt. Daniel Ray); *Argo* (Capt. Daniel Kelley); *Lucretia* (Capt. Jonathon Coffin); *Somerset* (Capt. Stephen Gardner); *Industry* (Capt. William Chadwick); *Hero* (Capt. Valentine Pease); *Hibernia* (Capt. Francis Coffin); *Jasper* (Capt. William Pinkham) and *Peggy* (Capt. Silas Paddock). [331]

January 10th, three ships depart from Montevideo for the Island of Soledad, under the command of Ramon Clairac – *Santa Elena*, *San Sebastian* and *Rosario*.

January 15th, James Colnett, commanding *Prince of Wales*, accompanied by Charles Duncan in *Princes Royal*, arrives at the Falklands en-route to the north-west coast of America. To trade in furs. [332]

February 1st, the Viceroy at Buenos Aires informs Madrid of the departure of the relief for the Soledad garrison; carrying with them the orders for the destruction of buildings around Port Egmont as required by the Royal Order of April 5, 1786. [333]

> *"... from there they must undertake their voyage to the Island of Falkland and Puerto Egmont in compliance with the order of April 1786 to destroy the buildings and barracks that the **American** settlers have built, all under the instructions given by the commander..."* [334]

February 7th, *Peregrin*, a Boston schooner commanded by John Palmer, arrives in the Falklands.

Rumours of a new British settlement at Port Egmont reach Buenos Aires. [335]

February 16th, Don Pedro de Mesa reports the arrival of an English brig at Soledad. [336]

March 6th, from the Island of Soledad, Lt. Pedro de Mesa commences a reconnaissance of the archipelago.

> *"Lieutenant of Navio Pedro de Mesa commissioned (by) the commander of the Maluynas Islands, the Viceroy of Buenos Ayres, so that after he was relieved by his successor he undertook with the corvette San Gil and the Bergantin Rosario, with all reservation the reconnaissance of all the islands, destroying, when there were no witnesses, all the establishments and effects that he found, (because) he had news that the **Americans** were fishing (for) whales there. The expedition left the Puerto de la Soledad on March 6 of this year, and having completely fulfilled his commission, he returned on the 20th, guaranteeing that (not) the British nation nor any other has in Puerto Egmond (sic) or in any other place of the Falclan (sic) Islands fixed establishment nor temporary, nor stores in any place that can serve those who frequent these ports; firmly believing that the English only use them to invest, refresh the(ir) water, hunt and kill sea lions, for which they travel between all these islands with smaller vessels, stopping only in the places where they find (sea lions) for their cargoes and generally staying*

330 *Ibid* p.93. The Board of Trade Committee in *BT 5/5* at *49* noted the return also of *Triumph* (Capt. Coffin).
331 Stackpole 1972 p.92
332 *A Voyage to the North West Side of America: The Journals of James Colnett 1786-89 R.* Galois 2003 p.85
333 Parodi 1891 p.121. This message was acknowledged on October 8, 1786 – a surprising 8 months later.
334 My emphasis. Information and translation provided by Juan Celli of Buenos Aires.
335 *AGN VII 1.3.34* and *AGN B.Nat. Leg. 196.* Around this time, sealers were dropped off at Staten Island by *Prince of Wales* on its journey to the north-west coast of America – also reported to Buenos Aires. One of this party was Master J. Leard RN. See *In the Wake of Cook: Exploration, Science and Empire 1780-1801* David Mackay 1985.
336 Parodi 1891 p.119. No name provided.

on board their ships, and under barracks or the sails of boats while they make the slaughter or in shacks as it is practised by the Spaniards in Soledad when spending the night in the field. … only in ***Port Egmont*** *(found) an English frigate "the Diana" with a single cannon... and (it) was almost filled and full of pots with oil of sea lions, for which reason her captain was not on land, and we have only spoken with the pilot* ***who was made to believe that we were looking for a lost Spanish bergantin*** *...*

Said pilot expressed his plans ... that he had left from England six months ago and wished to remain there another six months and according to the Instruction received, the pilot was informed gently ... that, according the treaties with England nobody can frequent those seas, much less enter the port of the Islands, except in (emergency); to which he replied, that he believed that the prohibition was only applicable to Puerto San Luis and with the best harmony and friendship he said that he would make this known to his captain, …" [337]

"In March of 1787 D. Pedro Meza obeyed the order of the Virey Marquez de Loreto Las Malvinas in its entirety; and he did not find in them (islands) English, nor any foreigner." [338]

"Following the instruction given by Loreto, Mesa himself carried out a personal inspection of Port Egmont. There he found an English frigate." [339]

London whaler *Nimrod* sails for the Falkland Islands. [340]

March 20th, on his return to the Soledad garrison in Berkeley Sound, Pedro de Messa records that he had discovered many sealer's tools and stoves; huts around the harbour of Egmont and cabins in other places around

337 *Report of Pedro de Mesa October 6, 1787* in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150132673*. My emphasis. Mesa's report was written in the third person. The chart (above) appears to show the track of Mesa's reconnaissance.

338 Areco 1885 p.46. Inaccurate, as de Mesa had found *Diana*.

339 Caillet-Bois 1982 (6th ed.) p.170

340 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards*.

the islands. [341] As for Jason's Town: *"... completely ruined, of the houses of stone there remain the walls but no ceilings, nor doors."* [342]

March 29th, a manifest describes the force at Soledad as consisting of 9 officers, 24 soldiers of the garrison, 88 seamen of the *Santa Elena* and 25 convicts.

Audacious moors at Port Egmont for the purpose of trans-shipping oil and furs; *"From early 1787, the ship was stationed at Port Egmont ... loading oil and seal skins to sell to other British ships."* [343]

April 6th, London whaler *Edgar* is reported at the Falklands with 200 barrels of oil. Liverpool sealer *Quaker* is also reported there. [344]

May 4th, *Sophia* (Capt. Clark) is reported off Gravesend; "*from Falkland Islands*." [345]

May 7th, it is noted that there are 2000 head of cattle at the Spanish garrison. [346]

Joseph, Capt. Lancelot, sails from the Falklands with a cargo of oil, bound for Dublin. [347]

May 15th, Captain Don Ramón de Clairac y Villalonga takes command of the *presidio,* before reconnoitring.

"In 2 cruizes made by Don Ramón Clairac in 1787, he found in different parts of the Islands, the ship Hudibras, the Shallop Audaz, and the Brig Malplaquet, all English Vessels. They made divers excuses for being there, and were all likewise ordered off." [348]

"... the rumour spread of two English establishments, one in Puerto Deseado, and another in a mysterious place, designated with the name of New Ireland, which by the indications given, corresponded to the Island of the States, to the east of Tierra del Fuego. The one who first divulged the news of this last establishment, was the captain of an English ship named Harfort Packet, unimpeachable testimony... He first showed the Governor of the Malvinas the diary of his navigation, in which he had pointed out the latitude of the place occupied by the new colony, and the number of its inhabitants who, according to him, were not seafarers, but farmers, protected by a garrison and a warship." [349]

May 20th, John Loveday, the commander of *Audacious (Audaz),* is ordered to leave by Clairac. [350]

June 1st, in receipt of the results of de Mesa's March reconnaissance, the Viceroy reports to Madrid.

"The Viceroy gives account with documents – of the acknowledgement practised in the island of Falkland and especially of the port Egmond (sic) in fulfilment of the Royal order of April 5, 1786; of the one that was executed before by land[351]*; of the arrival of an English brig in the port of La Soledad and of several occurrences*

341 Parodi 1891 pp.119-120 Mesa's report was dated March 26, 1787. *Audacious* had also been reported as being in the harbour of Port Egmont at that time.

342 Quoted in Caillet-Bois 1982 (6th ed.) p.170 citing Revista de la Biblioteca Nacional vol.2 No.6 pp.636 to 655. The problem with this report, is that it suggests that the 1780 destruction of the British establishment at Port Egmont was not as complete as suggested. *cf*. 1780

343 Clayton 2014. Also *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards. Exact date of arrival unknown.* The ship's name is *Audaz* in Spanish. *Audacious* returned to Britain on May 4, 1790

344 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.*

345 *Kentish Gazette* Friday May 11, 1787

346 *AGN IX 16-9-6*

347 All the crew perished in a fire on June 24, 1787 (*Cumberland Pacquet Wednesday August 8, 1787*)

348 Vernet 1832. For *Audaz* (*Audacious*) see January 1787. I am unable to identify either *Hudibras* or *Malplaquet* (*Mail-packet?*). Parodi (1891 pp.121-122) refers to a chart of Soledad being prepared on the instructions of Clairac.

349 Angelis 1852 p.36. See September, 1790.

350 See July 1789 below.

351 See 1783

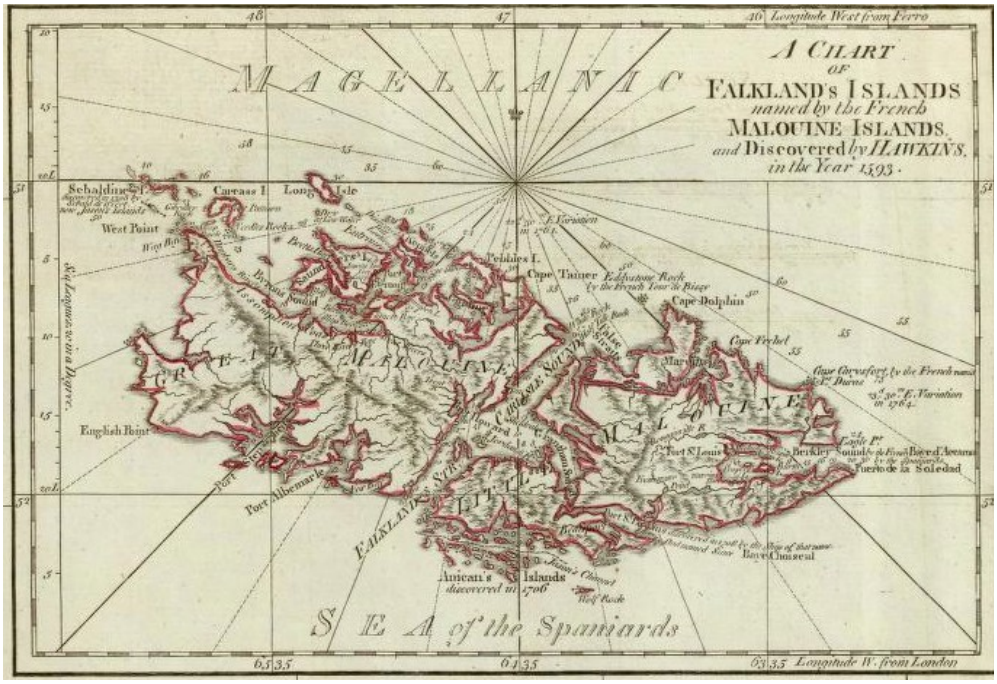
that give an idea of how much foreigners frequent those seas, and proposes to occupy … port Egmond (sic) to prevent it, and increase the Spanish establishments." [352]

June 12th, the whaler *Edward* (Capt. Blackhouse), sails from Hull for the South Whale Fishery; *"She is entirely new, and supposed to be the most complete and best ship hitherto employed in that fishery."* [353]

June 18th, *Adventure* (Capt. Elisha Pinkham) sails from the port of London for the Southern Fishery. [354]

July 3rd, *Minerva* (Capt. Jones) sails from Hull for the Southern Whale Fishery. [355]

In London, a map of Falkland's Islands is published by Thomas Kitchin (below). West Falkland is named Great Malouine, and East Falkland, Little Malouine.



July 8th, American whaler *Enterprize* (Capt. Palmer) arrives at the Falkland islands. [356]

July 25th, *Prince of Wales* (Capt. Coffin) is reported at the Falklands. [357]

August 25th, London whaler, *Lucas,* sails from the Downs for the Southern Fishery. *Albion* (Capt. Thurston) follows. The *Duke of York*, under Wolfe, hunts at the Falkland Islands. [358]

October 26th, Lieut. Thomas Edgar (*Hope*) arrives back at Bristol. [359]

November 5th, Lieutenant William Bligh, commanding *Bounty*, writes to Sir Joseph Banks.

"… I shall take 18 Months provisions, which with other supplies will do very well, and my present intention is, that as I shall be late round Cape Horn, not to depend on touching there, but complete my water if convenient at Falklands Islands, for if I get the least storms round the Cape I must make the most of it." [360]

November 14th, British whaler, *Triumph*, returns to London with a full cargo of oil from the Southern Whale Fishery for the company of Alexander and Benjamin Champion. [361]

352 Parodi 1891 p.120. The proposal to occupy Egmont was made on more than one occasion, and repeatedly turned down by Madrid. The simplest act of sovereignty by Spain would have been to raise its flag over the remains of Fort George. An action that Spain – surprisingly – never took.
353 *Leeds Intelligencer* Tuesday June 12, 1786
354 Stackpole 1972 p.93. Also *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.*
355 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.
356 *Lloyd's List October 30, 1787* reported in the *Caledonian Mercury Saturday November 3, 1787*
357 *Ibid.*
358 *Caledonian Mercury* Saturday December 29, 1787
359 *Caledonian Mercury* Monday October 29, 1787
360 *From the Bounty at Spithead, England, Nov 5, 1787* State Library of New South Wales
361 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.*

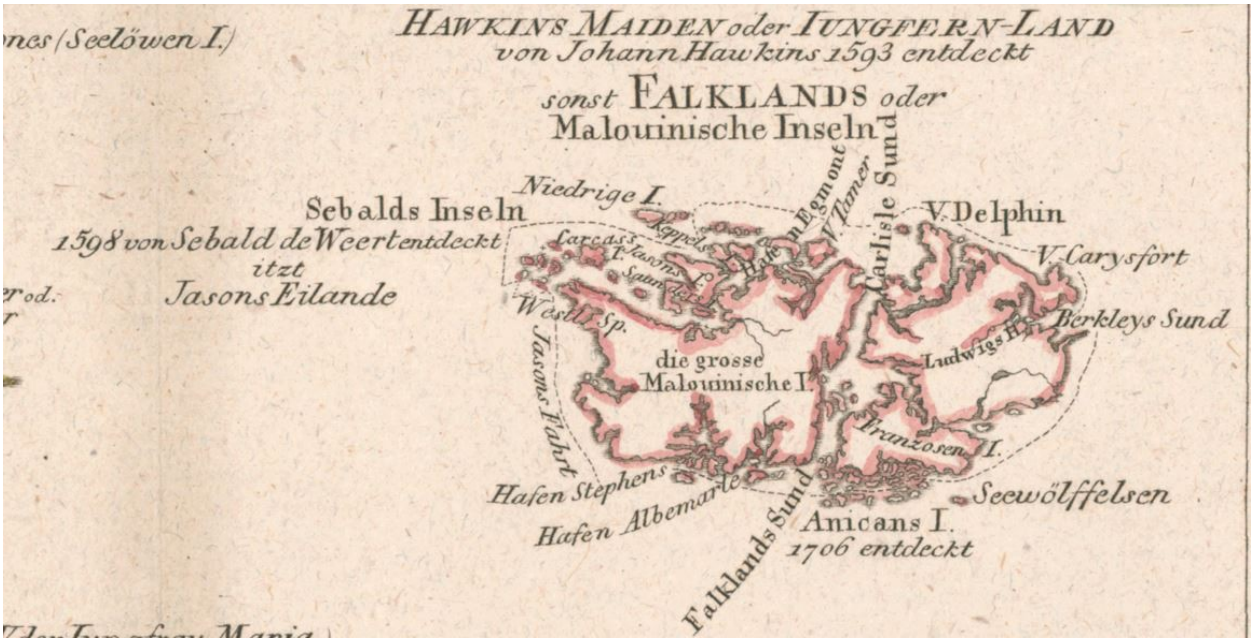
December 5th, British whaler *Sappho* sails from London for the south Atlantic. *Sappho* carries a '*passport*' issued by the Admiralty, identifying the ship as of London; naming the captain as Thomas Middleton - *"made and commissioned for whale fishing..."*; and calling for its voyage not to be impeded. [362]

> *"1. To the first I answer that I left London on December 5, 1787, my trip was to catch whales, seawolves and other animals raised in the water. 2. the name of the masters are Jaime Ogle, and Eduardo Ogle, and Tomas Middleton, the name of the Bergantin is the Sappho of London, load (I) did not bring any. 3. I left the Dunes on December 25, 1787 with a large group of merchant ships that went to different parts of the world with trade but none for these seas that I knew. 4. Passport holder I do not know what it is, but I have such papers that we take out of customs as usual in England to clarify the ships for travel, those of my nation. ..."* [363]

Another British whaler, *Amelia,* commanded by Capt. James Shields, visits the Falkland Islands en-route to the Pacific Ocean. [364]

"In 1787 the London fleet increased to fifty ships, totalling 11,555 tons and employing 988 men. The price of sperm oil this year went up to an unprecedented £55 per ton..." [365]

A chart of Magellan's Strait is published in Vienna by Franz Anton Schräembl (detail below). [366]



362 I have only a poor translation into Spanish of the document that Middleton presented to the Spanish interviewer in April 1789. The purpose of this passport, may have been primarily to prevent the Royal Navy pressing the vessel's crew.

363 Interviewed by Francisco Franco of the Royal Spanish Navy in April 1789. Records in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150135636.* Little is currently known about these '*papers*'.

364 *Chronological List of Antarctic Expeditions and Related Historical Events* R. Headland 1989 p.81

365 Stackpole 1972 p.90

366 No suggestion of a Spanish presence. As though nobody was very aware that Spain was still there.

1788 – British ships visiting the Falklands and South Georgia include *Lucas,* under Captain William Aiken, *Intrepid,* Captain John Leard and *Quaker* commanded by Shadrick Kearn. [367]

"By 1788 the price of sperm oil had risen to the unprecedented price of £60 per ton, with the prized head matter (spermaceti) reaching an all-time high of £68 per ton. Fifty whaleships sailed that year, forty-three from London... While the Greenland, or northern whalers, could remain on the whaling grounds for only four months at best, the Southern fleet had a much longer period, their voyages now nearing eighteen months in duration. The range of their cruisings increased during the 1785-1789 period to an extent never anticipated. After proceeding to the South Atlantic, the ships cruised on the "Brazil Banks," then to the south and the "River Plate" grounds, and on to the Falklands and the coast of Patagonia." [368]

February 16th, American Captain John Kendrick arrives at Saunders Island with the *Columbia Redivia* and *Lady Washington*. Third Mate, Robert Haswell, visits Port Egmont; *"We arrived at the place the Garrison stood early in the afternoon. Here are standing a number of the sides of turf houses and two or three built of stone but have no roofs. There is a small stone pier or dock built for the reception of boats."* [369]

Venus, a whaler under Capt. Daniel Coffin, sails for the Southern Fishery from London. [370]

February 23rd, Capt. James Barrett of *Waterford Packet*, out of London, is interviewed near the Falklands. [371]

"He found stranded in the Bay of O(este) of the Island of Solitude an English brigantine, whose captain declared that in the latitude S. of 55° 15' and longitude of 309° 44' his nation had an island named New Ireland where Several families and a hundred garrison men were established with a war corvette. He added that on another trip he had made, he had recognized by chance the island of Pepis located at latitude S. of 46° 43' and the longitude of 38° 20'." [372]

"Barrett was "notified in the friendliest terms that these seas and coasts belonged to the Spanish dominions, and that despite the reciprocal correspondence between His Catholic Majesty and His Britannic Majesty, the vassals of each power should contribute to their conservation and abstain from frequenting these seas and ports..."..." [373]

"Her captain, James Barrett, told the Spaniards that he and his crew had processed 200 pipas of whale oil (which fetched 80 pesos per pipa), 30 of seal oil (which fetched 60), and 90 sealskins. ... Barrett apparently not only confirmed the existence of Pepys Island, but told of another island called "New Island" at 55° 45', inhabited by British families and protected by 100 men and a corvette. He seems to have been trying to send the Spaniards on a wild-goose chase..." [374]

February 25th, *Waterford Packet* founders at Port Egmont. [375]

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367 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.*

368 Stackpole 1972 p.113

369 *Log of the First Voyage of the Columbia* J.Haswell in V*oyages of the Columbia to the North West Coast 1787- 1790 and 1790-1793* F. W. Howay (ed.) 1941. These ships remained for a month. *cf.* 1780

370 Stackpole 1972 p.93

371 *AGN IX 16-9-7.* Owned by the London Merchants *Lucas & Spencer,* this vessel had sailed from England on November 24, 1786. *cf.* January, 1787 & July, 1788

372 Parodi 1891 p.173 citing *Loreto to Madrid July 1, 1788*. The *Bay of O(este)* was the name for what is now known as Salvador Water on East Falkland Island. *cf.* 1789

373 Bernhardson 1989 p.133

374 Pascoe 2022 vol.1 p.325

375 *Ibid.* Crew rescued in May by two Spanish ships and taken to Montevideo.

March 7th, a whaler, *Attempt*, out of Cork, is reported as lost at the Falkland Islands; "*some stores saved*." [376]

Arriving back in London from the Falklands, the master of *Sappho* reports the presence of 12 other British whalers in the South Atlantic fishing grounds – *Good Intent, Ranger, Rasper, Lucas, Tiger Fox, Active, Experiment, New Hope, Liberty, Adventure, Queen* and *Quaker*. After dropping off its cargo, *Sappho* turns around and heads back towards the Falklands. [377]

March 18th, Parliament reviews the bounties payable for the Southern Whale Fishery.

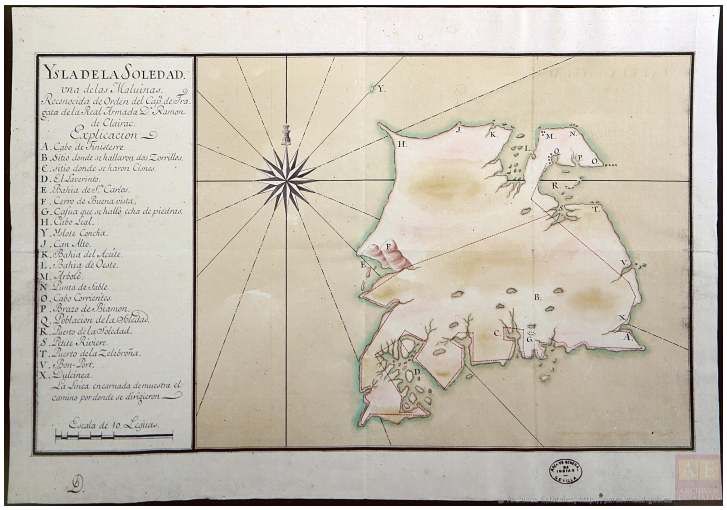
April 4th, *United States* arrives at Dover with 25,000 gallons of oil from the Falkland Islands. [378]

"... when that ship returned to England from her long and memorable voyage to the Falkland Islands, and found her oil not clearing British customs without paying the high tariff, Francis Rotch and his brother William, ordered the ship to go to Dunkirk. Here the oil was sold at a handsome profit." [379]

Comandante Ramón de Clairac, at Puerto Soledad, orders Joaquín de Bedriñana to make a reconnaissance. [380]

"During his first government, Clairac made three explorations of the coasts of the islands, knowledge which he expanded in early 1788, with a land-based discovery of much of the Eastern Island." [381]

"The Spaniards showed little interest in exploring the land surface of the Islands. Except for hunting expeditions during Ruiz Puente's tenure, there was no land reconnaissance of Soledad until 1788. ... Comandante Ramón Clairac, forwarding this report to the Viceroy, observed that it was the first land exploration of the perimeter of the Island, although from the short duration of the trip and the difficulty of the terrain it is unlikely the party went far beyond the isthmus which leads to the southern peninsula... a complete trip around the Island would take much longer that the 11 days Bedriñana was gone." [382]



A chart of East Falkland island is prepared (right) – *Ysla de la Soledad un de las maluinas. Reconocido de Orden del Capn. de Fragata de la Real Armada Dn. Ramon de Clairac.*

"The expedition was brief, of only 11 days, but Bedriñana made a detailed report, describing an area of many lagoons (probably those along the northern shore of Choiseul Sound); his men killing warrahs and swans, and found a stone house." [383]

376 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards*.
377 Stackpole 1972 p.95 & p.122
378 *She Captains: Heroines and Hellions* Joan Druett 2000
379 Stackpole 1972 p.102. *United States'* error appears to have been to sail via Nantucket on its way to London as a result of which its cargo fell foul of British customs, who were aware of the ship's transshipping practices when at Port Egmont. Rotch's father had by this time negotiated a duty-free deal with the French and in acknowledgement of this, *United States* was subsequently renamed *Dauphin*.
380 *Clairac a Loreto Abril 11, 1788* in *AGN IX 16-9-7.* Also *Memorandum* by Joaquin Bedriñana, also dated April 11, 1788 in *AGN IX 16-9-7*
381 Caillet-Bois 1982 (6th ed.) p.170
382 Bernhardson 1989 p.131
383 Pascoe 2022 vol.1 p.323

April 10th, *teniente de navio*, Don Pedro de Mesa y Castro returns as *comandante gobernador* to Soledad; reporting that the *presidio*, including the crew of the corvette *San Gil*, consists of 13 officers, 28 soldiers, 105 seamen and 22 convicts. He also notes 2,180 cattle, 116 horses and 66 geese. [384] Commandant de Mesa complains that the garrison's church needs to be rebuilt, but there is only one mason at Puerto Soledad.

April 11th, on his departure from Soledad, Ramon Clairac remits his journal to the Viceroy at Buenos Aires. [385]

April 18th, whaler *Experiment* is reported to be at the Falklands with 100 barrels of whale oil. [386]

"It is important to note that the trade at this time was heavily focused on 'black' whaling. In 1788 only 22 per cent of production was sperm oil and until 1800 the main product of the southern fleet was black oil." [387]

April 28th, responding to the Viceroy's message of June 1, 1787, the Spanish Court again rejects the proposal to occupy the harbour of Egmont, but confirms that steps should be taken to prevent English establishments. [388]

"By a Royal Order, dated in Aranjuez on the 28th of April, 1788, Instructions were given to foment the Fisheries in the Islands, and to reconnoiter their Establishments, in order not to allow any English to remain, either on Falkland, or any other part." [389]

"... by Royal Order of April of the same year it is banned to promote fishing in the islands so as not to allow the English in Falkland or elsewhere." [390]

July 1st, Viceroy del Campo writes to Madrid with details of English ships discovered in the Falklands during the previous ten months; including *Waterford Packet* and *Audaz (Audacious)* at Egmont. [391]

"... Virey Loreto remits extensive accounts (three) of three surveys practiced on the large island of Malvinas and its adjacen(cies). ... he proposes to the Government (he) occupy Port Egmond (sic) with enough strength to prevent foreigners from forming their establishments there." [392]

July 16th, John Leard (*Intrepid*) writes to Charles Jenkinson, Lord Hawkesbury, the President of the *Board of Trade* (*Council for Trade and Foreign Plantations).* Leard refers to the great numbers of seals on the coasts of Patagonia, Tierra del Fuego and Staten Island; which he recognises as territory claimed by Spain. [393]

"From my having made a voyage to the Coast of Patagonia for the purpose of carrying on the Seal Fishery independent of the Whale Fishery, which voyage is the very first made on this plan, I therefore think it is my duty... to send your Lordship a copy of my observations on the Seal Fishery; and as I mean to continue the carrying on of this Fishery, provided it is not offensive to the Spaniards. I should therefore be very thankful to

384 *AGN VII 2-3-3.* Part of the annual rotation of commandants. Ramón de Clairac returned to Montevideo.
385 Parodi 1891 p.124
386 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.* Had sailed from London September 4, 1787
387 Chatwin 2016
388 Parodi 1891 p.170.
389 Vernet 1832. The existence of this instruction would seem to be born out by the events at Puerto Deseado in 1789. The timing of it, however, is a matter of some conjecture. There is some evidence to suggest that American whalers had approached the Spanish Government with proposals to supply Spain with whale oil and other by-products. Spain maintained its spies in English ports and so must have had some inkling as to the value of the trade. *cf.* 1789 & 1790
390 Areco 1885 p.46
391 *Loreto to Madrid July 1, 1788* in *122-7-1 Archivo General de Indias*. Attached, as noted by Parodi (1891), there were charts compiled by Pilot Joaquin Bedriñana and a further reflection on the presence, for long periods of time, of *Audacious* (*Audaz*) at Egmont.
392 Parodi 1891 p.171. There was a general acceptance in the 18th century that West Falkland was larger than East Falkland. It must be assumed that the Viceroy had not received Madrid's April rejection of his earlier proposal to occupy Egmont.
393 While Capt. Leard felt it necessary to report his activities on the coasts of Patagonia, it is important to note that he did not see the Falklands, or South Georgia, as falling into that category.

be informed what some of the Spaniards have thought of the English carrying on the Fishery on the Southern coast of Patagonia, Tierra del Fuego and Staten Land, which are not inhabited by the Spaniards…" [394]

"… whaleship Intrepid, returned in July 1788 with a cargo of oil and six thousand seal pelts. Captain Leard had found himself in the rather doubtful position of taking seals along a coastline in Patagonia, South America, controlled by Spain. His voyage had been an outstanding success and he was well aware of the potential for voyages for seal skins, but his training as a naval officer made him appreciate that he was operating in Spanish waters… he was advised to write a memorandum for the attention of Lord Hawkesbury and the Board of Trade." [395]

Capt. Leard also proposes that sealing be regulated and limits placed on the numbers that can be taken; based upon the age, sex and species of the seals. [396]

"As for the question raised by Captain Leard concerning the legality of a British vessel utilizing this coast, the government was not prepared to answer specifically, other than that the coast of a deserted land was not "off limits" to a vessel belonging to his Majesty's kingdom." [397]

September 23rd, reported in the *Leeds Intelligencer; "Last week the Minerva, Moss, and the Edward Birnie, sailed from Hull, for the Southern Whale Fishery."*

October 16th, *Elizabeth & Margaret*, a *Spencer & Lucas* company whaler, sails from the Thames bound for the Falkland Islands under Capt. James Hopper. [398]

In **November**, alréfez Fernando Zambrano discovers a party of English sealers in Port Egmont. [399]

"In 1788, Ensign Fernando Zambrano found and interviewed English sealers inhabiting crude houses near the old jetty at Port Egmont while they awaited a shipment of supplies. There was abundant evidence of their efforts in the form of barrels of oil and storehouses stacked with sealskins, guarded by a dog. The British informed Zambrano that other whalers and sealers operated in more westerly sites such as New Island. Zambrano inspected all the islands in King Georges Bay without locating any more sealers; but found evidence of their activity; pigs and goats placed upon small islands and, most conspicuously, burned areas. At Beaver Island, he "found no indication of there having been visitors except the huge burn which not only this but every other island to the west is in the same condition." He also found turf shelters and the ruins of stone houses, but no signs of recent occupation. Later, however, he contacted British and American ships full of barrels of whale and seal oil, as well as sealskins, and warned them against further efforts in South Atlantic waters; one of these ships informed him that, the previous year, seven frigates, three sloops, and four brigs had left London for the Falklands and Staten Island…. On returning to Port Egmont, Zambrano found no more men but large supplies of coal and more than 400 barrels for oil. He and his men vandalized the remaining supplies, spilling the oil and dumping the coal into the sea." [400]

Golden Eagle arrives in Port Egmont to take on water; finding *Audacious* in the harbour.

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394 *Capt. John N. Leard to Board of Trade, Memorandum BT 6/95* quoted in Stackpole 1972 pp. 120-121
395 Stackpole 1972 p.120
396 Mackay 1985
397 Stackpole 1972 p.122. *cf.* April, 1789
398 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards*
399 *Memorandum* of Fernando Zambrano dated November 25, 1788 in *AGN IX 16-9-7*. An alréfez equated to 2nd Lieut.
400 Bernhardson 1989 pp.132 & 133. While Zambrano warned off the ships he found in the waters around the islands, there is no indication that he registered any complaint with the men at Port Egmont. There was no attempt to detain any vessel. This was not the first time that the Spanish chose vandalism rather than confiscation when the owners of the property were away. No complaints from either side reached the UK on this occasion.

"The Golden Eagle left Jackson's Bay the 20th of November last, touched at Port Egmont, Falkland's Islands, for water. The houses there are going to ruin, but the ground that the English left cultivated, was in the highest perfection. A fishing sloop there, called the Audacious, with 15 men, who suffered great hardship for want of bread or other provisions, having lived upon seal fish for a long time, until an American ship put in there and gave them some bread in exchange for seal-skins." [401]

December 14th, Following the death of Carlos III, Carlos (Charles) IV ascends the throne of Spain.

1789 – January 17th, Samuel Enderby writes to George Chalmers, Chief Clerk to the Privy Council, referring to Lord Hawkesbury and the Government's bounty.

> *"I think it must give his Lordship pleasure to see the Fishery he has patronised succeed so well under his Direction. His Lordship first took the Fishery under his Protection in 1785, the year prior to which sixteen Sail of Vessels had been employed in the South Whale Fishery, the value of the oil, etc. they brought have amounted to between 27 and £28,000 for which Govt. paid 18% although the premiums were but £1500 per annum. The number of vessels which returned from that fishery last year were 45 sail; the value of the oil, etc., amounted to £90,599 for which Govt. have and will pay £6,300 which is not 7% on the whole amount of the cargoes of oil, etc."* [402]

'In 1789-90 the value of the southern fishery's catch surpassed that of the northern fishery for the first time,.."[403]

January 27th, at a meeting of Britain's Board of Trade, an account is read of the; *"... vessels now out on the Southern Whale Fishery, made up to the 31st December, 1788."* [404] Included are *Astrea, Liberty, Lucy, Mary Anne, Sapho, Olive Branch, Barbara, Queen Charlotte, Swift, Gen. Elliot, Spencer, Jackall, Ulysses, Prince of Wales, Fox, Emilia, Kent, Greenwich, Friendship, Adventure, Experiment, Mediator, Chasen, Good Intent, Ranger, Active, Stormont, Lucas, Lively, Friendship, Benjamin, Nimble, Queen, Harpy, Spy, Sandwich, Swift, Mercury, Elizabeth & Margaret, Lord Hawkesbury, Nancy, New Hope, Aurora, Minerva, Edward, Hero, Elizabeth, Southampton* and *Argus*. [405]

Liberty (Clark), sails from the Falklands bound for England; "*... with 230 tons of oil, and 5000 seal-skins.*"[406]

March 19th, *Santa Elena,* commanded by D. Ramón de Clairac, sails from Montevideo accompanied by the brigantines *Nuestra Señora de Belén* and *Nuestra Señora del Carmen y Ánimas*. Ramón de Clairac is to take supplies to the Spanish garrison at Soledad, and take over as *comandante-gobernador* on his arrival. [407] He also has an instruction from the Viceroy to reconnoitre the coasts on his route and seek out foreign whaling and sealing ships fishing on the Patagonian coasts.

April 4th, *Santa Elena* arrives at Puerto Deseado; *"The Governor of Malvinas of the Puerto de la Soledad, in mid-April (sic) 1789 arrived at Puerto Deseado, where a Portuguese sailor informed him that, less than two leagues north of that point, the English had built a wooden house, near a salt mine, to which they go to tan leather;..."* [408]

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401 *Saunders's News-Letter May 29, 1789.* Jackson Bay is on the west coast of New Zealand's South Island. Sailing time is unknown, but this is likely to have taken place around the turn of the year.

402 *Enderby to Chalmers January 17, 1789* quoted in *Whalemen Adventurers: The Story of Whaling in Australian Waters and Other Southern Seas Related Thereto, from the Days of Sails to Modern Times* W. J. Dakin 1938

403 Chatwin 2016

404 *TNA BT 5/5* at *181*

405 *Ibid.* The account also notes – *"19 sail out 7 at home 56 Total" Sappho* appears to have more than one spelling.

406 *Bath Chronicle & Weekly Gazette* Thursday May 21 1789. This vessel arrived back in London on June 5, 1789

407 The viceroy informed Madrid of the fleet's departure that same day (Parodi 1891)

408 Angelis 1852 p.36

That same day, sealers *Sappho* and *Elizabeth & Margaret* are challenged by Captain Ramón de Clairac, and presented with a letter. [409]

> *"It appears… that a British vessel called the Sappho, Thomas Middleton Master, had, in the beginning of the present year, been employed in taking Whales and Seals in the usual manner in and about port Desire on the Coast of Patagonia, and that the Master of the said vessel, finding that she was very foul, was refitting her in the said port Desire, while he sent his Boat to Penguin Island being about four leagues from the said port, for the purpose of killing Seals. That on or about the 3rd Day of April last a Spanish Frigate named the St. Helena, and two other Spanish Armed vessels arrived at the said port and that the Captain of the said Frigate wrote three several (sic) Letters to the Master of the Sappho, expressed in very imperfect English, …*
>
> *In the first of these Letters the Captain of the Spanish Frigate put several Questions to the master of the Sappho for the purpose of being informed, from what port he first sailed, at what ports he had touched during his voyage, what was the nature and object of his voyage, of what his cargo consisted, and what ships had been, or were now, in company with him; to all which Questions the Master of the Sappho appears to have returned fair and direct Answers.*
>
> *That in a second letter the Captain of the said Frigate forbade the Master of the Sappho to go on with the works in which part of his Crew was employed on the Island of Penguin, or hereafter to frequent the said island or any other place for the purpose of carrying on the said Fishery. To which second Letter the Master of the Sappho returned for answer, that he had sent Orders to his Officer to quit the Island, but that it would take some time to bring away the Sails and other necessaries he had there. That after the Receipt of this Answer, the Captain of the said Frigate, in a third Letter, sent more explicit and positive Orders to the Master of the Sappho; … In this third Letter the Captain of the Spanish Frigate writes as follows – "That it was requisite and necessary for the Dominion of His Catholic Majesty of Spain, that all Foreign nations should abstain from frequenting the Sea coasts and ports of these provinces and their Districts, as the pretext of fishing Whales is invalid, the said pretext being irregular, because it is upon the King of Spain's Seas, who Orders that as under this motive several vessels have come and are coming on the Smuggling Trade and others prejudicial to the Estate or parliament, that the greatest care be used to hinder these Excesses and with all rigour, against any Colours without exception of Friendly Kingdoms, as well in Peace as in War Time to employ Force to defend the State from the Damages in its Commerce, tho' in the publick Seas and to maintain in force the exact Orders of his Sovereign, there are for that purpose in the Harbour of Montevideo in the River of plate, sundry vessels of war belonging to the Royal Marine of Spain with the strictest Orders to cruise on these Coasts and Habours of the Coast of Patagonia and the Malouine Islands, and to persecute any persons that shall be found employed in the Whale fishery, or killing of Seals or other Animals that these seas produce, and thereby hinder their introducing the various Effects which they smuggle into these Stations. In consequence of this Order he seriously acquainted the Master of the Sappho, that he must begin to repair his vessel and sail within the term of six Days without fail, to the Harbour that he is bound to."*
>
> *The Captain of the Spanish Frigate then proceeds – "If you stand in need of any assistance in this matter I will give it you and inform you that if you want any thing I will serve you conformable to the Treaties existing between the Courts of Madrid and London and agreeable to the correspondence that should be between the Subjects of those two great Monarchs and you may therefore let me know what you want in this behalf that you may within the said Days be accordingly ready, and I await your Answer for my Information."..* '' [410]

409 *Oficio del capitan de fragata de la Real Armarda y comandante de la corbeta Santa Elena D. Ramón de Clairac dirigido al Eximo. Sr. Virrey de Buenos Ayres desde Puerto Deseado, Archivo Museo Don Alvaro de Bazan. Expediciones a Indias. Legajo no. 9. Doc 66 pp. 1-14.* Also *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150135629*

410 Record of the *Board of Trade Committee meeting December 4, 1789* in *TNA BT 5/5* at *408. cf.* 1789

Similar correspondence is sent to the captain of *Elizabeth & Margaret*. [411]

"In April 1789 two London ships had been detained sealing on Penguin Island, off Puerto Deseado, some 200 miles north of Santa Cruz, in Patagonia. Despite their claim that they had had to put in for repairs and water, the vessels were ordered to depart and their seal skins were seized. The issue was serious as the British claimed that Spanish sovereignty did not extend over the uninhabited coastline, a proposition denied by the Spaniards. Prior to the news of the Nootka incident reaching London, the Spanish position on the Southern Fishery had thus already caused concern" [412]

"Spain operated a policy of mare clausum ["closed sea"], attempting to completely exclude all other countries from trading with the Spanish South American empire. That policy lasted until the Nootka Sound Convention forced Spain to back down in 1790. By contrast, Britain maintained a policy of mare apertum ["open sea"], in which the seas and trade were open to all. The two policies were mutually incompatible, so there was bound to be a clash." [413]

April 20th, Clairac prepares a report of his action for the naval commander at Montevideo. [414]

May 15th, the *Oxford Journal* reports; *"London May 11. ... Yesterday an Express was received from Admiral Roddam, stating that he has been informed that the Captain of his Majesty's Sloop the Audacious, while at Port Louis, Falkland Island, had been grossly insulted by the Commander of a Spanish Frigate: Another Proof of the hostile Intentions of Spain to this Country being of many Months standing."* [415]

May 16th, Captain Don Ramón de Clairac y Villalonga arrives at Puerto Soledad for his third posting as Commander of Spain's garrison. Clairac orders 2nd Pilot Diego Villegas to prepare a chart of Soledad island for his use (right). [416]

"Clairac inaugurated his second government, one of the most progressive for the distant Colony. He expanded the berthing pier, built a stone building intended for barracks and prison of the exiles, founded a new estancia south of the stream of stones, building in it a post of tents, carried out important repairs in the batteries, improved the most important buildings." [417]

British whaler *Lucas*, out of London, is reported at Trinidad with a full load of oil and heading home.

"She took 160 tons of sperm whale oil on the voyage, but also brought back 100 tons of spermacti transshipped from the United States. As Francis Rotch, then with the Hayley firm in London was one of the owners of the United States, he claimed the oil." [418]

411 Both vessels sailed shortly after this exchange; *Sappho* leaving behind 7,000 seal skins. *cf.* May 1790

412 *British Foreign Policy in an Age of Revolutions, 1783-1793* Jeremy Black 1994 p.247. *cf.* July, 1788, October, 1789 & April 1790.

413 Pascoe 2020 p.31

414 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150135506 & BMDB2015135582*

415 A confusing report coming a month before *Audacious* sails into Puerto Soledad from Port Egmont (see below).

416 *Plano de la Ysla de la Soledad reconocido y levantado de orden del Capitan de Fragata de la Rl. Armada y Governador de ella dn. Ramon de Clairac, por el 2o. Piloto de la Armada dn. Diego Villegas el año de 1789*. Held at Spain's Naval Museum (*MN 49-A-2*) the original has north to the bottom of the map. I have been unable to locate a particularly good published copy, and have spun this one around for comparison purposes.

417 Caillet-Bois 1982 (6th ed.) p.171

418 Stackpole 1972 p.95. Port Egmont was the favoured location of *United States* for transshipping oil onto British ships, so

May 31st, after receiving Clairac's report of his reconnaissance of the Patagonian coast, José Orozco, naval commander at Montevideo, reports the Puerto Deseado encounter. [419]

June 4th, *Liberty* (Capt. Clarke) arrives at Dover; *"... from Falkland's Island, with thirty-seven fish..."* [420]

June 17th, *Audacious* anchors off the Spanish garrison at Soledad; *"... the English sloop La Audaz, his captain Juan Loveday, who, having left London with the Admiralty's passport, on June 17 last year returned to our [Isla de la Soledad de Malvinas]..., because of lack of food..."* [421]

"Audacious was employed in loading oil and seal skins to sell to the other ships of its nation [Britain] which sail amongst these islands [Falkland]." [422]

June 24th, at Nootka Sound, on the north-west coast of north America, Spanish commander Esteban Martinez claims the whole of the north-west coast of America for Spain. [423]

July 3rd, *Argonaut*, a British ship, is seized by Martinez and its commander, Capt. Colnett, made a prisoner. [424]

July 29th, John Loveday, commander of *Audacious*, is interviewed by Don Ramón de Clairac and Francisco Franco, the interpreter aboard the Spanish Bergantin, *Senora de la Rosario*. [425] Clairac begins by reminding Loveday of their previous conversation in 1787.

> *"Q. Was he not notified by me, on May 20, 87, (Audacious) was anchored in the western bay of this island, that these seas and coasts were proper to Spanish rule, and that all nations abstained from to frequent them, except for some discovery?*
>
> *Reply. It was true that he had been notified, but that he had continued his fishing, by virtue of the license which he brought from his Parliament and contracted with the owner of the vessels, whose documents he presented...*
>
> *Q. How long were you in these seas?*
>
> *Reply. These two years, little more or less.*
>
> *Q. Where did you come from when you went to these seas?*
>
> *R. The port of London.*
>
> *Q. What time has elapsed since your departure so far?*
>
> *R. Left the said port, on November 23, 1786. ...*

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as to avoid the duties payable if the oil was delivered to London by either an American whaler; or, at a lesser rate, one from the British colony at Nova Scotia. Customs at London was aware of the scam.

419 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150135506*

420 *Norfolk Chronicle Saturday June 6, 1789*

421 *Nicolás de Arredondo a Señor Conde del Campo de Alange 23 de Septiembre de 1790* in *Archivo General de Indias, Estado, 80, N.1* (Spanish archives). Interesting reference to the Admiralty's '*passport*'.

422 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards* citing Boyson 1924 p.79.

423 Martinez had arrived in May with orders to expel any other vessels that he discovered there and to establish a fort. Some British ships were ordered away, while others were seized. American vessels were also detained. As on previous occasions since 1848, Spain's claim was based upon its interpretation of old treaties, including Utrecht (1713), rather than upon actual occupation. Rights disputed by the British. This event was something of a repeat of those that occurred in Port Egmont in 1770. The result, would not be dissimilar.

424 The actual events leading up to this remain unclear as both Martinez and Colnett gave very different accounts. That the vessel was seized and Colnett detained is not disputed, however.

425 The delay may have been due to the need to await an interpreter.

Q. What number of barrels or barrels are filled, as well as the number of leathers?

R. Only 600 barrels are full and 2200 hides.

Q. In what area of these islands (have you) been anchored?

R. In Port Egmont, in the Strait of San Carlos, and in the port of San Josef. …

Q. During time of your residence on these islands, have you seen some boats, and from which nation?

R. That there have been seven of his nation, which are the frigate Diana, her captain Moro; that named Hope, his captain Egder; the Prince of Wales, his captain Mr. Cofn; that named Espensa, his captain Bonker; that named Charlotte, his captain Dalen; the brig Waterfor Paquet, his captain James Varet; and the sloop Nimerod, who was shipwrecked, whose captain he did not know; and in addition to the said, he says that they had arrived at Port Egmont, to water, two others of his nation who came from the island New Ireland, to lead families to that establishment with troops and officers." [426]

"... he was again told that on no pretext were they allowed to anchor in any of the ports of these islands, they were (not) allowed to travel through these seas, because they (were for) the King of Spain,.." [427]

After receiving assistance, Loveday assures the Spanish interpreter that he'll sail for England immediately. [428]

July 30th, the Malaspina scientific expedition, in *Atrevida* and *Descubierta*, sails from Cadiz. [429]

"... departure for their voyage around the world of corvettes the Discovery and the Intrepid, under the command of the Knight of Malespina, to go to Buenos Aires, Montevideo, the islands Falklands, Cape Horn and the South Sea "where they will extend their navigation by visiting islands newly discovered there"..." [430]

July 31st, from Buenos Aires, Viceroy Loreto writes to the Minister of the Navy, Antonio Valdéz, to present him with a map of the anchorage at Puerto Deseado, and inform the Minister of the ejection of two British sealing ships discovered there. [431]

"It is with much concern we hear, that the valuable Southern Whale Fishery has been greatly interrupted, and is likely to be wholly overset, by the King of Spain having ordered the Commander of his Squadron in those seas, to remove all ships fishing on those coasts, and not to permit them either to catch whales or kill seals. These orders were given to the Fishermen, with the greatest civility, but at the same time in the most positive and decided manner, and with orders to quit the coast in a very short but limited time; offering his assistance to expedite their departure, and with positive instructions for them not to return again into those seas, claiming them as the sole right of the King his master. One, if not more, of the ships this forced away, is arrived in England, and the others are gone to different ports to

426 Attachment to *Nicolás de Arredondo a Señor Conde del Campo de Alange 23 de Septiembre de 1790* in *Archivo General de Indias, Estado, 80, N.1*. Reference New Ireland, see also September, 1790.

427 *Ibid.* Whilst the interview seems to have taken place on July 29, 1789, it was signed not off until August 3, 1789, probably to allow time for transcriptions and copies to be made. Unusually, 1789 was a time of peace between Britain and Spain. No protests were made by Spain to Britain however. The commander of *Audacious* had been ignoring Spanish instructions to leave for nearly two years.

428 There are no reports from Loveday, or any other British record of the encounter.

429 A plan to emulate the expeditions of James Cook, presented by Alejandro Malaspina and José de Bustamente de Guerra had been approved by Carlos III in 1788.

430 French Consul note dated July 31, 1789 in *Correspondence of the French consuls in Cadiz (3rd part): Directory (AE / B / I / 271-AE / B / I / 300) By Anne Mézin with the contribution of Anne Pérotin-Dumon and Didier Ozanam: First electronic edition National Archives (France) Pierrefitte-sur-Seine 2014* p.816

431 *Archivo General de Simancas.* Madrid would probably have received this message in early September.

complete their cargoes; but as the Courts of London and Madrid are said to be on such friendly terms, it is to be hoped such a negociation (sic) will be opened upon it, as will bring a speedy and peaceable issue. … Government are acquainted." [432]

"Two ships of the line, and a frigate, are to be dispatched to protect our vessels in the South Seas from the Spaniards. There is reason to believe, that the conduct of the King of Spain in interrupting our Fishery, is in consequence of a concerted plan with Russia to divert the attention of Great Britain from the present contest in the Baltic." [433]

"The difference which existed between this country and Spain, relative to the Southern Fishery, is now likely to be amicably adjusted. The Spanish Ambassador has had another consultation with the Minister, and communicated not only his own opinion, but his instructions, in a mode exciting much less apprehension than before." [434]

September 8th, *Alferez de Frigata*, Pedro de Prado, commences a reconnaissance of the Falklands.[435]

"Island of Borbon: Nothing found. [436]

Port Egmon (sic): it was noticed at dusk that quite a bit of smoke came from the island, it was traced, and (we) picked up a sailor from the English sloop the Audacious, David Moreno, who had deserted after words with his captain and with another, about theft, and (his idea was) to (go to) the Port of San Josef to join with three of the Wateford Packet brig. His hut was destroyed, which had been (for) the whole crew of the whaler, noting (an) abundance of goats and pigs, or swine, and some holes of rabbits. There was not found in Puerto Egmon (any) sign of permanent inhabitants, …

Bay of Biron (sic): Nothing found, nor on the burnt island. …

Bahia de la Isla de San Josef[437]*: Two houses were found, one with a lot of wolf's hides, three barrels, one with charred bustards, and the other with two boxes of some dirty clothes, a powder paper and many other trifles and two cots with their mattresses, there were many huts on the island, and in one of them a credible number of Carranclui eggs, which according to a paper, which was on the door (there) were 7200, formed an inventory of the effects, they were moved to the brig, destroying the many cabins of that islands, and other small immediate ones, and successively (we) burned the two houses, of … three English sailors of the Bergantin Wateford Packet*[438]*, named Guillermo Firmat, Josef Bormat, and Jeremias Barracos, who were making leathers, and said their captain had allowed them to stay because they were short of food, and they stayed there only 19 months, waiting for another ship of their nation ... Leathers they had, a rifle, and a useless canoe. …"* [439]

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432 *Norfolk Chronicle* Saturday August 15, 1789. Widely reported in the British Press.

433 *Dublin Evening Post* Tuesday August 25, 1789 p.2

434 *Derby Mercury* Thursday August 27, 1789

435 Alferez was a naval rank of second-lieutenant.

436 Pebble Island.

437 Weddell Island?

438 *Waterford Packet.* This vessel, out of London (*Lucas & Spencer Co.*), was noted as hunting around the islands in 1787 and 1788. Capt. Barrett had been interviewed by the Spanish in February, 1788. Foundered, Port Egmont May, 1788. Crew, or at least some of it, rescued and taken to Montevide in May, 1788. See above. Not unusual for small groups of sealers to work on their own behalf

439 *Extracto del Diario de la Expedicion hecha por el Alferez de Fragata don Pedro de Prado desde 8 de Septiembre hasta 28 de Octubre del año proximo pasado para el reconocimiento de las Islas Malvinas* in *General Archive de Simancas SGU, LEG, 7306,1.* Information provided by Juan Celli of Buenos Aires. This report was dated as September 23, 1790 at Buenos Aires, suggesting the reconnaissance took place in 1789.

September 19th, in Madrid, a Royal Proclamation founds the *Real Compañía Marítima* with the purpose of reinvigorating the Spanish fishing industry; *"In the seas of my domains in Europe, Africa and America."* Included are plans for the whale fisheries off the coasts of Patagonia and the development of Puerto Deseado. [440]

"This state-owned company enjoyed a monopoly of fishing in all non-peninsula seas under Spanish sovereignty and maintained this enclave on the Patagonian coast from 1789 to 1804 without ever becoming profitable..." [441]

"*Another relevant fact of the link between Montevideo and the Southwest Atlantic, including the Falkland Islands, is the creation of the Royal Maritime Company in 1789, for the fishing and processing of whales and seals. It had an important establishment in Puerto Deseado, current province of Santa Cruz, but from 1792 it moved its operations center to the port of Maldonado, where it built offices, warehouses and ovens on Gorriti Island. Although this diversified its activity, it did not stop chartering ships dedicated to the capture of the whale in the Southwestern Atlantic, and there is documentary evidence of the presence of operators of the Company in Malvinas, as well as remittances of by-products such as wolf oil to the port of Montevideo."* [442]

The instructions include a requirement to found permanent establishments and colonies along the coasts.

"The reasons for this interest by Valdes, Secretary of Marine, and Floridablanca, Secretary of State, came from the growing threat posed by a persistent English presence, which required a policy of occupation to defend unpopulated areas." [443]

September 23rd, the Viceroy sends details of reconnaissance missions around the Falklands, to Madrid. [444]

In **October**, whalers *Sappho* and *Elizabeth & Margaret* return to the Port of London and submit complaints as to their treatment at the hands of the Spanish frigate in April at Puerto Deseado. [445]

October 12th, the Duke of Leeds, in receipt of a *memorial* from the merchants of London outlining their complaints against Spain, forwards to the Board of Trade the King's command that they consider the issues. [446]

> *"... a memorial of several Merchants, Ship Owners and other persons concerned in the British Southern Whale Fishery, complaining of the Interruption given to the said Fishery by the Spaniards on the Coast of Patagonia."* [447]

October 16th, in receipt of the whalers' *memorial*, a meeting of the Board of Trade is adjourned so that the complainants may attend a hearing. [448]

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440 Troubled from the outset through lack of funds, the desertion of their fishermen and poor results finding whales, very little was achieved at Puerto Deseado despite further decrees granting extra rights of traffic between the garrisons of the Falklands, Rio Negro, San José and Puerto Deseado in 1792. Contrary to Argentine claims that this operation demonstrated effective sovereignty over the coasts of Patagonia and the Falkland islands, the venture was a failure; unable to compete. The *Compañía* finally closed down in 1803. *cf.* January, 1786

441 *La Expedición de Juan José de Elizalde y Uztáriz a la Patagonia, Tierra del Fuego E Isla de los Estados (Diciembre 1791-Febrero 1792)* Juan Alfonso Maeso Buenasmananas in *Espana en el Comercio Maritimo Internacional (siglos Xvii-xix). Quince Estudios* Carlos Martinez Shaw & Marina Alfonso Mola (eds) 2009

442 Podetti 2013. What 'documentary evidence' is not identified.

443 *Cedula de S. M. para el Establecimiento de la Real Compañia Maritima de 19 de Setiembre de 1789.* Quotes are from Shaw 2008.

444 Parodi 1891 p.349

445 These ships had not rushed back after their encounter at Puerto Deseado in the April. *Sapho* had replenished her cargo of seal skins and arrived in London with 19,000 of them (Clayton 2014).

446 *TNA BT 5/5* at *407*

447 *TNA BT 5/5* at *386*

448 *TNA BT 5/5* at *386*

October 20th, representatives of London's whaling merchants give evidence to the Board of Trade at the Council Chamber in Whitehall. [449]

> *"Their Lordships resumed the consideration of the memorial of several merchants, ship owners and, other persons concerned in the British Southern Whale Fisheries, with the several papers referred to therein, complaining of the Interruption of their Fisheries by the Spaniards on the coast of Patagonia. Messrs. Enderby, Lucas and Champion attending on behalf of the Merchants concerned in the Southern Whale Fishery were examined as follows.*
>
> *Q. Are you acquainted with what passed last Spring and Summer on the Coasts of Patagonia when an officer commanding a Frigate belonging to the King of Spain, ordered some of our Fishing vessels to depart those seas?*
>
> *A. We are.*
>
> *Q. Do you apprehend that the Claim then made in the name of the King of Spain and the proceedings had thereon, will be detrimental to the Southern Whale Fishery? Favour us with your Opinion and assign Your Reasons.*
>
> *A. A general prohibition on the part of the King of Spain to fish in those Seas would not only be detrimental but destructive to our Fisheries, but if We were confined to Fish not nearer the Shore than Five Leagues, it would answer all the purposes of the Fishery. We catch the Spermaceti Whale at the edge of the Soundings on those Shores which is generally about ten Leagues from the Land. The Black Whale we frequently catch upon the Soundings and within five Leagues of the Shore.*
>
> *Q. How long are your Ships generally out on those Fisheries?*
>
> *A. If we go to the Coast of South America, about Twelve months. In doubling Cape Horn about Twenty months.*

In **November**, Nicolás Antonio de Arredondo arrives in Buenos Aires to take over as the fourth Viceroy of the Rio de la Plata. His predecessor provides an antecedent history.

"... a chronological account of the operations of the officer (frigate captain Don Ramon Clairak) ... and of the eviction that (ejected) two English vessels engaged in fishing, and finally, on the occasion of the arrival of two corvettes under the command of ..., Don Alejandro Malaspina, I entrusted them with the reconnaissances which Clairak could not conclude, and more extensive ones..." [450]

December 4th, in London, the Board of Trade Committee considers its response to the Duke of Leeds concerning the Southern Whale Fishery and the actions of the Spanish frigate commander in April.

> *"The Lords of the Committee are of Opinion, that the Orders thus given by the Captain of the Spanish Frigate, in his Letters, if they shall be avowed by the Court of Madrid, in effect assert and maintain the three following positions, or Claims, on the part of the Government of Spain.*

449 *Ibid* at *388*

450 Quoted in *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278.* Taken from the *Memoria del Marques de Loreto* which can be found in full in *Revista del Archivo General de Buenos Aires* Manuel Ricardo Trelles 1872 pp.351-520 (Falklands from pp.427-435)

First – That it is necessary for preserving the Dominion of His Catholick Majesty and for preventing illicit Commerce, that all Foreign Nations should abstain from frequenting the Seas Coasts and Ports of the Spanish Provinces and Districts in South America.

Secondly – That the pretence (as they term it) of fishing for Whales, is invalid and irregular, because it is upon the King of Spain's Seas, and therefore not to be permitted.

Thirdly – That His Catholick Majesty has a right to forbid the vessels of Foreign Nations, to frequent any of the Islands that lye off the Coast of Patagonia, - including the Malouine or Falkland Islands, tho' it be for the purpose only of catching Seals.

It appears also from the before mentioned Letters, that in support of these Claims, the King of Spain had sent several vessels of war to cruise in those parts, and ordered the Officers Commanding them to use the greatest care to hinder these Excesses, as they term them, and to proceed with all rigour against vessels carrying the Colours of any Nation, tho' Friendly and at peace, and to employ force to defend the State from all Damages in its Commerce tho' on the publick Seas. [451]

The Committee having materially considered all that is before stated, beg leave, in the first place, to offer the following Observations.

First – That the claim thus set up by the Government of Spain, of any Dominion in these Seas, and of any Right to exclude other Nations from them, is wholly unfounded in the Law of Nations, and has, at no time, been admitted by the Government of this Country.

Secondly – That it is true that by the practice of all European Nations, from the time of their first planting Colonies in America, a Right has been understood to belong to each of them to exclude, even in time of peace the ships of other Nations from entering the Ports of their Colonies or Settlements in America and from carrying on any Trade therein." [452]

As for the - *"... Treaty made between Great Britain and Spain for settling Peace in America in 1670..."*

"It is true that by the 15th Article of the same Treaty, it is stipulated -

"That this Treaty shall in nothing derogate from any pre-eminence, Right or Dominion of either Confederate in the American Seas, Channels or Waters, but that they have and retain the same in as full and ample manner as may of Right belong unto them. But it is always to be understood that the Liberty of Navigation ought in no manner to be disturbed where nothing is committed against the genuine sense and meaning of these Articles."

From the Terms of this last Article the Spanish Ministers have heretofore pretended to infer, that there are Seas which are the Objects of Sovereignty or Dominion and they have on former occasions endeavoured under this pretence to confine the Freedom of Navigation in the American Seas… they even went so far as to assert that the only navigation which British Subjects can claim in the west Indies, is that to their own Colonies while they steer a <u>due course</u> and that their Ships are liable to Seizure and confiscation if it can be proved that they have changed their Route, without necessity. [453]

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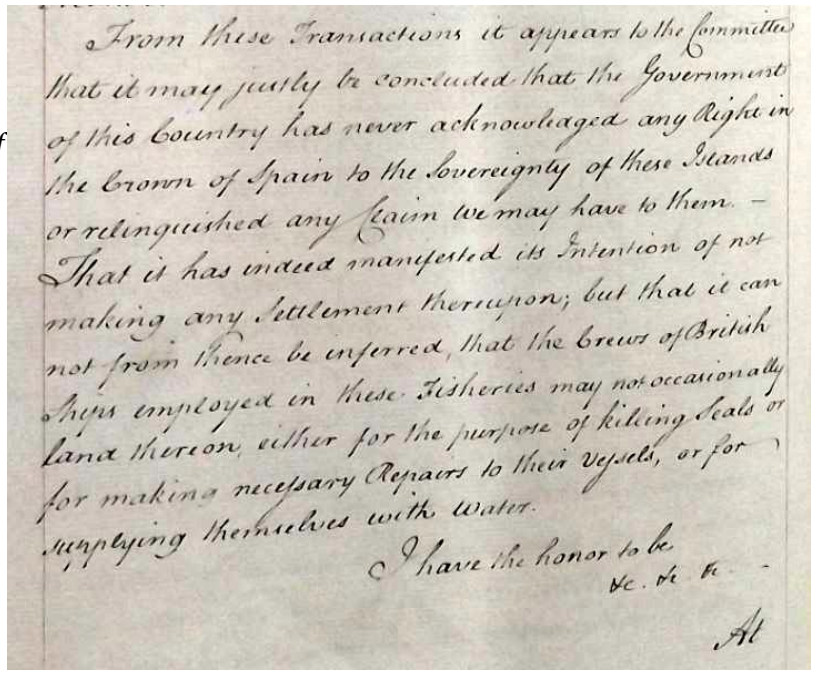
451 *TNA BT 5/5* at *412-413*

452 *Ibid.* The committee appear to have considered that the Anglo-Spanish treaty of 1667 granted rights to England equal to those recognised in the *Treaty of Munster* 1648, between Spain and the United States of the Low Countries.

453 Original emphasis.

The best and latest writers on the Law of Nations are of Opinion that if there are any Seas which can be considered in any respect as the objects of Dominion or exclusive Rights, they can be either such parts only as are near the Land… or they are such as are in part surrounded by the Land…

Nothing can be more extravagant than to found a Right of this extent and importance, a Right of Dominion in the Spanish Monarchy over the Seas of South America, to the exclusion of all other Nations, on what is stipulated in the 15th Article of the Treaty of 1670, which contains nothing more than a general reservation of supposed existing Rights in favour of Great Britain as well as of Spain."


From these Transactions it appears to the Committee that it may justly be concluded that the Government of this Country has never acknowledged any Right in the Crown of Spain to the Sovereignty of these Islands or relinquished any Claim we may have to them. — That it has indeed manifested its Intention of not making any Settlement thereupon; but that it can not from thence be inferred, that the Crews of British Ships employed in these Fisheries may not occasionally land thereon, either for the purpose of killing Seals or for making necessary Repairs to their Vessels, or for supplying themselves with Water.

I have the honor to be
&c. &c. &c.

Al

The Committee also considers the *Treaty of Utrecht*, the events of 1749 and the *Convention* of 1771 before concluding with the Falkland Islands. [454]

"From these transactions it appears to the Committee that it may justly be concluded that the Government of this country has ***never*** *acknowledged any Right in the Crown of Spain to the Sovereignty of these Islands or relinquished any Claim we may have to them. That it has indeed manifested its Intention of not making any Settlement thereon; but that it can not from thence be inferred, that the Crews of British Ships employed in these Fisheries may not occasionally land thereon, either for the purpose of killing Seals or for making necessary Repairs to their vessels, or for supplying themselves with water."* [455]

Researcher's Comment: The Puerto Deseado incident was a big deal although quickly overshadowed by the events at Nootka Sound. Both events were about access. About the rights of nations to invest unoccupied territory and sail open seas. The very rights that Spain had spent 200 years attempting to deny other nations in the Americas. Britain's Board of Trade was also a big deal. A powerful committee at the heart of Government, whose meetings were regularly attended by the Prime Minister.

"The dominion and sovereignty of Spain on the coasts of the south and adjacent islands is based on the discovery, occupation of part of the discovered territories and on the constant acts of jurisdiction exercised by its warships, without protest of any of the great maritime powers. Fishing on the coasts and amphibious hunting in these areas was an attack on territorial sovereignty, whose authorities always encouraged the vessels that were engaged in such a trade, to prohibit them from doing so. No maritime nation ever protested over the legitimate exercise of that jurisdiction." [456]

454 Worthy of note that the Board of Trade were fully aware of the history of the south Atlantic and the Falklands. cf. 1713, 1749/50 & 1170/71

455 *TNA BT 5/5* at *424.* My emphasis. Quite when such an intention was 'manifested' is unclear. The question of settlements came up during negotiations for the *Treaty of Paris 1783* and the *Convention of London 1786* but there is nothing in either of those agreements regarding the Falkland Islands specifically. *cf.* 1713, 1749, 1771, 1774, 1783 & 1786

456 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278*

"The whaling merchants of London complained to the Board of Trade and Lord Hawkesbury sent a memorandum to the Foreign Secretary suggesting that British vessels should not be excluded from fishing "in any part of the seas of South America."..." [457]

December 18th, afetr leaving Montevideo, Malaspina's expedition, responding to the instructions of the Viceroy, anchors in Port Egmont for a reconnaissance. [458] On shore, a small astronomical observatory is erected.

> *" ... we found Captain Macbrides (sic) chart very accurate, while the chart we acquired in Montevideo, even though recommended as the best one of this area, was most inaccurate, at least for this part of the coast. .. At length, at twelve o'clock, coming in sight of the mouth of a brook and the remains of an old establishment, we dropped anchor ... to the south was a sumaca in the King's service six days out of Puerto de la Soledad. Her Captain, a pilot in the navy, had already left with a English harbour pilot and six horses to examine some coves and the coast where foreign ships could be sheltering ..."* [459]

"At noon on 18 December the two corvettes anchored at Port Egmont, which Malaspina invariably called "Puerto Egmont" ... In the harbour, which Malaspina called "one of the most beautiful harbours in the world", they found a sumaca of the Spanish navy, the San Juan Battista, six days out of Puerto Soledad. Her captain was away with a British harbour pilot and six horses exploring the bays of the islands where foreign ships might be sheltering – such knowledge would be useful ... Relations between the Spaniards and the British in the islands were friendly; the San Juan Battista's captain was not pursuing British ships for "trespassing" on Spanish territory but rather trying to learn about the islands from them." [460]

Researcher's Comment: McBride had published a booklet in 1767 - *Journal of the winds and weather, and the degrees of heat and cold by the thermometer, kept at Falkland's Island from Feb. 1, 1766 to Jan. 19, 1767*. That booklet would seem likely to have had a loose-leaf chart attached (now lost). It is known that Malaspina had a copy of *An account of the voyages undertaken by the order of His present Majesty: for making discoveries in the Southern Hemisphere* (John Hawkesworth 1773 in three volumes). This contained a chart of the Falklands, opposite page 41, which Hawkesworth noted was *"laid down from the journals and drawings of Captain MacBride."* (p.54). [461]

December 21st, Malaspina sails from Egmont for Puerto San Carlos de Chiloe. A report of the reconnaissance of the harbour of Port Egmont is taken to Buenos Aires by a Brig supplied by the Viceroy for that purpose. [462]

December 23rd, American sealer *Peregrin* (Palmer) arrives at Port Egmont. [463]

457 Clayton 2014 p.8
458 Trelles 1872 p.433
459 *The Malaspina Expedition 1789-1794 The Journal of the Voyage by Alejandro Malaspina Volume I Cadiz to Panama* Andrew David (ed.), Felipe Fernandez-Armesto (ed.) Carlos Novi (ed.) and Glyndwr Williams (ed.) published by the *Hakluyt Society*, 2001 - 2004. See footnote to March 20, 1767
460 Pascoe 2022 vol.1 p.325 citing Andrew David *et al* (eds) 2001 vol.1 p.99
461 See 1773. Full chart here - https://falklandstimeline.files.wordpress.com/2018/04/00874022-e1548214581411.jpg Egmont detail here - https://falklandstimeline.files.wordpress.com/2018/10/1766-survey-detail-chart-reproduced-in-hawkesworth_s-voyages-vol-1-1773.png
462 Trelles 1872 p.434. Pascoe (2022 vol.1 p.325) gives departure as the evening of December 23, 1789, but makes no note of the arrival of *Peregrin*m, that same day.
463 *Archivo General de las Indias ES.41091.AGI/21//State, 80, N.1*

1790 – January 21st, Spanish rumours of an encounter at Nootka Sound, finally reach London. [464]

William Raven, in *Jackall*, moors at South Georgia. *Sydenham*, a whaler under Capt. J. Eckstein, sails from London for the Falklands. [465] Americans Roswell Woodward and Daniel F. Greene set out on a sealing voyage to the Falkland Islands from Connecticut. [466]

February 9th, *Peregrine* (Palmer), arrives at the garrison site on Soledad island. [467]

> *"On that day, month and year, I had the said captain lead from his ship to the house of this commander, and placed in my presence by means of the interpreter, who instructed him to show his oath, and that according to him he would answer the following questions:*
>
> *Q. With which Vessel did you come to this island, anchoring in the Bay of Lo(uis),*[468] *and coming on land?*
>
> *R. That with the schooner of his command, named the Pilgrim (sic), who came on land for having seen a house to which they went thinking that this was the Port of the population of this island, and that having found on the way a man, they begged him to take him to the house of the Commander, and he had done it.*
>
> *Q. What port did they come from to come to this?*
>
> *R. That of Port Egmont.*
>
> *Q. Was there was any ship left in that port?*
>
> *R. None.*
>
> *Q. With what object did you come to this island?*
>
> *R. To see if in this port they could be provided with an anchor, ...*
>
> *Q. Who were the two individuals that accompanied him to this establishment?*
>
> *R. That one is Jorge Bright, captain of Brig Betsy, and that the other was a sailor of his crew named Thomas Woman.*
>
> *Q. Where did Jorge have his vessel, and how he had abandoned it coming (here)?*
>
> *R. He left her anchored in the island of San Jose,*[469] *and that with the motive of being partners to practice the diligence they came to accompany him leaving the Brig without any individual.*
>
> *Q. Of what number were the crews of this and the other ship?*
>
> *R. 23 people, including himself and those of 3 pages (servants?), and that all came on the schooner of his command.*
>
> *Q. What was the load of your schooner?*
>
> *R. None, in the Brig had left 500 seawolf skins.*

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464 *The Nootka Sound Controversy* William Ray Manning 1905 p.365. It would be some months before a clear, British, account got through to London.
465 Clayton 2014 p.230
466 *Notes on the Southern Fur Seal* W. N. Bonner 1958
467 *Archivo General de las Indias ES.41091.AGI/21//State, 80, N.1*
468 Berkeley Sound
469 Weddell Island?

Q. How had they abandoned the Brig?

R. They believed (they would) return shortly, and because they were persuaded that no other boat would come to that destination that could offend them.

Q. What port did they leave when they came to these seas and with what object did they go to them?

R. They had left New York, loaded with flour for the island of Madera, from whose port they took permission from Joan Pincer, ambassador of the (United) States, to move to these islands, as evidenced by the passports they bring.

Q. But what day and year did they leave New York, and lately from the island of Madera to come to these islands?

R. That from the first destination came on July 9, 1789, and the second on September 17 of the same year, having arrived in Puerto Egmont on December 23 of that year (1789), where he had remained until his arrival in this (island).

Q. What boats did you find in your navigation and what news did you get from them?

R. Having found a French packet-boat to which he could not speak, a Spanish frigate and a Brig of the Line, to whom the Pilot spoke of his ship, for being he at the time the one who declares on board the Brig, but the commander of the frigate said they were going to the Rio de La Plata.

Q. On what day was the frigate seen?

R. That from October 8 to 10 of 1789.

Q. If you know of some news from Europe?

R. That in France there had been a great uprising, for which reason more than 5000 people had died, and among them some of the first quality, that the King of England had been crazy, and that the Prince of Wales ruled his functions. That in Puerto Egmont they had found some papers that claimed to have been there the American frigate Colomba with the sloop named Washington, and they were going to go around the globe.

Q. Are you aware of the establishment of New Ireland, and what state is it in?

R. That when he was found in Puerto Prieiro, in the Cape Verde Islands, between 23 boats there were between English and American, there was one loaded with 200 women taking them to the Island of the State or New Ireland, whose inhabitants gave news to another ship that came from Cape Buena Esperanza, that they were dying because of lack of food.

Q. Is it true that on January 1 of this year ... he expressed before the captain of the Spanish Brig, that two English frigates were coming in search of the commander of the Maluinas to take him prisoner, finding him out of (the) bounds of his island, because a frigate and a Brig from the same nation were expelled from Puerto Deseado?[470]

R. That yes, the declarant was found at the entrance of the same port, he found the two frigates and, on the occasion of having eaten aboard one of them, they told him, whose names are South(a)mton, their captain Wodhell, and the other the Jackal, its captain Ravem, ...

470 This sentence is not easy to understand but seems to be referring to Palmer passing on information about the Puerto Deseado incident of the previous year. The suggestion that there was a plot to seize the Soledad commander in revenge is ludicrous, although the reference to him being out of his bounds is intriguing. See 1789.

Q. Do you know that these seas and coasts (are under) the Spanish domain?

*R. He has it in **writing** from the Parliament of London when he was under that domain, and that now he does not ignore it either, but that his purpose is no other than that of taking (seal) skins, and believing that there was no offense against the king of Spain, he had done so under the **licenses** he presents."* [471]

Palmer is ordered away by the garrison commander; as is Capt. Bright.

"In consequence of the ignorance which the captain (Bright) suffered over the dominion of these seas and coasts, he was notified in accordance with the orders that exist in this command, they belonged exclusively to the King of Spain, for whose sake no other nation could frequent them, unless it was not for the purpose of some discoveries,.." [472]

"On the 7th of February, 1790, the American Schooner, Peregrine, Captain Palmer, arrived at western bay. The Governor caused her to be taken to La Soledad; and the Captain, on being reprimanded for touching there, replied that he had no other objective than to procure an anchor. He was ordered to leave the islands, and immediately obeyed." [473]

"The Spaniards, it is true, had, of late, admitted ships into their ports for the purpose of refitting; but, from the latest accounts.., this permission was so restricted as to amount almost to a prohibition, in which it was continually expected to end." [474]

February 11th, the British Government are formally informed of the seizure of Colnett's ship, by Spain's Ambassador to the Court of St. James, Vicente Sánchez Bellmunt y Cebrián, the Marquis del Compo. The Ambassador asserts that Colnett and his crew have now been released.

"The note does not mention the fact, clearly stated in the same documents, that the first packet boat and the other vessel accompanying it from Macao were really English, though nominally Portuguese; and the impression is given that they were allowed to go absolutely free as were the American vessels. No mention whatever is made of the Princess Royal which was also sent as a prize to Mexico, though this is plainly stated in the documents. Instead of telling that four English ships were captured, the impression is given that there was only one. The gravest misstatement is that the English prisoners had been liberated. ... As a matter of fact, they were not liberated for more than three months after..." [475]

February 13th, recognising that the potential costs of Spain's belligerence will have to be calculated, Britain's Board of Trade orders; *"An account of all Fish oil, Whale fins and Seal Skins which were imported during the year 1789 into England and into Scotland, distinguishing each, from Greenland, the South Fishery, the British Colonies and from Foreign Countries,.."* [476]

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471 *Archivo General de las Indias ES.41091.AGI/21//State, 80, N.1 – No.4.* My emphasis. This does not translate well, and Palmer's response is ambiguous. What did he have in writing? What licences?

472 Bright's interview in *Archivo General de Indias, Estado, 80, N.1 No.5* (*Nicolás de Arredondo a Señor Conde del Campo de Alange 23 de Septiembre de 1790).* When questioned about Spain's dominion over those seas, Bright had answered that the seas were open to all the nations of Europe and those that hunted for seals and whales there.

473 Vernet 1832. *cf. Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1778 – 1820* 1910 vol.3 p.24. Western Bay is probably Salvador Water on East Falkland.

474 *A Voyage to the South Atlantic and round Cape Horn in the Pacific Ocean for the purpose of extending the Spermaceti Whale Fishery...* Captain James Colnett 1798

475 Manning 1905 p.368

476 *TNA BT 5/6.* The sudden need for an evaluation appears to be linked to the threat offered by Spain. The list of those at this Committee includes 'Mr. Pitt.' William Pitt (the Younger) was Prime Minister between 1783 and 1801.

February 26th, Lord Leeds replies to Ambassador del Campo's note, demanding "*a just and adequate satisfaction*" before Spain's "*pretensions*" are discussed. [477]

March 2nd, with cattle now numbering in the thousands, consideration is given by the Spanish garrison commander to organising a separate cattle ranch.

"... the number of cattle raised continued to increase, to the point that, at the end of the 1780s, the founding of a ranch was proposed in the West Bay, close to the isthmus of Isla Soledad." [478]

A British sealer *Astrea*, is challenged by a Spanish vessel whilst fishing off the coast of Patagonia. The ship is forced to sail into Puerto Deseado. [479]

"During 1790 the issues raised by the Sappho and Elizabeth and Margaret came to the fore again when similar treatment was meted out to the vessel Astrea... Both the Astrea and Elizabeth and Margaret were owned by the firm of Lucas and Spencer, which estimated a total loss of £5,000 on the two ventures. The owners petitioned the Board of Trade for redress of their grievances." [480]

March 27th, in Madrid, First Secretary of State, José Moñino, Count of Floridablanca, tells Britain's *charge d'affairs*, Anthony Merry, that he believes that London will use the Nootka incident as grounds for a quarrel.

March 28th, Spain prepares for war.

"Vessels were to be armed at once in Ferrol, Carthagena, and Cadiz, and, the real purpose being kept as secret as possible, a sufficient number were to be collected at the last-named port to form a respectable squadron for use in case later occurrences should make it necessary. The vessels that needed it were to be cleaned and repaired as rapidly as possible. Those out of port were to be detained under arms at Cadiz when they returned. Provisions were being collected. The officials of Havana, Santo Domingo, Porto Rico, and Trinidad were ordered to strengthen their positions... externally every possible effort was made to maintain a peaceable demeanour. Floridablanca made especial efforts to keep the British charge in the dark and quiet any alarm which the warlike rumors might arouse." [481]

April 18th, *Elizabeth & Margaret* (Capt. James Hopper) arrives back in Puerto Deseado. Joined shortly after by *Lively* (Capt. William Banner).

April 20th, in London, Ambassador del Campo presents a note from the Spanish Court.

> *"I have received an order to inform the Ministry of His Britannic Majesty as follows: In spite of the incontestable rights of Spain to exclusive sovereignty, navigation, and commerce, founded on the most solemn treaties, on the discovery of the Indies and the islands and the continent of the South Sea, on ancient laws, and on immemorial possession, which rights this Crown has continually exercised over the territories, coasts, and seas above mentioned, including the right always exercised of capturing transgressors... the Viceroy of Mexico, as appears from the latest information, has already liberated the above-mentioned English vessel and crew. ... The Viceroy also had at hand positive orders which had been given to him instructing him to have all possible regard for the British nation and to avoid even the least act that could disturb the good harmony and friendship which happily subsists between the two Courts, for these reasons, and in order to give a further proof of the King's desire to preserve and*

477 Very much a repeat of 1770.
478 Jiminez, Alioto & Villar 2018 p.115 citing *Presupuesto del Caudal que se necesita invertir en hacer una Nueva Estancia en el Fondo de la Bahía del Oeste. Malvinas, 2 marzo 1790* in *AGN XIII, 3268*
479 Letter of complaint read out to the Board of Trade on July 30, 1790 in *TNA BT 5/6* at *266*
480 Mackay 1985 p.46
481 Manning 1905 p.373

strengthen this friendship, His Majesty understands and considers this affair as closed, without entering into disputes or discussions over the indubitable rights of his Crown. His Catholic Majesty flatters himself that the British King will order all of his subjects to respect these rights…"

"This letter, which, being sent to the Duke of Leeds's Office at Night, was not seen by his Grace till the 21st,.. It appeared evidently from it, the Court of Spain was not disposed to afford His Majesty any satisfaction for the Insult offered to Him,.. or in any Degree to relax from those exclusive and unjustifiable Claims of Dominion over the Whole of the Western Coast of America, …" [482]

May 3rd, following a Privy Council meeting, England prepares for war.

May 4th, a message is sent from London to Madrid to say that Spain's note; *"… is considered by His Britannic Majesty as Unsatisfactory…"* [483]

"The same Messenger, who was charged with this Representation, carried also a Letter from the Duke of Leeds to Mr. Merry, informing him that Mr. Fitz-Herbert was directed to repair Immediately to Spain, in order to carry on such Negotiations as may be necessary. … a Notification of the Business in Agitation was transmitted to His Majesty's Consuls in the different ports of Spain, and a general Press took Place, which proved the First Public Notice of the Dispute between the Two Crowns;.." [484]

On the same day, the London sealer *Audacious* arrives back at its home port after being away for 1258 days. Its time mostly spent acting as a depot ship at Port Egmont, transshipping oil. [485]

May 5th, a *Message from his Majesty* is presented to both Houses of Parliament, outlining that information has been received regarding the vessels captured by Spain at Nootka Sound.

"… No satisfaction is made or offered, and a direct claim is asserted by the Court of Spain to the ***exclusive*** *rights of sovereignty, navigation and commerce, in the territories, coasts and seas, in that part of the world. His Majesty has now directed his minister at Madrid to make a fresh representation on this subject, and to claim such full and adequate satisfaction as the nature of the case evidently requires;…"* [486]

Lord Leeds writes to del Campo to inform him that Britain's King; *"… can never in any shape accede to those claims of exclusive sovereignty, commerce, and navigation to which your excellency's representations appear principally to refer;.."*

"The misunderstanding arose over the fact that neither the Briton nor the Spaniard could understand the mental attitude of the other regarding the matter in dispute. The Spanish mind had for centuries been accustomed to think of the American continent as the exclusive possession of Spain.... Little was known in Spain of the colonial development of England and the new principles on which it was based, namely, that unoccupied land anywhere on the globe was the legitimate possession of any nation that would occupy and

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482 *A narrative of the negotiations occasioned by the dispute between England and Spain in the year 1790* James Bland Burges 1791. Evans (*The Nootka Sound Controversy in Anglo-French Diplomacy 1790* 1974) notes that Burges "*... prepared most of the official correspondence on the Nootka business*."

483 *Ibid.* p.41

484 *Ibid.* pp.44-45. Previously appointed, Fitzherbert had been tardy in actually setting off. Not unusual, as during the previous seven years a British Ambassador had only been resident in Madrid for a total of 13 months, despite four being given the job.

485 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.*

486 *Parliamentary Papers: Consisting Of A Complete Collection Of Kings Speeches, Messages To Parliament, Addresses And Representations Of Both Houses To ... Dissolution Of The Last Parliament In May, 1796* J. Debrett 1797. My emphasis.

develop it, and that no other nation could resist such occupation by the mere assertion of an ancient shadowy claim that had never been made good by actual settlement. The Briton was too accustomed to this view to believe that anyone would still advance in good faith the antiquated notion that any real right could be conferred by the gift of a Pope, who, he believed, had no more authority to make such gifts than any other individual, or that a claim not made good by occupying and developing would be seriously urged. It was impossible to reach a harmonious agreement. One party would have to yield." [487]

Press gangs appear in English ports and along the Thames[488], at the same time as orders go out for a general mobilisation. [489] Also, messages are sent to Britain's European allies[490], colonies, forts and outposts as far away as Canada, India and the Caribbean. Efforts are made to persuade the USA not to support any Spanish action.

"Lord Dorchester was directed to adopt every Means in his Power to influence the Americans in Favor of the British Nation; and to prevent them from being induced, by any Representations of the Court of Spain, or by any Offers which might be held out to them by that Power, to join with Her in the Event of Her Contest with England. For this Purpose, .., he was instructed to explain to them the real Nature of the Spanish Pretensions; by which an Exclusive Claim, as against all the World, was advanced by them to the Possession and Dominion of the Whole Western Coast of America and the adjoining Seas; a Claim, which, if admitted, must of course operate as strongly, and as disadvantageously against the Americans as against the English, and must put an End to the Prosecution of their Fur Trade, which was become so material for the carrying on of their Commerce to China." [491]

Meanwhile, Spain, in a repeat of the events of 1770, informs its ally France.

May 6th, the King's *Message* is discussed in the House of Commons.

"Having gone over the leading Points of the Message, he (Pitt) then came to examine the Claims of the Court of Spain, to the exclusive Rights of Sovereignty in Nootka Sound and the Parts adjoining; and without entering into any metaphysical Definition of Right; if it was founded on Occupation, the British had a Right in those Parts... Having thus far established the Insult, which in itself was sufficient to rouse the Spirit of the nation, he adverted to the Advantages that would accrue to this Country, from the Establishment of a Settlement in those Parts – Nootka Sound was not the Boundary of the Spanish Claims – They extended to the Interruption of the Southern Whale Fishery;.." [492]

Britain's Parliament approves funding for the armed forces. [493]

May 9th, Britain's Ambassador Fitzherbert leaves London for Madrid.

May 10th, information is received from Madrid, that Spain is preparing for war. [494]

> *"By a letter received by a gentleman in the city, it would appear that Spain is resolved on a war with this country. The letter is from Barcelona, and states "that official orders had been received by all English vessels to quit that port in a certain number of days unloading."* [495]

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487 Manning 1905 p.378
488 Authorised by the King at the May 3rd Privy Council meeting.
489 Burges 1791 p.56. No small rearmament, and similar to that of 1770 when some £4 million was expended.
490 Principally Holland and Prussia, who both responded positively; the Dutch promising a fleet to join that of Britain.
491 Burges 1791 pp.57-58
492 Reported in the *Oxford Journal Saturday May 8, 1790*
493 Caillet-Bois 1982 (6th ed.) p.154
494 Burges 1791 p.69
495 *Kentish Gazette Friday June 11, 1790*

May 14th, the French National Assembly is informed that the King has ordered the preparation of 14 ships of the line as a precautionary measure.

"Fitzherbert reached Paris en route for Madrid on 11 May 1790 and had an important discussion with Montmorin the following afternoon... Montmorin assured Fitzherbert that France would offer her good offices to settle the dispute, but in a way that was satisfactory to Britain. He added that the French decision to arm fourteen ships of the line was a reluctant response to Spain... When writing to the President of the Assembly on 14 May, in order to inform him of Louis XVI's decision... Montmorin noted that the British government had informed him that their preparations were aimed only against Spain..." [496]

May 15th, reported in the *Caledonian Mercury*: *"The General Inspector of the Customs delivered an Account of the State of the Southern Whale Fishery. Ordered to be laid on the table for the perusal of their Lordships."*

May 16th, a week after his departure from England, orders follow Fitzherbert.

"In the First of these Dispatches, Mr. Fitz-Herbert (sic) was directed to maintain, on the strongest Grounds, ... the Justice of His Majesty's Demands; and, at the same Time, to endeavour, by a frank and open Communication, to make the Court of Spain sensible of the Real Motives which actuated His Majesty's Conduct on this Occasion; which were only to obtain and adequate and necessary Reparation, in consequence of an Insult clearly indefensible, and to establish such an Arrangement, respecting the Points in Question, as might do Justice to the fair Rights and Interests of Both Countries, and remove Occasions of Misunderstanding or Uneasiness in future." [497]

"The Second Dispatch to Mr. Fitz-Herbert contained the Outline of such Ideas, as should form the Groundwork of his Conversations with the Spanish Ministers, if, by giving the Reparation demanded, the Court of Madrid should open the Way for further Discussion, respecting the Rights and Interests of the Two Nations, as connected with the Points in Question between them. For this Purpose he was informed, that His Majesty's only Object was to obtain such Security, as should protect His Subjects in future in the Exercise of their just Rights, and should remove all Grounds of Misunderstanding between the Two Courts. ... It was further stated, that it was not His Majesty's Wish to go beyond these Points into Questions of Abstract Right, unless the Court of Spain should render it unavoidable; it being more advisable to endeavour to form prospectively such a Settlement, as might secure the just Interests of Both Parties, and distinctly ascertain their relative Situation for the future: That, however, it would be proper for Mr. Fitz-Herbert to state, that, if the Court of Spain should make it unavoidable to rest the Discussion on this Question of Right, His Majesty can never admit the Territorial Claim of That Court, extending as it does to Places, which can in no Sense be alledged (sic) to be either possessed or occupied by the Subjects of that Crown; such a Claim being contrary both to the established Principles of the Law of Nations, and to the plain Sense of the Treaties subsisting between the Two Courts, especially that of 1670. The Claim of Exclusive Navigation or Commerce in the American or Pacific Seas was stated to be equally inadmissible; as, according to the Principles of the Law of Nations, and the fair Construction of Subsisting Treaties, the Rights of Spain can extend only to exclude British Ships from the Ports of Countries Actually in the Possession of Spain, and to carry into Effect the necessary Regulations for preventing a contraband Trade with their Colonies or Settlements; and that, consequently, the Court of Spain can have no Ground for asserting a Right to obstruct the General Freedom of Navigation and Fisheries in the American or Pacific Seas; or to prevent any other Nations from frequenting any of the unsettled Parts of the American Continent. Should the Court of Spain adopt the Mode of proceeding to an Arrangement, which should only look forward, and remove Occasions of Misunderstanding in future, Mr. Fitz-Herbert was

496 Black 1994 p.239. The French National Assembly discussed the issue, and after some hesitation, approved the funding.
497 Burges 1791 pp.72-73

instructed, that the First Point would be, to secure His Majesty's Subjects in carrying on the Fishery for Whales and Seals, in any Part of the American Seas or of the Pacific Ocean. For this Purpose it should be stipulated, that they should meet with no Molestation from the Officers or Subjects of His Catholic Majesty when so employed, or in coming on Shore for the Purpose of their Fishery, or for that of getting Wood, Water, or other Refreshments in any of the Unsettled Parts of the American Continent, or in any Unsettled Islands in those Seas. In framing such an Article no Words should be used, which might make this Agreement appear a Concession on the Part of Spain, and might thereby imply an Admission on our Part of their Sovereignty. … An Exclusive Right in the Court of Spain to any Territorial Claim was declared to be Inadmissible, unless founded on Actual Occupation and Established Possession, prior to any other European Nation. … Mr. Fitz-Herbert was further instructed, not to conclude any Thing Definitively, with out fresh Instructions, and to take, ad referendum, any Modifications, or any Different Proposals, which might be suggested by the Court of Spain; and was informed, that, to prevent any Jealousy which Spain might feel as to our Intention of making Settlements in South America for the Purpose of facilitating a Contraband Trade, His Majesty might possibly be induced to enter into an Agreement with His Catholic Majesty, by which the Two Crowns should bind themselves not to make in future any Settlement on the Continent or Islands of South America, to the Southward of the Parts now occupied by Spain, except in the Event of a Settlement being made by any other Nation." [498]

On the same day, and now in receipt of the letters of May 4th, Britain's *charge d'affairs* in Madrid, Anthony Merry, presents a '*Memorial*' to Minister Floridablanca.

> *"(His Majesty) has every reason to expect from the justice and wisdom of His Catholic Majesty not only the full and entire restitution of all the said vessels, with their property and crews (or of as many of them as shall, on fair examination of what can be alleged on both sides, be found to have been British vessels, entitled as such to His Majesty's protection), but also an indemnification to the individuals concerned in the said vessels for the losses which they have sustained by their unjust detention and capture, and, above all, an adequate reparation to His Majesty for an injury done by an officer commanding His Catholic Majesty's vessels of war to British subjects trading under the protection of the British flag in those parts of the world where the subjects of His Majesty have an unquestionable right to a free and undisturbed enjoyment of the benefits of commerce, navigation, and fishery, and also to the possession of such establishments as they may form, with the consent of the natives, in places unoccupied by other European nations…"* [499]

"When Mr. Merry began to read the Memorial, which the Duke of Leeds had instructed him to deliver, the Count interrupted him by saying, That the whole Matter was reduced to One Point, namely, Whether we had, or had not, an Intention to Quarrel; that, if we were resolved to make Use of the Affair in Question as a Pretext to break with Spain, nothing which he could in Reason do would prevent it; but that, if we had no other View than That which appeared, he trusted the Business might, on a fair Discussion, be brought to an amicable Adjustment. … He said, it might be possible in This, as had happened in Other Cases, for the Two Courts to establish Limits by a Convention, which would prevent such Misunderstandings in future." [500]

May 19th, *charge d'affaires* Merry receives a formal reply from Minister Floridablanca; *"… by which the Count informed Mr. Merry, that His Catholic Majesty desired Nothing so much, as to settle amicably the Differences subsisting with England; that, for this Purpose, he hoped the new Ambassador would come sufficiently authorized and disposed. That His Catholic Majesty also wished a Reciprocal Disarmament might be regulated*

498 *Ibid.* pp.76-82
499 Quoted in Manning 1905 p.396
500 Burges 1791 pp.105-106

as soon as possible, proportioned to the present State of Both Powers, and to their Internal and External Situation; that He also flattered Himself, that, by His Britannick Majesty Knowing the Disposition of His Heart, the Disagreements between the Two Crowns might not only terminate well and be avoided in future, but that They might mutually agree on the Means of employing Their influence with good Success towards the general pacification of Europe. … His Catholic Majesty would never pretend to more than what might belong to Him by Treaties, by Right, and by Immemorial Possession; …" [501]

May 24th, instructions are sent from Madrid to Buenos Aires requiring the Viceroy to look to his defences. [502]

June 1st, Spain's initial response to the British '*Memorial*' arrives in London; declaring that the Spanish King only claimed what he could base on treaty rights, on the *"consent of nations*" and "*immemorial possession*." [503]

June 4th, whaler *Audacious* sails for the Falklands from England. [504]

June 8th, the *Kentish Gazette* reports: *"The Aurora, Clarke, is arrived at Bristol from the Southern fishery; the Captain says, he met two armed ships laden with transports, … the frigates, &c. were to drive the English from Falkland islands and all the fisheries, &c. … This happened in Lat.38, between the River Plate and cape Horn."*

June 9th, Britain's Ambassador Fitzherbert finally arrives in Madrid, to find that the Spanish Court has moved to Aranjuez. Fitzherbert follows.

June 11th, Fitzherbert has an interview with Spain's Minister Floridablanca, who tells him; *"… that, as the Circumstances of the present Case were such, that a Compliance on the Part of Spain with the Preliminary Demand in Question would necessarily invalidate Her Claims of Territorial Right, She could not but continue to insist, … That such a Concession (considering the Language which had been held on both Sides) would be no less injurious to His Catholic Majesty's Honor than detrimental to His Interests,.."* [505]

The *Kentish Gazette* reports: *"The Aurora, … is a further evidence of the insulting conduct of Spain. One of the Spanish frigates sent a boat on board the Aurora, with notice that she must desist from fishing in those parts, as it would not be permitted; and, if that notice was disregarded, force would be used to drive her from those seas, where no colours but those of Spain, and the nations she protected, had a right to exercise a commerce."*

June 13th, in an *Audience of Introduction*, Fitzherbert is presented to Spain's King Carlos IV.

"Fitz-Herbert drew this Conclusion, that he had the strongest Reason to be persuaded, that the Catholic King and His Ministers were entirely bent upon a War with Great Britain,.." [506]

June 15th, a further Spanish response, transmitted by *charge d'affairs* Merry, arrives in London.

"… the King of Spain repeated His Assurance, that He never had pretended nor would pretend in this Affair, nor in the Seas and Territories in Question, to more than what might belong to His Crown by Solemn Treaties with all Nations, and particularly with Great Britain, by Right grounded on the same Treaties, and on the Consent of Nations, and by a well proved Immemorial Possession: That the Examinations and Discussions for a Pacific and Amicable Negotiation would turn upon these Points, as soon it should be set on Foot with the New Ambassador and that the Catholic King's unalterable Justice would indemnify the concerned, and condemn and punish His Subjects, if they had gone beyond those lawful Titles. … His Catholic Majesty proceeded to

501 *Ibid.* pp.109-110
502 Noted in *Arredonda to de Campo Alange August 26, 1790* in *Archivo General de Simancas ES.47161.AGS//SGU, LEG, 6804,17. cf.* August 1790
503 Burges 1791 p.111
504 *BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.*
505 Burges 1791 pp.122-123
506 *Ibid.*

contradict a Report, that Spain meant to carry Her Rights and Pretensions to All the South Sea as far as China. This He declared is meant to go no further than to the Indian Continent, Islands and Seas, which, by Discovery, Treaties, or Immemorial Possession, have belonged and do belong to Her, by the Acknowledgement and Acquiescence of All Nations. The Catholic King, however, denied, that the Circumstance of Spain not having fixed Establishments on a Coast, Port, or Bay, is a Proof that it does not belong to her. That, were this admitted, any Nation might establish Herself on the Coasts of the Dominions of another Nation in America, Asia, Africa, or even Europe, where there should be no fixed Establishment; a Thing which, His Catholic Majesty remarks, it would be absurd to think of." [507]

June 16th, Spain formally requests French support in its dispute with Britain, only to be told that the question would first have to be put to the National Assembly in Paris. [508]

A Dutch fleet is ordered to sail to Portsmouth in support of the English if negotiations with Spain break down.

June 18th, Britain's Ambassador to Paris reports that the French people are divided about supporting Spain.

The *Kentish Gazette* reports the June 15th response from Spain: *"... we feel ourselves authorised in stating, that the answer of the Court of Madrid is far from satisfactory. They disclaim any hostile intention towards Great Britain; but at the same time contend for an exclusive right to the Southern Whale Fishery... They urge the expediency of discussing the various commercial points with temper and deliberation."*

June 19th, Minister Floridablanca writes to Ambassador Fitzherbert, disputing; *"... the Principles laid down by Mr. Fitz-Herbert (sic), and insisted that the Detention of the Vessels in Question took Place in a Port – on a Coast – or in a Bay of Spanish America, the Commerce and Navigation of which belonged Exclusively to That Crown by Treaties made with All Nations particularly with England. Notwithstanding this however, the Count added, that,- in order to avoid a Dispute about Words, which might involve Two friendly Nations in an unfortunate War, he was ordered by the King to say, that His Catholic Majesty would make the Declaration proposed by Mr. Fitz-Herbert, and would offer His Britannic Majesty a just and suitable Satisfaction for the Injury offered to the Honor of His Flag;.."* [509]

Floridablanca adds a proviso, to be appended to any declaration, that either the satisfaction demanded is subject to arbitration by one of the crowned heads of Europe; or that the satisfaction cannot be taken as a renunciation of Spanish rights.

June 30th, in the Falklands, *teniente de navio*, Don Juan José de Elizlade y Ustariz, commanding the corvette *San Pio*, takes over as *comandante gobernador* at Soledad.

In a report to the Viceroy, *capitan de fragata* Don Ramón de Clairac y Villalonga reports seven British and one American ship observed at Port Egmont; apparently engaged in the whaling and sealing industry.

Nine seamen are '*arrested*' for taking the *"oil of seals;"* this occurring *"adjacent"* to the *presidio* at Soledad. [510]

"Ramón Clairac, governor of Puerto de la Soledad, recorded that 7 English and one American craft took 40,000 skins and 200 barrels of oil during 1788-1790... Aware of the potential profits, Clairac unsuccessfully urged the Spanish government to build a seal processing plant at Puerto de la Soledad." [511]

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507 Burges 1791 pp.115-119

508 Which it was – six weeks later. The French were in no hurry to go to war.

509 Burges 1791 p.127

510 Uncertain. A note to this effect in the archives of Buenos Aries is vague; providing no date other than the year, and no detail of any vessel(s) these seamen were from. I am unable to discover any other source.

511 Dickinson 2007 p.33 citing *Elementos para la historia de nuestras Islas Malvinas* Antonio G. Langenheim 1939

Soledad's catholic priest, Father Pius de Aguiar, writes to the Bishop of Buenos Aires complaining that the church erected in 1767 is now too small to hold the 200 strong congregation. [512]

In early **July**, draft declarations to be signed by Spain and Britain are considered by British Foreign Secretary, Lord Leeds. [513]

July 5th, a messenger is despatched from London to Madrid with a proposal for a declaration, whereby Spain agrees to give satisfaction for the seizure of British ships at Nootka Sound without there being any reference to sovereignty claims. These to be brought forward during a later negotiation. [514]

"When His Majesty's just Expectations in this Respect shall be satisfied, the Undersigned is prepared, as he has already informed Count Florida Blanca, to enter into such an Amicable Negotiation on the Subject of the Respective Rights and Interests of Great Britain and Spain, with respect to Territory, Navigation, Commerce and Fisheries in that Part of the World, as may tend to prevent all Disputes between the Subjects of the Two Crowns, in the same Manner as His Majesty would have done, if Spain had proceeded, in the first Instance, in the Way of Amicable Representation, instead of having Recourse to Unjustifiable Acts of Violence." [515]

Suggestions of arbitration, however, are rejected.

July 10th, Floridablanca presents Fitzherbert with a proposal.

The four parts of the plan call for: 1) Spain retaining the exclusive possession of the whole coast of North-West America from California up to, and including, Nootka Sound; 2) between Nootka and 61 degrees north latitude the rights of trading and forming establishments should be shared between Spain and Britain but with limits on any extension inland; 3) *"That the Subjects of Great Britain shall enjoy the Right of Fishing in the South Sea and Magellanic Region, together with that of Landing, and Erecting Occasional Buildings, in such Unsettled Islands or Parts of the Coast, as should be agreed upon: but that they should not land, or even approach, within a certain Distance of any Spanish Settlement"* and 4) *"That as by Means of such an Arrangement, the Two Crowns would avoid all Discussion of the Respective Rights, they should also agree to waive their Mutual Demand of Satisfaction; in which Case, Spain would consent to pay to the Proprietors of the Ships taken at Nootka the full Amount of their Loss."* [516]

Fitzherbert responds that the proposals are unacceptable in their present form, but have some potential.

"During the Pendency of this Negotiation respecting this Terms of the Declaration, Count Florida Blanca delivered to Mr. Fitz-Herbert a fresh Paper in his own Handwriting, on the Subject of the Adjustment of the other Objects in Litigation between the Two Courts, ... By this Paper it was stated, that the Principal Points of the Fur Trade on the Northern Coasts of the Pacific Ocean, and of the Fishery on the Southern and Northern Coasts of both Seas, might be agreed upon without discussing or disputing the Rights of Spain, by that Nation granting to England the Liberty of Trading from the Latitude of 50 to the North, with a Power of forming Establishments within those Limits, provided they did not descend to the Coast of C California, in Latitude 49 and some Minutes, where the Port of Nootka is situated, as this Port would form the Dividing Point on the Sea Side of the Spanish Dominion. That the English, however, should not, on Pretence of Trade, penetrate into the Country, either by Land, by Rivers, or by Arms of the Sea, beyond Ten, Twelve or Twenty Leagues.

512 Agreiter 2002
513 Discussed in a note to PM Pitt. *cf. Leeds to Pitt July 5, 1790* in *ADD MSS 28066* at the British Library. Francis Osborne was the 5th Duke of Leeds.
514 Burges 1791 pp.133-136
515 Quoted in Burges 1791 p.141
516 Burges 1791 p.153

That the Use of the Fishery to the Southward might also be granted, on Condition that it be not carried on from the Straits of Magellan Northward, except at a great Distance, not less than Two degrees, from the Coast.

That, from the Straits of Magellan to Cape Horn, the Fishery, and the Use of the Beaches and Bays for the Purposes of the Fishery, might be permitted, provided no Permanent Establishments were formed, and that Power be given to destroy those which may be made, as is practised in the ***Malouine*** *Islands.*

That the Convention might be reduced to a Detailed Explanation of the Places and Points where this Permission might take place; with a Saving of the Rights of Spain, and the Addition of some Precautions to prevent the Fishing Vessels from carrying Merchandize, from suspicious Armaments, and from conveying Supplies of Arms and Ammunition." [517]

"... his Excellency thought it his Duty to return (it) to the Spanish Minister, on the same Ground he had returned his former Proposal, namely, it's Inadmissibility. ... Count Florida Blanca took the Rejection of this Paper in good Part, and promised to reconsider the Subject, and to communicate his Ideas upon it in a Shape which he hoped would appear less objectionable." [518]

July 24th, in Madrid, Minister Floridablanca, after some rewording, signs the British '*Declaration*.' [519]

> *"His Britannic Majesty having complained of the capture of certain vessels belonging to his subjects in the port of Nootka, situated on the Northwest Coast of America, by an officer in the service of His Catholic Majesty, the undersigned counsellor and principal secretary of state to His Majesty, being thereto duly authorized, declares in the name and by the order of His Majesty, that he is willing to give satisfaction to His Britannic Majesty for the injury of which he has complained, fully persuaded that His said Britannic Majesty would act in the same manner toward His Catholic Majesty under similar circumstances; and His Majesty further engages to make full restitution of all the British vessels which were captured at Nootka, and to indemnify the parties interested in those vessels for the losses which they may have sustained, as soon as the amount thereof shall have been ascertained. It being understood that this declaration is not to prejudice the ulterior discussion of any right which His Catholic Majesty claims to form an exclusive establishment at Nootka."*

Ambassador Fitzherbert, in turn, signs a *'Counter Declaration*.'

> *"His Catholic Majesty having declared that he was willing to give satisfaction for the injury done to the King by the capture of certain vessels belonging to his subjects in the Bay of Nootka; and Count Floridablanca having signed, in the name and by the order of His Catholic Majesty, a declaration to this effect, and by which His said Majesty likewise engages to make full restitution of the vessels so captured and to indemnify the parties interested in those vessels for the losses which they shall have sustained, the undersigned ambassador extraordinary and plenipotentiary of His Majesty to the Catholic King, being thereto duly and expressly authorized, accepts the said declaration in the name of the King; and declares that His Majesty will consider this declaration, with the performance of the engagements contained therein, as a full and entire satisfaction for the injury of which His Majesty has complained. The undersigned declares at the same time that it is to be understood that neither the said declaration signed by Count Floridablanca nor the acceptance thereof by the undersigned, in the name of the King, is to preclude or prejudice, in any respect, the rights which His Majesty may claim to any*

517 *Ibid.* My emphasis

518 *Ibid.* pp.161-163

519 For details as to the changes see Burges 1791 pp.159-161. Despite these, this was still substantially the British proposal as sent by Lord Leeds. It is clear from the correspondence that Floridablanca was not confident of French support and sought to delay consideration of sovereignty questions while awaiting news from Paris.

establishment which his subjects may have formed, or may desire to form in the future, at the said Bay of Nootka." [520]

"These declarations settled merely the question of satisfaction which England had demanded as the indispensable preliminary to a discussion of the respective rights of the two Crowns on the Northwest Coast, and particularly at Nootka. This simply repaired the insult which England felt that she had suffered at the hands of Spain. They were now ready to begin negotiations on a friendly basis for the settlement of the present difficulty and the arrangement of a modus vivendi for the future." [521]

July 25th, from Madrid, Fitzherbert sends to Lord Leeds a; *"... journal of a voyage to the Streights of Magellan which has lately been published here. The maps contained in it, ... will probably be found of use in the course of your discussions upon the Southern Whale Fishery."* [522]

July 30th, Britain's Board of Trade notify Lord Leeds of the incident with the sealer *Astrea*, in March, when the vessel was challenged by a Spanish ship-of-war and forced to sail into Puerto Deseado. [523]

Unaware of the agreement reached in Madrid, Lord Leeds writes to Fitzherbert in Madrid to confirm that any negotiation is dependent upon satisfaction for the seized ships. [524]

August 5th, the British Cabinet receives news of the signing of the *Declaration*.

"It is now exactly twenty years since the affair of Falkland Islands made so great a noise in this country: when the best politicians looking for war as a thing certain, found themselves in the wrong box: some of them to the ruin of themselves and posterity; - it is not improbable that the present affair of Nootka Sound may turn out another such bubble." [525]

August 12th, Buenos Aires orders the transfer of the 9 arrested seamen to Ciudadela Real. [526]

August 17th, Lord Leeds sends a messenger to Madrid with instructions for Ambassador Fitzherbert.

"Mr. Slater was on Wednesday dispatched to the Court of Spain, with the ultimatum of the British cabinet. ... It will be at least twelve days before he can arrive at Madrid, and lay the dispatched before Mr. Fitzherbert. ... In the mean time, hostilities will certainly be suspended; and at that period, the season will be so far advanced as to render any important expedition impracticable.

The present claims of the King of Spain are of two kinds:-

1st. To all the Magellanic regions. –

2d. To all parts of the N.W. side of America. –

520 My emphasis. The similarity to the 1771 accord was noted by Lord Leeds in a letter to Prime Minister Pitt regarding the draft declarations. Leeds used the term *"Falklands Convention". cf. Leeds to Pitt July 5, 1790* in *ADD MSS 28066* at the British Library.

521 Manning 1905 p.407

522 *Fitzherbert to Leeds July 25, 1790* in *ADD MSS 28066* at the British Library. It appears likely that the book referred to was *Voyages made in the Years 1788 and 1789, from China to the north-west coast of America ...* John Meares 1790 which gained widespread attention due to the ongoing dispute with Spain. The only copy I have been able to access, however, was a 1791 reprint without charts.

523 *TNA BT 5/6* at *266*

524 *Leeds to Fitzherbert July 30, 1790*

525 *Chester Chronicle* Friday August 6 1790 p.3

526 See June above. Unverified, although the photograph of the document passed to me appears to have originated in Argentina's National General Archive – *Sala IX Coleccion Colonia.* Kohen & Rodriguez (2016 p.82) refer to expenses for the transport of seamen *"found fishing illegally"* being approved on August 17, 1790 (*AGN Sala IX 16-9-8*) and this may be the same crew which these authors identify as from the *St. Elena*. I am unable to confirm this.

It is an incontrovertible fact, however, that the Spaniards have not even the pretext of first discovery to the Magellanic regions; and that the only discovery which the Spaniards can claim there is the discovery of the Strait of Magellan; the Portuguese having discovered the East Coast of Patagonia long before Magellan's voyage, and the English having completed the story; consequently, as much exclusive right to that navigation must belong to the English, as the Spaniards can pretend to, from their having gone beyond the Portuguese; but a pretension of the English to an exclusive right of navigation to the South of Cape Horn, could they be so absurd as to make it, would be laughed at by all the world, as too ridiculous to merit serious attention. – The Spanish pretensions on the North are equally groundless; for the first public and authentic description of Nootka, or King George's Sound, … was given to the world in Capt. Cooks last voyage." [527]

Leeds' attaches a draft-proposal. Articles 1 and 5 are concerned only with the north-west cost of America while article 2 considers fisheries in the South Seas (South Pacific). [528] Articles 3 and 4 relate to the east coast of Patagonia and reflect British concerns over the Southern Whale Fishery and the 1789 Puerto Deseado clash.

"Art. III: But from a Desire to remove All Ground of Apprehension, which His Catholic Majesty might entertain, of any Interference with the Antient (sic) and Established Possessions of the Crown of Spain, or of any Occasion being given to the carrying on a Contraband Trade with the said Possessions, His Britannic Majesty engages, that His Subjects shall not form any Settlements, in any Part of the Western Coast of America, between ------ Degree North Latitude, and ------ Degree South Latitude, or in any Part of the Eastern Coast of South America, North of a Line drawn from ------ to ------ or carry on any Commerce within the said Limits. And His Majesty also engages to take the most effectual Measure to prevent the Navigation, Fishery, or Commerce of His Subjects, in the Pacific Ocean or South Seas, from being made a Pretext for Illicit Trade with the Spanish Settlements; and, particularly that, for that Purpose, the Fishery or Navigation of His Subjects shall not be carried on with ------ Leagues of any Part of the Coast comprehended within the above Limits. …

Art.V: And it is further agreed between the Two Contracting Parties, that No Settlements shall be formed Hereafter by the Subjects of Either of the Two Crowns, in any Part of South America, South of ------ on the Eastern Coat, and of ------ on the Western Coast, so long as No Settlements shall be formed thereon by the Subjects of any other Power." [529]

This draft-agreement is accompanied by copious notes from Lord Leeds as to how the articles are to be viewed, but based upon one *"fundamental Principle."*

"The whole Question about the Eastern Coast of South America, his Grace observed, would be at once decided, if a Fact which was started on this Subject could be sufficiently ascertained. To an Account of Patagonia, published in England in 1774 a Map is prefixed, in which a Line is marked near the River Salladillo, a little to the Southward of the Rio de la Plata, and stated to have been fixed by Treaty with the Indians in 1740, as the Limit beyond which the Spaniards were not to settle to the Southward. In the Book itself a Reference is made to this Treaty, but no Account is given of the Authority on which its Existence is asserted, nor are the Particulars of the Treaty itself stated. [530]

527 *Leeds Intelligencer Tuesday August 24, 1790*

528 In the 18th century the term South Seas identified the southern Pacific. For a discussion on this, see below. Articles 3 and 4 did not use these terms.

529 Burges 1791 pp.168-171

530 The book referred to is *A description of Patagonia, and the adjoining parts of South America: containing an account of*

Supposing this Treaty to be authentic, and to have continued to be the Boundary between those Nations, there could be no Pretence on the Part of Spain to claim any Thing to the Southward of that Line. And it was the more reasonable to suppose that this was really the Case, as, in the Spanish Map above referred to, there did not appear any Trace of a Settlement in those Parts. This latter Circumstance alone afforded sufficient Ground for fixing the Boundary, in this Instance, in the same Manner as those before spoken of. On these Grounds, His Majesty's Servants were induced to believe, that the just Application of the General Principles before mentioned would fix the Line before referred to as the proper Limit for the Eastern Coast; and, if Mr. Fitz-Herbert should not be apprized by the Spanish Government of any Material Facts to vary what was now slated, he was directed to propose to fix it according to that Line, which he would see traced in the above-mentioned Map of Patagonia, a Copy of which was sent by the Messenger to his Excellency.

Any Difficulty, which the Court of Spain might make, with respect to these Limits, the Duke hoped would be considerably diminished by the Proposal suggested in the Fifth Article,.. The Fifth Article, already referred to, his Grace stated to be consonant to what he had stated in the concluding Part of his former Dispatch, and would furnish a strong additional Proof of the Sincerity and Fairness of His Majesty's Intentions, and of its not being His Wish that His Subjects should form any Settlements, which could give just Cause either of Political or Commercial Jealousy to the Established Possessions of Spain in South America. On this Point, His Majesty's Ministers insisted, that His Majesty unquestionably could not be called upon to relinquish the Rights of His Subjects by a Contract not Reciprocal; but, at the same Time, as the chief Importance of the Right of making Settlements to the Southward would arise only from the Possibility of Settlements being made there by other Nations (which might gradually obstruct the Right of Landing for the Purposes of the Fishery, or at least give Occasion to future Disputes). His Majesty was willing to agree, that the Subjects of the Two Crowns should be restrained from making any Settlement on any Part of the Coast of South America, South of the Limits agreed on, so long as no Settlements should be made there by the Subjects of any other Powers. This Restriction would leave this Part of the Coast open to both Nations for the Purpose of carrying on their Fisheries. Of course it would be understood; that the Stipulation not to make Settlements would not prevent landing for Wood and Water, and building temporary Huts, if necessary." [531]

"Leeds spelled out the conditions which Spain would unconditionally have to accept to avoid war. In essence, Spain's agreement to the declaration of satisfaction was tantamount to a declaration of guilt without judicial inquiry, and now the "memorial" of August 17 prescribed the terms of the punishment without means of appeal. Spain's only other recourse was to war. The terms of the settlement were contained in five articles. Spain was to make restitution for the buildings and tracts of land of British subjects at Nootka; England would recognize Spain's exclusive area of colonization between the limits of 31 north latitude and 43 south latitude; England was authorised to make settlements and trade north of this limit; neither Spain nor England would make settlements south of this limit unless a third country first initiated settlements of its own; both countries were to have equal fishing rights in the Pacific Ocean beyond ten leagues off the shore. Only the northern and southern limits of Spain's exclusive area of colonization were negotiable." [532]

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the soil, produce, animals, vales, mountains, rivers, lakes, &c. of those countries; the religion, government, policy, customs, dress, arms, and language of the Indian inhabitants; and some particulars relating to Falkland's Islands Thomas Falkner 1774. The map in the book was engraved by Thomas Kitchin, hydrographer to His Majesty. https://falklandstimeline.files.wordpress.com/2020/08/1774-map-by-thomas-falkner.jpg. See 1740

531 Burges 1791 pp.187-193

532 *The Nootka Sound Controversy in Anglo-French Diplomacy 1790* Howard V. Evans 1974 (*Journal of Modern History* December, 1974 vol.46 no.4 pp.609-640)

August 26th, Nicolas de Arradonda, Viceroy of Buenos Aires, responds to the May instructions from Madrid. He informs the Spanish Court that he has told the Navy Commander at Montevideo to; *"...prepare two boats, which will sail for the Maluinas Islands and the Patagonian coast with the necessary warnings,..."* [533]

September 1st, full powers to negotiate, under the Great Seal, are sent to Fitzherbert in Madrid.

September 8th, in Madrid, Fitzherbert presents the British draft treaty for Floridablanca's consideration.

"It had been formulated in London three weeks earlier and had been sent with instructions to the British ambassador. These instructions declared it to be the purpose of the British Government to avoid requiring Spain to make any mortifying renunciation of rights, but at the same time the stipulations were to be so worded that they would not imply an admission of the Spanish claims by the British Government. It was impossible for His Majesty to recognize them, either directly or indirectly." [534]

Ambassador Fitzherbert adds a long list of observations, including suggestions as to demarcation on the west coasts of both North and South America.

"He proposed as the northern limit of Spanish exclusive dominion the thirty-first degree. This would have left to Spain not quite all of Lower California... Spain should have exclusive dominion of the coast from the above-mentioned parallel southward to within about 10° of Cape Horn. ... He thought that the distance within which British ships should not approach ought to be 5 leagues. On this point his private instructions allowed him to yield to 8 or even 10 leagues." [535]

September 13th, at a meeting between Fitzherbert and the Spanish Minister, Floridablanca says that Spain's Council of State are opposed to an accommodation.

"... in particular, previously to the returning any positive Reply from Spain on the Subject of the proposed Lines of Demarcation, it would be indispensably necessary to send to America, for an exact Account of the Extent and Circumstances of the Spanish Settlements and Missions in the Interior of that Continent, as well to the North as the South, and to enquire, at the same Time, into a Number of other Circumstances, intimately connected with the present Business. That, before sufficient Answers to these Inquiries could be collected and transmitted to Europe, a great Length of Time must necessarily elapse, during which it was next to impossible, considering the powerful Armaments now on Foot both here and in Great Britain, and the Jealousy naturally entertained by both Courts of each other's Designs, that some disagreeable Incident should not intervene, that might bring on a decided Rupture." [536]

Floridablanca proposes that, instead of a definitive agreement, the two countries enter into a preliminary accord to; *"... furnish the Two Crowns with sufficient Leisure for the Completion of a definitive Arrangement,..."* [537]

September 14th, Floridablanca presents a counter proposal for a temporary agreement. The proposal calls for "*mutual restitution*" despite the fact that the British have not seized any Spanish vessels. An article also prohibits British fishing vessels approaching the "*Ports and Coasts of Spain*" without these being identified. Fitzherbert's attempts to make changes are rejected. [538]

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533 *Arredonda to de Campo Alange August 26, 1790* in *Archivo General de Simancas ES.47161.AGS//SGU, LEG, 6804,17*
534 Manning 1905 p.431
535 *Ibid*. Included as an example of British attempts to persuade Spain to identify the specific areas it possessed; something that Spain wished to avoid at all costs. This desire to be vague was reflected in the final document leaving the British Government, and Pitt in particular, frustrated with the final Convention, despite getting nearly all that had been demanded.
536 Burges 1791 p.245
537 *Ibid.* p.246
538 *Ibid.* pp.247-252

"Count Florida Blanca said, that, as in framing the Paper in Question he had gone to the utmost Length warranted by the Resolutions of His Catholic Majesty and his Colleagues in Office, he was obliged to make it his earnest Request to Mr. Fitz-Herbert, to transmit it to the Duke of Leeds in it's present shape." [539]

Ambassador Fitzherbert sends a messenger to London with the Spanish proposal; also reporting on the preparations of the Spanish fleet for war.

September 23rd, Viceroy Nicolás Antonio de Arredondo informs Madrid that he hopes to discover the location of the rumoured colony of New Ireland. [540]

October 2nd, unwilling to accept further prevarication, or to disarm, London responds to Fitzherbert.

"His Majesty's Ministers observed, that the Effect of these Instructions must be decisive on the Alternative of Peace or War; as neither the Circumstances of the Negotiation, nor the relative Situation of the Two Countries and of other Powers, could allow of any further Delay. That the Projet of a Declaration, which Mr. Fitz-Herbert received from Count Florida Blanca, was in many Respects unsatisfactory, particularly as it would leave open to subsequent Explanation and Discussion Points which it was essential now to bring to a precise and final Decision. On this Ground, the Duke of Leeds informed Mr. Fitz-Herbert, that he had it in Command from His Majesty to state to him, that that Declaration was utterly inadmissible;... the Security for the Navigation, Commerce and Fisheries of His Majesty's Subjects (liable to such Provisions as may be made for preventing illicit Trade to those Parts actually in the Possession of Spain) depended solely upon the fundamental Question, whether that Crown did or did not insist upon, and maintain, an exclusive Sovereignty over the Continent in Question, and the Seas adjacent. If therefore Spain should persist in refusing a distinct and final Settlement on these Points, under Pretense of making further Inquiries, such a Conduct could only be considered as a Proof of wishing to gain Time, in order ultimately to contest the Principles themselves on which these Articles are founded." [541]

Lord Leeds includes a final set of proposals.

"... which his Grace was now to state to (Floridablanca), were Final and Unalterable: And if he should not be able to bring the Discussion to a very speedy Conclusion, it would be His Majesty's Pleasure (as should be more particularly stated to him in a separate Dispatch), that he should entirely break off all Negotiation." [542]

Two drafts of a convention are included for presentation to Floridablanca. One provides for a definite demarcation of the limits of Spanish exclusive sovereignty; while the second is vaguer. Spain is to be given only 10 days to decide. [543]

"The only matter that could afford an excuse for delay was the determination of limits. Such an article would seem to be desirable to both sides, but His Britannic Majesty would not object seriously to the omission of such demarkation (sic). The great expense of maintaining the armament ready for service and the just expectations of the public could not admit of further delay in coming to a decision on the question of peace or war." [544]

539 *Ibid.* p.255

540 *Nicolás de Arredondo a Señor Conde del Campo de Alange 23 de Septiembre de 1790* in *Archivo General de Indias, Estado, 80, N.1.* Rumours had circulated for years of an establishment on an island called New Ireland. Possibly New Island in the Falklands; a place of regular resort for, principally, American sealers sitting out the winter. But there were many other possibilities *cf. Buenos Aires State Papers Legajo 3* in *Catalog book 3. For a transcription s*ee https://falklandstimeline.files.wordpress.com/2018/01/loberos-extranjeros-en-las-islas-malvinas-1790-arredondo-a-campo-sept-23-1790.pdf

541 Burges 1791 pp.257-266

542 *Ibid.* pp.260-261

543 See Burges 1791 for full details of the drafts.

544 Manning 1905 p.442

October 8th, *teniente* Elizlade y Ustariz informs the Viceroy, Nicolas de Arredondo, that his garrison is looking out for any foreign vessels attempting to land in the islands. [545]

"In October 1790, faced with the possibility of a war with England, Elizalde prepared a combat plan, had cannon and rifle exercises carried out by the troops, established some flying detachments and set four watchtowers at Arbolé. He also proceeded to mount in the battery of San Carlos two guns of four, two stones and six emeralds, because he considered this point as the most exposed in case of an enemy attack."[546]

October 12th, Ambassador Fitzherbert receives the instructions from Lord Leeds, which must; *"... be considered as constituting the Ultimatum of this Court;.."* [547]

October 13th, Fitzherbert presents the first British draft (definitive demarcation of territory) to Floridablanca; *"The Count's reception of these was so unfavorable that Fitzherbert thought best to warn all of the British consuls in Spain of the prospect of an immediate rupture. He wrote to his home Government that it seemed impossible to obtain a convention with a demarcation of limits."* [548]

October 15th, Fitzherbert has a further meeting with Floridablanca during which he puts forward the vaguer draft treaty. Floridablanca complains about a suggestions in this that England had ever owned or possessed Nootka Sound; saying it is impossible for Spain to accept that foreign subjects could land in unoccupied places as such places could be found almost anywhere along the coasts of the Americas.

"Fitzherbert had proposed that British vessels should not approach within 10 leagues of places occupied by Spain. The Count insisted that the distance was too short. Instead of the expression," occupied by Spain," he would substitute the expression," belonging to Spain."... Fitzherbert did not accept the Count's terms..." [549]

October 19th, in Madrid, 8 principal ministers, not including Count Floridablanca, form a special committee.

"Sessions were held on the 21st, 22d, 24th, and 25th. The English projet was examined article by article. ... It was declared that Martinez's conduct at Nootka had not been contrary to international law nor an insult to the English flag. What he had done was to prevent the forming of an establishment in a place belonging to the Spanish dominions, in which, by virtue of treaties made before all Europe and guaranteed by England herself, no foreign disembarkation was permitted without a just motive, and much less the forming of military or commercial establishments. Even granting that the proceedings of Martinez had been culpable, and, by a distortion of ideas, that the resistance to a usurpation could be considered an insult, Spain had already given England such satisfaction as was compatible with her dignity. The increasing of the British pretensions while the Spanish were being moderated showed that the Nootka affair was only a mask to cover England's hostile designs of taking advantage of the revolution in France to attack the divided House of Bourbon. ... The English pretension was the more irritating since it extended also to all the coasts of South America. If Spain should grant their demands she might expect in the end to surrender to them all of the commerce of Peru and New Spain. The English offer of not allowing their subjects to approach within 10 leagues of any place occupied by Spain was useless, the junta declared, since they demanded the privilege of disembarking in all unoccupied places. By this means they could approach insensibly to those that were occupied. If the Spanish governors should attempt to prevent them, it would lead to disputes and to new negotiations which would afford new opportunities for aggressions. They would finally take all of these countries from Spain." [550]

545 Andrew David & Carlos Novi in Tatham (ed.) 2008 p.209
546 Caillet-Bois 1982 (6th ed.) pp.171-172. No source provided.
547 Burges 1791 p.284
548 Manning 1905 p.443
549 *Ibid*. p.444/445
550 *Ibid.*

Fitzherbert and Floridablanca also meet.

*"Floridablanca continued his conferences with Fitzherbert. He made strenuous efforts to induce the British ambassador to modify the English demands. ... The last clause of the third article, making the privilege of landing anywhere on the coast subject to the restrictions contained in the following articles, was not in the draft without a demarkation of limits which was made the basis of the treaty, but it was in the draft with a demarkation of limits. Fitzherbert compromised on this point and combined the two drafts. He admitted a limitation of the privilege without obtaining a definite demarcation of the boundaries of Spanish exclusive sovereignty. If Floridablanca had not secured this concession, it would have meant that the English could have landed and established colonies in any unoccupied spot on the coast of California, Mexico, Central or South America. ... In the fourth article, regarding the limit of 10 leagues within which English vessels should not approach Spanish establishments, Floridablanca pressed very earnestly for extending the distance to 15 leagues. As a precedent for his contention, he cited the treaty of 1763 between England and France, which fixed 15 leagues as the distance within which French fishermen might not approach the coasts of Cape Breton. He suggested the insertion of the words "**in the said seas**," which would confine this restriction to the Pacific. Fitzherbert embodied the last mentioned suggestion, since he conceived that it might be of advantage to the English fisheries on the Atlantic coasts of Spanish America, but he would not admit the extension to 15 leagues...* [551] *The fifth and sixth articles contained the stipulations upon which there was the most difficulty in agreeing. In the course of their discussion the negotiation was frequently on the point of being broken off. Floridablanca would not consent to a convention that failed to secure to Spain her exclusive intercourse with her establishments. Neither would he consent to fix any precise line as the boundary of the Spanish possessions, either on the north or the south. He pleaded insufficient information. ... the English ambassador admitted the restriction at the end of the third article, mentioned above. For the same purpose he consented to insert in the fifth article the clause, "situated to the north of the parts of the said coast already occupied by Spain." This preserved the Spanish exclusive dominion as far northward as her most northern establishment. The provision in article 6 was materially changed. The draft of the ultimatum had provided that the subjects of neither nation should make any establishment south of a definite line to be fixed so long as no settlement should be formed thereon by the subjects of any other power. Instead of fixing a definite line the negotiators agreed to insert the clause, "in such part of those coasts as are situated to the south of those parts of the same coasts and of the islands adjacent already occupied by Spain." They added the provision that in such places the respective subjects should have the right of landing and constructing temporary buildings for purposes connected with their fisheries. The clause, "so long as no establishments shall be formed thereon by the subjects of any other power," was omitted from the article. This had been objected to on the ground that it would be virtually a public invitation to all nations to make settlements there and so join England in despoiling Spain of her dominions. In order to remove the Spanish objection to publicity and still assure England that she would not be compelled to keep her hands off while other nations should do the thing that she had bound herself not to do, the stipulation was embodied in a secret article."* [552]

"With regard to the Fifth and Sixth Articles, Count Florida Blanca, from the Outset of this Business, made it an indispensible (sic) Condition to His Catholic Majesty's Recognition of our Right of Landing and forming Establishments in Unoccupied Places of the Coast of America, as stated by the Third Article, that it should be qualified, .. that the Subjects of neither Party should form any permanent Settlements in South America,.. And

551 My emphasis. The "*said seas*" being the *Pacific Ocean* and the *South Seas* (*Mers du Sud*). It is apparent that Fitzherbert did not view *South Seas* as including the south Atlantic; with a corresponding implication for *Art.3* which used the same terms. The failure to accurately define terms used subjected conventions such as this to almost any interpretation that the parties wished to apply. Floridablanca certainly saw the opportunity for this (see below). For *Art.4* see October 28 below.

552 Manning 1905 p.451

he at the same Time (on his ground of Want of sufficient Information) no less positively declined to fix any precise Line as the Boundary to the Spanish Possessions either to the North or the South." [553]

October 23rd, Fitzherbert draws up the points of agreements for presentation to Carlos IV.

"... the State of Indecision was such that, on the Evening of the 23d, when, after a Conference with Count Florida Blanca, he quitted him to attend His Catholic Majesty, that Minister professed to be, and most probably was, uncertain whether the Determination, that he was to communicate to Mr. Fitz-Herbert next Morning, would be for Peace or War." [554]

October 24th, in the morning, Floridablanca informs Fitzherbert that his King has agreed to Britain's terms.

"... after many Debates, (in the Course of which the Negotiation was frequently on the Point of being broken off) Count Florida Blanca at length consented to admit them in their present Shape." [555]

"... Floridablanca has secured one major concession from Fitzherbert: the removal of the specific lines of latitude within which the British could fish and trade, but not colonize. Pitt wanted clear-cut lines to divide Spanish America, especially in the Northwest, but Leeds left the matter open for negotiation..." [556]

October 25th, unaware that agreement has been reached, the committee of Ministers draw up their conclusions.

> *"Strange, astonishing, unheard-of it is, Señor, that England should dare to pretend that Your Majesty should authorize and adopt a stipulation which prohibits mutually the forming of establishments there as long as the subjects of other powers shall not attempt to do so; adding that the respective subjects shall have the right of disembarking in those places and building huts and other temporary structures for objects connected with their fisheries. ... The English pretend that all South America is open to all nations, and that its territories shall belong to the first that desires to occupy them."* [557]

"... the junta could not in any manner accept the unjust terms contained in the English ultimatum. They recognized that this would mean war. They advised preparation at once to repel hostile attacks and an immediate search for allies even before giving a final answer to the English Ambassador." [558]

October 28th, the *Nootka Sound Convention No.1/Treaty of San Lorenzo del Escorial* is signed. [559]

> *"Their Britannic and Catholic Majesties being desirous of terminating, by a speedy and solid agreement, the differences which have lately arisen between the two Crowns, have considered that the best way of attaining this salutary object would be that of an amicable arrangement which, setting aside all retrospective discussions of the rights and pretensions of the two parties, should regulate their respective positions for the future on bases which would be conformable to their true interests as well as to the mutual desires with which Their said Majesties are animated, of establishing with each other, in everything and in all places, the most perfect friendship, harmony, and good correspondence.* [560]

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553 Burges 1791 p.301
554 *Ibid.* p.304
555 *Ibid.* p.302
556 Evans 1974
557 *MSS. Arch. Hist. Nacional, Madrid Sec. Estado 4291.* Special junta to the King quoted in Manning 1905 p.448
558 Manning 1905 p.446. The junta's opinion was not laid before King Carlos until the 26th.
559 Drawn up in the diplomatic language of the time – French. My emphasis throughout. Further conventions would be signed in 1793, and 1794.
560 It is clear from the correspondence that issues of both sovereignty and demarcation of territory were to be excluded from this agreement; deferred to another, unstated, time. Exactly as in 1771. A *'sovereignty umbrella*' for the whole American question?

Article 1 … Article 2 … [561]

Article 3: … it is agreed that their respective subjects shall not be disturbed or molested either in navigating or carrying on their fisheries in the ***Pacific Ocean*** *or in the* ***South Seas***[562]*, or in landing on the coasts of* ***those seas*** *in places* ***not already occupied***[563]*, for the purpose of carrying on their commerce with the natives of the country or of making* ***establishments*** *there; the whole subject, nevertheless, to the restrictions and provisions which shall be specified in the three following articles.* [564]

Article 4: His Britannic Majesty engages to employ the most effective measures to prevent the navigation and fishery of his subjects in the ***Pacific Ocean*** *or in the* ***South Seas*** *from being made a pretext for illicit trade with the Spanish settlements; and with this in view it is moreover expressly stipulated that British subjects shall not navigate nor carry on their fishery in the said seas within the distance of 10 maritime leagues from any part of the coast already* ***occupied*** *by Spain.* [565]

Article 5:… [566]

Article 6: It is further agreed with respect to the eastern and western coasts of South America and the islands ***adjacent****,* [567] *that the respective subjects shall not form in the* ***future*** *any establishment on the*

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561 *Art.1* restored the property taken from British subjects at Nootka Sound in 1789. *Art.2* dealt with reparations.

562 *South Sea(s)* has a particular meaning for mariners, ie. the southern Pacific (named by Spaniard, Vasco de Balboa in 1513). However, while the English language translation of this accord written in French used '*South Seas*' the Spanish version stated "*los mares del Sur"* - the seas of the South – capable of a wider interpretation. Reference to the original French finds the term - "*Mer**s** de Sud*" - employing capital letters and indicative of a place name. Fitzherbert saw this as limiting these articles to the western side of South America (see October 19, 1790 above). Burnley (1817 vol.5 p.175) gives directions; *".. for making the passage into the South Sea by the South of America."* Nonetheless, it must be recognised that there was some inconsistency in the term's common usage during the 18th century and quite how this affects interpretation of *Arts.3 & 4* remains moot. Hardly surprising that the London whalers were at something of a loss to understand the treaty. For a Spanish translation see *Tratados, Convenios y Declaraciones de Paz y de Comercio que han hecho con las potencias estranjeros los monarcas espanoles de la casa de Borbon. Desde el ano de 1700 hasta el dia … Por Don Alejandro del Cantillo* 1843 p.624

563 Not defined. See Floridablanca's letter to the *Special Junta*, November 21, 1790 below.

564 Outside of '*occupied*' areas there were no restrictions. What constituted '*occupied*' was left (deliberately?) undefined and open to differing interpretations as can be seen by Floridablanca's letter to the Spanish special junta (see below). *Art.3* was to be the general position in the Americas, subject only to *Arts. 4, 5 & 6.* As a result, Manning's observation that Spain had withdrawn from its long maintained claims of exclusive control over all the Americas, appears correct.

565 South Seas were the Southern Pacific Ocean. See footnote above. That this was about trade is important as is the fact that the article only prohibits navigation and fishery; not the formation of new settlements.*'Part of'* was therefore left undefined but would likely have been seen, by the British at least, to mean the area of a settlement or garrison fort. A league was about 3 miles; and a '*maritime*' league was that distance by sea. It is still regularly, and erroneously, claimed that this article prohibited the British from the south Atlantic. For Spain's attitude to the issue of *occupation*, see Floridablanca's letter to the *Special Junta* below.

566 *Art.5* confined itself to the north-west coast of America..

567 In October, 1767, Spain's Ambassador had claimed that; *"... all islands within a hundred leagues of the Americas could be considered such."* He had also argued that the America's were so large that a league should have a different meaning. However, both Britain and France (see August 1765) rejected the notion that a hundred leagues could be '*adjacent*' and so it would seem unlikely that *Art.6* could be applied to the Falklands due to the inclusion of this word. Eighteenth century dictionaries define the term as meaning, *'lying near'*, '*near or bordering upon*', *'contiguous or touching'*, *'meeting so as to touch'*, etc. See *Egmont to Grafton July 20th, 1765 in PRO SP 94/253 State Papers, Spain Supp 253* where it was stated that the islands could not be considered '*appurtenant*' to South America. With both sides so apart on the meaning of the term, and with Spain refusing to consider issues of demarcation, it would seem likely that the issue was deliberately fudged by both sides. West's Encyclopedia of American Law (2nd ed.) 2008 defines '*adjacent*' as meaning *".. not widely separated,.."* Proximity was also considered by the International Court of Justice in 1969, concluding - *"To take what is perhaps the most frequently employed of these terms, namely 'adjacent to', it is evident that by no stretch of the imagination can a point on the continental shelf situated say a hundred miles, or even much*

*parts of the coast situated to the **south** of the parts of the same coast and of the islands adjacent already **occupied** by Spain;* [568] *it being understood that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated for objects connected with their fishery and of erecting thereon huts and other temporary structures serving only those objects.* [569]

Article 7: In all cases of complaint or infraction of the articles of the present convention, the officers of either party, without permitting themselves previously to commit any violence or act of force, shall be bound to make an exact report of the affair, and of its circumstances, to their respective Courts, who will terminate such differences in an amicable manner. [570]

Article 8 …" [571]

The agreement also contains a *'Secret Article'*.

"Since by article 6 of the present convention it has been stipulated, respecting the eastern and western coasts of South America, that the respective subjects shall not in the future form any establishment on the parts of these coasts situated to the south of the parts of the said coasts actually occupied by Spain, it is agreed and declared by the present article that this stipulation shall remain in force only so long as no establishment shall have been formed by the subjects of any other power on the coasts in question. This secret article shall have the same force as if it were inserted in the convention." [572]

"... It was evident, that no claim had been conceded..." [573]

"... article (6) is contract for the Coast of Patagonia and all the extent from our last presidio in Chiloe to Cape Horn, so that the harbours between Cape Horn and the last population of ours south of Buenos Aires and those that they are between Chiloe and said Cape, they must remain perpetually deserted..." [574]

"Both nations were equally restricted from attempting any settlement nearer to Cape Horn than the most southerly plantations already established by Spain." [575]

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less, from a given coast be regarded as 'adjacent' to it." - North Sea Continental Shelf Case (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands Judgment of 20 February 1969 para.41 p.30. See also *Case Concerning Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) Judgment of 8 October, 2007* para.162 p.54 where islands some 40 miles from the mainland coast were described as *".. not obviously adjacent."* As the Falklands lie over 250 miles from the coast of South America, and, in 1790, more than 800 from Spain's southernmost settlement on that coastline, it would appear that this article cannot be applied to the archipelago.

568 Existing establishments were therefore unaffected. For the issue of *occupation*, see Floridablanca's letter below.

569 The use of *"respective subjects"* clearly made this article applicable to both Spain and Britain.

570 There was only a power to report; not to take action. This would appear to revert to the preamble: a means by which incidents could be avoided and a degree of harmony restored. Letter writing was permitted. Seizing vessels was not.

571 *Art.8* dealt with ratification.

572 One Argentine historian (Molinari) has suggested that Britain's 1833 action at Soledad was approved by this article.

573 William Pitt (the Younger) quoted in *Parliamentary History of England from the earliest period to the year 1803* vol. XXVIII printed by Thomas C. Hansard 1816

574 *ES.45168.AHNOB//BAENA, C.31, D.42-43* in *Portal de Archivos Españoles (PARES).* This document is recorded as having been written by the Duke of Baena at the Royal Palace of San Lorenzo on November 30, 1792 and appears to have been a consideration of the effect of the 1790 convention. Why, or for who, it was written is not known. His description seems to confirm the view that the convention only referred to the coasts of South America and not to the Falkland Islands.

575 *The History of the Reign of George III: To which is Prefixed a View of the Progressive Improvements of England in Property and Strength to the Accession of His Majesty* Robert Bisset vol.2 1822.

"... the most remarkable treaty on this subject, is that entered into between Great Britain and Spain in 1790, by which the latter power stipulates not to make any settlements on either the Pacific or the Atlantic shores of America further south than those which were then made. ..." [576]

"Can it be supposed that Spain , a nation jealous of her rights and sovereignty, and peculiarly sensitive on the subject of her South American dominions, would have virtually abandoned her sovereign rights over these wide regions, if she supposed her title to be well founded, and free from doubt? There could be no dispute as to the real object of the treaty , which was to leave an open fishery in these regions." [577]

"... there was sufficient proof in the efforts made by the Government of Spain to prevent other nations from planting colonies in the Falkland Islands; from which islands, it may be remarked, both parties to the convention appear to have been excluded by the terms of the sixth article." [578]

"... the 4th article ... settled the question of Sovereignty in favor of Spain; those islands being then occupied by Spain. ..." [579]

"... in the end (Spain) had to yield to the ills of an inevitable war, in which Spain could not enter with all those forces that could give it the probability of triumph. This transaction was therefore viewed as a necessity, even if it were harmful to Spanish interests and the rights of the crown were considered to be diminished,.." [580]

"It was the first express renunciation of Spain's ancient claim to exclusive sovereignty over the American shores of the Pacific Ocean and the South Seas. It marks the beginning of the collapse of the Spanish colonial system." [581]

"The terms of the sixth article forbade any landing at the Falklands as they were a place already occupied by Spain." [582]

"... it is clear that Britain was excluded from taking any part of the Falkland islands..." [583]

"The count of Floridablanca deliberately left a certain vagueness in the wording of the convention, the effectiveness of which might depend on the interpretation of the moment. For the British, what was important was to put an end to Spain's claim to retain an exclusive right of navigation in the Pacific Ocean. In addition, by granting the right to fish on the East and West coasts of America, Spain renounced the "closed sea" (policy) that it had maintained in those regions. ... (France) also got the freedom of the seas. That is a very important fact." [584]

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576 *US Secretary of State Livingston to Frances Baylies, January 26, 1832* in Manning 1932. My emphasis.

577 *Voyage of the United States Frigate, Potomac...* J. N. Reynolds 1835 p.502

578 *Memoir, historical and political, on the northwest coast of North America, and the adjacent territories, illustrated by a map and a geographical view of those countries* Robert Greenhow, United States Dept. of State 1840

579 *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* L. Vernet 1858

580 *Tratados, Convenios y Declaraciones de Paz y de Comercio que han hecho con las potencias estranjeros los monarcas espanoles de la casa de Borbon. Desde el ano de 1700 hasta el dia… Don Alejandro del Cantillo* 1843 p.632

581 Manning 1905 p.461

582 Goebel 1927 p.431. My emphasis. This author appears to have accepted Vernet's 1832 interpretation without serious question and/or mistranslates *Art.6* which does not use the term '*place*'.

583 Foreign Office *memorandum* written by John W. Reid dated February 19, 1928; quoted in Kohen & Rodriguez 2016. Whoever John W. Reid was, his opinion appears to have been based upon the interpretation by Goebel in his book published the previous year. Despite its age, and nobody knowing who the author was, this mistaken opinion is still regularly quoted by Argentine commentators desirous of straw clutching.

584 Martin-Allanic 1964 p.1512

"For Spain, the Nootka settlement represents the beginning of the end of her great American Empire... For England, Nootka was her greatest victory between the Peace of Paris (1763) and the Treaty of Vienna (1815)."[585]

"Both powers tacitly recognized each other's possessions, including Malvinas. England did not make in this treaty any reservation of its unfounded rights to Malvinas." [586]

"In short: Spain, from now on, could not close the Pacific to fishing... But the English right to colonize freely was recognized only on the northern coast of Northern America and, on it, from the area already occupied by Spain. In the rest they were allowed to sail the waters near the coast, but only to carry out fishing." [587]

"The Convention of 1790 contained several provisions of a more general interest, which modified the system created in 1667 and 1713. In the third article navigation and fishery were declared to be free for both partites in the Pacific Ocean and in the South Seas. ... Thus the prohibition of the navigation of the South Sea which the British had had to accept in 1713 was abolished, and they even received the freedom to settle and, consequently, to acquire territory outside the places actually occupied by Spain. ... ***Article 4*** *contained some specifications and restrictions ... it was taken for granted that some parts of the coasts were not occupied by Spain. ... Goebel concludes that the freedom to trade and settle extended to the north-west coast of America only, because he takes it for granted that all of the central and south American coasts were considered as occupied by Spain at that time. But there is no evidence for this assertion. Spain was unable to secure such recognition from Britain. Thus the British could not be said to be debarred from landing, trading and settling in places where there were no Spanish settlements nearby. If* ***Article 4*** *was interpreted to its letter, they could claim this right at any point which was at a distance of more than ten nautical miles from the nearest Spanish place. Both provisions applied to the west coast of America only. By* ***inference****, however, they could be extended to the east coast.* [588] *Britain had never renounced its right to navigation and fishery in the Atlantic, not even in its south-western part. The only prohibition mutually recognised in the treaties was that of trade with and navigation to the respective settlements in the area. Neither the exact extent of the possessions nor the distance from the settlements within which navigation and fishery were prohibited had ever been defined. Thus it seems likely that the provisions introduced for the west coast also applied to other parts of America. At least no other principles could be claimed as mutually recognized. ... The meaning of a final clause (****Art.6****) was more difficult to grasp ... (Art.6 quoted) ... The article contained a* ***reciprocal*** *prohibition to form settlements on the South American coasts and on the adjacent islands to the south of the existing Spanish settlements. This could only apply to Southern Patagonia and Tierra del Fuego, to the south of the southernmost Spanish establishments. If settlements on islands were taken into account, the area was restricted to the stretches south of 51º 40' south, the latitude of the Spanish settlement on the Falklands. On the mainland, the southernmost Spanish place was at that time Puerto Deseado, at 47º 44' on the Atlantic coast. Thus the extent of the provision was extremely limited, although at first sight it seemed to contain a general prohibition to settle. It came down to a mutual abandonment of attempts to gain control over the Strait of Magellan and Cape Horn. ...* ***Article 6*** *sheds light on another controversial point. It speaks of "those parts of the same Coasts" (i.e. Of the "Eastern and Western Coasts of South America") "and of the Islands adjacent, which are already occupied by Spain." Nothing in these words allows the conclusion that there was a continuous Spanish occupation of all the South American coasts right down to Patagonia. ... In any case it is difficult to see in the clause a British recognition of a Spanish claim to all the South American coasts and islands... The situation*

585 Evans 1974
586 Destefani 1982 (2). Nor did Spain.
587 Caillet-Bois 1982 (6th ed.) p.157
588 Fisch 1983 pp.120-123. Quite how prohibitions could be transferred "*by inference*" is not clear.

*was kept open – and this was in all probability done on purpose. ... Contrary to what is usually asserted, article 6 of the Nootka Sound Convention,.. **did not apply** to the Falkland Islands."*[589]

"The political situation as it developed after the fall of the Spanish colonial Empire in Latin America was entirely different from the one that existed in 1790. Therefore it will have to be concluded that the Nootka Sound Convention influenced neither the legal situation in the year 1790 nor subsequent development of the territorial status of the Falkland Islands (Malvinas)." [590]

"... the upshot of the Nootka Sound incident – a Spanish capitulation to Pitt's ministry on most relevant points by October 1790 – signified a larger humiliation of France, just as surely as had Madrid's retreat over the Falkland Islands less than two decades before. Once more the Spanish had looked to their Bourbon confederate for support in the face of British naval and commercial expansionism – and once again, the French had failed to assert themselves." [591]

"By leaving the Falklands/Malvinas archipelago deliberately out of the Treaty, it may be said that Great Britain ratified its right to return to islands which, not being adjacent to the shores of Spanish South America, were under the reservation of dominion left by Lieutenant Clayton on May 20, 1774." [592]

"... (the Nootka Sound Convention) ... abolished Spain's claim to 100% sovereignty over the whole of Spanish-held America, and imposed measured limitations on Spanish sovereignty as against Britain (only Britain's rights were extended; other countries were unaffected). The treaty divided the coasts of all Spanish America into three zones, including the Falklands of course: a zone up to 10 leagues (30 miles or 50 kilometres) from actual Spanish settlements, where Spain held exclusive rights; a second zone more than 30 miles from Spanish settlements (i.e. most of the American coastline), where Britain had the right of economic exploitation (mainly sealing), and a third zone where Britain had the right of exploitation and also settlement, within the second zone and north of the southernmost Spanish settlement. Thus in the north-eastern fifth of the Falklands around Puerto Soledad (Port Louis) Spain had exclusive rights; in the north-western fifth (including Port Egmont and West Point Island) Britain had the right of exploitation and permanent settlement, and in the remaining three-fifths Britain had the right of exploitation. Spain had been forced to accept those limitations of its sovereignty by the threat of war with Britain." [593]

Researcher's Comment: It seems pretty clear that, contrary to some of the views quoted here, the Nootka Sound Convention **did not** apply to the Falklands. The archipelago was not in the South Sea (Art.3) nor 'adjacent' to the eastern coast of South America (Art.6). Despite the differing interpreatations, however, there is general acknowledgement that the convention was a defeat for Spain. Perhaps Spain's greatest diplomatic defeat. To avoid a war, Spain had abandoned its pretensions to exclusive rights in the America's.

November 7th, London receives word from Fitzherbert that a convention has been signed; copies are attached.

"... at no time did English diplomats mention the Malvinas Islands, which had been evacuated by them in 1774. Not even to safeguard their purported rights ..." [594]

November 9th, Britain's ratification of the convention is forwarded to Madrid.

589 *Ibid.* My emphasis throughout.
590 *The Territorial Status of the Falkland Islands (Malvinas): Past and Present* Rudolf Dolzer 1993 p.58
591 *Reinterpreting the French Revolution: A Global-Historical Perspective* Bailey Stone 2002 p.116
592 Peña & Peña 2018
593 *Falklands Facts & Fallacies: Setting the Record Straight* Graham Pascoe in the *Falkland Islands Journal* Dec 2021
594 Caillet-Bois 1982 (6th ed.) p.157. Not mentioned for the simple reasons that the Falklands archipelago, was not included within the treaty terms.

"The British victory in the Nootka Sound Convention was greater than is usually acknowledged." [595]

"The Nootka Sound Convention cemented the diplomatic victory of a powerful Britain over a weak and friendless Spain, and for the first time opened large parts of the Spanish colonial empire to British trade and even settlement, which Spain had hitherto prohibited. Accordingly, the Convention was enthusiastically welcomed in Britain but fiercely condemned in Spain;.." [596]

November 21st, in London, Lord Leeds writes to Prime Ministere Pitt, regarding further talks with Spain. [597]

> *"In looking over the Draughts you were so good as to send me, I own some doubts have arisen in my mind, as to the propriety of opening a new Discussion, on the subject of Demarcation, with the Court of Spain, at least so short a time after their signature of the Convention. M. Florida Blanca ... will probably be induced by the same motives to object to any Specific Boundary to the Spanish dominions in America being now established. Should the case arise (a very probable one) of some British Subject, inadvertently perhaps navigating within the stipulated distance of Spanish Settlement, they of course will complain of such infraction of the Convention; the onus Probandi will lay upon them, and the Discussion will come forward in a regular manner. We may then lament their not having adopted the Plan of Demarcation, in the first instance, which certainly would have prevented any doubt or misinterpretation on the Subject, and the question may then be entered upon with a much better grace as to this Country, than if brought forward at present by us, with an appearance of thinking the present arrangement not completely adequate to its professed purpose. ... I fancy there can be little occasion for mentioning Falklands Island at all, ..."* [598]

On the same day, in Madrid, Floridablanca thanks the members of the special committee for their work.

> *"His Majesty assured them that he would not have hesitated a moment to carry out their recommendations if motives absolutely secret to himself had not compelled him to order the convention signed. ... the purpose of the Convention was to avoid a war in the present unhappy circumstances, reserving it for a more favorable time, if it should become necessary. It did not involve an absolute renunciation in case Spain chose not to observe it. It was shown that by a strict interpretation of some of its terms the Convention could be made of little value to England and little loss to Spain. In the stipulations that granted to English subjects privileges of commerce and settlement north or south of places already occupied, attention was called to the expression "already occupied." The word "occupied" did not mean nearly so much as "inhabited" or "peopled" would have meant, and "already" did not mean "actually" or "now." If a place had been once occupied and then abandoned this expression could be made to apply to it. The implication was that formal acts of taking possession where there had been no thought of making an actual settlement could be made to come under this head. Such acts had been performed practically all along the coast. Such a construction would have almost nullified the privileges granted to England. ... it was proposed to observe the Convention only so long as it should be to the advantage of Spain to do so. Whenever she felt strong enough to assert her ancient rights she could still do it."* [599]

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595 Fisch 1983 p.123

596 Pascoe 2020 p.27

597 It appears that Leeds was widely regarded as an ineffective Minister, as he was not seen as sufficiently aggressive. With little support, he retired from office some five months after this response to Pitt. A collection of Leed's correspondence from his time in office, compiled in 1834 by Oscar Browning, fails to mention 1790 at all.

598 *Leeds to Pitt November 21, 1790, Add. MSS.28066, fo.348.* The reference to Falkland's Island is not explained within this letter but would suggest that Pitt had considered reopening the question left in abeyance after 1771.

599 *Floridablanca to Iriarte, November 21, 1790* in Manning 1905 p.458

November 22nd, ratifications of the accord are exchanged.

"... after 1790 Spain no longer claimed exclusive sovereignty in the Falklands, while Britain's rights continued, tacitly accepted by Spain under the Anglo-Spanish agreement of 1771 .., in which both countries had reserved their positions, and now strengthened by the Nootka Sound Convention." [600]

November 25th, Samuel Enderby writes to Pitt expressing pleasure with the Nootka Convention. [601]

November 30th, the Nootka Sound Convention is debated in the House of Commons. Mr. R.P. Carew notes that the southern whale fishery remains open to British ships. The debate is then adjourned until December 13th.

"By the friends of the ministry it was extolled and defended in general terms, as vindicating the honor of the nation, ... The opposition, ... observed that, ... they were by this treaty prohibited from going nearer than thirty miles to a Spanish territory, ..." [602]

"The fundamental change brought about by the Convention was that it forced Spain to accept measured dimensions to the extent of her sovereignty. Spain now accepted that as against Britain (though not other countries), Spanish rights in the Falklands were divided into what we here call three "zones": Zone (1), within a circle of 10 leagues radius (30 miles or 50 kilometres) around the actual Spanish presence at Puerto Soledad (around 20% of the islands' land area): exclusive Spanish rights; Britain had no right of exploitation or settlement; Zone (2), everywhere in the islands outside zone 1 (around 80% of the islands' land area): Britain had the right of exploitation ("fishing", i.e. mainly sealing); Zone (3), everywhere that was in zone 2 and was also north of the latitude of Puerto Soledad (around 20% of the islands' land area): Britain had the right of settlement as well as "fishing"." [603]

December 13th, debate concerning the Nootka Sound Convention resumes in Britain's Parliament. The Duke of Montrose, representing the government, speaks.

> *"... the great question of the southern fishery is finally established, on such grounds as must prevent all future dispute. The line of limitation is marked, advantageous permission is given us to erect temporary buildings; but by a stipulation of the utmost importance, all violence, in cases of infraction, are prohibited; no officer must venture to seize a vessel which he may deem to have infringed the treaty, but he must content himself with writing home to his court. ... the seeds of future war are prevented..."*

Similarities to the Falklands crisis of 1770 are alluded to; in particular the secrecy maintained by the government during the negotiations with Spain.

> *"Mr. Pitt asked, if any man would state, that the precedent of Falkland's island was at all analogous to the case of Nootka and the convention? In that case, an island, known to have been in the possession of this country, and belonging to his majesty, had been taken possession of, though afterwards restored, but without a convention like the present one; neither was the convention in 1738 at all resembling it; on the face of both there was an apparent ground for blame; but in the present there was no such appearance. It was evident, that no claim had been conceded, that our right to the fisheries had been acknowledged, and that satisfaction had been obtained for the insult offered to the Crown."*

"A general discussion of the merits of the convention was made the order of the day for December 13 in the House of Lords. The debate was extended, and the criticism of the ministry by the opposition was very severe.

600 Pascoe 2020 p.30
601 *Outlooks for England's South Whale Fishery, and 'the Great Botony Bay Debate'.* Dan Byrenes in *The Great Circle* 1988 vol.10. No.2 pp.79-102
602 Greenhow 1840
603 Pascoe 2020 p.29

The friends of the Government seemed confident of the results and did not exert themselves greatly to refute the arguments. The convention was approved." [604]

December 14th, in the Commons, following a call for Papers, Mr. Fox speaks.

> *"It was, perhaps, of little value to us, but it was of great value to Spain. To remove all possibility of our ever forming a settlement to the south of her American colonies, was an object for which she would have been willing to pay a liberal price. ... In renouncing all right to make settlements in South America, we had given to Spain what she considered as inestimable, and had in return been contented with dross ..."* [605]

Mr. Ryder adds that the agreement; *"... fell infinitely short of that which had been obtained on the dispute about Falkland's island, notwithstanding the affectation of contempt with which the satisfaction demanded on that occasion had been treated. Reparation was then the only object in view, and it was obtained in its fullest extent; for Spain agreed to put every thing in the same situation as before the insult complained of was committed, and actually did so. In that case, there was a full and complete restoration; in this, there was only a declaration of a disposition to restore,..."* [606]

"... the merits of the convention were discussed. The opposing sides manifested much the same spirit, and in the end the convention was approved by a large majority." [607]

Researcher's Comment: If the accord had been seen as applicable to the Falklands, there is no doubt that Parliament's reaction would have been far more negative. 1770 had not been forgotten. At no time during the debates was there a single suggestion that the status of Falklands sovereignty had changed.

December 20th, *San Pio* and *Nuestra Señora del Carmen* are ordered to sail to Tierra del Fuego.

December 29th, whaling ship *Trelawney,* after a voyage of 14 months to the Southern Whale Fishery, arrives back at Yarmouth with; *"... 200 tons of whale oil and ten tons of bone."* [608]

> *"... arrived at Liverpool, from the Southern Whale fishery, the Argus, Capt. Meador, with 89 leagers, 52 butts, 141 puncheons, 82 hogsheads, 17 tierces and 101 barrels of train oil; 9 puncheons of spermaceti oil, and 10 tons of whale fins, the produce of 41 whales."* [609]

> *"The English vessels employed in the Southern Whale Fishery, during the late season, have been more numerous and more successful than those of any other nation – London sent ten – and Hull, Yarmouth, Bristol, and Liverpool, one each. The whole quantity of oil taken by these vessels amounts to 16320 barrels.- The American vessels, 13 in number, have taken 11162 barrels.- Three French vessels have taken 3570 barrels. Gross duties received on goods exported from hence in the year 1790 – 37,902l. ... imported 36,658l."* [610]

604 Manning 1905 p.461
605 MP Fox did not suggest any application to the Falkland Islands. He did not mention them.
606 All above from the *Parliamentary History of England from the earliest period to the year 1803* vol.28 printed by Thomas C. Hansard 1816
607 Manning 1905 p.461
608 *Norfolk Chronicle Saturday January 1, 1791 p.2*
609 *Leeds Intelligencer Tuesday January 11, 1791 p.3*
610 *Newcastle Courant Saturday January 15 1791 p.4*

1791 – January 1st, in London, a chart of South America based on the work of Jean-Baptists D'Anville, Royal Geographer and Cartographer to the King of France, is published (detail left).[611]

January 3rd, *San Pio* and *Nuestra Señora del Carmen* arrive at Puerto Deseado where they find four British whalers operating in breach of the 1790 convention. [612]

South Georgia is visited by a Capt. Cook in *London;* William Clark in *Sparrow;* Captain Pitman in the *Ann* and Christopher Horner in *Astrea.*

January 8th, Sydenham Teast, owner of four ships employed in the Southern Whale Fishery, writes to Lord Hawkesbury at the Board of Trade, asking for clarification of the effects of the Nootka Sound agreement. [613]

"Teast enquired if his ships were allowed to engage in sealing between the River Plate and Cape Horn, and in the Falkland Islands, and whether the political situation allowed for refreshing at ports of call and similar activities around the Horn in the Pacific Ocean." [614]

"London remained the centre of the southern whale fishery, the owners' efforts supported by an agreement concluded on the trade's behalf with the Spanish (the Anglo-Spanish Convention of 1790) and government support in pushing back the boundaries of the East India Company. These agreements provided access to Spanish ports on the west coast of South America, Sydney on the east coast of Australia and much of the Pacific. With reprovisioning and refreshment ports on both sides of the South Pacific now guaranteed, greater expansion could occur. As early as 1791, English whaleships involved in delivering cargo and convicts to the NSW colony had sailed from Sydney to undertake whaling. With support from the local authorities and now the British Government, this continued. Many of the ships which visited Port Jackson in the years up to 1800 were whaleships." [615]

On the same day, American sealer *Hope* arrives off the *presidio* on Soledad, en-route to the Pacific Ocean.

"Here Ingraham found a small Spanish settlement, and, after considerable delay, obtained permission to enter the harbor to careen his vessels and obtain necessaries. All his actions were very jealously watched by the Spaniards; a corporal and two soldiers were placed on board to see that the harsh port regulations were strictly observed; and every care was taken to insure that no unauthorized communication with the shore took place. Five days were occupied in this work, and then with a strong but favorable wind the Hope sailed…" [616]

January 11th, concerned by reports of new British settlements, the Viceroy orders a reconnaissance.

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611 Giving the French perception of the archipelago's discovered by French mariners around 1700.

612 Caviglia 2012 p.148. These un-named whalers had probably sailed from their home ports long before the accord had been reached. Other than warning them that they were in breach of the convention, there is no indication of anything else being done.

613 Clayton & Clayton 2016

614 Clayton 2014

615 Chatwin 2016

616 *The Voyage of the Hope: 1790-1792* F. W. Howay in *The Washington Historical Quarterly* Jan, 1920 vol.11 no.1 p.3

"On the 11th of this month ships of the Falklands expedition, the packet-ship St. Eulalia and Brig Rosario departed from Montevideo to make a reconnaissance of Staten Island and New Ireland according to the news in which there is supposed to be an English establishment." [617]

San Pio and the *San Julian* sail to check on Cape Horn. [618]

January 20th, Britain's Board of Trade hears from a number of London's whalers; *"... having expressed a wish to have some points explained respecting the Convention..."* [619]

"1. What are the extreme Settlements of Spain on the Eastern and Western side of South America and the Islands adjacent thereto? ... 3. To what parts of the Spanish Settlements on the Continent of America, either on the East or the West, does the Rule of not approaching within ten Leagues apply? 4. Do the ten Sea Leagues from the Coast, mean from Islands as well as from the Continent; and are we not allowed to land within ten Leagues distance, by land or water, from any Spanish Settlement? 5. Have we a Right in case of Distress to go into any of the Spanish ports for Relief?..." [620]

These questions, together with the letter from Bristol merchant, Sydenham Teast, are directed to Lord Leeds. [621]

A *New Map of South America from the latest Discoveries 1791* is published in Brookes Gazeteer, London (detail below).

Colombia Rediviva, out of Boston, returns to West Falkland Island under Robert Gray. [622]

617 These instructions are noted in a report by Nicolas Mezadondo dated January 21, 1791 (*General Archivo de Semanicas Ref: ES.47161.AGS//SGU, LEG, 6805,35*). Also Parodi (1891 p.376). See December, 1791. The term '*paquebot*' refers to a mail ship. The location of New Ireland is unclear, although there was a New Island in the Falklands.

618 Reporting in March, 1792, Elizalde, commanding *San Pio*, informed the Viceroy that no British establishments had been found on Staten Island or the coasts of Tierra del Fuego (Parodi 1891).

619 *TNA BT 5/7*

620 *Ibid.*

621 There is no indication of any answer in the minutes of the Board of Trade. Although no detail is provided, there appears to have been a similar letter to the Board, from the whaling merchants, in May, 1791 which was forwarded to Lord Grenville. To be answered when the government's "*sentiments*" were known. *TNA BT 5/7* at *138*

622 The vessel stayed for about 10 days, rounding Cape Horn on February 16, 1791.

March 1st, *teniente de navio*, Don Pedro Pablo Sanguineto takes command of the garrison at Soledad as *comandante gobernador*.

"... during his trip to Puerto Soledad and between 38° and 46° found in his path a French frigate, two schooners and three American brigantines and three English: the aforementioned chief calculated that more than sixty vessels dedicated to whale fishing, most of which were English or American." [623]

Sanguineto reports that Soledad has 38 buildings of which 14 are made from stone and that the batteries have a total of 12 cannon. He adds that the bread oven is now useless.

"According to the inventory received by the Ship Lieutenant Pedro Pablo Sanguineto in 1791, the cattle then amounted to 3,460 heads." [624]

March 4th, Sanguineto, who had commanded the *St. Eulalia,* reports to Buenos Aires about that voyage.

> *"During the forty two days of my sailing I have found nine ships, most of them from 30 degrees to 46 degrees and from 90 to 60 leagues from the coast. A frigate with French flag, two schooners and three bergantines, with English and American flags, and the other three Royalist. I was able to talk to two and to them I made the observations which I had to in a friendly way as requested by Your Excellency when you instructed me. Both concur that there are more than sixty ships that are on these shores hunting whales, most of them English American, some from Spain and one or two French, they aren't aware of any establishment, ..."* [625]

April 11th, whaler *Olive Branch*, sails from London for Patagonia. [626]

In **May**, Britain's Ambassador to Madrid informs London that Minister Floridablanca is; *"... very anxious to have England take effectual measures for preventing British vessels from touching at Spanish ports, that his enemies might not find new reasons for attacking him."* [627]

May 29th, from Buenos Aires, the Viceroy informs Madrid that the Soledad *comandante-gobernador* has found no opportunity for a reconnaissance of the places where the British are believed to have establishments. [628]

September 17th, an American ship *Patty*, under Capt. John Bryan, arrives at the Soledad garrison in a distressed condition. Relief is given and the ship stocked with foodstuff, to be paid by the ship's owners in New York through agents in Madrid. [629]

November 20th, a British whaler arrives at Puerto Soledad. [630]

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623 Caillet-Bois 1982 (6th ed.) p.172 citing *Pedro Pablo Sanguineto to D. Nicolás de Arredondo, Soledad de Malvinas, March 4, 1791*

624 Podetti 2013

625 *AGN IX-1482.* Occasionally produced as '*evidence*' that the Spanish were exercising sovereignty in the south Atlantic around the Falklands, the bearings provided indicate that Sanguineto's patrol had taken place off the Rio Negro.

626 Lost at Puerto Deseado in August, 1791. A boat from the sealer arrived at Montevideo on December 28, 1791 with the report. *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150140074*

627 Manning 1905 p.459 citing *St. Helens to Grenviile, May 10, 1791.* Floridablanca would be much criticised within Spain for the 1790 Convention; eventually being replaced as Spain's First Secretary (Prime Minister) in February, 1792.

628 Parodi 1891 p.374

629 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150140128.* Also Silva and Tejerina 1996 citing a report of October 9, 1791 in *A.G.I. Audiencia de Buenos Aires, 553.*

630 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150140128.* Not easy to translate and the only thing that is clear is that the ship sailed from England on August 10, 1791. This report states that the vessel was en-route to the Pacific and gives the master's name as Manuel Ylelly. This accords with *Redbridge*, out of Southampton on that date under Samuel or John Kelly, bound for the Pacific Ocean.

November 22nd, Viceroy Nicolás de Arredondo gives instructions to Juan José Elizalde.

> *"Due to various occurrences and considerations, the expedition destined for last year under the command of Lieutenant D. Pedro Sanguineti for the reconnoiter of the immediate (coast) to Cape Horn and Tierra del Fuego, where they (the English) may have been established, was stopped... it became fruitless, even having later limited its objects to the mere examination of any of the Isla de los Estados*[631] *and New Ireland, in which they are mainly considered situated. ... I have felt it necessary to repeat (the) expedition to the same effect, and at the appropriate time in the present year, composed, as in the previous one, of the same number and class of vessels ..., and with the same instruction that I issued at the beginning, in order that the surveys be made with the extent and possible accuracy, as it is conducive to the achievement of the discovery of those populations. As a result of this resolution, I have chosen you to proceed with your corvette, and the brig San Julian, who for this purpose has placed itself under the command of the pilot of the Royal Navy, D. Jose de La Peña, ...*
>
> *To this effect I direct to you a copy of the instruction that I wrote for the said Sanguineti, so that you may observe it in all that pertains to reconnoitering and manner of proceeding. But as far as requirements and intimations to the Englishmen that you find (settled) or navigating, as circumstances have varied, by the recent Convention made between our Court and that of London, you must limit the (instructions) to the cases in which you notice an infraction of the rules stipulated in (the Convention), and keeping the greatest moderation, not to give reason to alter the friendship we seek to engage with that nation. These cases will be manifested by the attached printed text of the same Convention: it being understood that, according to the literal sense of Article 6, the English should not encourage fishing, nor make barracks on coasts that, although deserted, are located north of the territories already occupied by Spain, such as the coasts of Puerto Deseado, those of San José, and even the Babia de San Julián, and other places in which we have had, or have population or occupation, or are accessories of occupied districts. And under this concept you must reprimand them for any infraction, and persuade them to withdraw, protesting the damages, and that you (make) in complaint to your Court;... If you consider that, without prejudice to this commission, you may (need) enter Puerto Deseado to reconnoiter .., it will be well done, informing (me of) the results from the Maluinas, ..."* [632]

"... in case of abuse to raise this complaint to his Court..." [633]

On the same day, Juan Muñoz of the *Compañía Marítima* reports to Buenos Aires that the attempt to colonize Puerto Deseado had failed due to lack of food and bad weather. [634]

In **December**, the Viceroy orders Don Juan Latre to reconnoiter the Falklands. [635]

December 7th, from Buenos Aires, the Viceroy writes to Madrid to inform the Royal Court that no reconnaissance of the Falklands was made by the expedition that had sailed from Montevideo in January. [636]

The whaler *Sydenham,* is reported "*well*" at the Falklands. [637]

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631 Statenland/Staten Island, off Tierra del Fuego.

632 *Nicolás de Arredondo al Teniente de Navio D. Juan José Elizalde Buenos Aires, Noviembre 22 de 1791* in Angelis 1852 pp.xl-xli

633 Quoted in Areco 1885 p.47

634 Shaw 2008. In February, 1792 Madrid ordered the Viceroy to assist in the maintenance of some establishment at Puerto Deseado, even if only as a prison colony, in order to 'maintain possession.' See Angelis 1852 p.xli

635 *Memorias de Juan Latre* Felix G. Gil 2013. Also Shaw 2008.

636 Parodi 1891 p.376

637 Clayton 2014. This vessel returned to England in 1792, having stopped at Rio de Janeiro in April, 1792. There is nothing to indicate that Latre encountered *Sydenham*.

"The 1790 – 1791 period was one of the most productive in the history of the Southern Whale Fishery. Out of the fleet then numbering fifty-nine vessels, London found thirty-three returning in 1791 with cargoes of oil and bone totalling in value £91,699, and with seal skins numbering 45,400, mostly from the Falklands and South Georgia..." [638]

December 20th, Juan José de Elizalde y Uztáriz commanding *San Pío* and *Nuestra Señora del Carmen* sails from the Rio de la Plata to; *"... the Patagonian coast.., the island of Tierra del Fuego and the Isla de los Estados, to take possession of these places and to make plans to verify the existence of foreign campaigns in those territories... and, once the voyage had been completed, to set sail to the Falkland Islands to relieve the staff stationed in the archipelago and for Elizalde to assume the government of that place for eleven months."*[639]

December 21st, *Daedalus*, a merchant ship under charter to the British Royal Navy, approaches Port Stevens in the south of West Falkland Island.

> *"We have very pleasant weather and a fair Breeze which will show us Falklands Islands, by tomorrow noon if it continues. At these Islands, Mr. Hergest intends to touch for Water, instead of touching at Tierra del Fuego. They are uninhabited but there is a plentiful supply of Fish and Wild Fowl..."* [640]

638 Stackpole 1972 p.153

639 *La Expedición de Juan José de Elizalde y Uztáriz a la Patagonia, Tierra del Fuego E Isla de los Estados (Diciembre 1791-Febrero 1792)* Juan Alfonso Maeso Buenasmañanas in *Espana en el Comercio Maritimo Internacional (siglos Xvii-xix). Quince Estudios* Carlos Martinez Shaw & Marina Alfonso Mola (eds) 2009

640 *Letters, memoranda and journal containing the history of Mr. William Gooch (M.6.48)* Cambridge University Library. *Daedalus* remained till January 30, 1792. Gooch was an astronomer sent to join the Vancouver Expedition at Nootka Sound. He was killed by members of an indigenous tribe at Oahu in the Hawaiian Islands on May 12, 1792, together with Hergest and another sailor. He is remembered because of his letters home.

1792 – the firm of William Guthrie publish a map of South America (above) delineated into two parts by colour.

January 3rd, a British merchant ship arrives at Puerto Soledad. [641]

Juan José de Elizalde y Uztáriz arrives at Puerto Deseado; mooring close to the factory of the *Real Compañía Marítima.* [642] Nearby is an English frigate at anchor – *Three* Brothers (Francis Todrig). [643]

"Manuel Marien de Arrospide informed Elizalds of the circumstances that explained the presence of the Thren Brothers (sic), anchored before the Spanish establishment since October 15 (more than two and a half months), and although he had claimed repairs as the cause of its stay his crew fished and hunted wolves and sea lions with total impunity. Elizalda asked Marien de Arrospide, who replied in the affirmative, whether he had warned the English captain of the illegality of his stay according to the latest British-maritime agreements…"[644]

"Once both captains face each other, a kind of debate was established on the articulation of the Nootka Convention both arguing by citing specific articles to assist their reasoning. In the end, when the Spanish commander read articles 4 and 6, Jodrig had no choice but to admit that his situation in Puerto Deseado violated this convention…" [645]

Presented with a claim that the *Three Brothers* is unseaworthy, Elizalde offers caulk and boards for the repairs.

January 10th, another British sealer arrives at Deseado; its commander also asserting a need for repairs.

"… the frigate La Eliza, commanded by British Royal Navy Lieutenant Thomas Middleton, who was previously intercepted, and expelled along with James Hopper by Ramon de Clairac, from the same place when he commanded the brig Sappho… Elizalde demanded that he retire to more than 10 leagues…" [646]

Researcher's Comment: The 1790 Convention provided for no powers of enforcement; the only available remedy being a report of any infraction to the appropriate government. There is no archival evidence that Spain ever complained about a breach of the Convention to Britain.

January 12th, the Viceroy at Buenos Aires advises the government in Madrid that the relief for the Soledad garrison has sailed. Also, that they have orders to search for places of British occupation. [647]

January 18th, at Puerto Deseado, with the captains of both British sealers ignoring Elizalde's instructions to leave, and both continuing to take seals from nearby islands, the Spanish commander hands responsibility over to the officer in charge of the *Real Compañía Marítima*. Elizalde then sails away. [648]

"Especially serious was the case of the frigates Thren Brothers (sic) (commanded by Francis Jodrig) and Eliza (commanded by Thomas Middleton), who did not obey repeated orders to leave Puerto Deseado despite the help they received from Elizalde." [649]

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641 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150140128.* Hard to translate. Name noted as *Catalina* (*Katherine*); departure date from London as October 2, 1791. Captain's name appears to be Parners.
642 Silva & Tejerina (1996) note that in January, 1792, the Viceroy had sent a detachment of troops to Puerto Deseado to deter English ships from breaching the 1790 agreement. It seems likely that Elizalde delivered those soldiers.
643 Noted as Francis Jodrig in the Spanish record. *Three Brothers* (Jordan & Cº of London) sailed from Deal May 11, 1791
644 Buenasmananas quoted in Shaw & Mola (eds) 2009
645 Buenasmañanas in Shaw & Mola (eds) 2009
646 *Ibid.*
647 Parodi 1891 p.376
648 *Ibid.* Silva & Tejerina (1996) confirm that the Viceroy had issued orders compatible with *Art.7* of the *Convention*.
649 *Ibid.*

Thomas Pittman, in *Ann*, takes 3,000 barrels of Elephant Seal oil and 50,000 Fur Seal pelts from South Georgia, while Benjamin Page, in *Hope*, takes a cargo of Fur Seal skins from the Falklands to China.

February 1st, Comandante Sanguineto reports the arrival of three ships at Puerto Soledad in the period since September 17, 1791. Having assisted the first, and seen the others on their way, he excuses his lack of further action on the 1790 Convention's requirement that infringements are resolved amicably. [650] Coming to the end of his term as *comandante-gobernador*, Sanguineto considers appeals from the prisoners.

"The (work) burden, aggravated by the passage of time, prompted requests for clemency. In 1792, four prisoners held for life, all with more than a decade in prison – one of them sent to the islands 25 years before, at the time of the Bougainville withdrawal – requested it, alleging ailments typical of age, and hopeful to be reunited with their families. Sanguineto, who was concluding his first government administration, recommended the granting of the benefit... The beneficiaries by the king's grace would be Felipe Lara, Mariano Toledo, Ventura Ramallo and Manuel Lorenzo, in the case of the former, after consulting Buenos Aires about the cause of his exile, no one could re-member it exactly. Sergeant Major Manuel de Pinazo, his possible captor, assumed that "perhaps" he would have been a spy imprisoned with other Indians in 1776." [651]

February 20th, having completed his reconnaissance of the Patagonian coastline, *teniente de navio*, Juan José de Elizalde y Uztáriz commanding *San Pío* arrives at the Puerto Soledad garrison; followed by *Nuestra Señora del Carmen* on the 22nd.

"As regards the control of ships and foreign establishments, the results are more debatable. ... no concrete action was taken to sanction the six English ships that were found in violation of the Anglo-Spanish agreements. ... It is debatable that the responsibility was entirely attributable to him, for the instructions he received placed special emphasis on the necessity of dealing with all foreigners who were found, and it was quite sensible to have a degree of permissiveness so as not to provoke an escalation of bellicose tension With the greatest naval power in the world, as it did in the Falklands in June 1770 or in the bay of Nootka in the summer of 1790." [652]

March 1st, Lt. Juan José de Elizalde y Ustariz formally takes over as *comandante-gobernador* of Soledad. [653]

"At that time the Colony housed about one hundred and eighty-three people." [654]

April 17th, whaler *Venus*, owned by the London company of A & B Champion, is reported at the Falkland Islands; as is *Sydenham* out of Bristol, England. [655]

April 20th, Britain's Board of Trade suggest that an experienced naval officer should be sent to conduct a survey. To include all ports and places which whalers and sealers may use for refreshment on the western coasts of South America, and the adjacent islands; *"... as were not occupied by Spain previous to the signing the Convention of 28th October, 1790..."* [656]

May 15th, from New Haven, American sealer *Nancy* (Capt. Daniel Greene) sails for the Falklands. [657]

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650 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150140128.* See 1790
651 Jiminez, Alioto & Villar 2018 p.155. For Mariano Toledo, sentenced to life imprisonment for sodomy, see 1774.
652 Parodi 1891. *cf.* 1770, 1789, 1790 & 1791
653 Elizalde wrote to the Viceroy on March 7, 1792 with the report of his reconnaissance of the Patagonian coast. The covering letter in Angelis 1852 p.xlii. The report was attached and referred to, but not included by Angelis.
654 Caillet-Bois 1982 (6th ed.) p.172.
655 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.
656 *TNA BT 5/8* at *12*.
657 Dickinson 2007 p.35

May 29th, British sealer *Lively*, sails for South Georgia. [658]

"The value of Britain's whaling industry was reckoned at £189,000 in 1792 and she easily led the world both as a producer and a consumer in this industry." [659]

June 2nd, the *Real Compañía Marítima* is granted further concessions in a bid to make it profitable.

"This document included among its provisions, the work of colonization (which, despite the disappointments, remained in the statutory provisions statutory), the practice of fishing (the first function and legal foundation of the Company) and other branches of economic life, such as salting meat in the region of Buenos Aires... (and) traffic between Buenos Aires, Rio Negro, San José, Puerto Deseado and the Falklands... Puerto Deseado ceased to be a colony to become a military prison operated by the Crown and a fishing factory operated by the Compañía." [660]

June 20th, American sealer *Polly* (Capt. Roswell Woodward) sails for the Falklands from New Haven. Francis Rotch's ship *Ann* (Capt. Pitman) sails from London for South Georgia. [661]

American brig, *Betsey,* out of New York, arrives at the Falklands to hunt for seals. [662]

September 7th, at the Soledad garrison, Juan José de Elizalde considers the running of two estancias.

> *"At least twelve Field Men are needed for the two Estancias, and care of the Cattle, of which it would be very convenient to have eight or ten of those permanent as at present for the awareness of this countryside, being able to compliment the rest of those who have been sentenced for one year."* [663]

"... the care of the cattle and the management of the ranches demanded permanent attention given the crucial importance of the meat supply..." [664]

September 22nd, in France, a Republic is declared. [665]

Josephus (Capt. Youte) hunts seals at the Falklands.

October 5th, Britain's Board of Trade consider a commercial treaty with Spain; *"... delivered by the Spanish Minister Count Florida Blanca, to His Majesty's Ambassador at Madrid, and referred to the consideration of this Committee by His Majesty's command..."* [666]

"... the Spanish Ministers appear determined,.. not to adopt any part of what was proposed in the British Projet, they endeavour to embarrass the Commercial Intercourse between the two Kingdoms by useless and

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658 Reported as "*nearly full*" in 1794. Clayton 2014 p.160

659 Stackpole 1972 p.174

660 Shaw 2008. The requirement to establish colonies was removed by a supplementary order of August 2, 1792. This appears to be the only direct mention of the Falklands in connection with this fisheries venture. Some sources give September 13, 1792 as the date for this Royal Order.

661 Dickinson 2007 p.35 & p.61

662 *Voyages and Discoveries in the South Seas 1792-1832* Captain Edmund Fanning 1924. There appear to have been up to seven sealing vessels with the name *Betsey* or *Betsy;* the majority out of London. *cf.* Clayton 2014

663 *Relación de los Presidiarios Existentes en el día de la fecha; años de destierro y tiempo en que cumplen, con la esencial circunstancia de las especificación de los que son hombres de Campo como igualmente de los inútiles, Soledad de Malvinas, 7 septiembre 1792* in *AGN IX 19.09.09.* Quoted in Jiminez, Alioto & Villar 2018 p.141

664 Jiminez, Alioto & Villar 2018 p.142

665 King Louis XVI had been detained on August 10, 1792.

666 *TNA BT 5/8* at *70.* Negotiations for a treaty of commerce with Spain were a requirement of the 1783 peace agreement but Spain appears to have been obstructive throughout the talks which formally began in 1786. Floridablanca had been replaced as Spain's Chief Minister in February, 1792 by Pedro Pablo Abarca de Bolea, 10th Count of Aranda, himself on the verge of being replaced when this was written.

unprecedented Regulations. The Lords of the Committee therefore are humbly of opinion that its is not advisable for Your Majesty to conclude a Treaty of Commerce with Spain ..." [667]

Sealers *Nancy* and *Hero* arrive in the islands. *Mercury* anchors at Port Egmont.

"Elizalde was also alarmed by the presence of numerous American ships. He learned that in Puerto Celebroña[668] *there were anchored two frigates of that flag. On that occasion, he appointed two men on horseback so that, arriving at that point, they could investigate the case. The two ships in question, judging by what their crew said, were going around the world. One of them had .. sailors discontented .. and among them were some Spaniards. Elizalde then changed procedures. He sent an ensign with a party with orders to use force if necessary, if the American captain did not leave the Spanish crew ashore. The commander of the ship, who confessed that he was going to the Californian coast "to look for fine fur for China, and on the way to make Ballena grease and then sell it in India", was forced to release five Spanish sailors."* [669]

Polly hunts for seals at the Falklands and South Georgia. [670]

"... definite information is available about two vessels fitted out for sealing in the Falkland Islands by Elijah Austin, a merchant of New Haven, Connecticut. The brig, Nancy, commanded by Daniel Greene, sailed on 15 May, 1792, and the brigantine Polly commanded by Roswell Woodward sailed on 20 June 1792. Their voyages were very successful and obtained parts of their cargoes from South Georgia." [671]

Capt. James Colnett, with his experience of the southern oceans, is approached to command *Rattler*.

> *"... I was informed that the Board of Admiralty had nominated me to undertake a voyage, planned in consequence of a memorial from merchants of the City of London, concerned in the South Sea Fisheries, to the Board of Trade; for the purpose of discovering such parts for the South Whale Fishers who voyage round Cape Horn, as might afford them the necessary advantages of refreshment and security to refit. This memorial stated the calamitous situation of the ships crews employed in this trade, from the scurvy and other diseases, incident to those who are obliged to keep the seas, from the want of that relief and refreshment, which is afforded by intermediate harbours."* [672]

November 13th, *Ann* (Capt. Pitman) hunts at South Georgia. [673]

In **December**, British sealers *Fox*, *Sparrow* and *Minerva* hunt at South Georgia. [674]

"Most of the vessels worked the windward side of the islands, north-west from Port Egmont to the Jason Islands and southwest to Swan Island. Seals were abundant and the prevailing winds made to exploit other stocks on Staten Island and Tierra del Fuego..." [675]

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667 *Ibid* at 94. Manuel Godoy took over as Chief Minister in November, 1792, after which attempts to negotiate a commercial treaty appear to have petered out.

668 Punta Celebroña is Mengeary Point, East Falkland. Isla Celebroña is Kidney Island, to the north of Berkeley Sound.

669 Caillet-Bois 1982 (6th ed.) p.172. Whether *Nancy* and *Hero* were the ships in question, is moot.

670 Dickinson 2007 p.34

671 Headland 1992 p.33

672 Colnett 1798. *Rattler* was purchased from the Navy and then refitted for the voyage by *Enderby & Sons*. With no orders from the Admiralty, Colnett arranged to be placed *'on leave'* for the duration of the voyage. He sailed on January 22, 1793 and was away for 22 months, arriving back in Dartmouth on November 1, 1794. It is moot whether Colnett stopped off at the Falklands although some claim he did so in 1793. See *A Sheltered Life: The Unexpected History of the Giant Tortoise* Paul Chambers 2004. Also Dickinson 2007 p.35.

673 Dickinson 2007p.61. *Ann* returned in 1793 with 50 tons of Elephant Seal oil and 50,000 skins.

674 *Kentish Gazette* Tuesday March 12, 1793 p.2. Sealer *Minerva* was noted at Barbados in April 1793 with 22,000 seal skins, en-route for England (*Stamford Mercury* Friday June 28, 1793).

675 Dickinson 2007 p.34

1793 – January 15th, *Teniente de navio*, Don Pedro Pablo Sanguineto sails into Berkeley Sound. [676]

January 21st, in Paris, Louis XVI, King of France, is executed on the guillotine by Republican forces.

On the same day, a ship arrives at the Soledad garrison with letters and four new prisoners from the Rio de la Plata. Jose Lizarraga, a thief, is sentenced to 10 years. Martin Maldonado, an assassin, to 8 years. Jose Rodriguez, assassin, 8 years. Feliciano Flores, neither crime nor sentence stated. [677]

"... prisoners accepted the transfer to Malvinas in order to obtain a reduction in the time of imprisonment: one year of effective stay on the islands with a good conduct qualification was equivalent to two years of sentence. ... the option could arouse some interest, perhaps stimulated by an expectation of flight. They may have been encouraged by the fact that the island system was open confinement, less oppressive — and very different — than the cell confinement regime, but if so, direct knowledge of the harsh reality of the destination will have persuaded most of the desirability of desisting. A single escape attempt is recorded .., an attempt which was ended by a twenty-five-day exposure to the elements." [678]

Responding to his mail, c*omandante gobernador* Elizalde y Ustariz notes receipt of an order to enforce *Art.6* of the 1790 *Nootka Sound Convention*. [679] In the same message, he reports Soledad's population as consisting of 183 people, including 35 convicts, and 14 servants. [680]

February 1st, in Europe, France declares war on Great Britain and the Dutch Republic. [681]

February 10th, Lt. Pedro Pablo Sanguineto commences his second tour in command at Soledad. [682]

"To the Commander newly relieved at Malouines... instructing him to hand over to his successor, the Drafts or Copies of Despatches, dated by him at Montevideo and having reference to the arrival at 'Las Islas Malouines' of the ships 'Salty' and 'Fair American.'.." [683]

"The time was uncertain and all precautions had to be taken to put the colony in a state of defense. Thus it was that Sanguineto proceeded to check the three batteries. The one of San Carlos had at the time two guns one by one; four of three and two of four; that of Santiago had, on the other hand, four cannons of twenty-four, and San Felipe, two of eight. He also reviewed the constructions, making arrangements for the necessary repairs, in particular the straw that was in deplorable condition." [684]

American sealing vessels *Betsey, Josephus* and *Swallow* join *Nancy, Polly* and *Hero* at the Falklands. [685]

Young William hunts at South Georgia. [686]

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676 In a report dated March 15, 1793, Sanguineto reported on his voyage to the garrison in Berkeley Sound, noting that he'd found a British deserter in the Bay of Diamonds (?) and that he had come across an American boat's crew looking for their ship. Also an American ship, *Minerva*, out of New York that was hunting seals. No locations provided.

677 Flores is noted as returning to Montevideo after just 12 months.

678 Jiminez, Alioto & Villar 2018 p.146

679 Unconfirmed. The nature and extent of this order is unknown. For the relevancy of *Art. 6* of the 1790 *Convention* see above. As for enforcement, Silva & Tejerina (1996) confirm that the Viceroy had issued orders compatible with *Art.7* of the *Convention* which only provided for a written complaint to be submitted in any case of infraction.

680 *AGN IX 16-9-9*

681 Known in the UK as the *French Revolutionary War.*

682 Caillet-Bois 1982 (6th ed.) p.173

683 Note dated March 20, 1793 in *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/616.* Benjamin Lee commanded *Fair American* which would seem to have been a merchantman. I have no information with regard to *Salty.*

684 Caillet-Bois 1982 (6th ed.) p.173 citing Langenheim 1939 pp.160-161

685 Headland 1989 & 1992. *Polly* returned to Connecticut in May, 1794. *Nancy* sailed via Canton in China and arrived back at its home port of New York in May, 1795 having circumnavigated the globe.

686 *Hampshire Chronicle* Saturday June 3, 1793

March 1st, Spain declares war on France. [687]

March 3rd, an instruction from the Finance Ministry in Madrid, orders that English whalers are to be allowed to land at Spanish ports on the western coast of South America; *"... provided they paid all their expenses without receiving any kind of relief from the treasury."* [688]

March 4th, James Hopper and *Fox* arrive at Falmouth with 25,000 seal skins from South Georgia. [689]

March 25th, an order from Spain's Ministry of War instructs port authorities to assist English vessels in case of need. No limitation is provided as to the type of vessel.

"Both resolutions were quite condescending, and reveal some interest of the government to achieve an approach to England at a time when the French revolutionary germ threatened to spread to the peninsula and its domains. The cabinet adopted a poorly disguised appeasement policy to avoid another unfortunate incident like that of Nootka, establishing a compromise solution: aid would be given to the whalers provided they paid in cash for all their purchases of food. In practice this meant nullifying article 4 of the fishing conventions and quasi-legalizing contraband in the waters of the South Pacific." [690]

May 25th, Spain and Britain sign a treaty of alliance; agreeing to make common cause against France. [691]

> *"Art. III. ... in order that the British and Spanish vessels may be mutually protected and succoured during the present war, as well in their navigation as in the ports of the two high contracting parties, Their Britannick and Catholic Majesties have agreed, and agree, that their squadrons and ships of war shall convoy, without distinction, the trading vessels of the two nations in the same manner that each convoys its own, as far as circumstances may permit; and that both their ships of war and trading vessels shall be admitted into their respective ports and protected, and shall be furnished with the succours of which they may stand in need, at the current prices."* [692]

June 2nd, American sealers *Ark* and *Governor Brown* arrive at Puerto Deseado, on the Patagonian mainland.

"Don Miguel Rescio, reported the arrival of that port of the American brigs Ark and Governor Brown in order to fish; were told to refrain from doing so, and immediately left, apologizing that they were only going to attend to their crews attacked with scurvy and not to fish in that port, nor in their vicinity, because they knew that they could not do it, because they knew the agreement between Great Britain and Spain." [693]

June 26th, Francisco Gil de Taboada, Viceroy of Peru, writes to Minister Manuel Godoy in Madrid to complain about the arrival of British whalers on his coasts; taking advantage of the "*gaps*" in the 1790 accord. [694]

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687 *Stamford Mercury* Friday March 1, 1793. Now known as the *War of the Pyrenees* (*La Guerra de la Convención).*

688 Silva & Tejerina 1996

689 *Kentish Gazette* Tuesday March 12, 1793

690 Silva & Tejerina 1996. The extent and scope of this order is unknown.

691 *The Parliamentary Register: Or an Impartial Report of the Debates that occur in the Two Houses of Parliament ...* William Woodfall 1794 vol.1 pp.118-220. An unusual situation for Spain to find itself in, but one that would only last until 1796 when Spain and France allied again.

692 There would not appear to have been any limitation as to which ports.

693 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278*

694 *Los balleneros Anglo-estadunidenses y la cuestión de la 'extranjerización' del comercio peruano a fines de la época colonial, 1790-1820* Ramiro Alberto Flores Guzmán 2010. It is unlikely that the Viceroy would have been aware of the May 25, 1793 Anglo-Spanish treaty when he wrote this. Whether a whaler would count as a trading vessel is unclear, although it is known that many took the opportunity to act as such; the subject of many complaints from Spain.

July 29th, at the Soledad garrison, information is received of large numbers of whalers and sealers.

"... the presence of American and English ships, every day in greater numbers, some of those flying the starry pavilion, in number of ten or more, were in Puerto Perruca killing and slaughtering sea lions. Small contingents of hunters (more than one hundred and fifty) devoted all their time to these tasks." [695]

"... in 1793, when the presence of the American citizens is determined by means of two English deserters who present(ed) themselves to the Malvinas authorities to make a corresponding denunciation. The story of one of them shows the difficulties encountered by the Spaniards, since, after pointing out "... that he knew very well that it is forbidden for them to come and fish on these islands as also to build these ships here (sloops) as they did by bringing them in pieces from the Homeland in the larger vessels that come to the fishing ... ", he added, "... after they saw some boat they abandoned it and people hid inland, afraid of the Spanish warship they know safeguards these islas."..." [696]

"... told by some "English" deserters that there were ships sealing in the islands which had together amassed up to 20,000 sealskins. There were three or four "large ships" wintering around San Carlos, with some 150 men, mostly "Americans and very few royalists" (i.e. British)." [697]

Sanguineto calls together his officers to discuss the situation.

"... Sangineto (sic) learned that, in the Islands, and the neighborhood of them, were various foreign fishing Vessels; he called a Council of his Officers, in which it was resolved that Lieut. Don Juan Latre, in the Brig Galvez, should go in quest of these Vessels, and expel them." [698]

"D. José de Artecona Salazar, accountant of the Royal Navy vessel destined for the Santa Eulalia shipyard, and Minister of the Royal Treasury in the Malvinas Islands, certifies that the governor of Malvinas, D. Pedro Pablo Sanguineto, assembled a council of officers to take action on an American sloop anchored in Port Perruca, with 8 to 10 small boats, which without authority were in several ports of Gran Malvina killing sea lions, whose hides they had collected on land: that there ... a hundred and fifty men occupied in this traffic. The council decided that the brig of His Catholic Majesty San Julián de Gálvez, who, under the charge of an official and (with a) competent number of people, should reconnoiter the ports of those islands, ... that after the return of the said brigantine it would be sent to the province with a detailed report ... It is dated in the Soledad de Malvinas, the night of July 29, 1793." [699]

"To stop these abuses it was decided to arm the bergantin of war San Julián, with which the intruders could be forced to leave the waters or, otherwise, they would be in a position to arrest them." [700]

August 2nd, *teniente* Juan Latre, (*San Julian de Galvez*), sails from Puerto Soledad to seek out Americans.

In **September**, Latre, patrolling off East Falkland Island in *San Julian de Galvez*, sends a warning to the American sealing Brig, *Nancy*.

> *"Consistent with the latest conventions between the Spanish and British Courts and the orders which I am (under) from the Commander and Governor of the Malvinas islands, I must make you (aware) of not being able to fish or anchor in the vicinity of the Spanish establishments; Royalist Englishmen can fish*

695 Caillet-Bois 1982 (6th ed.) p.173. Puerto Perruca is a small inlet on the north-east coast of East Falkland.
696 Silva & Tejerina 1996
697 Pascoe 2020 p.48
698 Vernet 1832
699 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278*
700 Caillet-Bois 1982 (6th ed.) p.174

ten leagues away from the said establishments, without being permitted in this (part of) America to form barracks ... the American English being not included in the privilege enjoyed by the Royalists,...” [701]

“Those instructions confirm that the Nootka Sound Convention had deprived Spain of an important part of her claimed sovereignty in the Falklands: the right to prevent activities by British subjects. Spain was obliged to permit their commercial activities, especially of course "fishing" (i.e. sealing) throughout the islands except in the north-eastern corner, and also to permit permanent settlement in the north-western fifth of the islands.” [702]

September 14th, *teniente* Latre arrives off West Point Island, at the far western end of Byron Sound. [703]

“On the 14th Latre found the same in Port Desvelos, six American ships, all coming from New York, and one French; these ships were: Joseph, a frigate, Captain Hewit, and the brigantines Nancy, Captain Green, Mary, Captain Call and Mercury, Captain Bernard. These were engaged in fishing. ... their cabins and fields were destroyed, ... All obeyed the order, obeying the Spanish jurisdiction, saluting the King's flag, lowering their own. This is what the documents say.” [704]

“Latre himself continued to Isla Remolinos, in whose sheltered harbor he found eight American ships, six from New York and two from Providence. All well armed, one with cannon, the others with stone mortars, and all contained "firearms and munitions to slaughter seals." On shore, he found a stone hut which served as a smithery and storehouse for sealskins, as well as several large gardens. Ordering destruction of the shed and gardens, he permitted the removal of 800 to 900 sealskins, and warned the remainder of the ships away.” [705]

“... at times, hundreds of men were concentrated in certain ports to perform tasks or repair their boats and take on water. Such a case occurred in 1793, when the Navy Ensign Don Juan Latre pointed out the presence in Puerto de los Desvelos of 12 North American vessels, one of them armed with 6 guns and the rest with some pedreros. They had on board with about 200 men, who not only had made landings, raising barracks, but gave continuity to their stay through the formation of gardens.” [706]

September 20th, the garrison at Soledad is made aware of Spain's war with France, and Sanguineto instructed to seek out French ships which may be sealing around the islands. [707]

“In September he learned of a new one of extraordinary importance. Spain was at war with France. He immediately made every effort to defend the Colony. The guns of the batteries were loaded ready to sweep with shrapnel any suspicious ship; as in another time, a lookout was located in Arbolé, and rounds of horseback, nocturnal, were established in the surroundings of Puerto Soledad.” [708]

Swallow leaves the archipelago with a cargo of 16,000 Fur Seal skins and a quantity of Elephant Seal oil.

September 27th, a prisoner, Cayetano Ucero, assassin, arrives at the Soledad garrison. [709]

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701 *Ibid.* Also Vernet 1832 and Areco 1885 p.47

702 Pascoe 2020 p.48

703 Other names for West Point appear to be *Puerto Desvuelos* and *Isla Remolinas*

704 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278.*

705 Bernhardson 1989 pp.135 & 136

706 Silva & Tejerina 1996 citing *A.G.N. 6-2S-9-N° 212.* Also *Laurio Destefani: Las Malvinas en la época hispana (1600-1811). Ed. corregidor. Bs. As, 1981 p.277*. A *pedrero* was a mason (stone-cutter).

707 William Rotch Sr. had attempted to establish a whaling community at Dunkirk in 1786; initially with some success. However, most of the ships out of Dunkirk were lost in the early stages of the war between France and Britain and there were few French whalers or sealers in the South Atlantic in 1793.

708 Caillet-Bois 1982 (6th ed.) p.174

709 Jiminez, Alioto & Villar 2018 p.144

October 8th, Sanguineto reports on the encounters with American ships. [710]

Teniente de navio Latre discovers further signs of sealing operations near Port Salvador. He sails on to Port Egmont where he finds more evidence that sealers have been there with; *"... many burnt grasslands, and a lot of seal bones and shells."*

To the south of Saunders Island, Latre encounters another American sealer. [711]

"Here Latre impounded an unlicensed schooner and, after taking inventory, ordered it to Soledad with Captain and crew." [712]

October 21st, advertised in the *Leeds Intelligencer* journal:

> *"Liverpool. To be Sold by Auction, on Monday the Twenty-eighth of October instant, at a warehouse in Tower Garden, the Sale to begin at Ten o'Clock in the morning, About Ten Thousand Seal and Sea Lion Skins, salted in the Hair, being the cargo of the Meriam, lately arrived from Falklands Islands, assorted into suitable lots."*

November 6th, a prisoner, Miguel Cordero, arrives at the Soledad garrison. [713]

December 25th, Jose Bustamente y Guerra, commander of *Atrevida*, arrives in Berkeley Sound.[714] He records that the *presidio* consists of 102 people – the crew of the *Santa Eulalia* plus 38 convicts – and that unnatural offences are being committed due to the lack of women at the fort. He also notes that little effort is being made to grow vegetables. [715] One of the crew sketches Puerto Soledad (below).

710 *AGN VII 2-3-4*

711 *Extracto del Diario del Alférez de Navio don Juan Latre…* dated Octubre 8, 1793 in *AGN VII 2-3-4.* Noted in Bernhardson 1989 p.135. There are no supporting reports from the USA.

712 Bernhardson 1989 pp.135 & 136. A very different approach to that taken by Malaspina only 3 months later.

713 Jiminez, Alioto & Villar 2018 p.144

714 *Atrevida* was part of Malaspina's two ship expedition. On the outward journey in 1789, Malaspina had been asked by the Viceroy in Buenos Aires to check on Port Egmont. He appears to have parted from *Atrevida* in order to do so again.

715 Tatham (ed.) 2008 p.127. *Nancy* had apparently paid no heed to the warning given four months before.

1794 – January 2nd, Alejandro Malaspina, in his flagship *Descubierta*, anchors at Port Egmont.[716] There he finds the American sealers *Nancy* under Capt. John Bernard, [717] and *Hero*, commanded by Capt. Enoch Basnard, anchored near the old British settlement. An American, Capt. William Barnet in the Brig *Mercury*, is anchored out at the western point, where he has been for 14 months; cultivating onshore; "*... an above average quantity of excellent vegetables and had bred some pigs and rabbits on a nearby island."* [718]

> *"From the moment we tacked into the harbour we noticed two unrigged brigs anchored in the bay further to the south. Both acknowledged our ensign with the American flag. Their respective captains came on board that afternoon and informed me, as born out by their manifests, that they had left New York fifteen or sixteen months earlier, making directly for these islands for the sole purpose of obtaining seal furs and oil. Various other vessels from the same nation were anchored in a number of nearby harbours for the same purpose, with their seamen spread out throughout the surrounding islands; their launches keeping up communication with the ships. ... the cargo of a single vessel often came to 20,000 seal skins and great numbers of barrels of oil. .. we could see no exaggerations to presume that within a few years all the moneys that the Spanish monarchy was expending in the Malvinas, however generously, would flow back into the hands of foreign traders. I suspended taking any action pending the accumulation of detailed information about the true spirit of our latest treaties. Rather, I offered them anything that might be useful to them..."* [719]

January 9th, Malaspina grows concerned at the activities of the American sealers.

> *"... there had been several incidents involving the American ships anchored either in the same harbour or nearby. Almost daily their large launches went around the outer islands. On the 9th a small schooner of the same nation belonging to a ship anchored near the western point of the islands, had anchored in the harbour, unable to sail because of her very bad condition. They all needed ship's biscuits and the schooner needed various provisions that she had requested but that had not yet reached our establishment at Soledad. As the time spent lengthened, the slaughter of seals increased to such an extent that it seemed likely that soon they would all be destroyed, as the Americans themselves admitted.*
>
> *These undertakings, in my opinion, of a less equivocal interpretation of **Article 6** of the most recent Escorial Treaty,*[720] *eventually persuaded me not to remain an indifferent onlooker of such damage to our national interests, or negligently to allow the hunting to continue even longer while they waited for the stores they had requested. Both these duties, however, had to be discharged without breaking the established laws of hospitality or disturbing the peace. In particular we had to take care not to bring dishonour to our flag by making statements which could easily be evaded without the least punishment. Thus having summoned the captains of the two ships anchored in the harbour as well as Captain White from the small schooner, I explained the titles under which **everything** included in the name Islas Malvinas must be considered a Spanish possession.* [721]
>
> *I pointed out how harmful the fishing and hunting in which they were involved were to our national interests, how reprehensible it would be if I allowed myself to be an indifferent witness of such abuses,*

716 Malaspina was on the homeward leg of his scientific expedition around the Pacific Ocean. See 1789.

717 Headland (1992 p.33) has *Nancy* commanded by Daniel Greene at the commencement of its voyage in May, 1792.

718 Sealing ships spent an average of 18 months at the Falklands, with Egmont being favoured by British ships; New Island by the Americans. Surprising then that so few encounters were reported by the Spanish garrison at Soledad.

719 Quoted in Andrew David *et al* (ed.) 2004 vol.3

720 Malaspina had sailed from Spain in July, 1789 and passed through into the Pacific in December, 1789. Quite where he obtained a copy of the 1790 convention is not reported.

721 *Ibid.*. My emphasis. A pity that Malaspina did not record his explanation. It may have been enlightening.

and how easy it would be, nevertheless, for them to move to other harbours in the vicinity during my brief stay in these parts, which would certainly be of no more than twelve days, and that this final consideration would oblige me to expel them at once, unless they could plead some reason for staying on, a justification that I would be willing to accept as I had no desire to inconvenience them while at anchor, nor fail to help them as far as possible. Such reasons could not fail to bring pressure to bear on them." [722]

January 10th, Malaspina's *Journal* continues; *"... the captains of the two brigs at anchor in the harbour presented documents which confirmed their intention to leave as soon as they had finished taking water. In their requests for assistance all understood the necessity of leaving these islands immediately..."* [723]

Capt. Bernard promises to leave after a further 10 days; while Capt. Basnard agrees to go in 6 or 7 days time.

On the same day, Jose Bustamente y Guerra, commander of *Atrevida*, sails from Puerto Soledad.

January 16th, Malaspina takes on as crew six English sailors who had stayed behind to seal on their own behalf when their vessel left some six months before; and who had sold their stock of sealskins to an American ship.

January 20th, the *Malaspina* expedition sails from Port Egmont for Montevideo.

In **February**, *teniente de fragata*, Don José de Aldana y Ortega takes over at Soledad as *comandante gobernador.*[724]

"... on his appointment he presented to the Viceroy a plan for a new stone chapel at Puerto Soledad, since the one built of sods – originally intended as a stopgap – was falling down. His estimate of 6,000 pesos was accepted, and he was entrusted with overseeing the work. He left Montevideo in command of the Santa Escolástica on 25 February 1794 to take up his appointment, and one of his first orders... was to commence the building of the new chapel. However, work stopped again in early 1795... it was to take over seven years to complete." [725]

March 4th, Sanguineto, on his arrival back at Montevideo, reports to the Viceroy that he has "*reprimanded*" American, French and British whaling ships discovered in the "*vicinity*." [726]

Cattle numbers on Soledad are reported to be 5,033. [727]

April 30th, Spanish warship *Nuestra Señora de Belén* is ordered to reconnoiter the coasts of the Falklands.

"The ensign of (Soledad) frigate D. Gerónimo Lobaton made a reconnaissance trip of the Falklands archipelago in the ship of war of Nuestra Señora de Belén, in 1794. The instructions are dated 30 of April of that year in Soledad of Malvinas. In them it is said: "In the treaties of conventions made in that year (1790) between our court and that of Great Britain, .., Article 4 deals with subjects not to sail or fish in those seas at a distance of ten leagues from the coast already occupied by Spain." [728]

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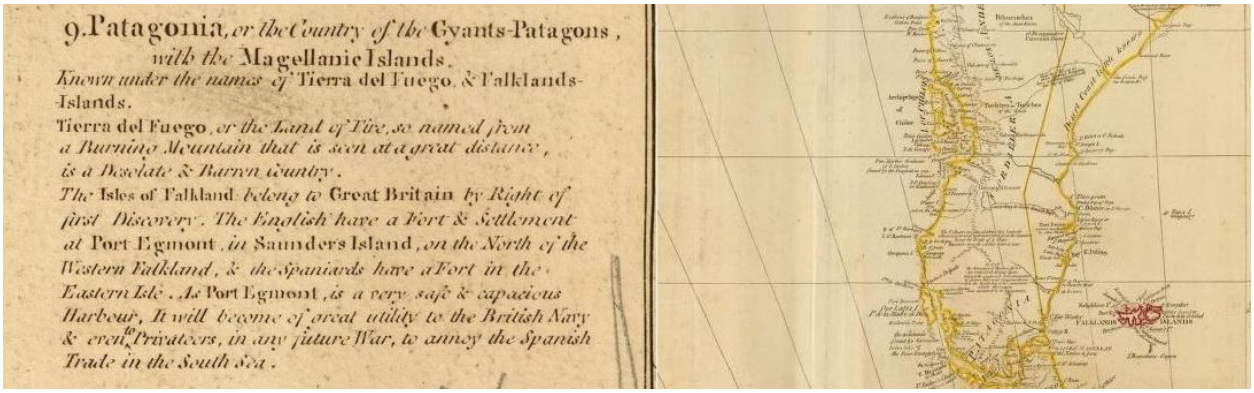
722 *Ibid.* Malaspina appears to have told the Americans to go and continue fishing somewhere where he could not see them.
723 *Ibid.* On January 17, 1794, Malaspina noted that the American ships had sailed.
724 Caillet-Bois 1982 (6th ed.) p.174
725 Pascoe 2022 vol.1 p.340
726 Kohen & Rodriguez 2016 p.82. "*Vicinity*" is a vague term.
727 *Informe del visitador general Diego de la Vega al virrey del Pino, Buenos Aires, 13 de marzo de 1804* in *AGN IX 17.01.01* Pascoe (2022 vol.1 p.340) notes that cattle numbers declined dramatically between 1794 and 1798, when only 1,568 were reported.
728 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278.* Spain's interpretation of the 1790 *Convention* is dealt with above. Britain did not see it as applying to the Falkland Islands.

In Paris, Mons. De la Haye of the Royal Academy of Science publishes a map of the *Terrestrial globe represented in two planes-hemispheres*. Two groups of islands are noted off the eastern mouth of Magellan's Strait – the *I. Sybald* and the *Isles Angloises* (English Islands). [729]

May 12th, a map of South America is published by *Laurie & Whittle* of London. [730]

The chart's legend states:-

> *"The Isles of Falkland belong to Great Britain by Right of first Discovery. The English have a Fort & Settlement at Port Egmont in Saunders Island, on the North of the Western Falkland, & the Spaniards have a Fort in the Eastern Isle. As Port Egmont, is a safe and capacious Harbour, It will become of great utility to the British Navy & even to Privateers, in any future war, to annoy the Spanish Trade in the South Sea."*


9. Patagonia, or the Country of the Gyants-Patagons, with the Magellanic Islands.
Known under the names of Tierra del Fuego, & Falklands-Islands.
Tierra del Fuego, or the Land of Fire, so named from a Burning Mountain that is seen at a great distance, is a Desolate & Barren country.
The Isles of Falkland belong to Great Britain by Right of first Discovery. The English have a Fort & Settlement at Port Egmont, in Saunders Island, on the North of the Western Falkland, & the Spaniards have a Fort in the Eastern Isle. As Port Egmont, is a very safe & capacious Harbour, It will become of great utility to the British Navy & even to Privateers, in any future War, to annoy the Spanish Trade in the South Sea.

September 8th, a whaler is detained by the Spanish at Soledad. The vessel's name is recorded as *Meriam*, out of Dartmouth, and its Captain as Basilio (Basil) Huert. [731]

September 21st, a sailor, William Stevens, dies after falling from a rock and is buried on Saunders Island. [732]

On the same day Alejandro Malaspina sails into Cádiz after 62 months away. [733]

729 See https://falklandstimeline.files.wordpress.com/2019/02/1794-the-terrestrial-globe-represented-in-two-planes-hemispheres-erected-on-the-projection-of-mr.-de-la-hyre-of-the-royal-academy-of-science...-paris-note-isles-angoises-english-islands.png

730 *A map of South America containing Terra-Firma, Guayana, New Granada, Amazonia, Brasil, Peru, Paraguay, Chaco, Tucuman, Chili and Patagonia, from Mr. d'Anville with several improvements and additions, and the newest discoveries ... A chart of Falkland's Islands named by the French Malouine Islands and discovered by Hawkins, in the year 1593* Laurie & Whittle, 53, Fleet Street, 12th May, 1794. See also *Kitchin's General Atlas, describing the Whole Universe: being a complete collection of the most approved maps extant; corrected with the greatest care, and augmented from the last edition of D'Anville and Robert with many improvements by other eminent geographers, engraved on Sixty-Two plates, comprising Thirty Seven maps.*, Laurie & Whittle, London, 1797.

731 This was noted in a message from the garrison dated June 14, 1795. I can find no references to a Capt. Huert during this period. However, Clayton (2014) connects a *Miriam* with a Capt. Worth and places it at Rio de Janeiro in September, 1795. Shubael Worth was a whaler out of Massachusetts whose sister Meriam had died young. Dartmouth, Massachusetts was a lively whaling centre. Clayton notes, however, that this is "*unconfirmed*." I concur, but see October, 21, 1793. Spanish translations of English names, both of ships and people, have been found wanting before.

732 *cf.* December 7th, 1810

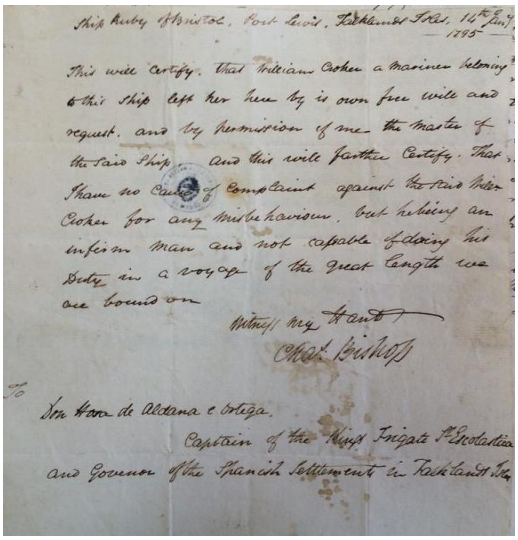
733 Initially lauded and promoted, Malaspina was involved in some political intrigue in 1795 which led to his arrest and detention. He remained in prison until 1802. The effect was that his journals and survey work was not published at that time. Some sources have it that Malaspina surveyed Port Egmont. If he did so, I have been unable to find such a chart.

1795 – January 2nd, a prisoner, Dominga Ariza, sentenced to 10 years for murder, arrives at Soledad. [734]

January 4th, a sloop *Union* (John Boit), out of Rhode Island, anchors at New Island, en-route to the Pacific [735]

January 8th, American sealer *Sally* (John Nicols) arrives in New Island harbour.

January 14th, *Ruby*, a merchant ship out of Bristol and en-route for Hawaii, arrives at Soledad seeking water. One of its crew, William Coker, voluntarily leaves the ship. [736]



> *"Ship Ruby of Bristol, Port Luis, Falklands Isles 14th Janury (sic) 1795*
>
> *This will certify, that William Coker a mariner belonging to this ship left her by is (sic) own free will and request, and by permission of me the master of the said ship, and this will further Certify that I have no cause of complaint against the said sailor Coker for any misbehaviour, but he being an inferior man and not capable of doing his duty in a voyage of the great length we are bound on.*
>
> *Witness my hand Chas Bishop"*

British sealing ships, *Active, Ann, Fox, Kitty, Lively, Lord Hawksbury, Mary, Minerva* and *Sybil*, visit South Georgia during the austral summer. *Sydenham* hunts for whales at the Falklands.

"In 1795, the total value of the produce of the British Southern Whale Fishery was in excess of £210,000." [737]

March 28th, a group of prisoners arrive at the Soledad garrison, sentenced to between six and eight years. Teodoro Dominguez, Jose Burgos, Lorenzo Rodriguez, Francisco Solano, Pedro Villalba, Nicols Garay, Bernado Palomo and R. Contreras. [738]

April 2nd, Spain abandons its establishment at Nootka Sound. [739]

May 20th, *Sally* (John Nicols), is detained on its arrival at Puerto Soledad. [740]

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734 Jiminez, Alioto & Villar 2018 p.144

735 Pascoe 2022 vol.1 p.342. Union sailed for the Pacific on January 24, 1795

736 Reported by José de Aldana y Ortega to Buenos Aires. This ship is the subject of a further report dated May 24, 1797 from the Viceroy to Madrid – *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1778 – 1820 1910* vol.3 p.92. Some confusion is caused by a 1797 version of events where the date of the ship's arrival is given as January 9th and the name of the vessel as *Rubia* (*Blonde*) not *Rubi* (*Ruby*). Ruby (Capt. Charles Bishop) was a merchantman. The Spanish subsequently suspected the ship was smuggling.

737 Stackpole 1972 p.282

738 Jiminez, Alioto & Villar 2018 pp.143-145

739 A *Third Nootka Convention* had been signed by Britain and Spain on January 11, 1794; agreeing the mutual abandonment of Nootka Sound while guaranteeing access to the subjects of both parties. This departure appears to have been in compliance with that accord; news having taken time to get there. That said, Spain did not go far and it has been suggested that they simply decided to avoid issues of sovereignty by decamping to another location nearby.

740 Buenos Aires was notified on May 26, 1795. With no ship available to the Soledad garrison in 1795, it appears likely that this vessel approached the port. BSWF Databases notes a brigantine named *Sally* commanded by a Nichols returning to its home port on December 24, 1795. *Sally* was built in Newfoundland, so the home port could reasonably be assumed to be Portsmouth, New Hampshire. Clayton (2014) records 6 sealers with this name, both British and American; identification not assisted by a Spanish reluctance to stop referring to Americans as "*Englishmen*." A *Sally* was wrecked in 1796 at South Georgia; but the captain was either a Farmer or an Ellis according to Headland (1992). Any detention of a British ship would have been in breach of the 1790 and 1793 treaties.

June 15th, *teniente de navio*, Don Pedro Pablo Sanguineto arrives once more to command the *presidio*.

July 22nd, the *Peace of Basel* ends the *War of the Pyrenees* between Spain and France. [741]

August 5th, a report notes that *Belen* has been unable to make a patrol of the archipelago this year. [742]

October 27th, the USA and Spain sign the *Treaty of San Lorenzo* (*Pinckney's Treaty*). [743]

> *Art. VI: Each Party shall endeavour by all means in their power to protect and defend all Vessels and other effects belonging to the Citizens or Subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, …*
>
> *Art. VII: And it is agreed that the Subjects or Citizens of each of the contracting Parties, their Vessels, or effects shall not be liable to any embargo or detention on the part of the other for any military expedition or other public or private purpose whatever; …*
>
> *Art. VIII: In case the Subjects and inhabitants of either Party with their shipping whether public and of war or private and of merchants be forced through stress of weather, pursuit of Pirates, or Enemies, or any other urgent necessity for seeking of shelter and harbor to retreat and enter into any of the Rivers, Bays, Roads, or Ports belonging to the other Party, they shall be received and treated with all humanity, and enjoy all favor, protection and help, and they shall be permitted to refresh and provide themselves at reasonable rates with victuals and all things needful for the sustenance of their persons or reparation of their Ships, and prosecution of their voyage; and they shall no ways be hindered from returning out of the said Ports, or Roads, but may remove and depart when and whither they please without any let or hindrance…"*

"In this way, the sailors of that nation were able to enjoy the same privileges enjoyed by the British whalers thanks to the fishing agreement of 1790." [744]

November 22nd, Rear-Admiral Ignacio Maria de Álava y Sáenz de Navarrete, commanding *Europa*, sails from Cádiz with two escorts, bound for Cape Horn.

December 12th, the Rev. John Malham, in his *Naval Gazetteer*, includes a map of the South Atlantic with the archipelago identified as the *Falklands Islands* (next page). [745]

December 18th, in the Atlantic, Álava instructs one of his faster frigates, *Señora del Pilar*, to go ahead to Puerto Soledad with an order for the Governor there to meet him at Port Egmont, with sufficient cattle for his squadron.[746]

1796 – in early **January**, Rear-Admiral Álava anchors off Puerto Soledad to take on supplies.

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741 The conflict had not gone well for Spain. It would be more than a year however before Spain agreed to join France in its war with Britain; suggesting that the protections embodied in the 1793 treaty with Britain continued until the declaration of war in October, 1796.

742 *Nuestra Senora de Belén (Our Lady of Bethlehem)* is a likely candidate, operating in those waters from 1781 she was still delivering mail and supplies to Soledad in 1803. This scribbled note, written in Buenos Aires on August 5th, is difficult to read but would seem to refer to *Belén's* commander as being a Francisco Ros (Ross/Rios?) when involved in some "*calamity*" – possibly running aground on a sandbank. I thank David Foot for this difficult translation.

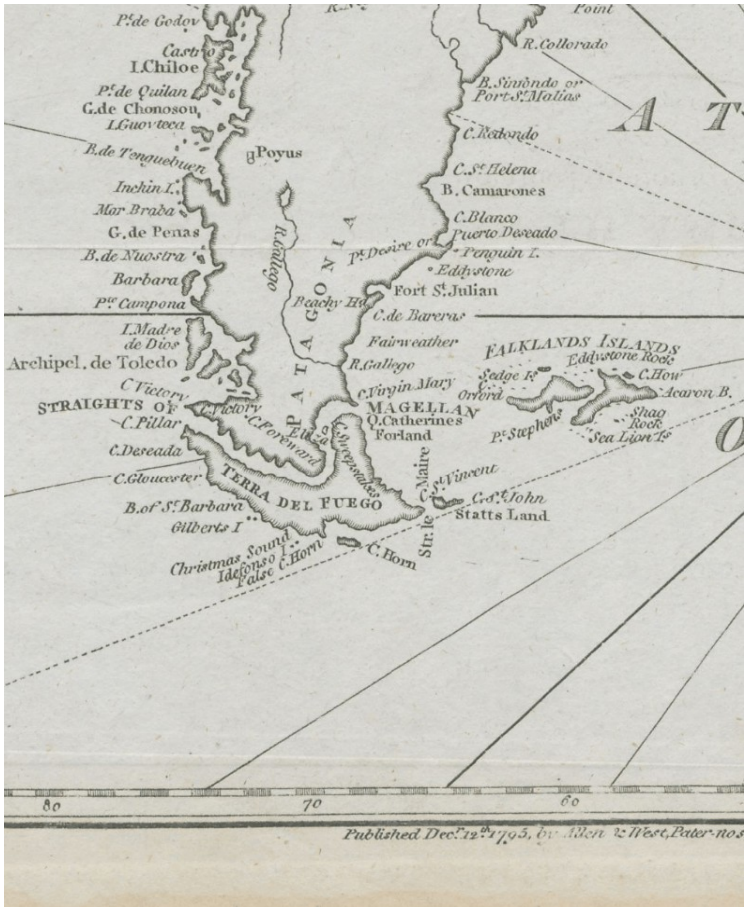
743 Repudiated by Spain in 1798. Included as relevant to how American vessels were treated at Soledad. See May, 1797

744 Silva & Tejerina 1996

745 See https://falklandstimeline.files.wordpress.com/2019/01/1795-john-malham-london-detail-e1548214709916.png

746 Rear-Admiral Álava's log can be found at Spain's *Archivo General de las Indias* at *45 N 24*.

"Don Ignacio Maria de Alava ... came in search of food, which was generously provided to him (eighty cattle, a thousand bricks, and twenty-four hides to his hair)."[747]



January 26th, Álava arrives at Port Egmont. [748]

February 4th, Álava sails for South America. [749]

February 12th, Sanguineto writes a report on a patrol of the islands. [750]

March 15th, *teniente de fragata*, Don José Aldana y Ortega returns to the Soledad command. [751]

March 28th, *Sally*, a sealing brig owned by *Thomas Guillame & Co* of London, is wrecked at South Georgia. All the crew are rescued by Capt. Mackie in the British sealer, *Young William*. [752]

July 13th, Spanish brig *Carmen y Animas* (Gerado Bordas), anchors in Berkeley Sound to effect repairs.[753]

August 19th, Spain signs a treaty of alliance with France under which the two nations agree to combine their forces in a war against Britain. [754] With conflict imminent, instructions are sent out to the Spanish colonies to prepare. Orders issued to the Commandant at Soledad require that he "*immediately prepare for war*," and that if any British fishing vessels are found; "*... you shall request their surrender and if they do not obey His Majesty's order, you will position yourself suitably ... (and) you will open fire*." [755]

September 15th, aware of the Franco-Spanish treaty, Britain orders an embargo on Spain's ships and ports.

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747 Caillet-Bois 1982 (6th ed.) p.174

748 Álava's instructions insisted that he adopt a friendly tone with any British ships he encountered, until such time as he heard that war had been formally declared. Until that time, the protections under the 1793 treaty continued to be operative. Not an act of sovereignty, or war. Just a visit. There is no indication that he found any ships at Port Egmont.

749 Caillet-Bois 1982 (6th ed.) p.175

750 Sanguineto was undoubtedly reporting on the reconnaissance by *Europa*.

751 Promoted to Captain on August 27, 1796. Caillet-Bois (1982 (6th ed.) p.175) states the handover was in April, 1796.

752 Headland 1989 p.87. Also *Wrecks, Hulks and Other Vessel Remains at South Georgia, Falkland Islands Dependencies* R.K. Headland, *Scott Polar Research Institute*, University of Cambridge 1984. BSWF Databases gives the date as March 28, 1797. Busch (1985) states that an American snow *Sally* was wrecked at South Georgia in August, 1797 and BSWF Databases may be confusing these two events.

753 This from the section on Jose Aldana y Ortega in Tatham (ed.) 2008 p.34. Authors Andrew David and Carlos Novi suggest that, with a shortage of military vessels, the annual supply ship had become responsible for checking Port Egmont – but that on this occasion poor weather had prevented that. Bordas (styled in Tatham as Bondas) was a *primer piloto particular* in Spain's merchant marine.

754 *Second Treaty of San Ildefonso.* Ratified by Spain on October 14, 1796.

755 Provided anonymously, I am unable to give a citation. Spain had yet to declare war on Britain.

October 5th, Spain formally declares war against Britain. [756]

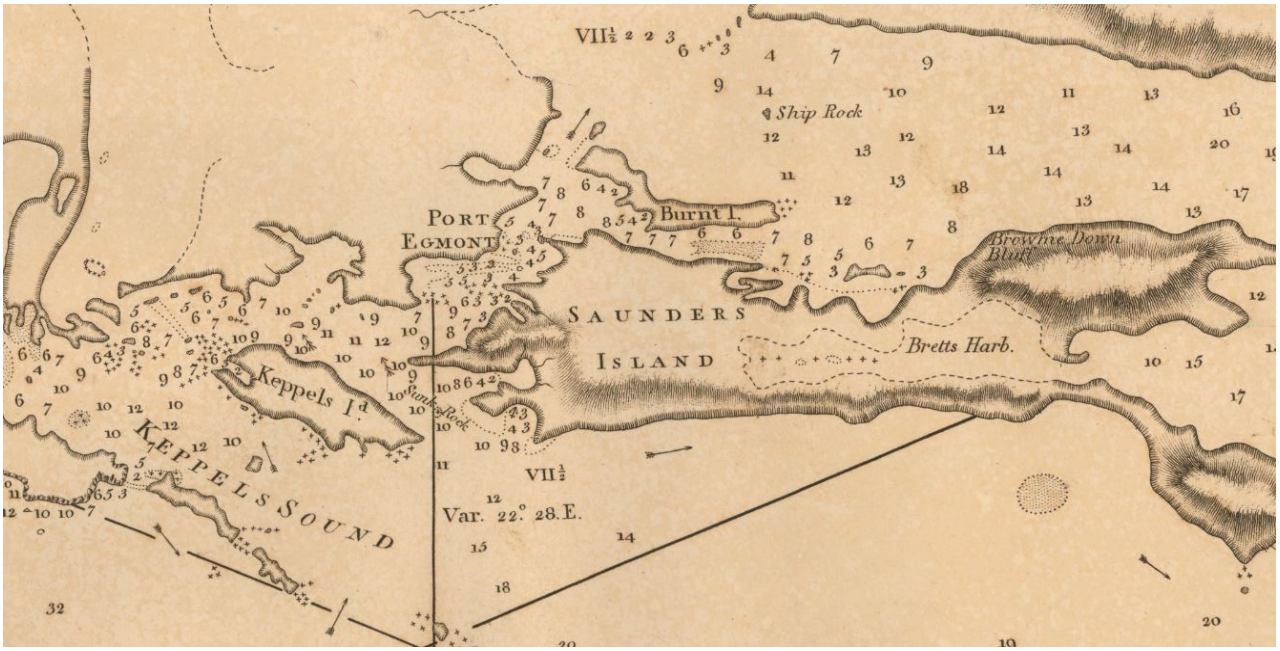
"Spain declared war against Great Britain.. since which period, no distinct allusion to the convention of 1790 appears to have been made by either of the parties, in its public acts addressed to, or its engagements concluded with, the other. ... it would seem that the Convention of October, 1790, between Great Britain and Spain expired in October 1795, (sic) ..." [757]

"The Nootka Sound convention grew out of certain rights on the part of Great Britain, which existed long prior to the formation of that convention. Gentlemen had talked about certain concessions on the part of Spain, certain benefits which had been conceded to England in the Nootka Sound convention; but it would be remembered that that convention was ended by the war of 1796." [758]

"... (Nootka) was abrogated in October 1796, when Spain declared war against Great Britain." [759]

October 23rd, the *Carmen y Animas* sails from Puerto Soledad for Montevideo to reports its failure to reconnoitre Port Egmont. [760]

December 9th, a prisoner arrives at the Soledad garrison. Pedro Esquivel, sentenced to 10 years for murder.[761]



756 Referred to in Britain as the *Anglo-Spanish War* (1796 -1802). Part of the *French Revolutionary* and *Napoleonic* wars, there was a respite between 1802 and 1804 following the Peace of Amiens, before it resumed; continuing until 1808 when France turned on its ally. Spain's South American colonies were largely unaffected until Britain's attacks on Buenos Aires in 1806 and 1807. *cf.* 1801, 1806, 1807 & 1809

757 Greenhow 1842

758 *Abridgment of the Debates of Congress, from 1789 to 1856. From Gales and Seatons' Annals of Congress; from their Register of debates; and from the official reported debates.* John C. Rives vol.5 1860 (Congress – March 9, 1846)

759 Bernhardt 1910. *cf.* August, 1814

760 David & Novi in Tatham (ed.) 2008 p.34. Leaving the garrison, once again, without a ship.

761 Jiminez, Alioto & Villar 2018 p.143

1797 – Britain's navy blockades the Iberian Peninsula; cutting Spain off from her American colonies. [762]

Lieut. Edgar's chart of West Falkland is published in London (Port Egmont detail above. North at bottom). [763]

"I cannot omit this opportunity of bearing my strongest testimony to the accuracy with which Lieutenant Edgar has delineated the coast of the western main island, and the small ones of this group... On the northern coast of the western island there are many entrances; the principle one is that leading to Port Egmont, and which may be seen from some distance from the sea..." [764]

February 20th, *teniente de navio*, Don Luis Medina y Torres takes over as *comandante gobernador* on Soledad and assesses the garrison. He notes that convicts are doing farm work but that it are not enough and the deficiency is likely to, *".. bring about the demise of the colony."* He also reports that there are convicts whose release dates have passed, without a decision being made as to what action to take.

"... on his way to take up his post (he) had news that, from 47 ° to 15°, there were about fifteen American and English vessels dedicated to fishing." [765]

February 22nd, *Neptune* (Capt. David Greene), out of New England, arrives off the Jasons to hunt seals. [766]

"At least eleven other sealing vessels arrived during 1796-1797, searching for the ever more scarce fur seal skins and the increasingly valuable oil." [767]

In the USA *Morses American Gazetteer* includes a map of the south cone (right).

May 9th, asked whether ships from the USA are able to use the seas "*contiguous*" to the South American coastline, Spain's Minister Godoy writes to Buenos Aires to announce that it has been resolved; *"... not to allow to any (foreign) ship the navigation of those ports."*[768]

May 24th, Viceroy Antonio Olaguer Feliú sends information

762 At the battle of Cape St. Vincent on February 14, 1797, Spain lost 14 ships and 5,000 men dead, wounded or captured. Despite some later setbacks, 1797 marked the rise of the Royal Navy that would bring victory at Trafalgar. The year also saw the beginning of Spanish withdrawal from South America – as much in spirit as anything else. There was a noticeable drop off in activity at Soledad and few, if any, checks on Port Egmont. By 1806, the Soledad garrison had become a *"ship sailing"* in the Spanish Navy's accounts.

763 *A Chart of West Falkland Island from an Actual Survey by Lieu. Tho. Edgar of the Royal Navy in the Years 1786 & 1787* published by Aaron Arrowsmith, London 1797. See 1786

764 *A voyage towards the south pole, performed in the years 1822-24* James Weddell 1825.

765 Caillet-Bois 1982 (6th ed.) p.175

766 Dickinson 2007 p.36. The ship remained until December, 1797 taking 30,000 skins from "depleted stocks".

767 *Ibid.*

768 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278.* Quesada refers to Godoy as the '*Prince of Peace*' – one of his many titles. This statement, however, would appear to conflict with the protections granted to the ships of both Spain and America under the 1795 treaty (repudiated by Spain in 1798).

to Madrid regarding a British merchant frigate, *Ruby*, seen at Soledad two years before. He reports the ship as having the purpose to trade in the Americas in defiance of the "*last convention*" between Spain and Great Britain. [769]

August 22nd, American sealer *Neptune* moors at Port Egmont. She is joined by *Juno* (Capt. Paul Bunker). [770]

A British whaler out of London, *Amelia*, takes geese and pigs at the Falklands. [771]

September 11th, a Spanish Royal Order instructs the Viceroy that *"... no foreign vessel should sail in the waters adjacent to the Hispanic possessions of the Río de la Plata."* [772]

October 19th,Edmund Fanning arrives in the Falklands in *Betsy* from Stonington; anchoring at New Island. [773] Whaler *Olive Branch* (Capt. Paddock) also arrives; wishing to take on water. [774]

December 22nd, a prisoner, Juan Pablo Juarez, arrives at Soledad sentenced to six years for theft. [775]

December 23rd, prisoner, Juan Pablo Suraz, convicted of theft, arrives at the Soledad garrison. [776]

1798 – February 28th, Comandante Medina reports that the chapel is in ruins and that only two of the three *estancias* still stand. [777]

"Livestock numbers continued to decline precipitously,... Prisoners assigned there may have been both cold and hungry." [778]

March 2nd, Spain's commandant at Soledad; *"Acknowledges receipt of the despatch making known to him the Royal Order that no foreign vessel whatsoever is allowed to navigate these seas."* [779]

March 7th, prisoner Juan Marin, arrives at the Soledad garrison sentenced to 6 years for 'aggression.' [780]

March 17th, Captain Don Francisco Xavier de Viana y Alzaibar takes command of the *presidio*.

English sealers *Prince Edward* and *Sybil* visit South Georgia.

Two maps are published, one in the USA for the *New Encyclopedia*, the other in Paris by Bethalon identifying the archipelago with its French name – Malouines. [781]

April 3rd, instructions from Spain to the Viceroy order him to; *"... provide the 'Compania Maritma' with the funds, necessary for keeping on foot the undertaking, about to be carried out in the Islas Malouines."* [782]

July 28th, prisoner Gregorio Leguizamon, sentenced to 10 years imprisonment, arrives at Soledad.[783]

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769 See January, 1795. The timing of this report is hard to understand.
770 *The Sea-hunters: the New England Whalemen during Two Centuries, 1635-1835* Edouard A. Stackpole 1953
771 *The Life and Adventures of John Nicol, Mariner* John Howell (ed.) 1822. Also Clayton 2014. *Amelia* would seem to gave been en-route to the Pacific; reported at the Galapagos in October, 1798.
772 Caillet-Bois 1982 (6th ed.) p.175
773 Pascoe 2022 vol.1 p.342. Departed December 8, 1797
774 Fanning 1924. The date of the *Olive Branch's* arrival isn't given, but both ships sailed for Cape Horn on December 8.
775 Jiminez, Alioto & Villar 2018 p.144
776 *Ibid*.
777 *AGN IX 16-9-10*
778 Bernhardson 1989 p.138
779 Note dated March 2, 1798 in *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/617*
780 Jiminez, Alioto & Villar 2018 p.144
781 See https://falklandstimeline.files.wordpress.com/2019/02/1798-the-world-from-the-best-authorities-for-the-new-encyclopedia-new-york.jpg and https://falklandstimeline.files.wordpress.com/2019/01/1798-betholon.jpg
782 *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/617.* Note dated April 3, 1798
783 Jiminez, Alioto & Villar 2018 p.144

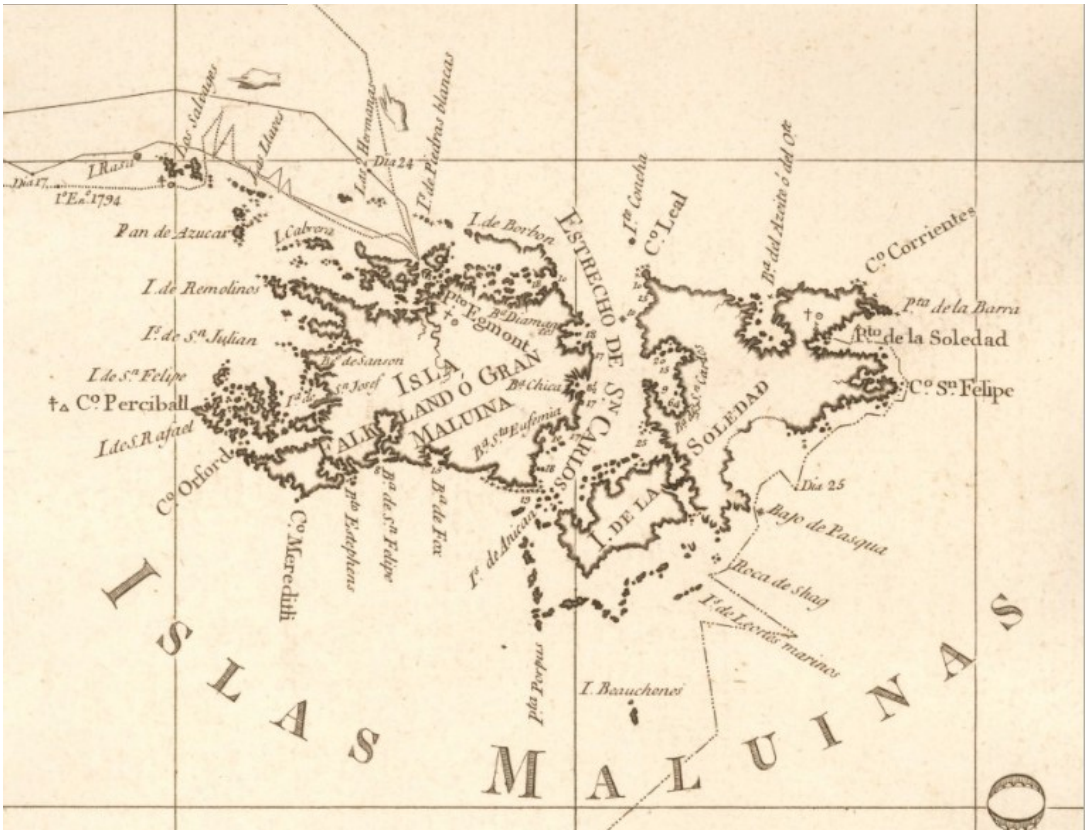
In **August**, instructions are sent to the Soledad garrison to attack any British shipping found at Egmont. [784] American vessels should be "*politely*" requested to leave within 24 hours. [785]

October 22nd, Soledad's commander notes the presence at Egmont of an American whaler, *Spuducell*. [786]

October 31st, Commandant Don Francisco Xavier de Viana y Alzaibar writes of; *"... the necessity of transferring the Establishment at Puerto de la Soldedad, to Port Egmont."* [787]

In Madrid, a map of South America is produced (detail below) under the direction of the Government's Hydrographic agency – *Carta Esferica De Las Costas de la America Meridional desde Paralelo de 36° 30 de Latitud S. Hasta el Cabo de Horno.*

The archipelago is named *Islas Maluinas*. East Falkland island is identified as *I de la Soledad*. West Falkland as *Isla Falkland ó Gran Maluina*. [788]



Researcher's Comment: There appear to be a distinct seperation between the western islands and those in the east. What is now West Falkland carries the English and French names, while East Falkland is identified by its Spanish title.

784 Kohen & Rodriguez 2016 p.89. Surely an unnecessary order during wartime?
785 Although not at war with the USA, Spain revoked its 1795 treaty during 1798
786 Note dated October 22, 1798 in *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/617*
787 *Harris-Gastrell to Salibury, January 21, 1880* in *FO 6/502/617*
788 Based upon a survey carried out by Juan de Lángara in 1789, this map reveals Malaspina's track - https://falklandstimeline.files.wordpress.com/2019/03/1798-carta-esferica-de-las-costas-de-la-america-meridional-desde-paralelo-de-36c2b0-30-de-latitud-s.-hasta-el-cabo-de-hornos-...-by-direccion-hidrografica-de-madrid-spanish.jpg

1799 – April 1st, *teniente de navio*, Luis Medina y Torres returns to Soledad as *comandante gobernador*.

April 6th, nine prisoners arrive at the Soledad garrison. [789]

April 15th, American whaler *London*, out of Nantucket, reported near the Falklands.

June 18th, sealers *Aurora* and *Lively* sail from England for South Georgia.

Regulator, an American ship, is wrecked at Right Whale Bay, South Georgia; the crew, with cargo, get ashore. Its 14,000 seal pelts are sold to the British ship, *Morse*. English sealers *Earl Spencer* and *Hercules* fish at South Georgia. [790]

1800 – January 11th, a Spanish Royal Order for the Viceroy of Buenos Aires requires the release of English prisoners from 11 whaling ships. [791]

January 26th, the American ship *Perseverance,* of Boston, anchors; *"... in North West Harbour, in one of the Falkland Islands where we found the Diana of London, commanded by captain John Locke."* [792]

January 27th, *Concord* (Capt. Wyer) and *Minerva* (Capt. Mayhew Folger), out of Salem, arrive at Grand Jason where they are joined by American sealers *Barclay* (Capt. Griffin Barney) and *Mars* (Capt. Uriah Swain). [793]

March 15th, Capt. Don Francisco Xavier de Viana y Alzaíbar arrives at Soledad as *comandante gobernador*.

"According to the inventory that the Oriental Francisco Javier de Viana receives, when he takes over the governorship of the Islands in 1800, there were then twenty-six buildings in total, twelve of them stone, among which was the governor's house, the hospital, the chapel and house of the priests, four houses of officers, the navy barracks, the troop barracks and inmates, two workers and several to warehouses." [794]

Nine convicts arrive at the Soledad garrison to serve out sentences ranging from six to 10 years. [795]

May 11th, *Aspasia* (Capt.Edmund Fanning) sails from New York to hunt seals at South Georgia. [796]

June 6th, British sealer *Canada*, Capt. Lewis Llewellin, founders at South Georgia. [797]

"In 1795, the total value of the produce of the British Southern Whale Fishery was in excess of £210,000. In 1800 the total was raised to more that £260,000." [798]

In **September**, the American sealer Edmund Fanning, with *Aspasia*, arrives at South Georgia looking for *Regulator*. Fanning notes the presence of 16 other British and American vessels around the island. [799]

During **December**, *Sally,* commanded by American Nathaniel Storer, stops at the Falklands and South Georgia. British sealers *Duke of Kent* and *Eliza* also hunt at South Georgia, as do Americans *Betsy* (Capt. Cartwright) and *Hope* (Capt. Ray).

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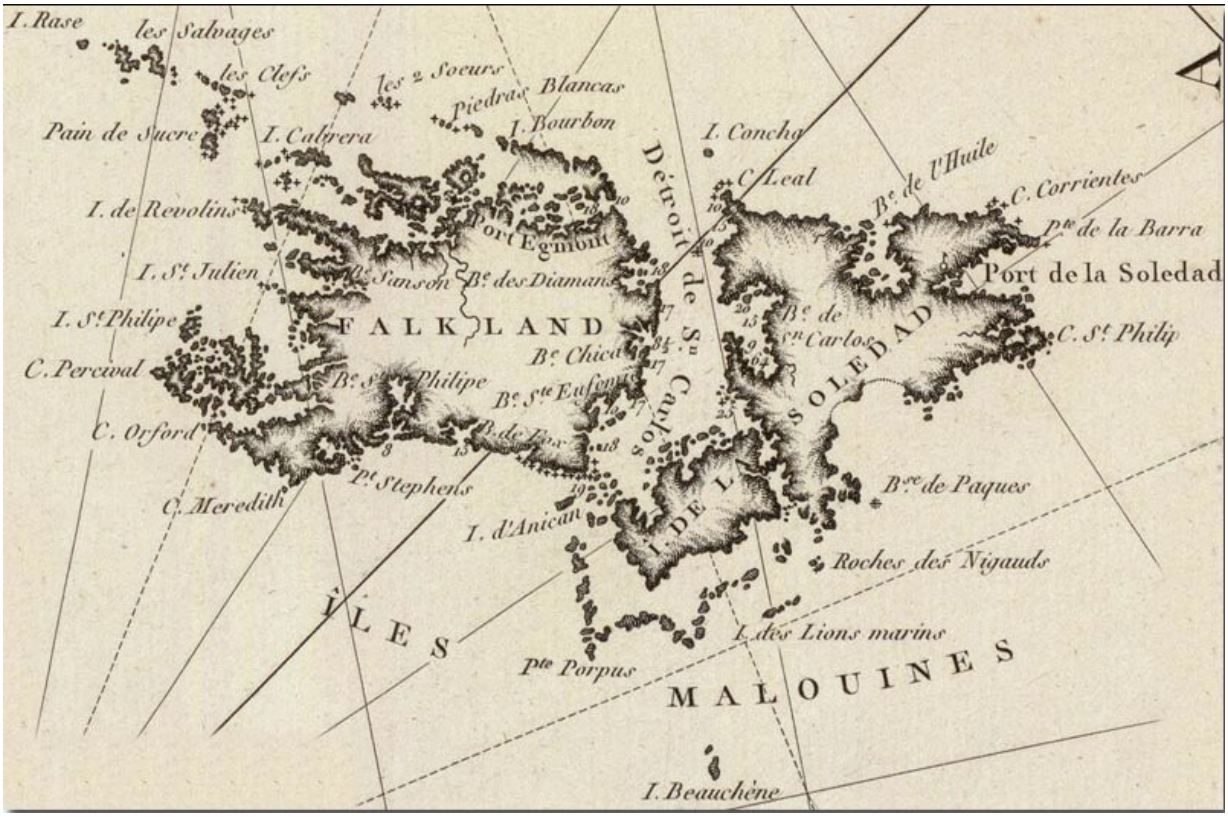
789 Jiminez, Alioto & Villar 2018 p.145
790 *Voyages to South Georgia 1795-1820* A.G.E. Jones. 1971
791 *ES.41091.AGI/21//STATE,80, N.75.* Strange considering that Britain and Spain were at war.
792 *Narrative of voyages and travels in the northern and southern hemisphere* Amasa Delano 1817 Perserverance departed February 1, 1800. *Diana* had sailed out in 1798. *cf.* BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.
793 Dickinson 2007 p.37
794 Podetti 2013
795 Jiminez, Alioto & Villar 2018 p.145 citing *AGN XVII 3879*
796 Dickinson 2007 fn. p.62
797 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards. *Canada* had sailed on September 2nd, 1799
798 Stackpole 1972 p.282
799 Whilst there, Fanning took 57,000 fur seal skins; a record never again equalled.

"Betsy entered Canton in October 1801 with 14,000 skins followed by Hope in February 1802 with 34,000. Aspasia also left the Island in February 1801 with 57,000 skins which sold in Canton for US$0.85 each. Sally (Capt. Nathaniel Storer) took 45,000 skins at the Falkland Islands in December 1800 and continued to South Georgia to complete its cargo..." [800]

A French copy of Spain's 1798 chart is published by the Depot-General de Marine in Paris (below). [801]

> *"... By officers of the Navy of Spain and published by order of the Minister of Marine and Colonies at the General Depot of the Navy in 1800."*



800 Dickinson 2007 pp.63-64

801 *Carte des cotes de l'Amerique Meridionale depuis le parallele 36030' late. sud jusqu'au Cap de Horn. Levee en 1789, 1790 &c. par des officiers de la Marine d'Espagne et publiee par ordre du Ministre de la Marine et des Colonies, au Depot general de la Marine en 1800*

1801 – in Britain, responsibility for the Colonies is transferred from the 'Home Office' to the 'War and Colonial Office'.

In **February**, tentative talks commence in an attempt to bring war to an end. [802]

"The negotiation for peace,.. between M. Otto on the part of France, and Lord Hawkesbury, our secretary of state for the home department,... was carried on with profound and admirable secrecy on both sides." [803]

March 19th, Louis Bougainville, now 71 years old and living in Paris, still believing that France has superior title to the Falkland Islands and aware of the negotiations taking place in London, writes to the his Foreign Ministry to propose a French return to the archipelago. [804]

> *"30,000 Frenchmen, established on these islands would ensure to the Metropole (Paris) a vast trade in the two oceans, and this settlement would also serve to form the training school indispensable for sailors of a navy such as the French Navy should be. No time is more suitable than now for Spain to renounce in our favour her* ***imaginary*** *right to these islands and for England to* ***consent*** *to this concession."* [805]

"The Bougainville memorial clearly considered the islands Spanish and not British." [806]

"Even Louis de Bougainville, ... Senator of France in 1799, advised Napoleon to obtain, from England, a base for the French Navy on the Islands, alleging that England rather than Spain was their lawful owner." [807]

March 31st, *teniente* Don Ramón Fernández y Villegas takes command on East Falkland.

"Spain began to find it increasingly hard to maintain her overseas possessions. The supply situation at Puerto Soledad, never good at the best of times, began to get critical. Commandant Ramón Fernández y Villegas, who served only one tour of duty (March 1801 to March 1802) ordered fuel (mainly diddle-dee) to be conserved for essential purposes such as boiling down seal blubber, and ordering the training of horses to be accelerated because the tamed horses available were in poor condition. Low morale led to fraud and deceit – livestock were sold to passing ships for personal profit by storekeepers, soldiers and prisoners ..." [808]

May 29th, negotiations resume between Otto and Lord Hawkesbury in London for a treaty of peace. [809]

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802 Now known as the French Revolutionary War.

803 *The Annual Register, or a View of the History, Politics and Literature for the Year 1801* published London 1802. Officially, Louis Guillaume Otto was the French Commissioner for the exchange of prisoners; in reality Citizen Talleyrand's agent in Britain. Robert Banks Jenkinson, Lord Hawkesbury, was Foreign Secretary and the son of Charles Jenkinson of the Board of Trade who had overseen the development of the Southern Whale Fishery in the 1780's and considered the legal situation at the Falklands in 1789.

804 Martin-Allanic 1964 p.1543 citing *Aff. étr., Mémoires et documents. Indes occidentales 17/14 f° 257, 28 ventôse, an IX.* This author asserts (p.1544) that Bougainville's message to the French Ministry was too late as a peace treaty had been signed on March 21, 1801. Not so. More surprisingly he also appears to have been unaware of the demands made during the negotiations leading up to the Amiens treaty. See below.

805 Quoted in *La Primera Unión del Sur, Orígenes de la Frontera Austral Argentino-Chilena Patagonia, Islas Malvinas y Antártida, Buenos Aires* Diego Luis Molinari 1961 p.67. Also *The History of the Falkland Islands* M. Cawkell 2001 p.27. My emphasis. Dunmore (*Storms and Dreams: Louis De Bougainville: Soldier, Explorer, Statesman* 2005) gives the year as 1800, as does a list of archives to be found at the French Foreign Ministry. Martin-Allanic (1964) avoids the problem by citing the Republican date. France's Republican dating system is challenging; even to the French.

806 Kohen & Rodriguez 2016 p.90. Bougainville clearly considered the archipelago as French.

807 Peña & Peña 2018

808 Pascoe 2022 vol.1 pp.345-346

809 *The Universal Chronologist and Historical Register from the Creation to the year 1825….* Henry Boyle vol.2 1835

"*... between the French Republic, his Majesty the King of Spain and the Indies, and the Batavian Republic (on the one Part); and his Majesty, the King of the United Kingdom of Great Britain and Ireland (on the other Part).*" [810]

July 31st, at Puerto Soledad, salt meat is introduced in the diet following an unforeseen reductions in cattle. [811]

"... an investigation was opened with the intervention of the general inspector due to the unjustifiable decline reflected by the numbers of the rodeo and the backlog of the accounts – which were objected—, requesting a report on the inquiries made to establish the causes of the mismanagement, with the purpose of establishing responsibilities and applying punishments. Apart from the risk that scurvy would be unleashed, the administrative zeal to avoid any exaggerated or inappropriate expense and the objective of extreme savings in all branches weighed its own in the research effort. The main reasons stated were two. On the one hand, the inexperience of most of the officials stationed on the islands: their naval antecedents did not qualify them for an adequate knowledge of the rural tasks of raising and caring for cattle, and the periodic changes in their posting prevented them acquiring (the skills) by reducing their chances of exercising adequate controls. And on the other, the fact that these tasks were in the hands of the inmates who had not only been practising them for years, but also knew – it was claimed – all the ways of committing fraud." [812]

In London, cartographer John Cary publishes *A New Chart of the World on Mercator Projection*. [813]

September 7th, negotiations continue in London for preliminary articles of peace. Article 13 of the proposals refer to a French demand for the; *"... cession of an establishment for the fishery in the Malouine isles."* [814]

> *"The French plenipotentiary having communicated to Lord Hawkesbury, the projet of a preliminary treaty which had been sent to him by his Government, and the British Minister of State having on this subject taken the advice of his Britannic Majesty's Council, the discussion was opened between the two plenipotentiaries, who agreed on following, article by article, the aforesaid projet, and on committing to paper such observations as it might admit of. ... Arts. XIII and XIV containing dispositions relative to particular transactions, and to civil rights: Lord Hawkesbury acquainted Citizen Otto that these articles had been submitted to the consideration of the High Chancellor of the Crown, who will give his opinion to the cabinet. Citizen Otto declared, that conformable to a dispatch he had just received, it was especially enjoined to him to comprehend the allies of the republic in the dispositions of the 13th and 14th articles, on condition of a just reciprocity for Great Britain."* [815]

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810 *Annual Register 1802 p.608.* The extent of Spanish involvement at this stage of negotiation is unclear.

811 Jiminez, Alioto & Villar 2018 p.116 citing *Office of Francisco Tomas de Estrada to the Marquis of Avilés, July 31, 1801* in *AGN IX 17. 01. 01*

812 Jiminez, Alioto & Villar 2018 p.148citing *Informe del visitador general Diego de la Vega al virrey del Pino, Bue-nos Aires, 13 de marzo de 1804. AGN IX 17. 01. 01*. A suggestion that the inmates caring to the cattle had been killing them and selling the meat to passing whalers for their own benefit.

813 See https://falklandstimeline.files.wordpress.com/2019/03/1801-a-new-chart-of-the-world-on-mercator-projection-by-john-cary-london.jpg

814 *Pieces Officielles relatives Aux Preliminaires de Londres et Au Traite D'Amiens – A Paris, de L'Imprimerie de la Republique An XI* translated as the *Official Papers Relative to the Preliminaries of London and the Treaty of Amiens published at Paris by Authority of the French Government* 1803. Translation printed for J. Debrett May 30, 1803 See https://falklandstimeline.files.wordpress.com/2012/02/official_papers_relative_to_the_prelimin.pdf

815 *The Whole Correspondence between the Governments of great Britain and France, prior to the signature of the Definitive Treaty of Peace:... French Official Papers relative to the Preliminaries of London and the Treaty of Amiens.* This was added as an appendix to *The Correspondence between Great Britain and France on the subject of the late Negotiation presented by His Majesty's Command to Both Houses of Parliament 18th May, 1803 to which are added His Majesty's Declaration and Copies of the Preliminary and Definitive Treaties of Peace.* Printed for John Stockdale, Piccadilly 1803.

"... Napoleon ... dared to claim the Falklands in preliminary negotiations of the Peace of Amiens, ..." [816]

France's negotiator, Louis Guillaume Otto, accepts without discussion the deferment of these *Articles*.

"It seems that the articles proposed by Mr. Otto and rejected by Lord Hawkesbury had intended to state: 1. the exchange of islands of Saint Pierre and Miquelon against part of the island of Newfoundland; 2. the cession of a fishing establishment in the Falkland Islands; 3. Fishermen neutrality in wartime." [817]

"... British bloggers maintain that in these negotiations, the French government made its first request for the Falklands/Malvinas. This assertion is not consistent with official French documents, Napoleon Bonapart's correspondence, nor French parliamentary records, which make no mention to the Falkland/Malvinas..." [818]

October 1st, preliminary articles are agreed and signed by Lord Hawksbury, for Britain, and Citizen Louis Guillaume Otto for France and its allies. Article 13 now refers to the fisheries of Newfoundland and the Gulf of Saint Lawrence, but defers a final arrangement regarding these until the definitive treaty.

October 4th, in Paris, notices that preliminary articles have been agreed are read.

> *"The Commissaries of the Police of Paris, escorted by detachments of light infantry and dragoons, preceded by drums and trumpets, and surrounded on all sides by innumerable crowds of citizens, traversed the principal streets and squares, proclaiming in the midst of torches the news of the signature of Preliminaries."* [819]

October 31st, King George III appoints the Marquis Cornwallis as plenipotentiary to a congress to be held at Amiens; providing him with full instructions based upon the agreements already reached. Regarding the fourth article; *"The terms in which the Preliminary Articles are drawn up appear, ... to be so little susceptible of any Amendment that you will propose to adopt them without any other alterations than those which are usual in reducing Preliminary Articles into a definitive Treaty. ..."* [820]

November 4th, at Soledad, a new brick built church is consecrated.

"One small positive development ... at long last the stone chapel was finished,..." [821]

December 1st, Cornwallis arrives at Amiens for the peace talks, due to commence on the 9th.

December 17th, a '*Projet of the Definitive Treaty*', is sent from Amiens to London, for Lord Hawksbury.

December 26th, unexpectedly, France presents further conditions for a definitive peace treaty; amounting almost to a rejection of the preliminary articles agreed in October by repeating demands previously rejected.

> *"It will be also granted to the French Republic, to promote fisheries in the South Seas, an Establishment in the Malouines Isles or Falkland, which will be defined by a subsequent convention."* [822]

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816 *La Primera Unión del Sur, Orígenes de la Frontera Austral Argentino-Chilena Patagonia, Islas Malvinas y Antártida*. Diego Molinari 1961

817 *Histoire abrégée des Traités de Paix, entre les puissances de l'Europe, depuis la paix de Westphalie* Christophe Koch 1817 p.132

818 Kohen & Rodríguez 2017 pp.65-66. This was first noted by Argentine historian Diego Molinari in his 1961 book (see footnote above). Kohen & Rodríguez (2017) cite the Stockdale publication, but fail to mention the work printed by Debrett; a translation of the French original; of which they were made aware by one "*British blogger*" - me.

819 *Royal Cornwall Gazette October 17, 1801*

820 *Papers concerning the negotiation of the Treaty of Amiens by Lords Cornwallis* in *U269/O199/1* held at Kent History & Library Centre, Maidstone.

821 Pascoe 2022 vol.1 pp.345-346

822 *PRO 30/11/264 p.76V*

December 27th, Lord Cornwallis informs London of the renewed French demands. [823]

"At the end of the old year he (Napoleon) put out a counter project, amounting almost to a new treaty, claiming extended fishing rights in Newfoundland, the restoration of the fortifications of Pondicherry at British expense, an establishment in the Falkland Islands and the abolition of the right of salute at sea... Cornwallis and Hawkesbury had the utmost difficulty in resisting these claims." [824]

British sealers *Duke of Kent, Earl Spencer*, *Sprightly* and *Dragon* hunt at South Georgia; as does *Favourite* out of Nantucket. *Betsy* hunts at the Falklands; sowing a variety of vegetable seeds around the islands. [825]

1802 – January 1st, Lord Hawkesbury writes to Cornwallis at Amiens.

> *"... I cannot refrain from expressing the surprise which has been felt here on observing that this French Government, after having professed their Determination to adhere to the Preliminaries, should have thought proper to introduce so much new matter into the Contre Projet of the Definitive Treaty, particularly as His Majesty had cautiously avoided bringing any <u>new</u> pretensions in the Projet which you presented in His name. ...* [826] *There are six points in the Contre Projet of the French Government which are either wholly new or were discussed and positively rejected before the signature of the Preliminaries ... 2dly. The Arrangements for the Newfoundland Fisheries. The French Projet proposes that His Majesty should cede in full Sovereignty the most important part of the Island of Newfoundland in consideration of the Barren Rocks of St. Pierre and Miquelon. An article to the same effect was introduced into the first Projet of the Preliminary Treaty presented by the French Government and was rejected by His Majesty – He will not consent to cede any part of His Territory in this quarter, nor to extend the limits of the French Fisheries.... 3dly. The Proposition respecting an Establishment in Falklands Island. This Article was likewise brought forward in the Projet of Preliminaries and* ***likewise*** *rejected – it cannot therefore form a part of the Definitive Treaty. ..."* [827]

January 16th, Lord Hawkesbury writes again, with regard to the absence of the Spanish Ambassador.

> *"It is with the greatest degree of surprise, that I find ... that there appears to be no Prospect of the arrival of a Spanish Minister at Amiens, and though more than three months have elapsed since the signature of the Preliminaries, His Majesty has as yet received no Intimation of the Spanish Government having acceded, or being even ready to accede to that Treaty. This conduct on the Part of Spain is the more extraordinary as His Majesty had the forbearance to extend in the first Instance the Benefits of the Armistice to Spain, and that from the beginning of October to the present Period, they have been participating in all the Advantages of a Cessation of Hostilities. ..."* [828]

Hawkesbury urges Cornwallis to pressure the French to do something about their errant ally.

"... to take without Delay the most effective means of bringing the Spanish Government to a distinct Declaration of its Intentions, ... with respect to the definitive Treaty. You will observe that the non-accession of

823 *Cornwallis to Hawkesbury No.18* in PRO *30/11/264*

824 *The Years of Endurance: 1793-1802* Arthur Bryant 1942

825 *Memoirs of Joseph Holt, General of the Irish Rebels, in 1798* Joseph Holt & Thomas Croker 1838 p.353. See https://falklandstimeline.files.wordpress.com/2019/01/1802-map-of-south-georgia-owned-by-capt.-isaac-pendleton.png

826 Original emphasis – underlined 3 times.

827 In *U269/O199/1* at Maidstone *op.cit*. Also *Correspondence of Charles, First Marquis Cornwallis* Charles Ross 1859 vol.3 p.426. My emphasis. This rejection has to be read in the context of the previous paragraph; *ie*. rejected because the British King would not agree to extend the limits of the French fisheries. While the demand had referred to the *Malouines*, George III only refused consent when it came to '*Falklands Island.*'

828 *Ibid.* Spain's envoy, the Marquis de Azara, seems to have suffered a succession of '*political*' illnesses which delayed his arrival at Amiens until early February.

Spain to the Preliminaries, after so long a lapse of time, might fairly be considered by His Majesty as a Rejection of them and would justify Him in renewing Hostilities against that Power. … Your Lordship cannot fail to perceive the expediency of making this communication through the Channel of the French Government, on a consideration of the Principles on which the negotiation of the Preliminary Articles and of the definitive Treaty, have throughout been conducted, and on account of the French Government having fully admitted themselves to be responsible for the cessions of their Allies." [829]

January 19th, at Amiens, Lord Cornwallis deals with the French demands of December 26th.

> *"As to what related to 1. The exchange of the islands of St. Pierre and Miquelon for a part of the island of Newfoundland, 2. The cession of an establishment for the fishery in the Malouines Isles, 3. The neutrality of fishers in time of war, Lord Cornwallis said, that these articles having been presented and rejected before the signing of the preliminaries, could not be reproduced with greater success."* [830]

French negotiators withdraw the three demands; *"Citizen J. Bonaparte declared in turn that he was desisting from the demands of the three articles."* [831]

Researcher's Comment: This episode is little known or understood. To sum it up, Bougainville, old but still respected, had raised the issue of reasserting a French claim in his letter of 1801. His Government appears to have taken this up. But rather than state a claim against its ally Spain, France chose instead to demand an establishment from Britain. In effect recognising the continuing application of the 1771 convention.

All the documents were published by France, so there can be no doubt that Spain was aware. I can find no evidence of a protest however. Which rather supports the argument that Spain still accepted British rights in the Falkland Islands. It should be remembered that in the 30 years following 1771, Spain had never raised its flag over the western islands.

"Joseph Bonaparte retira ces trois demandes, sur l'observation que lui fit lord Cornwallis, qu'elles avoicnt été présentées et rejetées avant la signature des préliminaires." [832]

"… the question of sovereignty over the Falklands/Malvinas does not arise. Cornwallis' reply was as Hawkesbury had ordered: the issues had already been discussed in the preliminary negotiations. That is to say, both of them considered these issues as a whole and having only one purpose: fishing." [833]

"French negotiators withdrew their request, but the fact remains that France envisaged England as the power entitled to carry out final arrangements about the Falklands/Malvinas Islands, and England saw itself entitled to do so and acted accordingly. The denial of the French request to establish a naval base in the archipelago provides further indication of Great Britain's will to maintain ownership and return to the islands at some future time. … it may well be sustained that the … British refusal to set a French base in the Malouines … amounted to an act of possession that interrupted any ongoing statute of limitation." [834]

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829 *Ibid.*

830 *Official Papers Relative to the Preliminaries of London and the Treaty of Amiens…* 1803 Part II p.8. A very public act of sovereignty which did not generate any comment from Spain; not even when the documents were published in 1803

831 *Ibid.*

832 Koch 1817 p.136 – "*Joseph Bonaparte withdrew these three requests on Lord Cornwallis's observation that they had been presented and rejected before the signing of the preliminaries."*

833 Kohen & Rodríguez 2017 p.67. Britain's refusal was clearly an act of territorial sovereignty. 1771's *status quo* had not been forgotten by either France or England. No complaint from Spain can be taken as tacit acknowledgement.

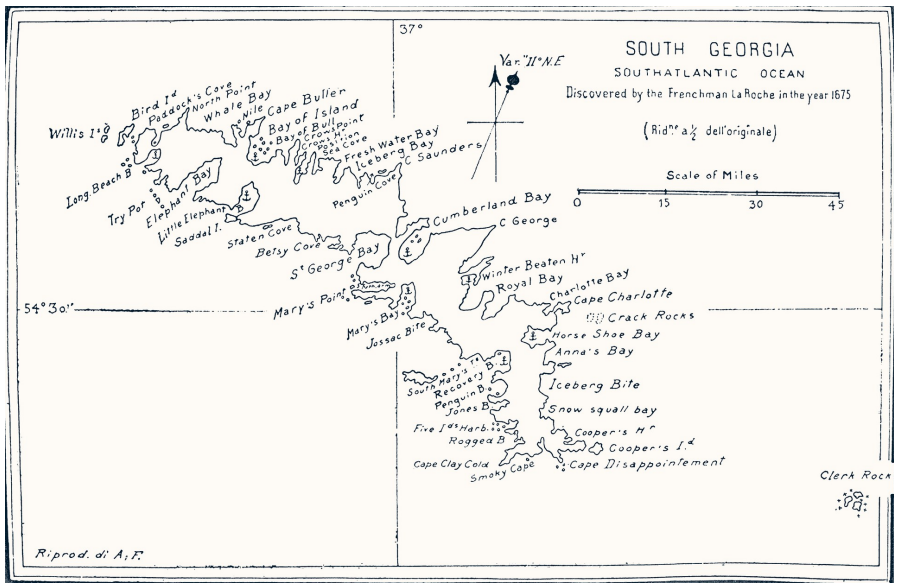
834 Peña & Peña 2018

January 21st, Capt. McLean in *Anna Josepha*, en-route from Sydney to Cape Town, stops at Hope Bay. One of the passengers, Lieut. James Grant RN, notes the presence of American sealers, including *Washington*; *"... her commander, Jedediah Fitz, ..."* [835]

"He had planted a garden here, as was the custom with vessels visiting this place, and he brought some potatoes fresh dug from it, which he recommended me to taste, after setting me an example. I complied, and must say I have before taken a more unpalatable medicine. He made use of the young leaves of the common dock, boiling them as cabbage, to eat with his meat." [836]

"In 1803 Lt James Grant recording a visit to West Point Island wrote: "Some of our people, as I suspect, had wantonly set fire to the fussock (sic), and there being a breeze the flames spred (sic) with great fury, so that our endeavors to extinguish it proved ineffectual. Although we had heavy rain for two days, yet I observed it was still burning". Grant was clearly concerned about the fire and noted how great the destruction this burning caused to wildlife. This was not a common sentiment among the early voyagers to the Islands and there are several accounts of tussock being fired." [837]

January 31st, the American ship, *Juno*, under the command of Capt. Kendrick stops off at Soledad for the purpose of taking on water. He tells *teniente* Villegas that he was advised to do so by the Spanish Consul in the USA. Villegas writes to Buenos Aires for advice. [838]



February 16th, British sealer, *Earl Spencer,* is lost at South Georgia. [839]

Capt. Isaac Pendleton (USA) publishes a map of South Georgia to assist sealers (right).

March 17th, *teniente de navio* Don Bernardo de Bonavía takes over the *presidio* on Soledad Island.

March 27th, after a marathon 5 hour negotiating session, the *Treaty of Amiens* is signed at 3am. [840]

"When peace was signed, most of the British conquests from Spain were restored to her; but the settlement in Honduras, like that of the Falkland Islands, was not given up, and continued on the same footing as any other possession under the British Crown." [841]

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835 *The Narrative of a Voyage of Discovery ...* James Grant 1803 p.176. Hope Bay was also known as West Point. *Anna Josepha* remained at Hope Bay for 6 days, before sailing for the Cape of Good Hope. See https://falklandstimeline.files.wordpress.com/2018/01/the-narrative-of-a-voyage-of-discovery-e280a6-james-grant-1803.pdf

836 *Ibid.* p.180

837 *Tussac Grass in the Falklands* I. J. Strange, C. J. Parry., M. C. Parry, R. W. Woods 1988

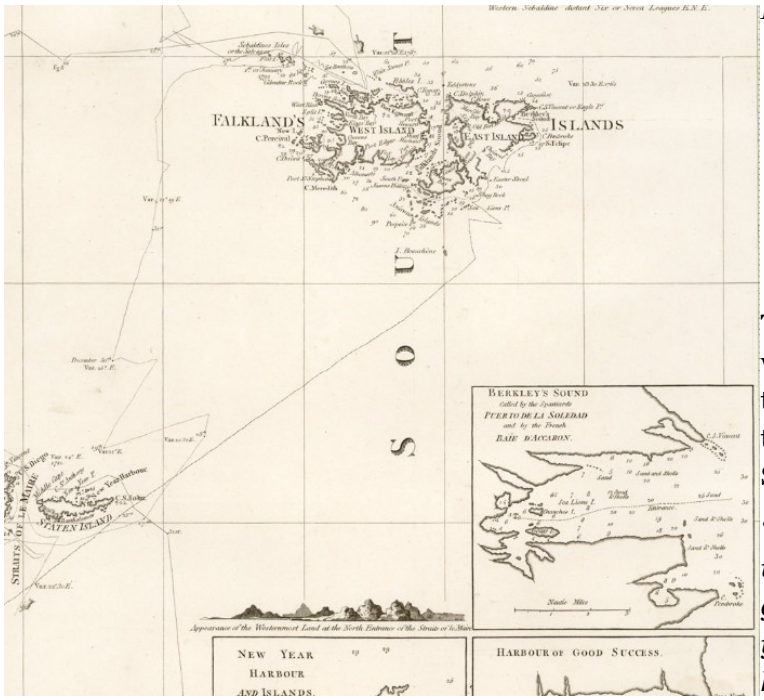
838 Vernet 1832

839 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards. *Earl Spencer* had sailed on May 15, 1801

840 The peace with France lasted just 14 months; with Spain a little longer. See 1804

841 *Frelinghuysen to Lowell Dept. of State May 5, 1883 no. 225* quoting *Granville to the British Ministry in Washington December 30. 1882*

In London, William Fadden publishes a chart (detail below) of South America – *Chart of the Coasts of South America From Rio de la Plata to Cape Horn, And From Cape Horn to Valparayso, Including The Isles of Juan Fernandes.*



> *"The "First Correct Delineation of a Great Part of the Shores" of South America, based upon the most important Spanish Scientific Expedition of the 18th Century."* [842]

The archipelago is named as Falkland's Islands, with West Island and East Island noted. While the chart includes a map of Berkeley Sound, there is no indication of the presence of a Spanish garrison.

"The Spanish chart from which almost the whole of the present is a faithful copy has been geometrically surveyed by royal order in the years 1789, 90, 94, and 95; and presented to his Catholic majesty in 1798 by Don Juan de Langara, minister of marine. That excellent original extends only from the parallel of 36° 30' of south latitude to Cape Horn, and goes not beyond the meridian of 76° 42' west of Greenwich. A greater extension given to this copy in latitude and longitude has enabled us to insert the Isles of Juan Fernandes, which are of some interest to our navigators in the South Sea. We have added, besides, various plans of harbours and roads, appearances of land, tracks of ships, with their soundings, &c. and several other particulars. ... The Spanish survey here mentioned must be that by Malespina, whose name, we understand, is, on account of some slight difference or jealousy, affectedly passed in silence by the Spanish council of marine. The present chart is extremely interesting, as it is founded on the first correct delineation of a great part of the shores of the new continent; and it varies considerably from the charts and maps before published. ...." [843]

May 4th, Villegas' request for advice is answered. He is told to obey general orders and eject foreign vessels. [844]

June 22nd, a sloop from an American ship, *Diana*, enters the Rio Negro to obtain fresh water only to be ordered away by the port's commander; *"The sloop obeyed immediately, abandoning the pilot and six sailors."* [845]

October 8th, in Buenos Aires, an independent news journal – *Telégrafo Mercantil* – is closed by the Viceroy.

"Many historical sources consider that an article on the state of Government of the Malvinas was received badly in high places..." [846]

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842 Clearly a reference to Malaspina's voyage in 1789.

843 *The Critical Review; or Annals of Literature* 1802 vol.xxxiv p.585-86

844 Vernet 1832

845 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278*

846 *El Virreino y los Virreyes* Agustin Pieroni 2015 p.275. The article referred to was entitled – *Circunstancias en que se halla la provincia de Buenos Aires e Islas Malvinas y modo de repararse* (Circumstances in which are the province of Buenos Aires and Falkland Islands and how to fix). Sadly I am unable to find a copy of the article. Another reason put forward for the paper's closure was that the journal had criticised some naval officers.

1803 – the cost of the *presidio* on East Falkland is put at 24,564 pesos. [847]

In **January**, *Eleonora,* commanded by Captain Edmund Cole from Rhode Island, stops off at Egmont.

March 10th, Gerardo Bordas, commanding the merchantman *Nuestra Senora de Belén,* sails from Montevideo for Puerto Soledad. [848]

Comandante Bernardo de Bonavíanotes a dramatic reduction in cattle numbers. He also complains to Buenos Aires that the Dominican priest is a "*chronic drunkard*". [849]

April 18th, *teniente de navio*, Don Antonio Leal de Ibarra y Oxinando, commander of the corvette *Atrevida*, takes over as *comandante gobernador* at Soledad.

April 17th, after a difficult journey, Bordas arrives at Soledad with the garrison's stores for the year.

May 17th, Britain returns to war with France. [850]

July 10th, the fish drying factory at Puerto Deseado, together with its operating company, *Compañía Marítima*, close down; ending Spain's attempt to operate a profitable fishing business off the Patagonian coast. [851]

1804 – February 25th, in Montevideo, a suggestion is put forward that the frigates used to supply the Soledad garrison be replaced by two smaller corvettes. [852]

March 13th, a report from the Soledad garrison confirms that only 199 cattle remain on the island. [853]

"Two pieces of information allow us to glimpse an explanation that is not satisfied with attributing all the blame to the prison peons. The first is the low level of remuneration of the personnel stationed in Malvinas, ... Second, the life and liberty of the prisoners ... were in the hands of the prison guards. In short, the organization of an illegal maneuver of systematic cattle abduction known to all, sustained for years, and never investigated or deactivated, far exceeded the intervention capacity of some prisoner laborers and required the participation of other people." [854]

March 21st, Captain Don Bernardo de Bonavía takes command on East Falkland.

June 9th, a newly coppered whaling ship, *Cyrus*, sails from the Thames for the Southern Fishery grounds.

"... Captain West fell in with the whaler Samuel, of Nantucket, under Captain Gideon Gardner, and the two vessels sailed in company to the Falkland Islands, where they stayed several days. ... they fund five men living ashore who were "without any ship or anything to live upon other than what they caught daily... Captain West.. took two of the castaways and the Samuel took the other three." [855]

December 12th, after 18 months of disputed neutrality, Spain declares war on Britain. [856]

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847 Torrente 1829. Listed under the expenses of Buenos Aires.

848 The vessel had been in regular use as a mail and supply ship since 1781.

849 Pascoe 2022 vol.1 p.347

850 Spain would resist meeting her treaty obligations to France until 1804.

851 Shaw 2008. This company also had the rights to transport goods between Buenos Aires and Soledad although it is not clear whether that option was ever taken up. *cf.* Sept 1789, June 1792 & 1806

852 *Leg. 36 Doc.154*

853 *Informe del visitador general Diego de la Vega al virrey del Pino, Bue-nos Aires, 13 de marzo de 1804. AGN IX 17. 01. 01.* In 1794, the count had been 5,033. See also Bernhardson 1989 p.138 who gives the count as 235 citing *AGN VII 2-3-3.. cf.* 1802

854 Jiminez, Alioto & Villar 2018 p.149

855 Stackpole 1972 p.274

856 Committed to an *"offensive and defensive"* alliance with France by the *Treaty* of 1796, Spain had attempted to avoid involvement by reinterpreting the Treaty. French pressure caused Madrid to change its stance.

1805 – in **February**, sealers *Swift* and *Young William* hunt at South Georgia. [857]

March 21st, *teniente de navio*, Don Antonio Leal de Ibarra y Oxinando returns to Soledad.

October 21st, the *Battle of Trafalgar* reduces the capacity of Spain to communicate with South America and firmly establishes British naval supremacy. Lord Horatio Nelson is killed during the battle.

> *"On the appearance of hostilities relative to the Falkland Islands, in the year 1770, Mr. H. Nelson left the school at North Walsham, and, at twelve years of age, was received on board the Raisonable, 64 guns, by his maternal uncle, Captain Maurice Suckling."* [858]

November 15th, *St. Augustin*, a Spanish ship (*Talquino*) seized by a British privateer off the coast of Chile and heading for Britain, stops off at East Falkland Island for water. The crew and ship are taken prisoner by a small Spanish force on horseback, sent out from the Soledad garrison to reconnoitre the coasts of East Falkland .

"Your Excellency having sent 6 armed men to cross the southern coasts of this island to surprise enemies, who on several occasions have been sighted ... I was informed by the brigade gunner and corporal Pedro Ramon Pando de Neyra, that at 7 in the morning of November 15 last, enemies were on the coast called Puerto de los Leones y Los Pajaros, ..; that following cautious observations he saw the enemies on the land of this island, whom he easily surrounded using the horses, and seized without resistance, and also seizing a large boat that they had on the beach, he did the same with a ship that it was a medium brig, capable of over 250 tons, that the enemies anchored on a nearby island called Santa Isabel. They are prisoners with the captain and the English crew of the said brig called San Agustin, alias the 'Talguinon', captured from the Spaniards on the coast of Talca, with Xaime Morlec captain of the corsair named the Antilop, and headed to the island of Santa Elena, to go from her by convoy to London. Harassed by necessity they had arrived and gone down to land to get water. The captain of the dam is called Andres Jonson, ..." [859]

November 25th, *St. Augustin* is wrecked on the coast of East Falkland. [860]

"There was no official reaction by Great Britain in regard to acts of enforcement performed by Spain against the sailors of the British Crown visiting the islands..." [861]

857 Both vessels were owned by Bennet & Co and had sailed together from England on June 11, 1804

858 *The Globe November 7, 1805.* Spain lost 11 ships together with over 6,000 of its naval forces dead, wounded or captured. *cf.* 1770

859 Part of report number 239 of February 26, 1806 from the Commandant of the 'Maluinas', received at Buenos Aires on May 9, 1806 (second page is missing). British privateer *Antelope* (Capt. James Mortlock) had been operating off the coast of Chile near Valparaiso in early October, 1805. Reported to have taken two brigs as prizes there. *Antelope* was itself captured by a Spanish ship on October 13, 1805, with Mortlock and 15 crew killed. Translation by Fabian Turcato.

860 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150167330.* Reported on February 22, 1806 following a voyage to the Soledad garrison by Gerado Bordas, who was commissioned to retrieve the equipment and stores salvaged from the wreck.

861 Kohen & Rodriguez 2017 p.56. Hardly surprising as Britain and Spain were at war.

1806 – January 4th, *Nuestra Senora del Carmen*, carrying stores for the garrison, arrives at Soledad.

February 22nd, Gerardo Bordas returns to Montevideo with the British prize crew from *St. Augustin.* [862]

March 20th, Captain D. Bernardo de Bonavía returns to command the Spanish garrison on East Falkland.

June 27th, without specific orders to do so, Commodore Popham and General Beresford, leading some 1,600 troops and marines, attack and occupy Buenos Aires. [863]

> *"We heartily congratulate our countrymen upon this fresh success of our arms. Small as was the force sent against Buenos Ayres, it is sufficient to hold the place till fresh reinforcements are sent. We trust they will be sent immediately."* [864]

"The recent brilliant acquisition by the British forces under General Beresford and Sir Home Popham of the very important settlement of Buenos Ayres, renders an account of the extensive Viceroyalty to which it gives its name doubly desirable. ... If the limits of the work will admit, it is intended next to introduce succinct accounts of such of the adjacent countries, as, though not included in the political denomination of the Viceroyalty of Buenos Ayres, have, nevertheless, natural relations towards it, which make them objects of interest at the present time. .... Peru and Chili on the west; and the unexplored districts of Patagonia to the south; with the Falkland islands and others, scattered in the Atlantic ocean, on the east; are those alluded to." [865]

"The British then took control, and by an Order in Council September 17, 1806, Buenos Aires was declared British and open to trade in British and Argentine ships." [866]

"On 27 June some 1,600 British troops had captured the second-largest city in Spanish South America and capital of a vast region, the Viceroyalty of the Rio de la Plata, which stretched from the Atlantic to the Andes and from Patagonia in the far south to the borders of modern Peru. The idea of capturing Buenos Aires had originated in the fertile mind of Sir Home Riggs Popham, commander of the English fleet that had taken Cape Town from the Dutch earlier in the year. Nevertheless the British government, with the enthusiastic support of commercial and manufacturing interests, decided to back the invasion." [867]

Beresford discovers the lead plate taken from Fort George on Saunders Island in 1776; and seizes it. [868]

"Not a word was said when in 1806-1807 British officials (sic) invaded Buenos Aires and found the leaden plaque left behind in the once-British settlement. Another question is why Great Britain, when attempting to conquer the Viceroyalty of the Rio de la Plata, did not take any action against Spain's presence in the only territory that supposedly was British." [869]

July 19th, HMS *Narcissus* sails from Buenos Aires for England with a report, one million *pesos* in coin and captured goods together with Clayton's 1774 lead plate stolen from Fort George in January 1776. [870]

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862 *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20150167330*

863 It is a matter of conjecture quite how much British Ministers actually knew.

864 *Public Ledger & Daily Advertiser Monday September 15, 1806.* As the news of the capture of Buenos Aires took three months to reach England, it was unlikely that reinforcements would be in time to safe the situation.

865 *History of the Viceroyalty of Buenos Ayres;...* S. H. Wilcocke 1807. The limits of the work did not, apparently, allow.

866 Craine 1961 p.9

867 *Britain and Latin America in historical perspective* Leslie Bethell 1989 in *Britain and Latin America: a changing relationship* Victor Bulmer-Thomas (ed.) 1989

868 *Woodbine Parish to Earl Aberdeen November 20, 1830* in *FO 6 499*

869 Kohen & Rodriguez 2017 p.56. Why, in the middle of a war, would the British Government feel the need to complain about an act of petty damage committed 30 years before? And why would Britain attack East Falkland? A small garrison was hardly a threat; assuming that the British knew it was still there. Historical events need to be viewed in context.

870 See January 1776 and October, 1841

A map of South America is published in Paris by Eustache Herrison. [871]

In **August**, Frenchman Santiago de Liniers, leading a mixed force, attacks British forces in Buenos Aires. General Beresford surrenders. Popham retreats. [872]

"In the short time he was in Buenos Aires Popham grew to "like the South Americans prodigiously," but this liking was not particularly returned, due to the humiliation felt by the people of that city and to the fact that the English had come as conquerors, not as liberators. On August 12, 1806, the people of Buenos Aires revolted against General William Carr Beresford, whom Popham had placed in charge of the city of Buenos Aires, and at the end of three days of hard fighting, Beresford was compelled to capitulate to the forces of Buenos Aires under the leadership of the French emigre, Jacques Liniers. Popham, after helplessly watching the fighting from his ships floating lazily in the Plata river, moved the remnants of the British forces into Maldonado and Colonia to await reinforcements..." [873]

September 13th, *The Times* of London tempts fate; *"By an express which we have just received from Portsmouth we have to congratulate the Public on one of the most important events of the present war ... Buenos Aires at this moment forms a part of the British Empire."* [874]

September 23rd, the *Kentish Weekly Post* reports; *"On Saturday morning, the treasure taken from the Spanish settlement, Buenos Ayres, was brought to (London) town in eight wagons, on each of which was a Jack Tar, holding a flag, on which was inscribed the word Treasure; as also on the caravans, RM the initials of Royal Money. They were escorted by the Loyal Britons, commanded by Colonel Alexander Davidson, the rear being brought up by the Clapham Volunteers, commanded by Col. Bestead. ... It was followed through the street by a great concourse of people, with music playing, and colours flying. Each wagon was drawn by six horses. The colours upon the wagons were those taken at Buenos Ayres."*

September 26th, London's *Morning Post* reports; *"The reinforcements destined for Buenos Ayres consists of the 36th and 88th regiments, now embarked at Spithead. They are to be conveyed by the Ardent, of 64 guns, Captain Donelly, and several other vessels."* [875]

December 13th, an instruction from the Spanish Treasury, indicates a change in accounting procedures. [876]

> *"... for the expenditures and payments we shall consider from now onwards the establishment of Malvinas as a ship sailing and all the employees at that destination as depending on the ship,.."* [877]

Spain's last outpost on the coast of Patagonia, the *presidio* at Puerto Deseado, is abandoned following the failure of the resupply ship to arrive from Buenos Aires. [878]

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871 See https://falklandstimeline.files.wordpress.com/2019/02/1806-lamerique-meridionale-by-eustache-herrison-paris.jpg

872 Beresford surrendered on August 14, 1806. First reports of these events only reached London in December 1806. Popham was court-martialled in 1807 and censured for leaving his post at the Cape of Good Hope.

873 Craine 1961 p.11

874 Quoted in Bethell 1989

875 The fleet sailed on October 9, 1806; before news of Liniers success reached London.

876 Kohen & Rodríguez 2017 p.82 citing *AGN Sala X 10-2-10. cf.* 1810

877 Quoted in *Malvinas: towards an integrating conception* Marcelo Luis Vernet in *The Question of Malvinas Islands and the Bicentennial Argentina* 2011. *cf.* 1810

878 Shaw 2008. Deseado remained abandoned until occupied by the Argentine Republic in 1881. *cf.* 1789, 1792 & 1803

1807 – February 3rd, British forces under General Sir Samuel Auchmuty besiege Montevideo; interrupting the provision of supplies to the *presidio* at Port Soledad and reducing the garrison to near starvation. [879]

"On February 9, 1807, from San José, the battered Viceroy warned Bernardo Bonavía of the fall of Montevideo in pode los invaders and, at the same time, advised him to try to obtain aid on the Patagonian coast, while he, using the good offices of Felipe Contucci, tried to send him from Brazil everything he could obtain." [880]

February 10th, Santiago Liniers is appointed Viceroy of the Rio de la Plata, and granted the title 'Count of Buenos Aires'.

A map of South America is published in London by William Faden (detail right).

May 10th, Lieutenant-General John Whitelocke arrives to take command at Montevideo.

June 17th, supplies arrives at the Soledad garrison.

"The relief arrived in good time on June 17, helping to improve the difficult situation of the villagers who saw the supply of the daily ration conclude on that date. Bonavia then declared that he was willing"to keep this possession to the King by resisting all invasion"..." [881]

July 1st, Buenos Aires is attacked by Whitelocke's forces.

July 12th, following a series of defeats, Lieutenant-General Whitelocke agrees an armistice with Liniers and removes most of the remaining British forces from the Rio de la Plata. [882]

"General Whitelocke, however, was not the man to vindicate British arms by recapturing Buenos Aires. Montevideo was in English hands, affording an excellent base from which to carry out any operations against Buenos Aires, and there were ten thousand troops at Whitelocke's disposal. Yet, to the surprise of the Spanish-Americans, after a few skirmishes Whitelocke asked for a truce and agreed to evacuate the entire region. The English as colonizers were out,..." [883]

"9,000 troops began a second assault on Buenos Aires. It was a disastrous failure (401 dead, 649 wounded and 1,924 taken prisoner). With the evacuation of Montevideo on 9 September 1807, Britain's short-lived empire in southern South America came to an inglorious end." [884]

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879 Cawkell 2001 p.41. Without real settlers it seems that little or no attempt had been made by the garrison to produce its own food, resulting in almost total reliance on the annual supply ship.

880 Caillet-Bois 1982 (6th ed.) p.176

881 *Ibid.*

882 None of these events are directly relevant to the history of the Falkland Islands; but they are considered by Argentine historians to be the foundation of the move towards self-government in 1810, and a declaration of independence in 1816. However, for those who may be interested, please see –
https://falklandstimeline.files.wordpress.com/2012/02/trial-of-sir-home-popham.pdf
https://falklandstimeline.files.wordpress.com/2012/02/trial-of-general-john-whitelocke.pdf

883 Craine 1961 p.12

884 Bethell 1989

October 12th, French forces cross into Spain, to attack Portugal. Spain's government permits the intrusion. [885]

"Napoleon's objective, when he determined to occupy Portugal toward the end of 1807, was to seal off from the British the last ports of Western Europe and thus complete his Continental blockade. ... When Canning was made aware of the Napoleonic threat to Portugal, he entered into negotiations with Souza Coutinho, at that time the Portuguese Ambassador to London, regarding the creation of new relations between England and Portugal. The result of these negotiations was the Convention of October 22, 1807, by which the two States agreed to friendship and alliance. England assured the Prince Regent that if it were necessary for him to leave Portugal for Brazil the British navy would escort him. It was understood that if such a move occurred the Prince Regent would take with him the Portuguese navy and merchant marine, thus keeping them out of Napoleon's hands. It was also understood that if Prince John arrived in Brazil there would be further negotiation in regard to British commerce. The Prince Regent, however, did not ratify the agreement until after the English instituted a blockade of the Portuguese ports and word was received that Napoleon had crossed the border." [886]

November 19th, a French army invades Portugal via the River Tagal valley.

November 29th, the Portuguese King, João VI, the Royal family and court, flee Lisbon for Brazil. [887]

1808 – January 22nd, after a difficult voyage, the Portuguese émigrés arrive in Brazil. Britain establishes a naval base at Rio de Janeiro; to protect the Royal Family.

"Its scope of action was not confined to the Portuguese domains of Brazil, but soon expanded to the entire subcontinent after the Spanish-English pact of 1808. ... the naval protection provided by the station was a safe shield for merchants and whalers, who in their shadow could increase their participation in Ibero-American trade and continue to exploit increasingly the whaling in the South Pacific." [888]

In London, Laurie & Whittle publish a world map (detail right).

British ships *Otter* and *Swan,* visit South Georgia while the American sealer *Triumph* hunts at the Falklands.

On its return voyage, the *Swan* passes Beauchêne Island and determines its latitude.

In **February**, Napoleon Bonaparte turns on his Spanish allies, and proceeds to occupy Spain.

March 10th, Pilot Don Gerardo Bordas sails from Montevideo to take command of the *presidio* on Soledad. [889]

March 19th, King Carlos IV of Spain abdicates in favour of his son, Ferdinand, following a popular revolt.

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885 *Treaty of Fontainebleau*

886 Craine 1961 p.37

887 15,000 people were evacuated to Brazil in 15 warships and 20 transports. Unopposed, Napoleon's forces entered Lisbon on November 30, 1807. The evacuation was so chaotic that 14 treasure carts where left behind in the dock. Even so, the French found that the evacuees had managed to take half of Portugal's specie with them.

888 Guzmán 2010

889 A surprising choice as Bordas was a *primer piloto particular* in the merchant marine, not a commissioned officer. That said, Spain was short of naval officers. *cf.* 1810

In **April**, Napoleon takes Carlos as a prisoner to Bayonne. Then summons Ferdinand to see him. Under pressure, Carlos retracts his earlier abdication, but then abdicates again; this time in favour of Napoleon's brother, Joseph Bonaparte. Imprisoned, Ferdinand is forced to renounce his own claim to the throne.

May 2nd, the people of Madrid rise up against their French occupiers, killing 150 soldiers before being crushed by the *Imperial Guard*. [890] Popular uprisings break out around in Cartegena, Valencia, Zaragoza, Murcia and in Asturias.

June 6th, Napoleon proclaims his brother, Joseph, as José I, King of Spain and the Indies.

June 15th, 150 Spanish nobles meet at Bayonne to discuss the future of Spain. Included are representatives from Mexico, Venezuela, New Granada and the Rio de la Plata.

June 20th, the Bayonne conference recognises Joseph Bonaparte as King of Spain and the Indies.

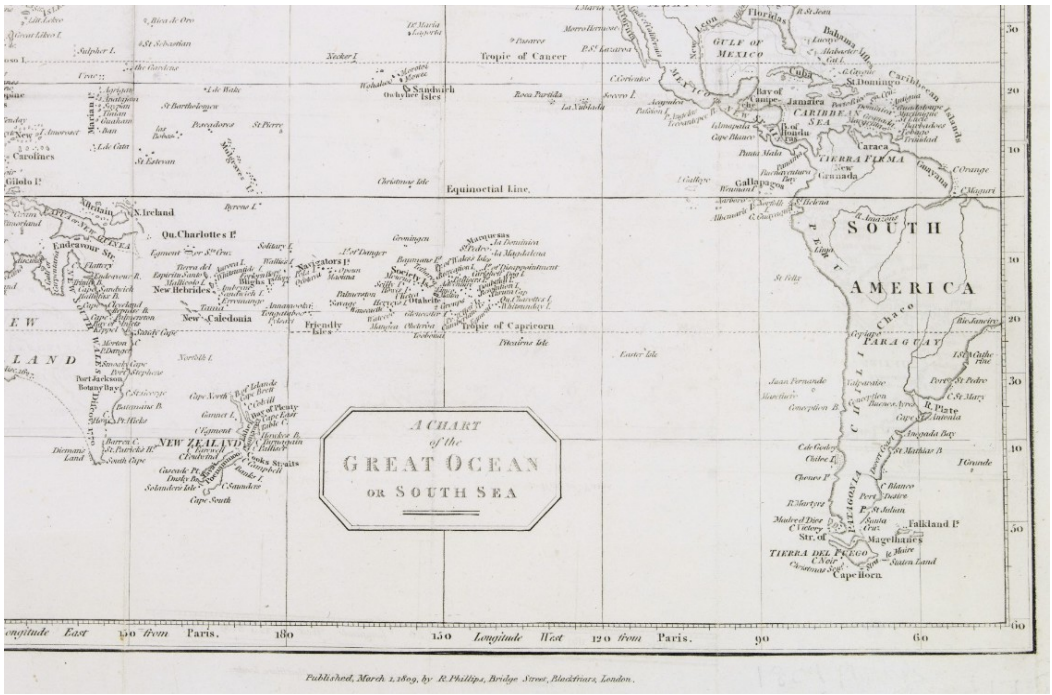
"A tremendous propaganda campaign was instituted to enlighten the colonists (of South America) to the advantages which would come to them by the regeneration of Spain." [891]

In **August**, British troops land in Portugal, at Mondego Bay.

British sealer, *Favourite*, hunts at South Georgia. [892]

September 25th, in Spain, the *juntas* of Murcia, Valencia and Seville come together to form a temporary government – the *Supreme Central Junta* – to coordinate Spanish opposition to Napoleon.

"In 1808, when news of the abdication of the King and the declaration of war against France was received in the Rio de la Plata, Liniers found himself, almost immediately, an object of distrust to the old Spaniards. However, it was the city of Montevideo, under governor Francisco Xavier Elio, which reacted first. Elio refused to obey the orders of Liniers, called together the people, and established an independent junta after the pattern set up in Spain. Shortly after the action of Elio and the city of Montevideo, some of the leading Spaniards of Buenos Aires attempted to follow their example, a movement which was crushed by Liniers and his troops." [893]



890 Now recognised as the beginning of the Peninsula War.
891 Craine 1961 pp.39-41
892 Sailed in June, 1808; returning to London July 13, 1809.
893 Craine 1961 p.18

1809 – January 1st, in Buenos Aires, a coup attempt against Viceroy Liniers fails.

> *"The affairs of the River Plate are unsettled – The French General Liniers, who was the Acting Governor of Buenos Aires had banished most of the principle inhabitants to Falkland's Islands; but the Spanish Governor of Monte Video, much disgusted by so tyrannical a measure, immediately on receiving the information sent vessels to their relief, and prepared a welcome reception for the exiled patriots at Monte Video, whither they were accordingly removed."* [894]

> *"... the Governor of Monte Video had fitted out the ship Diamond, to proceed to Falkland Island, to bring back the Cabelda (sic), which had been sent prisoners to that place by Liniers."* [895]

January 14th, Spain's Supreme Central Junta signs a treaty of alliance with the British Government. [896]

> *"Art. I. There shall be between his majesty the king of the United Kingdom of Great Britain and Ireland, and his Catholic Majesty Ferdinand VII, king of Spain and of the Indies thereunto appertaining, and Between all their kingdoms, states, dominions, and subjects, a Christian, stable and inviolable peace; and a perpetual and sincere amity, and a strict alliance during the war against France; together with an entire and lasting oblivion of all acts of hostility done on either side, in the course of the late wars, in which they have been engaged against each other. ...*
>
> *Art. III. His Britannic Majesty engages to continue to assist, to the utmost of his power, the Spanish nation in their struggle against the tyranny and usurpation of France, and promises not to acknowledge any other king of Spain and of the Indies thereunto appertaining, than his Catholic Majesty Ferdinand VII, his heirs, or such lawful successor as the Spanish nation shall acknowledge: and the Spanish government in the name and on the behalf of his Catholic Majesty Ferdinand VII, engages never, in any case, to cede to France, any part of the territories or possessions of the Spanish monarchy, in any part of the world."* [897]

"... as to the Treaty of 1809. That Treaty was made at the beginning of the Spanish struggle against France, and was directed wholly, and in terms not to be misapprehended, to the circumstances of the moment at which it was made. It was a Treaty of Peace, putting an end to the war in which we had been since 1804 engaged with Spain. ... All the stipulations of the Treaty ... undoubtedly pledged us to Spain, not to lay down our arms until (Napoleon's) design should be defeated in Spain, and the pretension altogether abandoned as to America:..." [898]

".. after having been at war with Spain for eight of the past twelve years, Britain suddenly became an ally." [899]

March 1st, Phillips of London publish *A Chart of the Great Ocean or South Seas* (previous page).

March 27th, in London, Foreign Secretary George Canning lays the treaty with Spain before Parliament.

May 22nd, the *Supreme Central Junta* invites representatives from Spain's overseas territories to sit in a *Cortes*. Peru, Buenos Aires and Chile are invited to send representatives.

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894 *Sydney Gazette and New South Wales Advertiser July 30, 1809.*

895 *Belfast Commercial Chronicle May 17, 1809.* A *Cabildo* was an administrative council. In this case the members of the Montevideo *Cabildo* had sought the resignation of Liniers and their leaders were arrested. Despite these reports the *Cabildo* leaders were imprisoned at Carmen de Patagones.

896 *HC Deb 27 March 1809 vol.13 cc809-12.* Known as the *Apodaca – Canning Treaty.*

897 It would be this article that Spain accused Secretary George Canning of breaching in 1825 with the treaty between Britain and the United Provinces. *cf.* 1811 & 1825

898 *George Canning to the Chevalier de Los Rios, Minister of His Most Catholic Majesty March 25, 1825. cf.* 1825

899 Rock 1987

July 5th, the treaty of alliance between Britain and Spain is ratified.

In a survey, the Soledad commander notes that the garrison has 215 head of cattle. [900]

In **August**, a new Viceroy, Balthasar de Cisneros, arrives in Buenos Aires to replace Liniers.

"... in an effort to calm the public mind, sent out an old naval officer, Don Baltasar Hidalgo de Cisneros, to replace Liniers as viceroy. Buenos Aires, at this time, had an empty treasury and could not even meet the current expenses of the government. .... The people, needing everything, and with a tremendous accumulation of produce, were crying out for at least a temporary opening of the ports. Into this situation came Cisneros, without money or troops and without permission to open the ports or relax in any way the Spanish colonial regulations." [901]

In **September**, in Buenos Aires, Mariano Moreno calls for a relaxation of Spain's trading rules to allow English goods into the port in order to replenish the treasury. The Viceroy reluctantly opens the ports to free trade, ignoring Spain's monopolies.

1810 — January 8th, Pilot Don Pablo Guillén Martínez takes over command of the garrison on East Falkland from Don Gerado Bordas. On hearing the news of events in Spain, Gerado Bordas swears his loyalty to King Ferdinand. [902]

"He brought the disturbing news that Spain had been invaded by France and that Carlos IV had abdicated in favour of his son, who had become Fernando VII, but both of them had been imprisoned by Napoleon in France. Accordingly a Te Deum was celebrated at Puerto Soledad in honour of Fernando VII by Fray José Zambrano on 14 January and a proclamation of loyalty was read." [903]

Bordas sails to the Royal Spanish Naval base in Montevideo seeking payment of the wages due to him in accordance with the Spanish treasury instruction of December, 1806. [904]

January 29th, in Spain, following military reverses, the *Supreme Junta* dissolves itself. A five person *Council of Regency of Spain and the Indies* is tasked with pursuing the arrangements for a *Cortes*.

March 20th, with no funds arriving from Spain, Rear-Admiral Salazar passes on Bordas' request for payment to Viceroy Cisneros, who instructs that certified copies of the 1806 *Treasury Order* be sent to the Navy at Montevideo – reminding the Rear-Admiral that the debt is the Navy's and Spain's; not that of Buenos Aires.

May 13th, at Montevideo, a British frigate arrives and confirms the rumours that Napoleon has seized Spain.

May 15th, the whaler *Swan* (James Lindsay) inspects Beauchene Island. [905]

May 20th, Salazar again writes to Buenos Aires requesting assistance with the payment of Pilot Bordas' wages.

May 22nd — 25th, in reaction to events in Spain, a *cabildo abierto* in Buenos Aires rejects the authority of the *Spanish Junta* and *Council of Regency* whilst declaring; *"... constant fidelity and adherence to their beloved Ferdinand VII, and his legal successors to the crown of Spain."* [906]

900 Jiminez, Alioto & Villar 2018 p.116
901 Craine 1961
902 *AGN X-171*
903 Pascoe 2022 vol.1 p.352 citing Fitte *Cronologia* 1968 p.187
904 See December, 1806 and March, 1808
905 Burney 1817 p.37. This ship was owned by the London Whaling Company of Enderby & Sons.
906 *Present State of the Spanish Colonies* W. Walton 1810.

"The first overt act of revolution against Spanish authority in what is now the Argentine Republic was ... nominally a protest against the invasion of Spain by Napoleon Bonaparte; the revolutionary Junta Gubernativa in Buenos Aires still professed loyalty to the captive king, Ferdinand VII. Actually it was a movement for separation from Spanish sovereignty. Professed allegiance to Ferdinand was a device for evading chastisement by Spanish authority, ... in distant Buenos Aires they never expected Ferdinand to come back to the throne; that is why they affected to remain his subjects." [907]

"In 1810 the Viceroyalty of Buenos Aires played its part in the general revolutionary movement to free Spanish America from the suzerainty of a Spain that was in the hands of Napoleon I. A revolutionary junta was set up in Buenos Aires, but attempts to extend its authority into the interior and over all the provinces of the former Viceroyalty proved unsuccessful." [908]

"For some three centuries as a colony, under the control of the Kings of Spain, the region of the Rio de la Plata was one of the most backward and neglected areas of the Spanish-American empire. ... in 1810, Buenos Aires had a long way to go to reach the living standards of other cities of the world. The city itself probably had a population of about 46,000, ..." [909]

Buenos Aires province forms its own governing *'Primera Junta'* with Spain's Viceroy, Baltasar Hidalgo de Cisneros, as President of the Junta. Cisneros is almost immediately forced to resign, due to popular unrest, and is banished. Cornelio Judas Tadeo de Saavedra becomes president of a government that includes Manuel Belgrano, Juan Jose Castelli and Mariano Moreno.

> *"... we established our own Junta of Government, on the model of those of Spain. Its institution was purely **provisional**, and **in the name of** the captive King, **Ferdinand**..."* [910]

"It cannot, .., be denied that the Argentine Nation succeeded to Spain in the Dominion over the Malvina Islands, on separating herself from that Country in 1810." [911]

"... if it were admitted that the sovereign rights of Spain were vested in the ancient viceroyalty of Rio de la Plata, by virtue of the revolution of May twenty fifth, eighteen hundred and ten, those rights could not have been vested in the Argentine Republic, because that republic constituted only one of the four nations into which the viceroyalty was divided, and could not show the releases of the others; and that the Oriental Republic of Yruquay, commonly called the Banda Oriental, Paraguay, and Bolivia, all independent nations, had equal rights to the possession of the islands in question with the Argentine Republic." [912]

"On May 25, a new vote was held and a new junta gubernativa was elected with Cornelio Saavedra as President and Mariano Moreno as Secretary. In this manner was established the "provisional junta of the provinces of Rio de la Plata, in the name of King Ferdinand the Seventh." This junta gubernativa was, in essence, the beginning of Argentina's independence, although no complete declaration of such was made until 1816 and political stability was not achieved until long after that. Consequently, by 1810, Buenos Aires, in the

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907 *Early Diplomatic Missions from Buenos Aires to the United States 1811-1824* Samuel Flag Bemis 1939
908 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*
909 Craine 1961 p.4
910 *Manifesto directed to all nations of the Earth, by the General Constituent Congress of the United Provinces of South America, respecting the treatment and cruelties they have experienced from the Spaniards, and which have given rise to the Declaration of their Independence, Buenos Ayres, October 25, 1816.* My emphasis
911 *Report of the Political, and Military Commandant of the Malvinas (Informe del Comandante Politico y Militar de Malvinas)* Luis Vernet 1832. *cf.* 1816, 1833, 1834 and 1848.
912 Reynolds 1835 p.501

midst of the turmoil created by the outside influences of Great Britain, France, and the United States, and by the internal problems of Spain, acted for herself. …" [913]

"In 1810, there was as yet no generally accepted right for new nations to come into existence. Spain, having striven for three centuries to establish her colonial empire, was in no hurry to give it up,…" [914]

"… a declaration of independence is a necessary, .., condition for unilateral secession…" [915]

"… 1810 is the year for the succession (sic) of States in Hispanic South America." [916]

"Uti possidetis juris of 1810 is a rule relating to the succession of states to territory followed by the States of Spanish South America. … formal proclamations of independence would only come later. The new states inherited the territory belonging to the Spanish Crown…" [917]

"Some Argentine writers assert that Argentina inherited Spain's rights in the Falklands immediately upon the revolt of Buenos Aires from Spain on 25 May 1810, but that is patently false – throughout 1810 and well into 1811 Spain still had a garrison at Puerto Soledad (Port Louis) and was thus still in de facto possession of at least that part of the islands. Moreover, on withdrawing in February 1811 Spain stated a clear intention to return, and as late as 1822 and 1825 asserted her claim to the whole of South America (thus including the Falklands) by protesting against the recognition of the United Provinces of the River Plate by the United States and Britain" [918]

Events ashore are observed by the officers and crews of four British ships, anchored in the harbour at Buenos Aires - HMS *Mutine, HMS Mistletoe, HMS Nancy and HMS Pitt.* Capt. Fabian on *Mutine* orders a salvo of cannon in salute. [919]

On hearing the news, the Banda Oriental (Eastern Bank) endorses the rule of the *Council of Regency* in Spain. Francisco Javier de Elío declares himself Viceroy of the Rio de la Plata. [920]

"Since 1810, the control of the south escaped the hands of our early rulers. The cry of May did not find echo, for a while, in Montevideo, whose tall and imposing ramparts were bristling with cannons – for 4 years one of the main concerns of the Buenos Aires revolutionaries." [921]

Researcher's Comment: It is often argued that modern Argentina can date its independence to 1810 but, while this may be heart-felt, it has no foundation in the laws of the time. The seeds of independence may well have been sown in 1810 but a revolution requires rather more than declaring loyalty to Spain's legitimate King. There was no claim of independence, no secession from the Spanish Empire, no cession by Spain, no recognition by any established nation and certainly no inheritance of territory. See 1814, 1816, 1824 & 1863.

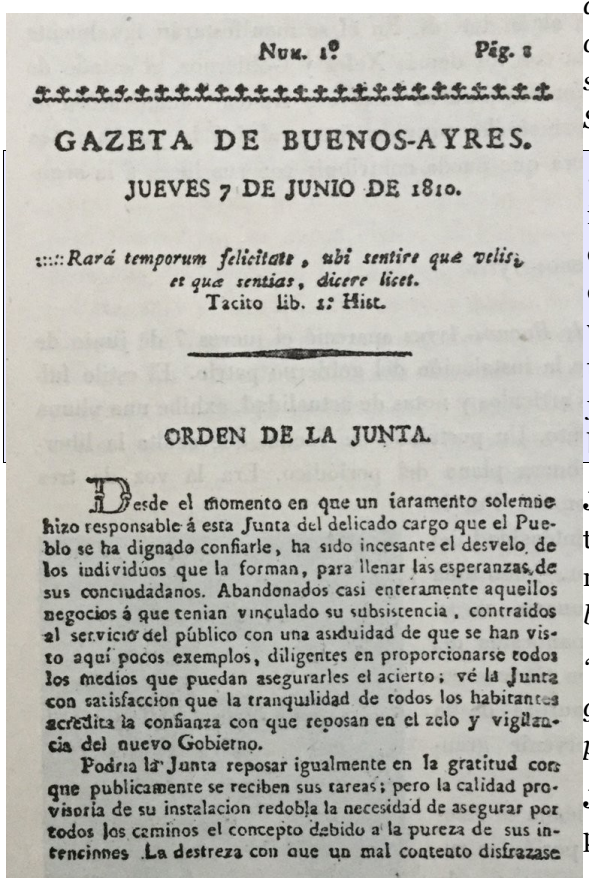
913 Craine 1961 p.19
914 Calvert 1983
915 *State Practice and International Law in Relation to Unilateral Secession* James Crawford 1997 in *Self-Determination in International Law, Quebec and Lessons Learned: Legal Opinions Selected & Introduced* 2012. *cf.* 1816
916 *On an alleged 'review' of Malvinas entre el Derecho y la Historia* by Marcelo Kohen & Facundo Rodriguez published in *Penguin News* July 30, 2016. As Argentina's predecessor, the United Provinces declared independence in 1816. Can '*succession*' can precede '*secession*.' *cf.* 1713
917 Kohen & Rodríguez 2017 p.71. *cf.* 1811, 1816 & 1848
918 Pascoe 2020 p.50
919 HMS *Pitt* almost immediately sailed for Rio de Janeiro with the news. Fabian reported on events to Lord Wellington following *Mutine*'s return to the UK, on August 7, 1810.
920 Confirmed by the Junta of Cádiz on January 19, 1811. Soledad's garrison remain loyal to Montevideo., not Buenos Aires.
921 Caillet-Bois (6th ed.) 1982 p.177

May 30th, the issue of Bordas' wages is put before de Saavedra, who acknowledges the request with his signature, but – as Cisneros had done – asks for the Treasury Order of December 13th, 1806 to be sent to the Navy in Montevideo. A further reminder for Salazar that the debt belongs to Spain, not Buenos Aires. [922]

> *"Today I am sending to the Navy Commander of this Naval Station the following letter: Having observed that the High Board of the Royal Treasury in charge of apportioning all expenditures and payments has approved that the Malvinas settlement be given the same treatment as that given to a ship at sea and that all men be considered as part of the crew of the ship … henceforth all salaries, gratuities, wages and other expenses incurred in said settlement or pertaining to it, whatever type they may be, shall be paid by the Navy commander of this Naval Station."* [923]

"The previous decisions of the Viceroyal authorities, concerning the remuneration of staff assigned to the Falklands/Malvinas, were taken over by the new authorities, who ordered the payment of the rewards owed to the former Commandant of the Malvinas, Gerardo Bordas." [924]

"… an infinitesimally tiny event, which in any case had absolutely no effect on the Falklands since at that time, and for eight months afterwards, there was a Spanish commandant in the islands, Pablo Guillén Martínez, who had served from January 1810 and remained in office at Puerto Soledad until February 1811." [925]



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GAZETA DE BUENOS-AYRES.

JUEVES 7 DE JUNIO DE 1810.

:::::Rara temporum felicitate, ubi sentire quæ velis, et quæ sentias, dicere licet.
Tacito lib. 1. Hist.

ORDEN DE LA JUNTA.

Desde el momento en que un iaramento solemne hizo responsable á esta Junta del delicado cargo que el Pueblo se ha dignado confiarle, ha sido incesante el desvelo de los individuos que la forman, para llenar las esperanzas de sus conciudadanos. Abandonados casi enteramente aquellos negocios á que tenian vinculado su subsistencia, contraidos al servicio del público con una asiduidad de que se han visto aquí pocos exemplos, diligentes en proporcionarse todos los medios que puedan asegurarles el acierto; vé la Junta con satisfaccion que la tranquilidad de todos los habitantes acredita la confianza con que reposan en el zelo y vigilancia del nuevo Gobierno.

Podria la Junta reposar igualmente en la gratitud con que publicamente se reciben sus tareas; pero la calidad provisoria de su instalacion redobla la necesidad de asegurar por todos los caminos el concepto debido a la pureza de sus intenciones. La destreza con que un mal contento disfrazase

Researcher's Comment: The obscure affair of Bordas' wages is poorly understood in Argentina, where it is viewed as evidence of the revolutionary regime in Buenos Aires exercising administrative control over Puerto Soledad. This was simply not the case. This was a diagreement about a debt that predated the *cabildo abierto*. All that the Buenos Airean junta appears to have done, was to refer the matter of payment back to the Navy in Montevideo.

June 2nd, *La Gazeta de Buenos Ayres* is founded by decree for the publication of official announcements, appointments, notices and laws, as; "*the people have a right to know the behaviour of their representatives.*" [926]

"… The press has never been tolerated with a single day of genuine and manly freedom in Buenos Ayres. Nothing is published but what is flattering to the powers that be:.." [927]

June 7th, the first edition of *La Gazeta de Buenos Ayres* is published (left).

922 Bordas, a civilian pilot, was shortly after appointed *alferez de fragata,* a navy rank. Possibly as a way to be reimbursed.
923 Quoted in Destafani 1982
924 Kohen & Rodríguez 2017 p.82. I am unable to decide if this interpretation is ingenious or disingenuous. The discussion started before the *cabildo abieto* (see January, March & May, 1810) and the "*previous decisions*" were that the debt did not belong to Buenos Aires, but to the Spanish Royal Navy at Montevideo.
925 Pascoe 2020 p.54
926 The *Gazeta de Buenos Ayres* continued as the official organ of Buenos Aires until replaced by Minister Bernardino Rivadavia in August, 1821. *cf.* 1821
927 Manning 1925 vol.1 p.428

June 15th, *La Gaceta* reports.

> *"The Revolution proceeds tranquilly. We have raised 1000 men, to resist any attempts that may be made by the disaffected, in addition to the 500, completed pursuant to the act of investiture of the new Government. The latter have been sent into the interior, and are to proceed to Kusco (sic), to chastise Giraneche, who betrayed our cause at La Paz, and at whose instigation about five or six persons were hung or beheaded at the latter, and 30 more banished to the Island of Juan Fernandez, and the Falkland Islands. ... Monte Video has not yet assented to the new order of things, but we presume harmony will soon be restored throughout the whole of the territories on the shores of La Plata."* [928]

June 20th, British Envoy Extraordinary, Viscount Strangford, writes from Brazil regarding events in Buenos Aires. He informs Lord Wellington that the dispute is with the Spanish Government and is not a separation from Spain itself.

"Diplomatic reachings for foreign encouragement and assistance followed immediately the events of the 25th of May. The first appeal was to Great Britain. Despite the sympathy of the British Minister in Rio de Janeiro for the cause of independence in the revolted Spanish provinces, the first diplomatic missions from Buenos Aires' — to Lord Strangford in Rio, and to the British Government in London — were ineffectual because of Great Britain's determined policy to sustain the Spanish nationalists in their struggle against Napoleon and to preserve the old Spanish Empire so that the patriots of the Peninsula might draw support and succor from the royal provinces overseas." [929]

June 28th, US Secretary of State Robert Smith appoints Joel R. Poinsett to be its *"agent for seamen and commerce"* at Buenos Aires. [930]

Among his duties, Poinsett is to make inquiries about the situation in Buenos Aires at this time.

> *"(To discover) the state, the characteristics, and the proportions, as to numbers, intelligence, and wealth, of the several parties, the amount of population, the extent and organization of the military force, and the pecuniary resources of the country."* [931]

> *"You will make it your object, whenever it may be proper, to diffuse the impression that the United States cherish the sincerest good will toward the people of Spanish-America as neighbors, as belonging to the same portion of the globe and as having a mutual interest in cultivating friendly intercourse; that this disposition will exist, whatever may be their internal system or European relation, with respect to which no interference of any sort is pretended; and that, in the event of a political separation from the parent country, and of the establishment of an independent system of national government, it will coincide with the sentiments and policy of the United States to promote the most friendly relations, and the most liberal intercourse, between the inhabitants of this hemisphere, as having all a common interest, and as lying under a common obligation to maintain that system of peace, justice and good will, which is the only source of happiness for nations."* [932]

928 Quoted in the *Caledonian Mercury* September 6, 1810. There is no evidence that these '*banishments*' were carried out.
929 Bemis 1939
930 Poinsett was an American, trading in Buenos Aires.
931 Quoted in Bemis 1939
932 Quoted in Craine 1961 p.55 citing *Smith to Poinsett June 28, 1810*

"The Madison administration made the first systematic effort of the United States to extend its agencies in Spanish America. Three types of agents were employed: special agents, agents for commerce and seamen, and consuls. Special agents were appointed to perform some specific mission, usually of brief duration. Agents for commerce and seamen were appointed under an act of Congress in 1796 for the protection of American seamen in foreign ports. John Quincy Adams summed it up neatly when he wrote that "This office of commercial agent is a substitute for that of consul in ports where consuls cannot be admitted, or to which from whatever cause they cannot be sent." ... By definition the consul was an official appointed to reside in a foreign country to care for the commercial interests of the citizens of the appointing government. As such, the United States sent consuls to Spanish America under the Madison administration. Adams, however, later refused to receive a consul from one of the Spanish-American countries on the ground that such action committed the United States to recognition." [933]

August 30th, in Spain, Jose Fernandez de Castro reports on events in Buenos Aires; *"He now refused to condemn the insurgents maintaining that the independence they had declared was not from Spain but from French-occupied Spain. There was no intention of establishing a separate government..."*[934]

September 24th, three representatives from the Rio de la Plata provinces attend the *Cortes* in Cádiz, which decides to split Spain's government into three branches; the *Council of Regency* acting as the executive.

December 7th, Scotsman Alexander Ross, aboard *Tonquin,* arrives at Port Egmont where Captain Jonathon Thorn intends to take on water.

> *"... Mr. McKay, myself and some others, went up the bay a little to repair two old graves which we had discovered in a dilapidated state the day before. On one of these graves was the following rudely-cut inscription on a board:- 'William Stevens, aged 22 years, killed by a fall from a rock, on 21st of September 1794;' on the other, 'Benjamine Peak died of the smallpox on the 5th of January 1803 ship Eleonora, Captain Edmund Cole, Providence, Rhode Islands."* [935]

In Montevideo, an inquiry suggests that the cost of maintaining the Spanish garrison at Puerto Soledad will amount to 20,000 pesos in the year ahead.

1811 – January 8th, at a meeting of the *Junta Militar Asesora* in Montevideo, attended by Gaspar de Vigodet, it is decided that the *presidio* at Soledad should be abandoned to save costs. [936]

> *"... the vessel destined to relieve it (with) forty or forty-four men and the necessary food for one and a half years, whose total with salaries and other expenses reach up to about twenty thousand pesos and as a result it is impossible that the (Treasury) can prepare this amount, it seems to us that there is no other option to adopt, than to leave that establishment, which has not been and cannot be of any use to the Pacific Sea.... all buildings (to be) closed, and a shield with the Arms of the King, that manifests his right of property...."* [937]

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933 *Ibid.* p.22

934 *Response to Revolution: Imperial Spain and the Spanish American Revolutions, 1810-1840* Michael P. Costeloe 1986 p.30. Castro had arrived in Spain to represent the merchants of Buenos Aires.

935 *Adventures of the First Settlers on the Oregon or Columbia River: being a narrative of the expedition fitted out by John Jacob Astor to establish the Pacific Fur Company* Alexander Ross 1849

936 Other documents seem to refer to the decision as having been taken on January 4, 1811. With Elio acting as Viceroy, Vigodet was the de-facto Governor of Montevideo. Both men awaited confirmation of their positions from Spain.

937 *Biblioteca Virtual del Ministerio de Defensa* ref: *BMDB20150201577.* This document appears to be a copy of the record of the meeting of the Committee of War in Montevideo as it carries multiple signatures. The quote below would appear to be a part of the same record.

> *"... this Port [of Isla de Soledad de Malvinas] is to be abandoned, by sending a ship to said port [...] with the aim that all belongings, both of artillery and any other nature, found there are collected and brought to this City, as well as the Church ornaments, leaving all buildings well sealed and placing the King's Coat of Arms to demonstrate ownership, and that in the meanwhile said abandoned Port remain (sic), that annually a ship is sent for reconnaissance of the port, verifying that in it or in any other port of said islands no other Power has established any kind of settlement."* [938]

"The commander of the Spanish naval base at Montevideo, Jose Maria de Salazar, was responsible for supplying the garrison at Puerto Soledad, but in view of the developing crisis he requested Governor Vigodet of Montevideo to convene a council of war to discuss the question. The governor called the naval and army chiefs together and the council met on 8 January, 1811. Salazar pointed out to them that the garrison at Puerto Soledad would have to be supplied at once with stores for a year and a half, which would cost some 20,000 pesos. That money was not available, and the garrison's ship would be useful at Montevideo, so they decided to withdraw the garrison entirely." [939]

On the same day, orders are issued for 2nd Lieutenant Pablo Guillén, commanding at Soledad, to evacuate the remaining garrison; leaving behind the marks and signs of possession. [940]

> *"Prior to verifying the abandonment of the establishment that you are leaving, nail in the place that you consider most appropriate the coat of arms of Spain, if it wasn't already there, and write in the proper place, not exposed to the elements, with uppercase letters the following - "This island with its port, buildings, dependencies and everything else inside belongs to the sovereignty of Sr Don Fernando 7th, legitimate King of Spain, and the Indies and the date" - having written such august name and (posted) in several places of the establishment, this act to be verified by both the captain and the chaplain to give it all the possible solemnity; everything as agreed in the War Council celebrated today in the house of Sr Governor of that place. ... Jose Maria Salasar"* [941]

"Early in 1811, Montevideo being the only part of the Viceroyalty of La Plata which was still under Spanish authority, the Royal Governor of Montevideo withdrew the remaining part of the detachment of the Falkland Islands." [942]

"In January 1811 the Advisory Military Junta in Montevideo, attended by acting-Viceroy Gaspar de Vigodet, resolved that the penal colony at Soledad should be abandoned as the garrison troops were needed in Montevideo and no additional funds could be obtained to supply the settlement. Pilot Manuel Moreno was sent to inform the governor at Soledad, Pablo Guillén Martínez, that the troops were to be embarked to Montevideo..." [943]

"Orders were drawn up the same day to captain Manuel Moreno of the brig Gálvez to sail to Puerto Soledad with orders to commandant Guillén Martinez to evacuate the garrison. Moreno was ordered to close the establishment down without delay, take all military equipment from the islands, release the cattle and horses,

938 Quoted in Kohen & Rodriguez 2017 p.83 citing *Archiva General de Marina Don Alvaro de Bazan. El Viso del Marques (Ciudad Real). Expediciones de Indias No.524, pp. 10, 11 & 12.* For the records see https://falklandstimeline.files.wordpress.com/2018/09/88740.pdf

939 Pascoe 2022 vol.1 p.353 citing Destefani 1968 pp.282-284

940 Similar to the act of possession carried out by the British force on its departure from Port Egmont. *cf.* 1774

941 *Jose Maria Salasar a Sr. Gm. Pablo Guillen 8 de enero de 1811* in *Biblioteca Virtual del Ministerio de Defensa* ref: *BMDB20150201577*. My emphasis. Island singular.

942 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490* citing Goebel 1927 p.433.

943 Peña & Peña 2018

leave the buildings locked, and in a suitable place he was to place the Spanish coat of arms and a text "in capital letters" proclaiming that the island with its harbour, buildings, and all it contained appertained to the sovereignty of King Fernando VII." [944]

January 12th, the bergantine *Galvez* sails from Montevideo, with the orders for abandonment.

January 19th, Francisco Javier de Elío is confirmed Viceroy by the *Junta of Cadiz.* Buenos Aires is declared a rebel city.

"...Francisco Elío, the ex-governor of Montevideo, returned to that city from Spain bearing a commission from the Regency of Cadiz designating him Viceroy of the Rio de la Plata. When the junta in Buenos Aires refused to recognise Elío's commission, the Spaniard declared war on the junta. Two days after this declaration, Artigas... headed for Buenos Aires, sounding a call too arms as he moved across the Banda Oriental." [945]

"... Elío in Montevideo had been appointed Viceroy of the Rio de la Plata and was recognized as such by Britain. Elio, angered that the junta of Buenos Aires would not accept him, blockaded the river and planned to attack Buenos Aires" [946]

February 7th, with the arrival of the brig *Galvez* at the Spanish garrison site on the island of Soledad (East Falkland Island), the *comandante gobernador* Don Pablo Guillén Martinez posts Spain's claim to the Island onto the door of the church bell tower at Soledad.

THIS ISLAND WITH ITS PORTS, BUILDINGS, UNITS AND CONTENTS BELONGS TO THE SOVEREIGNTY OF SR. D. FERNANDO VII KING OF SPAIN AND THE INDIES, SOLEDAD OF MALUINAS 7 February 1811

Governor Paul Guillén. [947]

".. if it be hypothetically admitted that the full and entire right of sovereignty was possessed by Spain – has Spain renounced it? Has Spain ever, by any acknowledgment whatever, yielded the rights which she once possessed? Has Spain, as yet, relinquished by any formal Act or acknowledgment any part of her claim to supreme dominion over these islands? If the rights of Spain are dormant they are not extinct;..." [948]

"The Argentine jurisdiction was exercised in those (Patagonian) coasts from 1811,..." [949]

"And thus the islands were once again abandoned to the elements." [950]

"The same inscription was placed on the doors of the thirty-odd buildings. A memorandum was prepared making reference to all this and was duly signed by Governor Guillen, Manuel Moreno and the Vicar of the Islands, Juan Canosa, dated February 13th, 1811 in the colony of Soledad de Malvinas." [951]

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944 Pascoe 2022 vol.1 p.353 citing Destefani 1968 pp.282-284

945 *José Artigas* Bernard F. Bobb 1947 in *The Americas* 1947 Oct. vol.4 no.2

946 Craine 1961 p.61 citing *Poinsett to Secretary of State May 10, 1811*

947 "*ESTA ISLA CON SUS PUERTOS, EDIFICIOS, DEPENDENCIAS Y QUANTO CONTIENE PERTENECE A LA SOBERANÍA DEL SR. D. FERNANDO VII REY DE ESPAÑA Y SUS INDIAS, SOLEDAD DE MALVINAS 7 de febrero de 1811 siendo gobernador Pablo Guillén."* The original order had stipulated upper case. For the Spanish documents see https://falklandstimeline.files.wordpress.com/2018/09/88740.pdf

948 US Envoy to Buenos Aires, Francis Baylies, in 1832, quoted in *British and Foreign State Papers 1831 – 1832* p.348

949 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278.* An absurd claim considering that Argentina did not exist as a nation State in 1811.

950 Goebel 1927 p.433

951 Destefani 1982.

"Puerto Soledad was only then abandoned. The English government, however, did not take any measures in relation to that uninhabited archipelago. On the enigma of British silence in this regard, we believe we have found its explanation in the English offer to mediate between Spaniards and Americans, provided they were allowed to trade freely. The so-called English rights, in view of undoubted commercial benefits, had to be relegated to the background. An English occupation, then, would have displeased Spain, and this did not fit the purposes of the London ministers." [952]

"There is no evidence of the Spanish settlement being extended to West Falkland, nor of the British settlement being extended to East Falkland." [953]

"The 32 Spanish governors which Argentina argue held jurisdiction over the Falkland Islands from 1774 to 1811 (and therefore demonstrate the exercise of Argentine sovereignty) did not settle the Islands or govern a population of civilians. Nor did they refute the British claim of sovereignty dating to 1765. The historical record shows that these individuals performed the function of commanders of the penal colony the Spanish had established on the Islands. As such, their authority was over the prisoners and their guards." [954]

"Del Carril quotes Spanish scholar Gil Munilla who pointed out that the plates left by Lieutenant Clayton at Port Egmont and by Guillen at Soledad referred to "the Falkland island" and to "this island" respectively, both in singular, and therefore the reservation of dominion would apply only to West Falkland (Gran Malvina) in the first case and to East Falkland (Isla Soledad) in the second." [955]

"... Spain stated a clear intention to return, and as late as 1822 and 1825 asserted her claim to the whole of South America (thus including the Falklands) by protesting against the recognition of the United Provinces of the River Plate by the United States and Britain ... Those protests preserved Spain's rights at least for some time, during which Spain's continuing claim was an encumbrance on Argentina's claim.... The plaque was a statement of an animus revertendi ["a mind to return"], like the plaque left by the British at Port Egmont in 1774. ... Such a plaque fulfils much the same function as an owner's name in a book, and in reference to territory it has the effect of maintaining the original owner's claim for a time, though there is no agreement as to how long that time may be." [956]

Researcher's Comment: The claim to only one island is not really surprising. Unlike Britain, Spain had been consistent in recognising the archipelago as two islands – Soledad and Gran Maluina. In the decades following 1774, Spain had never dared to raise its marks and signs over the Gran Malouine. With this notice, Spain recognised the reality of the situation. Spain's claim to the one Island would be maintained until 1863.

February 13th, Comandante Pablo Guillén evacuates the Soledad garrison. [957]

> *"Don Pablo Guillen second Pilot of the Royal Navy, Commander of the Zumaca del Rey la Carlota and of the Soledad de Maluinas Colony, Don Juan Canora Capellan of said Zumaca and Vicar of the expressed Colony, and Don Manuel Moreno second Pilot of the Royal Navy and Commander of the King's Bergantine el Galvez = We certify that on the 13th of February one thousand eight hundred eleven has been placed in the belfry of this Royal Chapel of the Arms of Spain and on a plate of lead the inscription that It continues "This Island with its Ports, Buildings, Dependencies and everything it*

952 Caillet-Bois 1982 (6th ed.) p.179 citing *Memorias de la vida del Hon. Señor D. José García de León y Pizarro* 1894 vol.1
953 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984* para.16
954 British Government response dated May 28, 2013 to an Argentine letter of April 9, 2013 in *UN Document A/67/880*
955 Peña & Peña 2018
956 Pascoe 2020 pp.50 & 54
957 Destefani (1982). Martinez returned to Spain in 1813.

contains belongs to the Sovereignty of the Lord Don Fernando 7th legitimate King of Spain and his Indies, Soledad de Maluinas February 7, 1811 being Governor Pablo Guillen" and in the other buildings and which dictated on paper, everything that has been verified with all solemnity, and for the record of the signature in the Soledad Colony of Maluinas thirteen February one thousand eight hundred eleven = Pablo Guillen = Juan Canora = Manuel Moreno" [958]

"The abandonment of a Territory does not annul the right to it, unless it be spontaneous, and without any intention of returning to it. Then only is there real abandonment; in the opposite case there is only a non-use, but the right still exists." [959]

"... the Spaniards, had planned to return at a more favorable time; they took the precaution of removing the doors and windows of the houses, stacking them inside ..." [960]

"Pablo Guillén complied with his orders to evacuate the 46 men of the crew, ship canons, weapons, archive papers, etc. ..." [961]

"All military, ecclesiastical and civilian goods were removed; only livestock and buildings, the latter locked for conservation, remained to mark the Spanish presence. The settlement, which experienced only one brief interlude of relative progress and prosperity, had suffered continually from hunger and disease. Spain's lack of commitment to what was, to her, an environmentally marginal place occupied only to prevent other European powers from doing so meant dereliction and misery for those assigned there." [962]

"... upon the Spanish withdrawal in 1811, the Malvinas Islands remained de facto without a possessor (and without a human population), and became res nullius." [963]

"Britain never accepted the Spanish claim to sovereignty, on the basis of a purchase from France, over the Falkland Islands. In particular, the fact that Spain occupied the Islands alone from 1774 to 1811 is not an indication that Britain accepted Spanish sovereignty over them." [964]

"... upon the Spanish withdrawal in 1811, the Malvinas Islands remained de facto without a possessor (and without a human population), and became res nullius." [965]

"After the Spanish withdrawal in 1811, these facilities were again occupied, and activity continued in Puerto Soledad, starting in 1820, through resolutions adopted by the new government in Buenos Aires and provisions provided and furnished from there." [966]

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958 *Biblioteca Virtual del Ministerio de Defensa* ref: *BMDB20150201577*

959 Vernet 1832 quoted in Foreign Office *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

960 Caillet-Bois 1982 (6th ed.) p.214

961 Destefani 1982 (2)

962 Bernhardson 1989 p.146

963 *Historia General de las Relaciones Exteriores de la República Argentina* Andrés Cisneros & Carlos Escudé (eds.) 1989 vol.1 p.176 quoted in Pascoe 2020 p.74

964 Foreign Office submission to the Parliamentary Foreign Affairs Committee in 1983. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984.* See 1789

965 *Historia General de las Relaciones Exteriores de la República Argentina* Andrés Cisneros and Carlos Escudé (eds.) 1998. Neither Spain nor Britain had renounced their claims and therefore *res nullius* (without owner) would seem to be wishful thinking.

966 Podetti 2013. What provisions are not identified.

"Spain did not relinquish its sovereignty. The Spanish withdrawal of 1811 is notably different from the British withdrawal from Port Egmont in 1774." [967]

'Neither the British withdrawal of 1774 nor the Spanish of 1811 should be deemed to have been carried out with anumis derelinquendi. In both cases, signs and symbols were left behind to tell that the evacuation was only temporary and founded on the need for the garrisons to attend more pressing needs elsewhere." [968]

On the same day, US agent Joel Poinsett is recognised by the junta in Buenos Aires. [969]

March 2nd, Buenos Aires newspaper, *Correo de Comercio*, publishes a letter from Manuel Belgrano (its editor) complaining of English whalers hunting the coasts of Patagonia and the Falklands.

> *"The British, with the aim of fishing whales, which abound in these seas, constantly circulate along these coasts. One of the coastguards of the Spanish frigate S. Gil asked a British vessel why they were navigating in those seas, the coasts of Patagonia and the Malvinas islands, and he was answered that those seas belonged to everybody."*

"The British sailors never invoked any alleged British sovereignty over the Falkland/Malvinas Islands." [970]

"... whether they were American or British, their reply merely meant "We have a perfect right to be here". How that can be taken to be a "display of Argentine sovereignty" is beyond us." [971]

March 7th, Comandante Pablo Guillén arrives back in Montevideo with the Soledad garrison aboard *Carlota*.

March 11th, in a letter to Spain, Elío explains why it was thought the evacuation of Soledad necessary.

"... because in addition to not bringing any utility to the State, .., it has a cost to maintain that (of) ... 20,000 pesos per year." [972]

March 18th, Viceroy Elío reports from Montevideo that his campaign has been successful and that; *"I am certain that I can put an end to this whole thing once 2,000 troops arrive."* [973]

> *"The new Viceroy, Elío, had arrived at Monte Video, and announced his arrival to the Government of Buenos Ayres, calling upon them to pay obedience to the mother country, and to the authority invested in him. To this address the Junta replied in very petulant terms,.."* [974]

In the same message, Elío informs Spain of the Soledad evacuation and also proposes that the garrisons on the Rio Negro and at San José de la Costa Patagonica are transported to Montevideo. [975]

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967 Kohen & Rodriguez 2017 p.83 citing *Archiva General de Marina Don Alvaro de Bazan. El Viso del Marques (Ciudad Real). Expediciones de Indias No.524, pp. 10, 11 & 12.* Despite this interpretation, the similarities between 1774 and 1811 are striking – both powers withdrew a garrison due to costs and at a time of struggle with a colony; both left appropriate marks and signs to reinforce their sovereignty and both nations notified an intention to return. As events would prove, only Britain did.

968 Peña & Peña 2018

969 Craine 1961 p.77 citing *Junta of Buenos Aires to the President February 13, 1811.*

970 Kohen & Rodriguez 2017

971 Pascoe 2020 p.55

972 *Xavier Elio al Ministro del Despacho de Estado de S.M. Marzo 18 de 1811* in *Archivo General de Indias, Sevilla, Seccion V, Audencia de Buenos Aires, Duplicados del Virrey, ano 1813, est.122, caja 6, leg.27.* Quoted in Caillet-Bois 1982 (6th ed.) p.178

973 Costeloe 1986 p.32. Also *Catalogo de Documentos del Archivo de Indias en Serville referentes a la Historia de la Republica Argentina 1778 – 1820* 1910 vol.3 p.304

974 *Evening Mail Friday May 10, 1811*

975 *122-6-21 Archivo General de Indias.* The San Jose evacuation would seem, at least, to have taken place as the Spanish settlement there was destroyed shortly after by the local Indian people.

"The Field Marshal Don Gaspar de Vigodet, Governor of this place, had determined in consequence of a Junta that had (met) to that effect... on January 8, 1811, to remove the rest of the Detachment of the Malvinas Islands that existed there, by that in addition to not bringing any utility to the State, being in a situation of being able with great work to attend to the precise expenses of the place, the maintenance of that detachment had a cost of 20 thousand pesos a year: for this purpose it sent a Zumaca, which, with the one that existed there, had to remove the people and belongings that could have a use here, which I think is rational. Previously I had already proposed to the Viceroys to withdraw it, because the truth does not reveal any usefulness of this establishment, which while not being appealing to any nation, anyone who wanted it would seize it when they tried because its defence was too poor." [976]

March 19th, Robert Ponsonby Staples is gazetted as *His Majesty's Consul at Buenos Ayres and its Dependencies*.

"In March 1811 he was appointed 'His Majesty's Consul at Buenos Ayres and its Dependencies' (London Gazette, 19 March 1811), the first British consul to be appointed to one of the new South American republics after the collapse of the Spanish American empire. His position was never officially recognized in Buenos Aires, whose new government received no response to letters addressed to the British government, which until 1823 had a policy of neutrality towards the Latin American republics, over which Spain still claimed sovereignty. In April 1812 Staples returned to Britain, where he tried unsuccessfully to persuade the Foreign Office to appoint him confidential agent to the River Plate. The only concessions he received from the Foreign Office were the granting of £1200 as compensation for the failure of his appointment as consul and a contract to procure bullion for the Treasury. In November 1813 he was back in Buenos Aires, where he resumed his commercial activities and in 1815 married Eliza Leonora Russell (1787/8–1871). At a public meeting on 15 July 1816 the British merchants in Buenos Aires asked him to represent them in an official capacity. In return, they undertook to remunerate him on the basis of the invoice value and tonnage of goods imported in British vessels at Buenos Aires. Although having no official authority to do so, he acted as British consul in Buenos Aires until 1819, when the Foreign Office ordered him to cease doing so. ... When the Foreign Office finally appointed consuls to Latin America, in October 1823, Staples received the minor posting of Acapulco and not Buenos Aires as he had hoped." [977]

"Shortly before the revolution in 1809 (sic), Mackinnon, the elected 'president' of the British merchants, urged Canning to appoint a permanent consul to represent them before the viceroy. He requested a person of weight and authority, partly to discipline young tearaways in the city, who while engaged in trading were giving the British a bad name.... In 1811, his fellow merchants nominated Robert Staples as consul. A distant relative of Lord Castlereagh, his connections with the Rio de la Plata began in Montevideo in 1807. Representing Montgomery and Staples, a Belfast firm, he founded the first beef salting plant or saladero in Buenos Aires. The absence of formal diplomatic ties between London and Buenos Aires during the independence wars obliged Staples to perform his duties unofficially." [978]

March 30th, in Spain, the Cortes de Cádiz approves the evacuation of the Soledad garrison.

"... (they) expressed their intention of reoccupying them when the situation was more propitious." [979]

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976 Viceroy Elío quoted in Caillet-Bois (6th ed.) 1982 p.410 citing *Xavier Elio al Ministro del Despacho de Estada de S.M. Montevideo.*

977 *Oxford Dictionary of National Biography - Index Number 101098243* 2004-9

978 *The British in Argentina: Commerce, Settlers and Power 1800-2000* David Rock 2018

979 *Falklands or Malvinas? The Background to the Dispute*. J. Metford *International Affairs* 44 July 1968 pp.463-481

"... the document sent to the Minister of State's Office of His Majesty, with the actions of Field Marshal Gaspar de Vigodet, was (made) known to the Cortes of Cadiz, meeting in session on March 30, 1812, (which) approved the act, giving it the character of a transitory measure "on the understanding that when circumstances changed, the Regency would take care that they returned to work as they were."..." [980]

April 9th, José Gervasio Artigas lands on the east bank of the Rio de la Plata with a few men, as the advance party for an invasion of the Banda Oriental by Buenos Aires.

"... by the time Artigas landed in April, nearly the whole province, with the exception of Montevideo, was in patriot hands." [981]

April 30th, US Commercial Agent to Buenos Aires, Joel Poinsett, is appointed Consul-General for Buenos Aires, Chile and Peru, by his Government in Washington. [982]

May 14th, a *Junta* in Acuncion, Paraguay, declares its full independence from Spain.

"During the long dictatorship of Francia, her first President, from 1811, when Spanish rule came to an end, down to 1840, Paraguay existed in a state of complete isolation ..." [983]

May 18th, General Artigas, with troops from Buenos Aires, is victorious in a battle at Las Piedras.

June 1st, Buenos Aires forces besiege Montevideo. Elío appeals for assistance from the Portuguese in Brazil.

July 5th, a *Junta* in Caracas, Venezuela declares its full independence.

July 9th, a commendation is requested for Pablo Guillén following his withdrawal of the "*... useless establishment of Maluinas*." [984]

Portuguese troops arrive in the Banda Oriental to assist Viceroy Elío.

August 30th, Louis-Antoine de Bougainville dies in Paris. His achievements are honoured with a State funeral.

September 2nd, the *Hampshire Chronicle* reports:

> *"Monte Video appears to be the only town throughout the whole Spanish possessions in that region of the globe, that perseveres in its submission to the mother-country. We see, however, ... in the Junta's letter to Lord Strangford, that the separated provinces "profess entire fidelity to their Sovereign, Ferdinand VII."..."*

September 29th, US representative to Napoleon's government, Joel Barlow, reports to Washington.

> *"The Emporer(sic) has determined to declare the Spanish Americans free and independent and to give them arms and ammunition to defend themselves; this however on condition that they shall not connect themselves with England by exclusive privileges of trade. He probably means, tho' the Duke did not say it, that they shall adopt the Continental system of Europe and exclude the English trade altogether. He wants American aid in transporting the arms and ammunition"* [985]

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980 *Malvinas: como EE.UU Provoco la usurpacion Inglesa* Mario Tesler 1979 p.35

981 Bobb 1947

982 Craine 1961 p.59 citing *Monroe to Poinsett April 30, 1811*. Chile and Peru were nations and this appointment would seem to constitute recognition by the USA. Buenos Aires was not. Poinsett appears to have left Buenos Aires for Chile in December, 1811 and remained there until 1814. He returned to the USA in 1815. *cf.* 1824

983 *Chapter II: The Chaco Dispute, The American Journal of International Law vol.28, No.4*

984 *Biblioteca Virtual del Ministerio de Defensa* ref: *BMDB20150201577*

985 *Barlow to Monroe September 26, 1811* quoted in Craine 1961 pp.44-45

In **October**, Spain sends a ship with 7 officers and 80 men to Montevideo in support of the defenders. [986]

Elío proposes an armistice to Buenos Aires. The Portuguese will withdraw, if Buenos Aires does the same.

"The so-called 'October Treaty' marked the beginning of a split between Artigas, representing the rebels in the Banda Oriental, and Buenos Aires. Until this time, the Uruguayan chief had worked with apparent willingness under the orders of the Porteño junta. Yet the armistice had been made without consulting Artigas, and the harm it did was directed exclusively at the Banda Oriental."

November 7th, Spain's withdrawal from Soledad Island is noted in Buenos Aires by the *Gazeta Mercantil*.

> *"It is necessary not to forget the strategic importance of Malvinas, the key to the South Atlantic and the Strait of Magellan. The Falklands were discovered by a 1600 Dutch expedition.*
>
> *No one has ever discussed its ownership of the Spanish crown, because it is within the jurisdiction of the Buenos Aires governorate first, and after the Viceroyalty of the Río de La Plata.*
>
> *In 1764 a French establishment was installed there but the Spanish government made the corresponding claim and in 1767 took possession of the town, which had been called Port Louis.*
>
> *In 1766 a British detachment was installed in Port Egmont, but the then Governor le Buenos Aires, BUCARELLI, following orders from the crown, evicted the intruders. This measure generated tension between Spain and Great Britain that could have led to war. Fortunately, the ability of the negotiators both Spanish and English avoided the conflict and the incident was resolved with an agreement that allowed Great Britain to reinstate the establishment le Port Egmont with the promise, verbally expressed, to abandon it in the end. This saved the outraged dignity of the British monarch and also the rights of Spain. In 1774 the British contingent which had landed in Port Egmont as a result of this agreement left the archipelago.*
>
> *Since then the Malvinas, like the towns of Carmen de Patagones, San José and San Julián, depended on Buenos Aires, residing in Puerto Soledad the successive governors of the islands since 1777. Generally, these officials were seafarers and were relieved annually.*
>
> *Now, this uninterrupted possession has been suspended by Spain and it must be filled quickly by our authorities. The Malvinas archipelago consists of two large islands and many islets. Lack of trees and vegetation is sparse. Penguins and sea lions are their only inhabitants. The great Antarctic winds sweep it continuously giving its climate, harsh peaks of cold. However, these inhospitable islands are, we insist, a key point for the domination of Patagonia and the South Atlantic."* [987]

November 8th, the Junta of Cadiz abolishes the Viceroyalty of the Rio de la Plata. Francisco Javier de Elío, Viceroy, returns to Spain.

November 18th, Gaspar de Vigodet is appointed Captain-General of the Rio de la Plata, with instructions to continue the defence of Montevideo.

"In Buenos Aires, news of continuing military defeats in Upper Peru led to a change of Government. The Junta de Mayo was deposed, and a Triumvirate was established." [988]

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986 Costeloe 1986
987 *Gazeta Mercantil* November 7, 1811
988 Bobb 1947

December 10th, the US Senate and House of Representatives make a *Declaration*.

> *"Whereas, Several of the American Spanish Provinces have represented to the United States that it has been found expedient for them to associate and form federal governments upon the elective and representative plan, and to declare themselves free and independent; Therefore be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That they behold with friendly interest, the establishment of independent sovereignties by the Spanish Provinces in America, consequent upon the actual state of monarchy to which they belong; that as neighbors and inhabitants of the same hemisphere, the United States feel great solicitude for their welfare; and that, when these provinces shall have attained the conditions of nations, by the just exercise of their rights, the Senate and House will unite with the Executive in establishing with them, as sovereign and independent states, such amicable relations and commercial intercourse as may require their legislative authority."*

"While this is an official statement of sympathy for the Spanish Provinces in America, and the first statement of its kind made publicly by any branch of the United States government, it should be noted that it is a cautious but definite stand. There is nothing in it to arouse the enmity of Spain, no denial of her authority, and yet there is also an expression of ideas which play an important part in the development of United States policy down to the present – hemisphere solidarity." [989]

1812 – January 8th, British forces under Viscount Wellington advance from Portugal, into Spain.

In Spain, Francisco Javier de Elío formally resigns his office as the last *Viceroy de la Rio de la Plata*.

February 27th, Manuel Belgrano unfurls a new flag for the United Provinces over the city of Rosario, a tri-band of light blue and white; rejected in 1810 by the *First Triumvirate* as an act of rebellion against Ferdinand. [990]

"It soon became apparent that the provinces of the former Viceroyalty lacked internal unity. The people of the province of Buenos Aires, who took the lead in the unification movement, were not trusted by those of the other provinces. Within a short time after the formation of the junta, the inhabitants of Buenos Aires were seeking to establish a centralized state in which their province and their capital city should hold first place; whereas, the provinces in other parts of La Plata, as well as certain elements in the rural population of Buenos Aires province, tended to favor a federal government along the model of the United States in which all members of the federation might have equal rights." [991]

March 19th, the *Cortes* in Cádiz promulgates a written *Constitution*. [992]

> *"Article 1: The Spanish nation is the collectivity of the Spaniards of both hemispheres."*

989 Craine 1961 p.30
990 There is some suggestion that the original design was a vertical tri-band. *cf.* 1816 & 1818
991 Craine 1961 p.52
992 This 1812 *Constitution* reduced the powers of absolute monarchy and identified sovereignty as resident within the nation, not the Crown; changes that raised hopes of self-rule in Spain's American colonies.

June 8th, the United States of America declares war upon Great Britain.

September 7th, US sealer *Nanina*, under the command of Charles Barnard, visits the Falklands.

In **October**, a meeting of the provinces is summoned by the *Second Triumvirate*. [993]

1813 – January 3rd, sealer *Hope*, out of New York, arrives at the Falklands. There meeting a cutter from the American whaler, *Nanina*.

> *"... yesterday morning we where informed by Capt Barnard, of the arrival & departure of the ship Hope – Capt. Chase, belonging to Edmund Fanning of New York which place she left on the 12th of July – bringing with her the melancholy News of a war with Great Britain which took place on the seventeenth of June..."* [994]

"Charles Barnard, an American whaler and sealer who made several journeys to the Falkland Islands in the early 1800's left some of the best accounts of tussock at the time. In his narrative dated 1812-1816 he wrote of the deliberate destruction of tussock, especially around the coastline of East Falkland. Noting heavy columns of smoke rising from the Speedwell group of islands, Barnard wrote of his belief that this was due to the actions of Spaniards from Buenos Aires: "As I have often heard that the Spanish Government was in the habit of sending out every year a Guarda Costa, to examine their harbours and passes for foreign vessels and if any were found, to order them off immediately: and so apprehensive were they that the subjects of a foreign power might form even a temporary settlement for the purpose of procuring seal skins and sea-elephant oil, that they often set fire to the tuchooks (sic), and thus destroyed the harbours of the seal, to prevent them as much as possible from resorting to these islands"." [995]

Sealer *Admiral Colpoys* and *Georgia Packet* hunt at South Georgia. [996]

January 30th, a ship owner seeks permission from the Buenos Aires government, to sail to and hunt sea-lions around the Falkland islands and the southern coasts of Patagonia.

"El 30 de enero de 1813, Enrique Torres, del bergantin ingles El Rastrero, solicito autorizacion para que la citada embarcacion pudiese efectuar nu viaje a las Islas Malvinas y costas del sur en donde se dedicaria a la caza de lobos marines." [997]

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993 Now known as the *Asamblea del Año XIII* (Assembly of the Year XIII)

994 Logbook of Henry Ingman Defriez, First Mate on *Nanina*

995 Strange 1988. The evidence suggests that the last Spanish ship to the Islands had been that which took off the garrison in 1811.

996 BSWF Databases – A. G. E. Jones; Dale Chatwin; and, Rhys Richards.

997 *Archivo de la Nacion, Buenos Aires, Division Colonia, Seccion Gobierno, Hacienda, 1813* quoted in Caillet-Bois (6th ed.) 1982 p.180. I can find no record of either Enrique (Henry) Torres (Towers) or *Rastrero* (*Crawler* or *Creeper*). However, Caillet-Bois may have misread the document as modern Argentine sources now refer to Enrique Jones. Welsh by birth, Henry Libanus Jones (born 1789) seems to have arrived in Buenos Aires in October, 1810. One account (*Patagonia, A Forgotten Land: From Magellan to Peron* C. A. Brebia 2006 p.141) suggests that Jones was a deserter from the British forces that attacked Buenos Aires in 1806/07. What is certain is that he was a citizen of Buenos Aires from 1812 until his death there in 1861. Jones sent sealing ships out to the coasts of Patagonia and the Falklands between 1812 and 1815. *cf. Malvinas: Soberania, Memoria y Justicia 10 de Junio 1829* Sergio E. Caviglia 2012. No vessel of this, or any similar, name appears in the lists of sealers out of British ports. Kohen & Rodriguez (2016 p.118) claim that this application by Jones is evidence that the British recognised Argentine sovereignty over the Falklands and that the commander of a British naval vessel in the Rio de la Plata – Peter Heywood – would have been aware. Neither of these claims are true. Heywood (a pardoned *Bounty* mutineer) would have had no interest in the applications of a resident of Buenos Aires. There appears to be no record of a response to this request by the authorities in Buenos Aires. There is certainly no evidence of any licence being issued or any claim of right being made by Buenos Aires.

"A request made in Buenos Aires by a resident of Buenos Aires is irrelevant and says nothing about the "perception" of British citizens. None of the hundreds of British captains based in Britain asked Spain or the Buenos Aires authorities for permission to hunt seals in the Falklands, either before or after Argentine independence, and Argentina never harassed British ships which put into Buenos Aires en route to or from the Falklands." [998]

January 31st, with representatives of many, but not all, provinces present, the *Asamblea del Año XIII* is inaugurated to decide upon the form of government that will rule in the United Provinces of the Rio de la Plata (right).[999]

"No deputies were invited from the Banda Oriental, but the assembly instructed Rondeau to secure from the besieging armies an expression of the assembly's authority." [1000]

February 8th, the British ship *Isabella,* sailing from Port Jackson to England, founders off Eagle Island. [1001]

February 23rd, six of the *Isabella's* passengers and crew set off in one of the ship's boats to find help. [1002]

Those left behind include Captain Robert Durie (73rd Regiment) and his wife, Joanna Anne whose daughter, Elizabeth Providence Durie, is born on this day. [1003]

> *"On Sunday, the 21st, we were sitting at dinner, when I observed Mrs. Durie's countenance change, and I saw her time was come. I took a glass of wine, and said to Captain Brookes, "A safe passage to all on their journey; — gentlemen," said I, "we will take a walk;" and out we went. In about an hour and a half we returned, and the poor lady had been safely delivered of a daughter..."* [1004]

March 6th, *Isabella's* long-boat arrives at Salvador Water where it hits a rock and is damaged. While repairs are made, some of the crew discover the abandoned Spanish garrison site.

"... the establishment they found unoccupied, and in whose church found the Spanish royal crest and the plate left in February 1811. Finding that the islands were uninhabited, (they) decided to sail towards the continent, aiming for Montevideo, believing that the Portuguese (sic) would be more cooperative than the 'Spaniards' of Buenos Aires." [1005]

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998 Pascoe 2020 p.55

999 Chose a national coat of arms, considered a national anthem, votes to end slavery and abolished the inquisition. Little else appears to have been achieved. See 1815.

1000 Rondeau led the Buenos Aires force. Artigas arranged for five deputies representing the Banda Oriental to attend the assembly. On arrival, however, they were not recognised. The resentment would lead to the break-away of Artigas and the Banda Oriental. See January, 1814

1001 Now known as Speedwell Island, this lies to the south-west of the part of East Falkland Island called Lafonia.

1002 Captain Brooks, master of a merchant vessel; Lieutenant Landin (army), a marine and three seamen

1003 *The Wreck of the Isabella* David Miller 1995. Those remaining included Joseph Holt, an Irish rebel leader, and three women, all of which had served terms in New South Wales. Also three marines and their wives.

1004 Quoted in Holt 1838 p.341

1005 Kohen & Rodriguez 2016 p.123. Portuguese Brazil did not invade the Banda Oriental (Montevideo) until 1816.

"They found a track with marks of carriage wheels, and followed it till they saw houses in the distance; they avoided being attacked by the wild cattle, and eventually reached the former settlement. It was a ghost town partly in ruins; they cut some cabbages in the abandoned gardens, but were glad to leave again." [1006]

March 14th, *Columbia,* a Canadian ship, arrives in Berkeley Sound.

March 30th, the long boat from *Isabella* arrives at the Rio de la Plata. Capt. Peter Heywood, officer-in-charge of the small naval force moored off Buenos Aires, commanding HMS *Nereus*, orders HMS *Nancy* prepared for a rescue mission under the command of Capt. William Peter D'Aranda RN.

April 2nd, a message is sent to England regarding *Isabella*.

> *"On the 30th ult., a boat of about 70 feet keel, arrived at this place (Montevideo), with six persons on board. The following is the account they have given:- That they sailed from New South Wales on the brig Isabella, George Highton master, on the 4th December last; that the made the land about Cape Horn on the 2d February, and Falkland Islands on the 7th of the same month. In the morning of the 8th, about one A.M., the vessel struck on the rocks and was wrecked. The crew and passengers fortunately got on shore, on a desert island, forming one of the group of the Falkland Islands, and the weather being moderate, were enable to save from the vessel the provisions and stores.*
>
> *On the 23rd February, having raised the long boat and decked her, it was agreed a part of the unhappy sufferers should embark in her for the purpose of arriving at some inhabited place, where the means might be procured of sending a vessel to bring away the other part of the crew and passengers.*
>
> *The six men who arrived here, accordingly put to sea on the said 23rd of February, and after a voyage of upwards of 450 leagues in the ocean, they arrived in this river, without having seen land for thirty-six days. ... On the first intelligence of the event, Captain Heywood, Commander of His Majesty's ship Nereus, gave instructions to W. D. Arand, a Commander of the Nancy brig of war, to prepare for sea, and proceed to the relief of the unhappy sufferers. It is expected she will sail about the 7th instant. ..."* [1007]

April 5th, Charles Barnard, in a cutter from the American sealing ship, *Nanina,* discovers *Isabella's* crew and passengers on Eagle Island. An agreement is reached whereby Capt. Bernard will take the survivors on to South America in exchange for the salvage rights to *Isabella*. [1008]

April 8th, Barnard, with some of the passengers and crew from *Isabella,* sails to New Island to retrieve *Nanina*. His American crew from the cutter remain on Eagle Island to retrieve what can be salvaged from the wreck.

May 15th, HMS *Nancy* arrives off the Falklands. [1009]

"Mr. Wm. Marsh, of the brig Nancy, 1813, has favoured us with a rough sketch of the Maluinas, by which it appears that there is a group of isles at the S.W. end of Soledad, or the Little Maluina, which form a convenient harbour, the track to which is denoted by the chart."[1010]

1006 Pascoe 2020 p.58

1007 *Caledonian Mercury June 24, 1813*

1008 Kohen & Rodriguez (2016 p.121) make much of Barnard's subsequent narrative, where he expressed his initial fears that the smoke he could see came from Spanish camp fires. Erroneously suggesting that this proves Spanish sovereignty.

1009 Holt 1838. A two-masted mercantile brig purchased for the Royal Navy at Buenos Aires in 1808.

1010 *Memoir, Descriptive and Explanatory, to accompany the new Chart of The Ethiopic or Southern Atlantic Ocean, with the Western Coasts of South America, from Cape Horn to Panama. ... composed from a great variety of documents,...* J. Purdey 1822 p.35

May 17th, on his arrival at Eagle Island, Capt. D'Aranda arrests the American salvage crew working on *Isabella*.

June 11th, at New Island, the sailors and marines from *Isabella* hear of the war between the USA and Britain. The marines seize *Nanina*, abandoning Captain Barnard and four of his crew on the island. [1011]

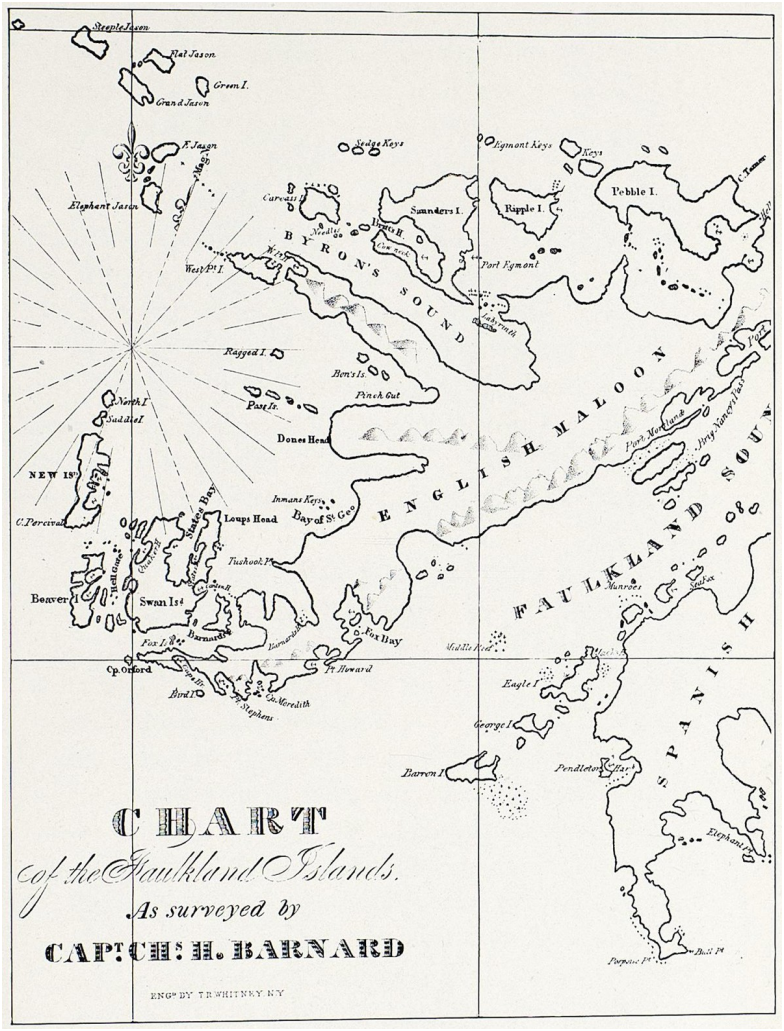
June 15th, now under British command, *Nanina* returns to Eagle Island. Some confusion occurs when Capt. D'Aranda, unaware of the vessel's new status, sends his marines to capture the ship.

July 27th, HMS *Nancy* sails from the Falkland Islands. Taken as a 'prize,' *Nanina* sails for England. [1012]

December 11th, under the terms of the *Treaty of Valençay*, Napoleon recognises the restoration of Ferdinand VII to the throne of Spain. France is to withdraw from Spanish territory. [1013]

1814 – January 20th, Artigas and all his forces abandon the siege of Montevideo.

January 31st, following decisions made by the *Asamblea del Año XIII*, Gervasio Antonio de Posadas is appointed Supreme Director of the United Provinces of the Rio de la Plata. The Second Triumvirate is dissolved.



Posadas declares Artigas an outlaw and traitor. A reward of six thousand pesos is offered – dead or alive.

In **March**, following the withdrawal of French forces from the Iberian Peninsula, Ferdinand VII, King of Spain, re-enters his country and takes up the throne.

"When therefore the Government of Buenos Aires claimed during these early years to be acting on behalf of the former Viceroyalty of La Plata, the claim was open to question. It certainly professed to rule in nominal allegiance to Ferdinand VII of Spain until the adoption of the Declaration of Independence on the 9th July, 1816." [1014]

1011 There was also an allegation that Barnard had been tardy in returning to rescue the remaining passengers. The chart (above) was published by Barnard in 1829, when he published a book of his experiences. Interestingly, he identifies the two main Islands of the Falklands archipelago as '*English Maloon*' (Malouines) and '*Spanish Maloon*'.

1012 HMS *Nancy* arrived off Buenos Aires on August 19, 1813 in such a poor condition that she was immediately declared unfit for further service. Also unseaworthy, *Nanina* arrived at Rio de Janeiro on August 23, 1813 with 11 American prisoners including the sealer Edmund Fanning. Admiral Dixon immediately ordered the release of the Americans. *Nanina* was eventually returned to her owners. For a (very) full account see Pascoe 2022 vol.1 pp.355-393. *cf.* Miller 1995 & Tatham (ed.) 2008 p.60

1013 This treaty was promptly repudiated once Ferdinand was safely back in Madrid.

1014 *Memorandum on the Falkland Islands* 1947 in *LCO 2/490*

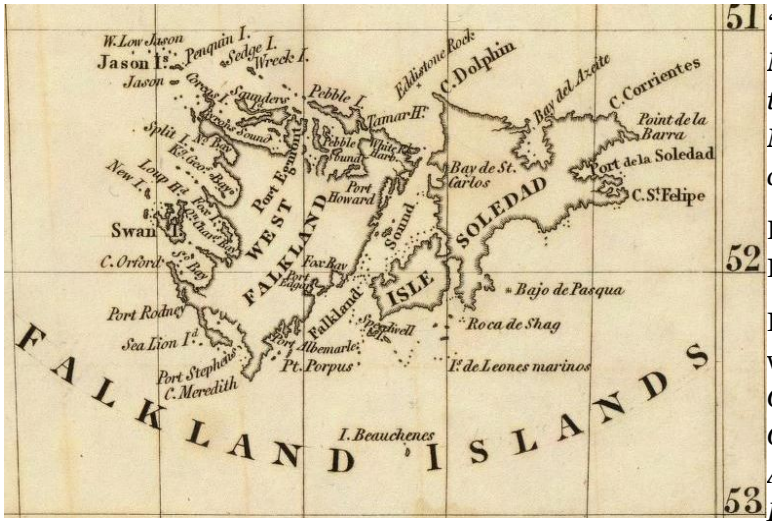
May 4th, in Spain, Ferdinand VII reimposes absolute monarchy; dismissing the 1812 *Constitution*.

"In the first moments of his restoration to Madrid, he declared us to be in a state of mutiny, but since then he has refused to hear our complaints, to admit our requests;..." [1015]

June 23rd, following a succession of defeats on land and sea, Vigodet and his Spanish troops finally abandon Montevideo. Buenos Aires forces move into the city.

"... the last Spanish force still occupying the Plata region." [1016]

General Jose Artigas promptly declares the *Lega Federal*; rejecting the authority of Buenos Aires. [1017]



"The withdrawal of the Spanish forces from Montevideo marked the end of the first phase in the battle for Uruguayan independence. Enemy No. 1 was gone. Now began the second campaign, that against Buenos Aires." [1018]

British sealers, *Diana* and *Recovery* visit the Falkland Islands. [1019]

In London, Aaron Arrowsmith produces an atlas which includes a map of South America – *Outlines Of The Physical And Political Divisions Of South America: Delineated By A. Arrowsmith Partly From Scarce And Original Documents, Published Before The Year 1806 But Principally From Manuscript Maps & Surveys Made Between The Years 1771 And 1806, Corrected From Accurate Astronomical Observations To 1810* (detail above).

July 5th, Britain and Spain agree a further *Treaty of Friendship and Alliance*. [1020]

> *"Art. 3.— It having been agreed by the treaty signed at London on the 14th day of January, 1809, to proceed to the negociation of a treaty of commerce between Great Britain and Spain, as soon as it should be practicable so to do, and the two high contracting parties desiring mutually to protect and extend the commerce between their respective subjects, promise to proceed without delay to the formation of a definitive arrangement of commerce. ...*
>
> *Art. 5.— The present treaty shall be ratified, and the ratifications shall be exchanged within forty days, or sooner if possible."* [1021]

1015 *Manifesto directed to all nations of the Earth, by the General Constituent Congress of the United Provinces of South America, respecting the treatment and cruelties they have experienced from the Spaniards, and which have given rise to the Declaration of their Independence, Buenos Ayres, October 25, 1816*

1016 *Naval Warfare in the Rio de la Plata region, 1800 – 1861* Clifton B. Kroeber in *Transactions of the Wisconsin Academy of Sciences, Arts & Letters vol.45* James A. Larsen (ed) 1956

1017 Rock 1987. Artigas also rejected the old Spanish boundaries. *cf.* 1828.

1018 Bobb 1947

1019 *The Maritime Activities of the North West Company 1813 to 1821* Marion O'Neil in *The Washington Historical Quarterly* vol.21. No.4 1930. A regular stop-over for this Company between 1813 and 1821.

1020 Canning viewed the 1809 Treaty as restricted to an *"Alliance during the war."*. See https://api.parliament.uk/historic-hansard/commons/1815/mar/16/treaty-of-friendship-and-alliance-with

1021 *HC Deb 16 March 1815 vol.30 cc226-8.* It was March 16, 1815 before this treaty was laid before Parliament.

"... the Treaty of 1809 was replaced by the Treaty of 1814 – and what does that Treaty contain? First the expression of an earnest wish on the part of His Majesty, that Spanish America may be re-united to the Spanish Monarchy." [1022]

July 21st, sealer *Admiral Colpoys* sails for South Georgia.

In **August**, peace negotiations commence between Britain and the United States of America.

August 28th, additional articles are agreed between Spain and Britain.

> *"Art. 1.—It is agreed that, pending the negotiation of a new Treaty of Commerce, Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previously to the year 1796. All the Treaties of Commerce which at that period subsisted between the two nations being hereby ratified and confirmed."*

"But this article (Art. 1) could have related only to the treaties of commerce between the European dominions of the parties; for in the first place, no commerce existed agreeably to treaty, between either party or its colonies and the colonies of the other, before 1796; and moreover, another article in the same Treaty of Madrid provides that, "in the event of the commerce of the Spanish American colonies being opened to foreign nations, His Catholic Majesty promises that Great Britain shall be permitted to trade with those possessions, as the most favored nations. Thus it would seem that the convention of October, 1790, between Great Britain and Spain, expired in October, 1795, and has not since been renewed; and if that be the case, Great Britain and Spain should each stand with regard to the Falkland Islands, as if it never had been concluded." [1023]

"But is the Nootka Sound convention still in force? ... the undersigned is satisfied to leave the question to rest upon his former argument, as the British plenipotentiary has contented himself with merely asserting the fact, that the commercial portion of the Nootka Sound Convention was revived by the treaty of 1814, without even specifying what he considers to be that portion of that convention. If the under-signed had desired to strengthen his former position, he might have repeated with great effect the argument contained in the note of Lord Aberdeen to the Duke of Sotomayor, dated 30th June, 1845, in which his lordship clearly established that all the treaties of commerce subsisting between Great Britain and Spain previous to 1796, were confined to the trade with Spain alone, and did not embrace her colonies and remote possessions." [1024]

"This treaty (Nootka) was abrogated in October 1795, when Spain declared war against Britain. However, it was revived by Article 1 of the Additional Articles of the Treaty of Friendship and Alliance between Great Britain and Spain from July 5, 1814, which was signed in Madrid the August 18, 1814." [1025]

"The British Foreign Office was advised by the King's Advocate on 8 June 1826 that a convention of 1790 relating to fishery rights in the South Seas 'will not, I conceive, be applicable to the present state of South America.'..." [1026]

"The British hoped that the Seville junta would generously reward them by granting them direct trade through open ports or by sanctioning their existing contraband trade. To British chagrin, the Seville junta was not so inclined and actually tried to prevent the colonists from learning that England was giving assistance to Spain.

1022 *George Canning to the Chevalier de Los Rios, Minister of His Most Catholic Majesty March 25, 1825. cf.* 1825

1023 Greenhow 1842. The *"convention of October, 1790"* is a reference to the *Nootka Sound* accords.

1024 *Last Letter of Mr. Buchanan to Mr. Pakenham on The American Title to Oregon 1845* p.5. There was much debate in the mid-1840's over the effect of the Nootka Sound Convention and the rights, if any, obtained by the USA in its 1819 treaty with Spain. In 1845, Britain argued that the Nootka Sound Convention had been reinstated in 1814. The UK has not always been consistent in its arguments.

1025 Foreign Office *memo* written by John W. Field dated February 19, 1928 and quoted in Kohen & Rodriguez 2016.

1026 *The Law of State Succession* D. P. O'Connell 1956 p.34 citing *FO 83/2366, Appendix no.3*

In spite of all Canning did, the Spanish junta stood on its argument that the colonies had been elevated to a status of legal equality with Spain and nothing further need be done. ... Spain.... Thought they had solved all the colonial troubles by granting them equal rights with Spain." [1027]

HMS *Orontes* arrives at Port Soledad and inspects the remains of the *presidio*.

> *"... this place appears to have been settled by the Spaniards. By a paper I found in the Governor's house it appears they left it in April 1811 (sic). The houses were in good condition, and consisted of about twenty built of wood, and a small Church. In the vicinity of the harbour, on the first day of our arrival, I saw about fifty head of fine Oxen, and as many horses, likewise as many Pigs, and the tame Geese were so numerous that one man shot in one day as many as were sufficient for the Brig for the week. We likewise found a Bakehouse with every utensil in good order.."* [1028]

During **October**, sealers *Norfolk* and *Recovery* sail for South Georgia.

In **November**, Capt. Barnard and his 4 crewmen are rescued by the British whalers, *Asp* and *Indispensable*. [1029]

December 12th, during heated talks to find some resolution to the inconclusive *War of 1812*, English negotiator Henry Goulbourn refers to driving the Spanish off the Falklands in 1771. John Quincy Adams responds that he believes such was not the case; *"... as I remembered it, the Spaniards in that case had driven the British off, and Great Britain had insisted upon being restored to the possession, though she immediately afterwards abandoned it, and the claim to the islands themselves."* Goulbourn disagrees; *"Well, we fitted out a fleet and troops, and Spain knew that we would have taken them, and so she chose to give them up."* [1030]

Two French sealers out of Le Havre, the *Elephant de Mer* and the *Zenaide*, moor at the Falklands.

December 24th, the *Treaty of Ghent* ends the 1812 war between Britain and the USA.

1815 – the British sealer *Norfolk*, visits South Georgia.

January 9th, Carlos Maria de Alvear is appointed Supreme Director of the Rio de la Plata.

Buenos Aires instructs Manuel Jose Garcia to seek British protection; entrusting him with letters stating that Buenos Aires wishes to belong to Britain and accept her laws. He is to request troops to restore order. [1031]
"The population of Buenos Aires, by the city census of 1815, was 51,779." [1032]

January 10th, General Artigas routs a Buenos Airean army at Guayabos.

January 15th, Artigas captures the city of Santa Fe.

"The successful conclusion of the Santa Fe campaign saw Artigas at the height of his power. He was acknowledged as the protector over 350,000 square miles of Plata territory, stretching from Cordoba to the sea." [1033]

1027 Craine 1961 p.46 & 48

1028 *Remark Book, HMS Rinaldo 1st July to 30th November 1824 Misc. Papers vol.50 (AD.2).* Written by Lieut. John Arthur Moore commanding *Rinaldo* a decade after his first visit to Puerto Soledad; Moore is known to have served as Masters-Mate on HMS *Orontes* at the West Indies in the second half of 1814. *cf.* March, 1813 & 1824

1029 Headland 1989

1030 *Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848* C. F. Adams 1874 vol.3 p.108

1031 At Rio de Janeiro, Britain's Ambassador, Lord Strangford, informed Garcia that Britain had agreed to act in harmony with Spain on the issue of its colonies.

1032 *Foreign Finance in Argentina for the First Half-Century of Independence* D. C. M. Platt *Journal of Latin American Studies* vol.15 no. 1 May, 1983

1033 Bobb 1947

In **April**, Alvear leaves Buenos Aires at the head of an army, which almost immediately mutinies.

April 15th, With an uprising in Buenos Aires, Carlos Maria de Alvear resigns as Supreme Director of the Rio de la Plata; fleeing to Rio de Janeiro. A General Congress is called. [1034]

April 18th, Juan Jose Viamonte Gonzalez is appointed Supreme Director of the United Provinces. [1035]

April 20th, Jose Rondeau Pereyra is appointed Supreme Director of the United Provinces. [1036]

April 21st, José Ignacio Álvarez Thomas is appointed Supreme Director of the United Provinces. [1037]

May 9th, in Spain, Ferdinand VII orders an expedition to recapture Buenos Aires from the rebels.

"By the aid of his ministers, he then applied himself to the forming of large armaments, with a view to employ them against us... He has made special regulations for cruizing against vessels belonging to America, containing barbarous clauses, and ordering that the crews shall be hung... What had America to expect from a King who ascends the throne, animated by sentiments so cruel and inhuman?.." [1038]

"A royal order of May 9, 1815, announced that the army would be gathered in Cádiz and nearby cities and that it would consist of 20,000 men – making it the largest single expedition Spain ever sent to America." [1039]

June 18th, in Europe, Napoleon Bonaparte is finally defeated at the Battle of Waterloo.

"With the final defeat of Napoleon in 1815 Britain could turn its attention away from the continent again and look to the rest of the world. Within four years Stamford Raffles had founded Singapore, within ten years the British had invaded Burma, within twenty years there were colonies in Western Australia and the Falkland Islands, within thirty more colonies in Aden, New Zealand, Hong Kong and Natal." [1040]

June 22nd, an American mariner, David Jewett, rendered unemployed by the peace treaty between the USA and Britain, applies for a privateer's *Letter of Marque* from the Buenos Aires Government. [1041]

A *Letter of Marque* is immediately issued, together with instructions regarding use. [1042]

"Privateers licensed by Buenos Aires began their activities with a single vessel that brought two prizes into the home port in 1815. The next year Thomas Taylor appeared in Baltimore, where he purchased two ships and experienced little trouble disposing of a number of privateering commissions. New Orleans and Baltimore

1034 See 1816.

1035 Appears to have immediately left for Sante Fe Province.

1036 In his absence. It was quickly realised that he was not likely to return soon enough.

1037 Appointed in the absence of Jose Rondeau Pereyra

1038 *Manifesto directed to all nations of the Earth, by the General Constituent Congress of the United Provinces of South America, respecting the treatment and cruelties they have experienced from the Spaniards, and which have given rise to the Declaration of their Independence, Buenos Ayres, October 25, 1816*

1039 *The Buenos Aires Expedition and Spain's Secret Plan to Conquer Portugal, 1814-1820* Timothy E. Anna in *The Americas* vol.34, No.3 (Jan., 1978), pp.356-380. Never growing to more than 14,000 troops, one setback after another delayed departure and the army, rapidly deteriorating, was still in Spain four years later. *cf.* 1818

1040 *Empire* Jeremy Paxman 2012 p.55

1041 Jewett/Jewitt (born 1772 in New London, Connecticut) had been a member of the US Navy (confirmed as Master Commandant in 1800) and Privateer in the 1812-1814 Anglo-US war. Jewett's appearance in the history of the Falklands occurs in 1820/21. *Letters of Marque* were issued to Privateers (both ships and commanders) to separate them from pirates; affording the Privateer some immunity. Jewitt is the spelling used by Fitzroy, Weddell, Greenhow and others, which appears to accord with the signature on a letter to the Supreme Director of Buenos Aires in 1821. It was also the spelling used by his father. However, Jewett is the form most commonly occurring. *cf.* 1817, 1820 & 1821

1042 The *Letter of Marque* was seemingly back-dated to the day before the request. Quite why, is not apparent. This has led some commentators to date the request to the 21st. See *David Jewett's visit to the Falklands, 1820-21: no valid "possession-taking"* Graham Pascoe 2020

became centers for privateering activity, the former for ships operating under the colors-of Colombia, Venezuela and Mexico, and the latter serving those from Buenos Aires." [1043]

"A privateer was a vessel owned, equipped and armed by one or more <u>private</u> individuals, and duly commissioned by a belligerent power to go on cruises and make war upon the enemy, usually by preying on his commerce." [1044]

"Every Spanish vessel on course to the River Plate, whether man-o-war, merchantman or privateer, will be considered an enemy of this government and of this State and may therefore be pursued, captured and, if necessary, burned, … In case of naval engagement, the flag of the United Provinces will be flown, …" [1045]

"The story of the deep-water privateers of Buenos Aires and Montevideo… is a sequel to the North American sea war against Britain in 1812-1815. Many of the same Americans participated, sailing now under the flags of nations whose language most of them did not speak and whose shores some of them never saw. These corsairs were usually financed by foreign merchants…" [1046]

"… the United Provinces gave him a privateering commission licensing him to attack Spanish ships, with the proviso that Spanish property found under the flags of Britain or the United States was to be respected." [1047]

July 3rd, the US Treasury Department permits ships from insurgent governments the use of US ports.

"Spain also claimed that ships sailing under the flags of the rebellious colonies were pirates, and should be treated as such. In Spanish eyes American neutrality was made even more favorable to the South Americans by an order of the Treasury Department dated July 3, 1815. This order specifically stated that ships flying the flags of any of the insurgent governments were to be admitted to the ports of the United States. The indefatigable Onis (Spain's representative in Washington) vigorously protested this ruling. Onis was quite correct in pointing out that the law made it much easier for the Spanish-Americans to obtain war supplies, but the American feeling was that it was only strict and impartial neutrality which, in effect, granted both parties access to American ports on equal terms." [1048]

July 17th, Thomas L. Halsey, US Vice-Consul in Buenos Aires, reports to the Secretary of State in Washington, that Britain maintains a frigate in the Rio de la Plata. Anchored some ten miles from Buenos Aires.

"He informed Richard Rush, Acting Secretary of State, that the English had only one frigate "anchored about ten miles from this town, which the Commanders declare to be out of the territory & jurisdiction of this Government." He added:"The British Commander and one of the Lieutenants always live on shore; a frigate of the United States bringing a good pilot or taking one at Montevideo and proceeding up the river immediately between Banco Ortis and Banco Chico would be able to attack the British frigate before any information could be given to the commander or proper preparations be made for defence…" Halsey never heard anything from Washington regarding this adventure on his part into naval affairs." [1049]

1043 Craine 1961 p.96

1044 Peña & Peña 2018 fn. 218. My emphasis.

1045 *Ibid.* citing *David Jewett; a Biography for the History of the Malvinas* J. A. Da Fonseca Figueira and *Malvinas, Soberania, Historia y Justicia – 10 de junio de 1829* Sergio E. Caviglia 2012 p.165.

1046 Kroeber 1956. As South America had no ship building or fitting facilities, many of the privateer vessels were purchased and fitted out in the USA, creating some difficulty for the US Government which had declared its neutrality in Spain's wars with it colonies. The US Governments position was not helped by there being a surfeit of willing men available after the War of 1812; and the local courts having some sympathy with the South American rebels.

1047 Pascoe 2020 (2)

1048 Craine 1961

1049 Craine 1961 p.68 citing *Halsey to Monroe July 17, 1815*

September 1st, in Washington, President Madison declares the USA '*neutral*' in the wars between Spain and her American colonies.

British sealers *Admiral Colpoys* and *Diana* hunt at South Georgia. [1050]

American sealer *Volunteer* (Fanning), arrives at Soledad. [1051]

December 10th, Edmund Fanning, leaves a gang of 9 men at Port Louis with orders to hunt in the area until his return. Fanning sails to Cape Horn.

1775 to 1815 had seen a period when Empires grew, diminished, flexed new muscles and clashed. At the end of it borders had changed and independence was the cry from many of the old American colonies of Europe. Throughout, however, the situation in the Falklands had remained largely unchanged. Britain maintained its general claim to *Falklands Island,* although it is unclear whether that was the whole archipelago or just the western side of it. Spain, having failed in its attempts to maintain an over-arching sovereignty to the Americas was in terminal decline but still claimed Soledad island (East Falkland). Anglo-Spanish wars may have come to an end but the uneasy Falklands status quo of 1771 lingered on.

Paper 5 will consider the rise of the new states of the Americas, and in particular the United Provinces/Confederation/Republic of Argentina. In 1815 they were still a Spanish colony – just. The opportunity for independence loomed, but how would they handle that chance and what territory would they claim?

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