

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 5²

1816 – 1829

Claims

“An authority has been assumed incompatible with His Britannic Majesty’s rights of sovereignty over the Falkland Islands.” ³



With Spanish power weakening, this paper considers the separation of the Rio de la Plata colonies from that Empire and their first attempts at independence. Also their early pretensions, particularly in the case of those territories that would, eventually, become Argentina. Buenos Aires was a major city then, as now. Here I consider its history vis-a-vis the archipelago based upon two events falling into this period; privateer David Jewett's belated claim on behalf of the defunct United Provinces of South America, and the German Luis Vernet's business venture on East Falkland Island (Soledad). Jewett's claim was obscure, not the least because he failed to report it to the government he supposedly claimed the islands for. Vernet, rather differently, saw a commercial opportunity in the islands' wild cattle, the descendants of those left behind by the French. Proved harder to make money than he thought and so he turned his attention to the sealing industry, seeking a monopoly through administrative control via a colony of the United Provinces of the Rio de la Plata. In doing so he would rouse two sleeping giants, the USA and the UK. ⁴

1816 – January 16th, elected Supreme Director by the *Cabildo* (Council) of Buenos Aires in April, 1815, José Ignacio Álvarez Thomas writes to the US President to say that by the time the President receives the letter, the United Provinces of the Rio de la Plata would have declared independence from Spain. ⁵

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

“All provinces were invited, but only two-thirds were represented. Of Artigas’ group only Cordoba sent a delegate, and Paraguay stayed away.” ⁶

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- ¹ *Falklands Wars – the History of the Falkland Islands: with particular regard to Spanish and Argentine pretensions and taking some account of South Georgia, the South Sandwich Islands and Britain's Antarctic Territories* Roger Lorton LL.B(Hon), M.Phil. 2011 – 2019. Roger Lorton has asserted his rights under the Copyright, Designs and Patents Act 1988 to be identified as the author of this work. **NB.** These papers are about the disputes surrounding the Falklands. The full research can be found here – <https://falklandstimeline.wordpress.com/>
 - ² Citation = Lorton, Roger. *Falklands Wars: Timeline History of the Falkland Islands*. Wordpress 2011 Paper 5
 - ³ *Parish to Guido November 19, 1829*. 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 *The United States and the Independence of Buenos Aires* Eugene R. Craine 1961 p.86 citing *Alvarez to the President January 16, 1816* in *AGN S1-A2-A4 No.9*. Something of a foregone conclusion, then.
 - ⁶ *José Artigas* Bernard F. Bobb 1947. Artigas represented the Banda Oriental (now Uruguay). Representatives from Upper Peru (Bolivia) did attend. See 1825

“The history of the Government of Buenos Aires between the years 1810 and 1833 is a confused one. The revolution against the mother-country, Spain, broke out in the Viceroyalty of La Plata in 1810; it was



*completed in 1816, but not until 1853 did the Argentine nation begin to inaugurate constitutional Presidents. The revolutionary junta set up in May 1810 was followed soon by the “Great Junta,” which in turn, in April 1811, suffered a purge, was soon dissolved, and gave place to the first Triumvirate. A second triumvirate was attempted in 1812, this being replaced in 1814 by a Directorate. The revolution of 1815 put an end to this...”*⁷

April 16th, following the resignation of José Ignacio Álvarez Thomas, Antonio González de Balcarce is appointed as Supreme Director *ad interim* of the United Provinces.

June 1st, in Madrid, the Council of State meet.

*“The Minister of State reported on talks which had recently been held in Madrid with the Buenos Aires representative, Bernardo Rivadavia. Secret discussions had been in progress for some time ... Nothing was achieved and the talks ended with mutual hostility and recrimination.”*⁸

Sealers *Indispensable* and *Norfolk* sail for South Georgia.⁹

July 9th, from the Congress of Tucumán comes a declaration of independence; arguing that the Viceroyalty’s union with Spain was broken on Ferdinand's 1808 abdication.¹⁰

*“We, the Representatives of the United Provinces of South America in General Congress assembled, invoking that Supreme Being, who presides over the universe, and in the name of and by the authority of the people we represent, asserting before heaven and all the nations of the earth the justice of our resolution, do hereby solemnly declare it to be the unanimous and indisputable determination of the people of these Provinces to break the bonds which have hitherto bound them to the Kings of Spain – to recover those natural rights of which they have been deprived, and to take upon themselves the character of Free Nation, independent of King Ferdinand the Seventh, of his successors, and of Spain...”*¹¹



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

8 *Response to Revolution: Imperial Spain and the Spanish American Revolutions, 1810-1840* Costeloe 1986 p.67

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

10 Not a unanimous decision, however, as the representatives from Santa Fe, Entre Rios, Corrientes, Misiones and the Banda Oriental, declined to sign the declaration.

11 *Declaration of the Independence of the United Provinces of South America* quoted in *Constitution of the United Provinces of South America, Framed, Sanctioned, and Ordered to be Published by the Sovereign and Constituent Congress on the 22 April 1819...* 1819

*“In consequence whereof, and impelled both by the conduct of Spaniards and their King, we have constituted ourselves independent, and prepared for our own natural defence and against the ravages of tyranny...”*¹²

*“There is a stage in such (revolutionary) contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as a matter of fact, so as to leave the chance of the opposite party to recover their dominion utterly desperate. The neutral nation, must, of course, judge for itself when this period has arrived; and as the belligerent nation has the same right to judge for itself, it is very likely to judge differently from the neutral, and to make it a cause or pretext for war, as Great Britain did expressly against France in our Revolution, and substantially against Holland. If war thus results, in point of fact, from the measure of recognizing a contested independence, the moral right or wrong of the war depends upon the justice and sincerity and prudence with which the recognizing nation took the step. I am satisfied that the cause of the South Americans is just. But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty.”*¹³

*“The declaration by Congress of that independence which they had for many years previously maintained in fact, was a measure of the highest importance, and has been productive of a unanimity and a decision before unknown. This summit of their wishes was only to be reached by slow and gradual progress.”*¹⁴

*“It is well known to all the World that, by the Revolution which took place on the 25th of May 1810, and the Solemn Declaration of Independence on the 9th of July 1816, a political Community was constituted, in the jurisdiction of Buenos Ayres, under the name, style, and title of “The United Provinces of the Rio de la Plata”... This political Community could not exist without territory, as where there is no independence of territory there can be no sovereign state, and thus as the community acquired the right of treaties, and that of competency to negotiate with foreign powers, it also acquired the right of state property (jus in patrimonium publicae). The United Provinces, consequently succeeded Spain in the rights which that nation, from whom they separated, had possessed in that jurisdiction. The Malvinas had always been a part of that country, or of that district, and, as such, they formed part of the dominion, or public property, of the new state ...”*¹⁵

*“The people of each of the revolted Districts of the Spanish American Provinces established their own Independence and their own Right of self-government within the Territory which they had occupied, but nothing more. If these revolted Provinces had imagined that they acquired by their Revolt all the rights of Spain, besides determining among each other in what manner those Rights were to be apportioned among them, they must also by necessity have considered themselves bound by the obligations of Spain. But they neither acknowledged these obligations nor were called upon by other States to adopt them.”*¹⁶

12 *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*

13 John Quincy Adams to President Monroe August 24, 1816

14 *Mr. Rodney to the Secretary of State Nov 5, 1818 in The Reports on the Present state of the United Provinces of South America Rodney C. A. & Graham J. 1819.* See <https://falklandstimeline.files.wordpress.com/2018/01/rodney-report-1819.pdf>

15 *Memoria and Protest to Viscount Palmerston June 17, 1833* Minister Manuel Moreno. *cf.* 1713 & 1810

16 Quoted in *The Law of State Succession* D. P. O'Connell 1956 p.34 citing the Nicaraguan agent in London's response to a letter from the Foreign Secretary of July 16, 1847.

“... the Argentine Government acquired and resumed itself all the rights that in its territory had and exercised Spanish power. Without dominion over the territory that served him a base, the independence of the new republic would have had no meaning. The Falkland Islands, which due to its geographical area had been part of the Viceroyalty of Buenos Aires, could not correspond after the war of independence, but to the new political community that had arisen in the same territory. All civilized peoples recognize that in such a case the force of things constitutes the right. Thus the Islands were under the authority of the Argentine Republic, and all Nations, including Spain, recognized this fact.”¹⁷

“... the effective possession of part of a region, although it may be held to confer a right to the acquisition of the sovereignty of the whole of a region which constitutes a single organic whole, cannot confer a right to the acquisition of the whole region which, either owing to its size or to its physical configuration, cannot be deemed to be a single organic whole ...”¹⁸

“The ancient Viceroyalty of Buenos Aires, dating its movement of emancipation, as also does Chile, from 1810, declared itself independent in 1816, under the name of the United Provinces of the Rio de la Plata; but the territory, to which it in whole or in part laid claim, came sooner or later to form the four independent states of Argentina, Paraguay, Uruguay, and Bolivia. ... When the process of emancipation was complete, not a single boundary line had been actually agreed upon and defined, much less marked. Even where attempts were made to indicate them, the indications were insufficient or defective, owing to the want of precise geographical data. The earlier laws, decrees and orders of the former Spanish government, home and colonial, were for the same reason necessarily insufficient.”¹⁹

“The doctrine that the boundaries of the American republics should ordinarily coincide with the boundaries of the preceding Spanish administrative divisions and sub-divisions was not embodied in any of the early treaties among the new nations, and of course not in any between them and Spain; but rather it came gradually to be accepted as a general guiding principle, in South America known as the doctrine of *Uti Possidetis* of 1810 and proclaimed in the Congress of Lima in 1848.”²⁰

“... regarding state succession, the British Government have consistently denied the right whereby the insurgent South American republics accepted among themselves the territorial delimitation of the Spanish Viceroyalties. In the case of both Colombia and Nicaragua, His Majesty's Government recognized the succession of the new republics only in territories which had been effectively occupied.”²¹

“*Uti possidetis juris* was a rough and ready agreement between the new Latin American states to establish their respective territorial limits. As a principle, it could be applied only to a dispute between Latin American nations. ... Whether it is applicable in a dispute with a non-Spanish American nation is open to doubt.”²²

“... the *uti possidetis* principle,.. is essentially an accord on boundaries between successor states of the same (Spanish) empire, not an assertion of sovereignty against outsiders.”²³

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

18 *Reports of International Arbitral awards: Guiana Boundary case (Brazil, Great Britain)* June 1904 vol.11 pp.11-23

19 *Memorandum on Uti Possidetis* J. B. Moore 1913

20 *Boundaries, Possessions and Conflicts in South America* Gordon Ireland 1938 p.327. Proclaimed, but not ratified, by any of its signatories – not that the Argentine Confederation was among them. *cf.* 1848

21 *Memorandum on the Falkland Islands* 1947 in LCO 2/490. *cf.* 1848

22 *Falklands or Malvinas? The Background to the Dispute* J. Metford 1968

23 *Falkland Title Deeds* Malcolm Deas 1982

*“The doctrine of uti possidetis juris is of questionable applicability as a tenet of contemporary international law. ... uti possidetis juris fails to square properly with the legal establishment of non-Hispanic states in the New World, as well as the more recently evolved principles of decolonization and self-determination. Further, save for Latin American states, succession from original Spanish rights has neither commanded widespread respect nor attracted international acceptance, either in practice or in principle. Hence, ... uti possidetis juris contributes but a modicum, if indeed any, legal support to Argentina’s position of valid title over either its South Atlantic or Antarctic claims.”*²⁴

*“Exactly when sovereignty is lost and gained during a chaotic revolutionary period is unclear. A revolutionary movement at the outset of its operations might declare itself the legitimate authority over a territory. But any sovereignty it might claim in its own name could not be recognized until it took de facto control ...”*²⁵

*“The principle of uti possidetis does not imply that a state created in the wake of a process of decolonization will necessarily acquire the same territorial rights as the previous colonial power, without regard to the geographic territorial unity of the colonial empire, and the occupation of the territory in question by the newly created state... In consequence, it has to be concluded that Argentina did not acquire the Islands in 1816 automatically after independence, without regard to the principle of effective occupation. Spanish territorial rights over the Islands continued.”*²⁶

*“(Argentina) argues that it inherited the former Spanish colonial territory in accordance with the uti possidetis doctrine when it became independent, a disputed doctrine in international law.”*²⁷

*“... unilateral declaration of independence” (or UDI) is a term commonly used to refer to the unilateral act by which a group declares that it is seceding and forming a new state. ... many attempts at unilateral secession fail, and even those that succeed take time. Thus a declaration of independence is a necessary, but not a sufficient, condition for unilateral secession...”*²⁸

*“Although it is often stated that the uti possidetis principle was proclaimed by the newly independent republics, in fact very few constitutions actually used the expression uti possidetis. Of forty-three constitutions examined from the period 1811 to 1850, only one (Costa Rica) mentioned the uti possidetis principle. ...”*²⁹

*“With their independence, the United Provinces of the River Plate inherited the Spanish rights to territories in the region, amongst them the Falklands/Malvinas Islands, with all the prerogatives and attributes of the old metropolis as the consequence of the legal principle that the accessory follows the principle (Accesorium Sequitur Principale)... in the case of the transfer of rights from Spain to Argentina, no previous convention or legal provision existed to unnerve or weaken the full rights acquired by the Spanish succession.”*³⁰

*“After 1790 Spain’s rights in the Falklands were restricted, so any rights inherited from Spain were restricted in the same way, since Argentina cannot have inherited more than Spain possessed.”*³¹

24 *Anglo-Argentine Rivalry after the Falklands/Malvinas War: Laws, Geopolitics and the Antarctic Connection* C. Joyner in *Lawyer of the Americas* 1984

25 *The Sovereignty Dispute over the Falkland (Malvinas) Islands* L. S. Gustafson 1988 p.21

26 *The Territorial Status of the Falkland Islands: Past and Present* Rudolf Dolzer 1993 p.61

27 *Falkland Islands/Malvinas* Michael Waibel 2011 in *Max Planck Encyclopedia of Public International Law* 2011

28 *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

29 *Determining Boundaries in a Conflicted World: The Role of Uti Possidetis* Suzanne Lalonde 2002.

30 *Falklands or Malvinas: Myths & Facts* M. P. Peña & J. A. Peña 2018

31 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.50

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

Juan Martín de Pueyrredón y O'Dogan is appointed to lead the Government of the United Provinces.

*"At length, in 1816, the Congress of Tucumán assembled and appointed Juan Martin de Pueyrredón "Supreme Dictator (sic)" of the United Provinces of La Plata. For three years Pueyrredón ruled with an iron hand, restraining the outbreak of anarchy..."*³²

*"An able statesman from Buenos Aires, Juan Martin de Pueyrredón, was given power as Supreme Director to govern the country until some form of constitutional government could be devised. At this time there was still much divergence of opinion as to whether a monarchy or a republic would prove more satisfactory. ... Some desired the United Provinces to become a British protectorate, while others wanted to place a descendant of the Incas upon a throne. Finally, it was agreed to discard all these schemes and to establish some form of republican government. This resulted in a bitter struggle between the centralists of Buenos Aires and the federalists of the provinces."*³³

British sealers Admiral Colpoys and Norfolk hunt at South Georgia.³⁴

July 20th, the tri-band designed by Manuel Belgrano in 1810, and first officially raised at Salta in 1812, is adopted as the national flag by the Congress of Tucumán.³⁵

In **August**, Portuguese Brazil invades the east bank of the Rio de la Plata (Banda Oriental).³⁶

*"... Ferdinand VII had expected King John VI to assist in squelching the disorders. ... The new turn of events in August 1816 dashed all hopes for any Hispanic-Portuguese effort against the insurgents. Consequently, Madrid now had to take into account the attitude of the government at Rio de Janeiro towards any proposed expedition to Buenos Aires. On its position hinged the size of the force projected to achieve the pacification of the Viceroyalty of La Plata ..."*³⁷

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

"The government is desirous of ending the misery of those who are held in jails, dungeons or other prisons located in the territory of these provinces, as a result of their reprehensible conduct/excesses and to preserve public peace. With the purpose of rendering them useful to the State under the guidance of expert chiefs that shall draw them away from their misplaced past and turn them into honourable

32 Memorandum on the Falkland Islands 1947 in PRO (Public Records Office) LCO 2/490

33 *The United States and the Independence of Buenos Aires* Eugene R. Craine 1961 p.53

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

35 See 1812 & 1818

36 *The United Kingdom of Portugal, Brazil and the Algarves* argued that their right to that territory was dictated by the Tordesillas 'line' as agreed between Spain and Portugal in 1494.

37 *Spain's Reaction to Portugal's Invasion of the Banda Oriental in 1816* Enoch Resnick 1972 in *Revista de Historia de America* No.73/74 (Jan. - Dec. 1972) pp.131-143

citizens that shall serve the common good, His Excellency has decided that you provide that all the persons of the high class that are imprisoned in the jurisdiction under your command sentenced to the jails of Patagones, Malvinas or other places be sent to this capital city..."³⁸

*"The letter is evidence that while becoming a free nation Argentina was exercising sovereignty over the Malvinas Islands."*³⁹

*"... 1) The letter is not written by San Martin, only signed. Those of us who study the numerous correspondence and offices of the Liberator notice at first glance that this letter does not correspond to the Great Captain. Noticeable differences can be observed between the calligraphy of the letter (of anonymous clerk) and the particular known letter of San Martin. 2) The letter is not addressed to the Minister of War, Antonio Berutti, ... It is addressed (as shown at the bottom of the second sheet) to the Gov. of San Juan, and the text is a transcript of the orders of the Minister of War, Berutti. That is to say, San Martin was only resending the order received from Buenos Aires to the Governor of Cuyo. Obviously, the mention of the Malvinas in 1816 as a territory of the United Provinces of the Río de la Plata in that document and the signature of San Martin are a flight of imagination ... to reaffirm the claims of sovereignty based on historical documents."*⁴⁰

*"... if there were any such soldiers, they were in San Juan, not in the Malvinas. Far from being a "display of Argentine sovereignty" it might equally indicate that the war minister and San Martín did not regard the islands as Argentine territory..."*⁴¹

Researcher's Comment: Contrary to many claims of relevance, all this circular demonstrates is that San Martin, if he was the originator, was very much out of touch. At that time, there had been no garrison on Soledad for five years, and while there had been a few prisoners as labourers, there was no prison.

October 25th, in Buenos Aires, a *Manifiesto* is announced, addressed to all nations by the *General Constituent Congress of the United Provinces of Río de la Plata*, to explain the reasons for its breach with Spain (previous page).⁴²

*"We address ourselves to the nations of the world, whom it would be impossible to think of deceiving in matters to which they themselves have been witness... We have sworn before the Supreme Judge of the Universe, that we will never renounce the cause of justice; that we will not permit the country which he gave us to be buried beneath ruins, and submerged in blood by the hands of executioners; that we shall never forget the obligations that we owe to save her from the dangers which threaten her, nor the sacred right to require of us all necessary sacrifices to prevent her from being soiled by the foul footsteps of tyrants and usurpers. This declaration is engraven on our hearts..."*⁴³

38 This instruction is confusing for a number of reasons:- a) San Juan is an inland city, 650 metres above sea level, to the north-west of Buenos Aires and b) the *presidio* at Soledad had been abandoned by the loyalist Spanish garrison in 1811. Carmen de Patagones on the Río Negro did, however, have a prison to which mainly political prisoners had been sent after 1810. More recently, Argentina's official news agency, *Telam* (April 29, 2017) claimed that the letter had been sent to the Minister of War, Colonel Antonio Beruti, rather than the Governor of San Juan, whilst an internet news site, *Los Andes*, of the same day, quoted the head of Argentina's Malvinas Museum, Federico Lorenz, suggesting that, while there was no prison facility in the Falklands archipelago in 1816, "*condemned*" people were sent there. There is no evidence to confirm any of this. Indeed Colonel Beruti would appear to have been exiled to Chile after 1811 and was still there, fighting alongside San Martin, in 1817, possibly as his Minister of War. The modern interpretations of this letter also assumes that there was no other location in 1816 called *Malvinas*, despite the name being common today.

39 *Malvinas Museum incorporates San Martin letter referred to links with South Atlantic Islands* Mercopress Aug 18, 2014

40 Letter of May 10, 2017 responding to the *Los Andes* article of April 29, 2017; signed by historian Roberto Colimodio.

41 Pascoe 2020 p.56

42 *British & Foreign State Papers 1818-1819*

43 Quoted in Rodney & Graham 1819 p.215

British sealer *Grand Sachem* hunts at South Georgia.

November 28th, a Spanish merchant ship, *Carmelo*, short of supplies, arrives at the old garrison site at Soledad. ⁴⁴ On board is a Pilot of the Royal Spanish navy – Gabriel Francisco de la Quintana.

“Church. Burnt ceilings and altar, and cast down a front of its walls. House of the Commander. Burned and cast down its walls and doors. House of the second Commander. Burned its roof, doors and windows with only the walls. Hospital. Burned its roof. All its beams, doors and windows, and demolished a front of the main room. Presidio house. Burned on one side with doors and windows. Barracks of the troop. Idem, burned and cast down their walls. Navy Barracks. Idem, in everything like the previous one. Warehouse and supply room. Everything burned with only the walls. Powder store. Idem. Idem. Smithy. Demolished the room of the forge. Bakery. Only structure that was good in everything, both its furnaces and its walls and divisions. Batteries. Cast down their walls and embrasures. This island is found on the northern side with an abundance of cattle and horses, in view of the fact that only four leagues away we have seen more than a thousand horses and more than six hundred cattle. There are also two boats on this island, one apparently of His Majesty called the Gloria, thrown as the attempt to sink (it) in a drift Point of the Entry, and the other that is not known if it was Spanish, scuttled in the Beach.” ⁴⁵

1817 – January 9th, Spain's charge *d'affaires* at Rio de Janeiro, Andres Villaba, after interviewing Piloto Quintana, reports to First Secretary of State, José García de León y Pizarro, in Madrid on; “... *the state in which is the establishment that we occupied in the Maluinias islands.*” ⁴⁶

Volunteer arrives in the Falklands en-route for New York. ⁴⁷

Samuel B. Edes, in the sealer *Pickering*, out of Boston, visits the Falklands on his way to South Georgia.

“After reconnoitering about the Falkland Islands, without finding seal enough to warrant us in leaving a gang there,...” ⁴⁸

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

“The English again formed a small settlement in Port Egmont in 1817, principally as a place of refreshment for the Whalers.” ⁴⁹

“... the British crews were exercising Britain's rights under the 1771 agreement and the Nootka Sound Convention...” ⁵⁰

January 20th, Portuguese troops move into the city of Montevideo.

⁴⁴ *Carmelo* loaded with a cargo of *yerba-mate*, had left Rio de Janeiro in September, 1816 bound for Valparaiso carrying letters to the Viceroy of Lima and the Captain General of Chile. Owing to problems that it encountered, *Carmelo* returned to Brazil in late December, 1816 without achieving its mission.

⁴⁵ *Andres Villalba to Jose Garcia de Leon y Pizaro No.413 in Esatado del puerto de la Soledad en las Islas Malvinas Estado, 99, N.14.* The extent of the destruction is surprising. *cf. January, 1817*

⁴⁶ *Ibid.* On this letter's arrival at Madrid in April, 1817, it was passed to Spain's Secretary of War.

⁴⁷ *Voyages and Discoveries in the South Seas 1792-1832* E. Fanning 1924

⁴⁸ *Fore and Aft: or, Leaves from the Life of an Old Sailor* William Dane Phelps 1871

⁴⁹ *Army and Navy Chronicle (New Issue)* vol.6 January 1 to June 30 1838 p.165-166. In *The Pictorial History of England* G.L. Craik 1841, the reference had changed; “*In 1817 some private individuals formed a settlement there ...*” although both appear to have originated with an entry in *The Penny Cyclopaedia of the Society for the Diffusion of Useful Knowledge* 1837 which is most accurately reflected in the *Chronicle*.

⁵⁰ Pascoe 2020 p.56

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

*“With respect to the colonies,.. here the two governments cannot agree. Spain in the true spirit of her system, insists on their returning to their ancient unqualified allegiance, & her pretensions are still upheld by calculations on the flattering intelligence, true or false, which she every now & then receives from various parts of South America. England... desires that the trade to them may be open.”*⁵¹

On the same day *Invincible*, a privateer acting under a 'commission' of Buenos Aires, and commanded by an American, David Jewett, attacks and seizes the *General Gates*.⁵²

*“He captured at least five Spanish ships, and returned to Buenos Aires in 1817.”*⁵³

April 13th, a *minute* of the office of the Secretary of War in Madrid, notes that Quintana's assessment of Port Soledad of November, 1816, has been passed to the Minister.⁵⁴

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

*“... Buenos Aires had drawn up a special code to deal with privateering. The government at Washington placed the cause for much of the evil of the privateering system upon two articles found in this very liberal code, to that which (1) gave the privileges of a Buenos Airean and a right to that country's flag to a foreigner who had never been in the country, and to that which (2) permitted the privateers to send their prizes to any port they pleased.”*⁵⁵

*“... littoral states strong and weak alike relied on private vessels for maritime support. Those private vessels, known as privateers, were invested with power to act on behalf of a state through letters of marque and reprisal. Instead of oceans policed by national navies, private vessels and their captains sailed their vessels on behalf of states.”*⁵⁶

September 5th, William D. D Worthington arrives in Buenos Aires as US Special Agent for Commerce.

*“On September 13th he met with the Supreme Director ... he had a harder time convincing (the government) that he was only a Special Agent for Commerce. When he finally made it clear that his commission as such did not constitute recognition of independence, public opinion in Buenos Aires toward him became "luke-warm" if not actually "repulsive." ...”*⁵⁷

September 17th, at a Council of State meeting in Madrid, Spain's Minister of Justice, Juan Lozano de Torres, urges the departure of the River Plate expedition as soon as possible. The Council sanctions the expedition and approves General Vigodet's plan which calls for Soledad Island to be used as a staging post.⁵⁸

51 *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations* W. R. Manning 1925 vol. III

52 See June, 1815 & 1820

53 *David Jewett's visit to the Falklands, 1820-21: no valid "possession-taking"* Graham Pascoe 2020

54 *Esatado del puerto de la Soledad en las Islas Malvinas Estado*, 99, N.14.

55 Craine 1961 p.104

56 *The Full Story of United States v. Smith, America's Most Important Piracy Case* Joel H. Samuels 2012

57 Craine 1961

58 *The Falkland Story 1592 – 1982* M. Cawkell 1983 p.31. An expedition of 20,000 men to recapture Buenos Aires had been ordered by Spain's King Ferdinand VII in May, 1815. More than a year later, little appears to have been achieved. See *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.

*“From what Vigodet said, it follows that the islands would come to play the role of supply base and rest in the long journey that was to lead the expedition...”*⁵⁹

September 20th, the *Gazeta de Buenos Aires* reports that two soldiers, Fransisco Andrade and Luis Villada, are sentenced to 10 years imprisonment with hard labour in “*Patagónicas*.”⁶⁰

October 29th, in Washington, Don Manuel Aguirre meets Secretary Adams. Aguirre hands over credentials signed by Supreme Director Pueyrredon, authorising him to act on the UP's behalf in the United States.⁶¹

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

*“Is it expedient for the United States to recognize Buenos Aires or other revolted province? ... Is it expedient to act as was accorded in the previous May and suspended, i. e. to send a commission to South America to report on the progress of the revolution and the probability of its success?”*⁶⁰

*“Adams argued successfully against the expediency of acknowledging the independence of Buenos Aires, and urged that the next despatch from the United States Legation in Madrid be awaited before assuming any new attitude toward Spain;...”*⁶²

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

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

*“I wished that it (France) would again occupy those islands, which, it is true, would not furnish any rich produce but ... would be useful to our fisheries, ... Spain, which is on the point of being excluded from South America, could have no interests in preventing us: and even the power which embraces the world with its colonies and squadrons, could hardly look with a jealous eye on the occupation of this desolate coast.”*⁶³

November 28th, the sealer, *Admiral Colpoys*, commanded by James Todrig, is wrecked at South Georgia.⁶⁴

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

*“The General Congress of the United Provinces, assembled at Buenos Ayres, on the 3d of December, of 1817, established, by a provisional statute, a temporary form of government, ... The Congress is comprised of deputies from the different provinces. It actually consists of twenty-six members... The Congress are to be chosen by electors, who are to be voted for by the people in the primary assemblies...”*⁶⁵

December 4th, Washington sends out three commissioners, Caesar Augustus Rodney, Theodorick Bland and John Graham, to ascertain the condition and prospects of the La Plata provinces and Chile.

59 *Una Tierra Argentinas: Las Islas Malvinas* R. R. Caillet-Bois 1982 (6th ed.) p.179

60 *Malvinas: Soberanía, Memoria y Justicia. Vol.II: Balleneros – Loberos – Misioneros* Sergio E. Caviglia 2015 p.34. This author suggests that *Patagónicas*; “... was the name usually used to refer to the Falkland Islands and / or islands of the South Atlantic.” These prisoners were actually sent to the facility at Carmen de Patagones; where Villada led a revolt in 1818 and where he died. cf. August, 1816

61 *Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848* C. F. Adams (ed) 1874 vol.4 p.14

62 *Early Diplomatic Missions from Buenos Aires to the United States 1811-1824* S. F. Bemis 1939 p.60

63 *A Voyage Round the World 1816-1819* Camille de Roquefeuil 1823

64 *Voyages to South Georgia 1795-1820* A. G. E. Jones 1971 and *Wrecks, Hulks and Other Vessel Remains at South Georgia, Falkland Islands Dependencies* R. Headland 1984

65 *Mr. Rodney to the Secretary of State Nov 5, 1818* in Rodney & Graham 1819

*“We sailed in the United States' frigate the Congress, from Hampton Roads on the fourth of December, (1817,) and touched, as directed, at Rio Janeiro, where we delivered the despatches committed to our charge to Mr. Sumpter the minister of the United States resident there. After a stay of a few days, we proceeded thence, direct for the RiverPlate ...”*⁶⁶

*“Those chosen were Caesar Augustus Rodney of Delaware, John Graham of Virginia, Theodorick Bland of Baltimore, and, as secretary, Henry M. Brackenridge, also of Baltimore. The reasons for sending such a commission were at least three in number: one, the pressure of public opinion, two, the honest desire of the administration to gather correct information regarding conditions in that region, and finally, the desire to gain an excuse for delay in changing the government's Spanish-American policy.”*⁶⁷

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

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

*“He gave me a copy of the Declaration of Independence of Buenos Ayres of 9th July, 1816, and read to me in English a paper urging the acknowledgment of that Government by the United States.”*⁶⁸

1818 – February 18th, a merchant, Luis Élie Vernet⁶⁹ arrives in Montevideo en-route to Buenos Aires where he intends to set up a trading company with a partner, Conrado Rucker.⁷⁰

February 25th, the General Congress in Buenos Aires decides to include the *Sun de Mayo* in the centre of the national flag to create a war flag (left).



February 28th, USS *Congress* arrives at Buenos Aires with the three American Commissioners.

*“They were welcomed with great formality and considerable interest on the part of both the government and the people of Buenos Aires. Because of the public nature of their mission, and the attention that had been attracted to it, they were able to learn little that had not already been reported. For the most part, they had to accept the information that was presented to them. In this respect, a single commissioner, sent without all the fanfare which accompanied this commission, would probably have accomplished much more.”*⁷¹

March 24th, in the US House of Representatives, Henry Clay submits a proposition with regard to the sending of a Minister to the United Provinces of the Rio de la Plata, with the formal recognition that such would entail.

*“... a provision for an outfit and one year's salary for a Minister to the United Provinces of La Plata, ...”*⁷²

⁶⁶ *Report of Theodrick Bland Esq. on South America* November 2, 1818.

⁶⁷ Craine 1961 p.109

⁶⁸ Adams 1874 vol.4 p.30

⁶⁹ Luis E. Vernet (1791-1871) was born in Hamburg of French Huguenot stock. Well educated and multilingual, he spent periods in both the USA and Portugal before arriving in Montevideo. His first name was variously styled 'Luis,' 'Louis' or 'Lewis' - often dependant upon where he was or who he was corresponding with. Vernet played a large part in the history of the archipelago during the 1820s, establishing a cattle business and settlement at Port Louis. See below.

⁷⁰ Caillet-Bois (1982 (6th ed.) p.189) gives the year of Vernet's arrival in Buenos Aires as 1817, but no day or month. Vernet's partnership with Conrado Rucker lasted until 1821, when he financed an estancia and cattle business 100km south of Buenos Aires. cf. 1823, 1824, 1828, 1832, 1833

⁷¹ Craine 1961

⁷² *Annals of Congress, 15 Cong. 1 Sess. p.1646*

March 25th, US President Monroe writes to the House of Representatives to say that any move to acknowledge the Government of La Plata would be deemed “*inexpedient*”.⁷³

March 28th, Henry Clay’s proposition is defeated.

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

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

*“The Nation is styled The United Provinces of South America. The number and denomination of each, with its Intendencias and Chief Towns and Districts (Cabezas de Partido), according to the former state of the Viceroyalty, appear in Document No.1... Out of the fourteen provinces, into which the territory of the ancient Viceroyalty is now subdivided, there are nine in the hands of the patriots,... and those occupied with troops or under the influence of the Spanish army, are the other five, whose names are Potosi, Plata or Charcas, Cochabamba, La Paz and Puno... The territory of the United Provinces contains 145,000 square leagues. ... These Provinces have been, de facto, independent of Spain since the year 1810, when they openly made war upon her in Peru, in Paraguay, and in Montevideo... It was not the proclamation of independence which gave origin to the rights of the Americans; it merely recognized them as they had before existed, and had been claimed since the memorable epoch of the 25th of May, 1810.”*⁷⁴

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

*“I send you, gentlemen, the statements and notes, which exhibit the present situation of the United Provinces of South America, in order that, with the information they may afford, his excellency the President of the United states of North America, may proceed in his steps in relation to these countries, in the way most conformable to his high intentions, and to the greater prosperity and aggrandizement of the new world.”*⁷⁵

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

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

“In that year (1818), when a "Military Junta of the Indies" met to deal with various issues, Vigodet himself, on May 8 and from Aranjuez, expressed his judgment on whether "there are the necessary means to carry out an Expedition in order to subject Buenos-Ayres". After representing the convenience of sending an expedition of 5 to 6 thousand men bound for the Port of Arica, he added: "Let me recall, in case it is relevant, that when leaving the Malvinas Islands, in the year 1810 [sic: 1811], a large number of cattle remained in them; and that

⁷³ Craine 1961 p.111 citing *Monroe to House of Representatives March 25, 1818*

⁷⁴ *The Reports on the Present state of the United Provinces of South America* C. A. Rodney & J. Graham 1819 p.233. Also *British & Foreign State Papers 1818-1819* 1835 p.649. The provinces listed in “*Document No.1*” were Buenos Aires, Paraguay, Cordova, Salta and Potosi.

⁷⁵ Note dated April 22, 1818 in Rodney & Graham 1819 p.245

*there is also an abundance in the San José Peninsula on the Patagonian coast...; [the Indians] would probably give you Cattle in exchange for the Brujerias they are so fond of". From the words of Vigodet, it is deduced that the islands would come to play the role of base of supply and rest in the long journey ..."*⁷⁶

*"... after three hours of often rambling and irrelevant discussion, nothing positive was achieved."*⁷⁷

May 20th, from Washington DC, John Quincy Adams writes to Richard Rush, in England, with a message for the British Government - that the USA would not co-operate in any pacification of South America that did not involve the entire independence of the South Americans.

*"Adams stated, in this same communication, that the administration was convinced the basic British policy was independence for South America and that as soon as England had satisfied her sense of duty to Spain she would establish a policy favoring independence."*⁷⁸

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

*"... Bland's letter... contains much information concerning the state of the country, a decided opinion that they will never again submit to the dominion of Spain, and an opinion equally strong that the Government of the United States ought not at present to recognize that of Buenos Ayres. He has a very bad opinion of Pueyrredon, and still worse of his Secretary of State, Tagle."*⁷⁹

August 1st, in Madrid, Ministers meet again to review the River Plate expedition proposals. After some discussion over the available resources, and Spain's lack of funds, they inform King Ferdinand that an expedition in 1818 now appears unlikely. French statesman, the 5th Duc de Richelieu, in an attempt to facilitate an accord between Spain and the United Provinces, proposes that one of the Spanish princes should be crowned at Buenos Aires.⁸⁰

August 23rd, sealers *General Knox* (owner - William B. Orne), and *Governor Brooks*, sail from Salem, Massachusetts, USA, for the Falklands.

In **October**, at the Congress of Aix la Chapelle, Britain defies attempts by Spain to reassert authority over its American colonies.⁸¹

*"By autumn, 1818, plans were being laid by France, Russia and England for mediation, but the position of England in such action was becoming more and more vague. By October, the chances of the allied powers reaching an agreement seemed remote."*⁸²

*"At the Congress of Aix-la-Chapelle in 1818, for example, (Castlereagh) blocked hostile moves by France and Russia against Buenos Aires."*⁸³

November 2nd, Commissioner Bland reports on the southern extent of the geographic area claimed by the United Provinces.

76 Caillet-Bois 1982 (6th ed.) p.179 citing *Archivo General de Indias, Sevilla, Seccion IX, Estado, America en general, leg.17 (1-8)*

77 *Response to Revolution: Imperial Spain and the Spanish American Revolutions 1810-1840* M. P. Costeloe 1986 p.77/78

78 Craine 1961 p.114

79 Adams (ed) 1874 vol.4

80 *Pan-Americanism: its beginnings* J. B. Lockey 1970 p.92.

81 The Conference attended by Great Britain, Prussia, Russia and France was primarily to discuss problems following the Napoleonic wars.

82 Craine 1961 p.114

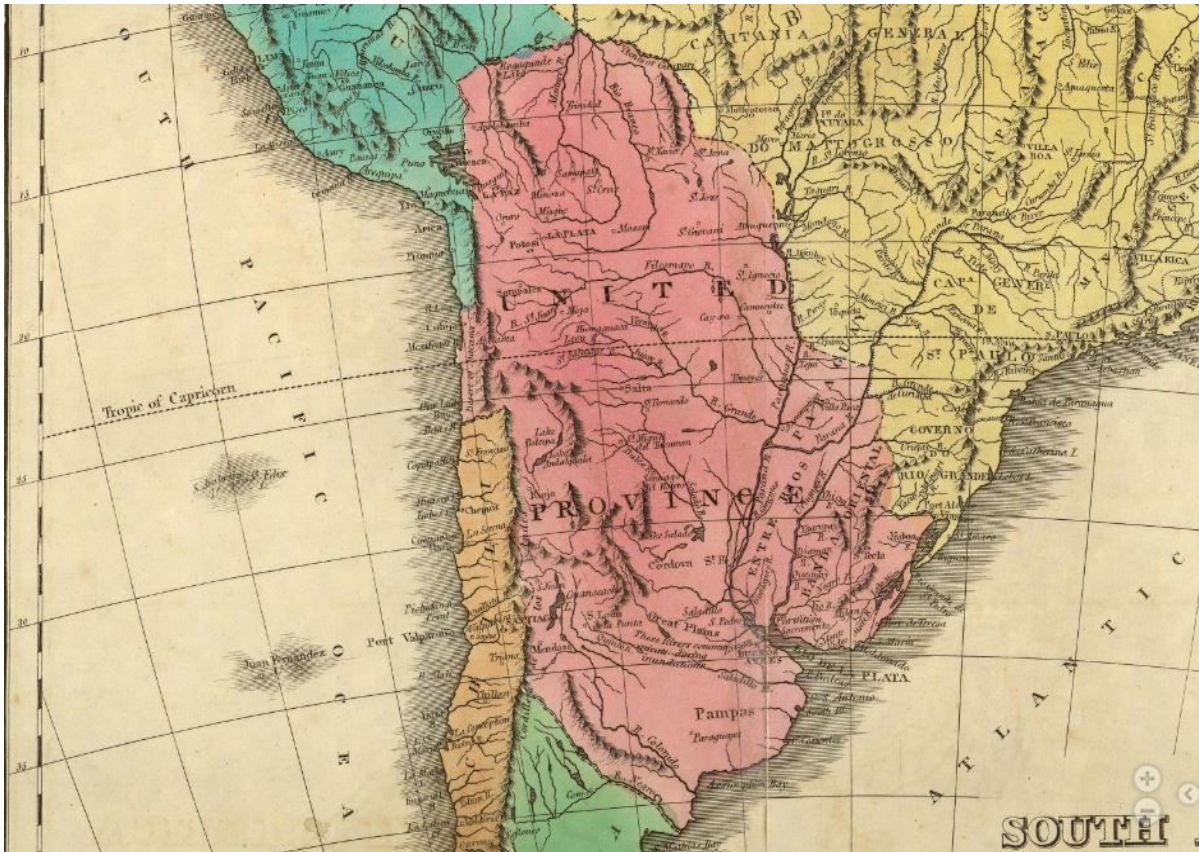
83 *The British in Argentina: Commerce, Settlers and Power 1800-2000* D. Rock 2018

*“To the South of latitude thirty-eight degrees and a half, and between the Andes and the Atlantic, as far as the straits of Magellan, is, at present, entirely in possession of the various tribes of Patagonian savages, over whom the colonial Government exercised no authority, nor asserted any claim, other than a right of pre-emption and of settlement in their territory against all foreign nations; to which rights and benefits the independent Government claims to have succeeded.”*⁸⁴

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

November 5th, Commissioner Rodney also describes the United Provinces.

*“It was composed, at the commencement of the Revolution, of the 9 Provinces, or Intendencias following:- Buenos Aires, Paraguay, Cordova, Salta, Potosi, La Plata, Cochabamba, La Paz and Puno... The territory of the United Provinces is computed to contain 150,000 square leagues, although it probably exceeds that quantity.”*⁸⁵



“The three commissioners were unable to agree in all details of their findings and submitted separate statements. Although all were partial to the insurgents prior to their departure, their reports to the government indicated disillusionment. The essence of the reports was that it appeared to be impossible for

⁸⁴ Report of Theodorick Bland, Special Commissioner of the United States to South America, to John Quincy Adams on the condition of South America November 2nd 1818 in *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations* William R. Manning 1925 vol.1 pp.382 & 389.

⁸⁵ Rodney & Graham 1819. Graham made few comments and generally went along with Rodney's report and opinion that the USA should recognise the United Provinces as a sovereign state. Bland took a different view, hence his separate report. Bland's views appear to have been the more convincing in Washington. Caesar Rodney was appointed Minister Plenipotentiary to Buenos Aires in 1823. Map (above) published in the USA dates from 1822. (see below)

*Spain to regain control of South America, but, on the other hand, some doubt existed as to the ability of Buenos Aires to maintain a stable government.”*⁸⁶

November 7th, after assisting US President Monroe with a speech due in Congress, John Quincy Adams records that the President cannot acknowledge the government in Buenos Aires.

*“... they pretend to the sovereignty of the whole Viceroyalty of La Plata, while Portugal is in possession of Montevideo, Artigas of the Banda Oriental, Paraguay under other separate government, and the Spanish royalists in five other provinces.”*⁸⁷

*“For most Americans, recognition of Buenos Aires was not important enough to risk the destruction of American commerce at the hands of Britain and the threat of privateers that would be released by Spain.”*⁸⁸

November 16th, President Monroe delivers the annual *Message to Congress*.

“The civil war, which has so long prevailed between Spain, and the provinces in South America, still continues without any prospect of its speedy termination.... the government of Buenos Ayres declared itself independent in July 1816, having previously exercised the power of an independent government, though in the name of the King of Spain, from the year 1810: that, the Banda Oriental, Entre Rios, and Paraguay, with the city of Santa Fee, all of which are also independent, are unconnected with the present government of Buenos Ayres: that Chili has declared itself independent, and is closely connected with Buenos Ayres: that Venezuela has also declared itself independent, and now maintains the conflict with various success; and that the remaining parts of South America, except Monte Video, and such other portions of the Eastern bank of the La Plata as are held by Portugal, are still in the possession of Spain, or, in a certain degree, under her influence.”

November 20th, US Minister Rush writes from London, to inform President Monroe that he believes that Great Britain is moving towards a policy that would favour independence for Spanish America.⁸⁹

December 14th, in Washington, Adams interviews David Curtis DeForest, who carries papers from Buenos Aires to act as Consul-General to the USA.

*“Adams again informed DeForest that the United States did not consider this the time for recognition and,... cautioned him that recognition would come at the proper time. Adams also referred to the unrest in the Plata region, asserting that any recognition by the United States would in no way determine the extent of territory claimed by Buenos Aires, particularly such areas as the Banda Oriental, Paraguay and Sante Fe. DeForest greatly displeased Adams by renewing his solicitations for acceptance as Consul General from Buenos Aires.”*⁹⁰

86 Craine 1961 p.110. See <https://falklandstimeline.files.wordpress.com/2018/01/rodney-report-1819.pdf>

87 Adams 1874 vol.4 p.167

88 Craine 1961 p.113

89 *Rush to Adams Nov 20, 1818*

90 Craine 1961 p.127 citing *DeForest to Tagle December 18, 1818*

1819 – January 1st, US Secretary of State, John Quincy Adams instructs the US Minister to Britain, Richard Rush, to inform the British Government that the US was contemplating the diplomatic recognition of the United Provinces, but that the policy; *“When adopted, it will be a mere acknowledgment of the fact of Independence, and without deciding upon the extent of their Territory, or upon claims to Sovereignty, in any part of the Provinces of La Plata, where it is not established and uncontested.”*⁹¹

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

*“News reached England that ships of war flying the Spanish flag had orders to cruise against the merchant ships of every country presuming to trade with her insurgent Colonies.”*⁹²

British whalers, *Anne, Grand Sachem, King George, Dove, Recovery* and *Mary Ann*, hunt at South Georgia.⁹³

January 28th, in a letter to the US Congress, Secretary Adams reiterates that the Consul of the United States at Buenos Aires had no credential other than his commission, and that this implied no recognition by the United States of any government.

*“Furthermore, the commission was issued before Buenos Aires declared its independence, and at a time when all the acts of the authorities at Buenos Aires were in the name of the King of Spain.”*⁹⁴

February 3rd, the British sealer *Indispensable* is reported as lying near South Georgia with 120 tons of oil.⁹⁵

February 12th, at a conference attended by by British and US Ministers, Lord Castlereagh dismisses suggestions that Britain is preparing to recognise the independence of revolted Spanish-American territories.

February 19th, Capt. William Smith in *Williams*, sights Livingstone Island in the South Shetlands.⁹⁶

*“... at least 144 ship-based sealing expeditions worked in the South Shetland Islands between 1819 and 1827, 120 of them in the first three seasons 1819-22. The ships in the 1819-22 seasons took a minimum of 300,000 fur seal skins (as indicated in the incomplete historical documents), and perhaps as many as 800,000 to 900,000 skins. There is no estimate of the total amount of elephant seal oil obtained.”*⁹⁷



April 27th, British sealer *Arab* hunts at South Georgia.

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

91 Manning 1925 vol.1 pp.87-88

92 *History of England: from the great war of 1815* Spencer Walpole 1912 vol.2 chap.9

93 The typical route of both American and English sealers was first to sail to the Cape Verde Islands to take on salt for the preservation of the seal furs, and then head for the Falklands to get fresh water and prepare for the harsher sub-Antarctic conditions before continuing on to South Georgia or even further south. Many of the vessels would over-winter at the Falklands. In particular, the British sealers were inclined to anchor at the harbour of Port Egmont. The map detail above is from Wallis’s new dissected map of America, engraved from the latest authorities for use of young students in geography by John Wallis (London) 1812

94 Craine 1961 p.129

95 Jones 1971

96 But did not, at that time, claim them for Great Britain. See October, 1819

97 *Charting the Sealing Islands of the Southern Ocean* Michael Pearson 2016 p.21

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

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

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

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

The document is immediately rejected by the other Provinces. Supreme Director Juan Martín de Pueyrredón y O'Dogan promptly resigns.

*“... after the Constitution of 1819 was promulgated, Pueyrredón resigned and anarchy broke out. ... The attempts of the various governments set up in Buenos Aires to extend their authority over all the provinces of the former Viceroyalty of La Plata proved as unsuccessful as their efforts to arrive at some stable form of administration.”*⁹⁸

*“By 1819, the United Provinces were in such a chaotic political condition that Pueyrredón became discouraged and resigned his office as Supreme Director. General Jose Rondeau was quickly chosen to replace him.”*⁹⁹

*“On the fall of Juan Martín de Pueyrredón in 1819, political order collapsed and the now incongruously named United Provinces became fiefdoms of local warlords, the so-called caudillos.”*¹⁰⁰

June 8th, *Mary Ann* arrives at Limehouse with 690 casks of oil and 900 salted seal skins.

June 9th, José Casimiro Rondeau Pereyra is appointed Supreme Director of the United Provinces.

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

*“In late 1819 news of the discovery reached Buenos Aires, where there was a growing and enterprising community of British merchants, some of whom chartered the brig *Espirito Santo*, with a mainly British crew and a British master (navigating officer), Joseph Herring, and sent her to the South Shetlands.”*¹⁰¹

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

*“Privateers were privately owned vessels authorised by governments in times of war to prey upon enemy trade and shipping. They were required to carry commissions (letters of marque), act in accordance with specific instructions and transmit prizes to ports to be legally adjudicated in courts of maritime jurisdiction.”*¹⁰²

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

August 17th, German merchant, Luis Vernet, marries María Saez Pérez in Montevideo.¹⁰³ Vernet is introduced to an ex-Captain of the Militia, Jorge Pacheco, and is persuaded to make Pacheco a loan for a *saladero*.¹⁰⁴

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

99 Craine 1961 p.53

100 Rock 2018 p.50

101 Pascoe 2020 (2)

102 *Privateering and Piracy in the Spanish American Revolutions* Matthew McCarthy 2012. Lynch, of Irish stock, was the great-great-grandfather of Che Guevara.

103 See 1828, 1830 & 1831

104 Caillet-Bois 1982 (6th ed.) p.192. A *saladero* produces salted meats. See April & September 1820, & August, 1823

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

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

*“The Heroína was owned by a Buenos Aires merchant of Irish origin, Patrick (Patricio) Lynch and some American partners; they fitted the ship out but were unable to obtain the guns and ammunition, which the Buenos Aires government supplied at Lynch’s request from the state arsenal.”*¹⁰⁵

October 16th, instructed to confirm his previous sighting in February, Captain William Smith, commanding the British merchantman *Williams*, lands on King George Island. He claims the South Shetland Islands for Britain.¹⁰⁶

*“The San Telmo, a Spanish man-of-war, was wrecked, without survivors, on Livingstone Island in the South Shetlands in 1819, and possibly ante-dated this discoveries of William Smith in that year.”*¹⁰⁷

November 15th, the US agent in Valparaiso informs Washington of Smith's discovery.¹⁰⁸

In **December**, *Hersilia* returns to West Falkland to pick up Nathaniel Palmer, having failed to find the mythical Aurora Islands. Hearing of Smith's claim, *Hersilia's* commander, James Sheffield, sails south in search of the new sealing grounds.¹⁰⁹

*“A paper in manuscript, however, gives a decidedly different account of the sailing of the Hersilia to the Shetlands, the credit of which is attributed to Nathaniel B. Palmer. This paper reads as follows: “On this voyage he and a sailor were left upon one of the Falkland Islands to obtain provisions for the brig, while the Hersilia went in search of the fabulous Auroras. Soon after the departure of the brig, the Esprito Santo from Buenos Ayres hove in sight off the island, and ‘Young Nat,’ as he was then called, piloted her into the harbour, and found that she was ‘bound to a place where there were thousands of seals, but refused to divulge the situation. Three days after, the Hersilia returned, and Young Nat told Capt. Sheffield about the Esprito Santo and said he could follow her, and find the sealing ground. Capt. Sheffield, having great confidence in his second mate, followed his advice, and in a few days discovered the South Shetlands, at that time unknown to the continent of North America. The Esprito Santo was anchored there, and much surprised to see the brig, but their admiration for ‘Young Nat’s’ skill was so great that they even assisted in loading the Hersilia, and she returned home with 10,000 of the finest skins.”*¹¹⁰

105 Pascoe 2020 (2)

106 Smith again took possession on January 22nd, 1820 whilst accompanied by Edward Bransfield, who had been ordered to survey the new island by the senior British naval officer at Valparaiso. South Shetland Islands were formally annexed by Britain in 1908. *cf.* 1908

107 *Memorandum on the Falkland Islands Dependencies* January 12, 1947 in *LCO 2/490*. In fact the circumstances and location of *San Telmo's* sinking are unknown. Wreckage was discovered on Livingstone Island, but there is no evidence that that was where the vessel met her end.

108 It may be assumed that the discovery became common knowledge from this date.

109 On early 19th century maps a group of islets marked as the Aurora Islands where often shown between the Falklands and South Georgia. See - <https://falklandstimeline.files.wordpress.com/2019/01/1813-detail.png>

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

1820 – January 1st, in Spain, a dispute over the *1812 Constitution* provokes a revolt which leads to King Ferdinand's detention. Without orders, leaderless, the La Plata invasion force at Cadiz disperses.

*"The army was known for its liberal persuasion and for its discontent over wages, promotions, and most important of all, over the prospect of being sent to fight in the far-distant American land... The uprising of the expeditionary force ended any hope of sending a single large force to America, and guaranteed the independence of Buenos Aires and perhaps the entire continent."*¹¹⁷

A French vessel arrives at Port Egmont.

*"It is proper thus to mention what the Islands are capable of affording now, for the reports of several years ago do not apply to the present time. An instance of this occurred in the case of a French ship which arrived at Port Egmont in the year 1820, for a cargo of seal skins and oil. The captain was a lieutenant in the French navy, and his ship was elegantly and expensively fitted out. It appeared that the voyage was projected upon the foundation of his father having, forty-two years before, been at this port, and at that time found the beaches lined with sea elephants and seals. The son expected the same to be still the case; but as none were to be found, he abandoned the voyage, with great loss, no doubt,..."*¹¹⁸

January 7th, in the Port of Buenos Aires, with *Braque* renamed *Heroína*, Patricio Lynch writes again to Minister de Irigoyen.

*"With my corsair frigate Heroína receiving its provisions, recruiting its crew and preparing to set sail within 15 days, I take the liberty of writing to you ... The name of the ship shall be as above mentioned, unless you decide otherwise; its letters of marque or commission shall be those of a warship of the state set to sail for a year;... its captain Don David Jewett, that of Colonel ... as was promised to him and as he deserves, having served on the Bark Invincible with the rank of Lieutenant-Colonel with honour ... I'm thinking of giving him six lieutenants but I have yet to decide which, among the various applicants should be the first and which the second, and for this reason I request that you grant me commissions in the following manner: that of first lieutenant with the rank of captain, and the other lieutenants, 2nd, 3rd, 4th, 5th and 6th, with their ranks, all according to proper procedure and that of second lieutenant in favour of Don Luciano Castelli... I also request that you send me general and specific instructions that your Excellency may wish to communicate to the commander of the ship."*¹¹⁹

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

January 15th, *Heroína* is granted a 'corsair' license by Supreme Director Jose Rondeau under the regulations of 1817; authorising the pursuit and capture Spanish ships. David Jewett is commissioned *Colonel* in the National Marine Service by the Buenos Aires Minister of War and Marine – Matias de Irigoyen (next page).¹²⁰

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

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

119 *Lynch to Yrigoyen January 7, 1820* in *AGN X 512*. It was common practice to issue blank, but signed, Commissions. As for instructions; none have ever been found, nor is there any evidence that any were issued, but see February, 1821.

120 *Revista del Archivo Nacional de Historia, Sección del Azuay, Issue 5, pp. 120-121*. There being no Argentine navy worthy of the name, the Marine consisted almost entirely of foreign privateers.

“There is scarcely a Buenos Ayrean privateer which has not committed piracy of every description – it appears that at Buenos Ayres itself commissions of Artigas have been sold to the Captains of the Buenos Ayres privateers, who have gone to sea, and used one or the other commission as suited their purposes... There is not a day passes but we hear of new crimes of this description committed under the flag and commission of Buenos Ayres by people of every other nation; for, to find among them a native or even a genuine citizen of Buenos Ayres, is almost without example”¹²¹

“... authorisation to capture enemy ships on behalf of the Supreme Director of the United Provinces of South America, written the first in French and the second in Spanish, and given to the first Captain of Heroína David Jewett on the 15th January 1820 ... expressly declaring that the Heroína was a Buenos Ayres War Sloop and was aimed to fight against the Spanish flag,.. reprimanding and punishing all excesses committed against friendly or neutral flagships.”¹²²

“David Jewett, an American corsair from the port of Baltimore,... offered his services to the patriot governments established in the Southern Cone. He thus obtained corsair licenses from Chile, the United Provinces of the River Plate and Brazil. ... Jewett was appointed Captain of the frigate, which, with its 475 tons, 34 cannon and almost 200 crew, was one of the most powerful ships to leave the port of Buenos Aires. At the beginning of 1820, the Supreme Director Jose Rondeau granted him the rank of Army Colonel in service of the Navy. He thus received instructions to fly the national flag over the abandoned Falkland Islands, and deposit a group of convicts there.”¹²³

“As privateering developed in Britain in the 16-18th centuries, the privateer 'commission' and 'letter of marque' were two different entities. The former was issued against specific non-state targets, whereas letters of marque were issued against citizens of enemy sovereign states. However, by the 19th century, at least in the sources I've used, the two terms seem to have become synonymous and were used interchangeably... So, if Jewett received a 'commission', I would assume it was granted specifically to take command of a privateer, just as if he'd been issued with a letter of marque – the difference being merely one of terminology...”¹²⁴

“The Buenos Aires government regarded him as a privateer and no more; his function was simply to capture Spanish ships. Jewett's commission (which survives) did not order him to claim the Falkland Islands or to go there at all.”¹²⁵



121 John Quincy Adams to John B. Prevost July 10, 1820.

122 From the Portuguese court record of 1822. cf. May 6, 1822. See also the footnote to June, 1815 for a discussion on the spelling of Jewett/Jewitt.

123 *Falklands or Malvinas* Conrado Etchebarne Bullrich 2000 p.93. To hold more than a single corsair licence was in contravention of the United Provinces' regulations. There is no evidence that Jewett received instructions to fly the Buenos Airean flag at the Falklands or transport convicts to the archipelago. There were convicts serving as sailors aboard the ship however. A common practice to offer amnesty at the prisons when men were needed.

124 In correspondence with Dr. Matthew McCarthy of the *Maritime Historical Studies Centre*, University of Hull 26.9.13

125 Pascoe 2020 (2)

January 22nd, the battle of Tacuarembó in the Banda Oriental, secure Portugal's dominance. Brazilian ships blockade the Rio de la Plata.

January 27th, Fabian von Bellingshausen sights an ice shelf. ¹²⁶

January 30th, Smith and Bransfield discover the Antarctic Peninsula. ¹²⁷

February 1st, Juan Pedro Aguirre is appointed Supreme Director of the United Provinces. Unitarian and Federal forces fight over control of the United Provinces at Cepeda.

"In 1820 the cause of the unitarists suffered a severe setback at Cepeda, where they were defeated by the federalists. Thereafter little progress toward unity was made for several years because the various provincial leaders did not sincerely wish to see the establishment of any form of strong national government. Between 1820 and 1824, the dozen "United Provinces" went their separate ways, while Buenos Aires existed as a distinct state under its own governor, Martin Rodriguez." ¹²⁸

February 11th, Juan Pedro Aguirre resigns as Supreme Director of the United Provinces of the Rio de la Plata; the last to hold that title.

February 14th, on sailing into Berkeley Sound, the French corvette, *Uranie*, founders on a reef. ¹²⁹

"At 11pm, when in the proximity of Penguin [Hog] Island, we were overtaken by calm [and decided] to anchor... Despite the efforts of the crew and the working of all our pumps, the water had already reached the height of the orlop deck... fear of seeing the corvette sink persuaded me to slip the cable... to stand in for the sandy cove... therefore at 3am the Uranie reached the inevitable termination of her voyage, at the place we have so properly named the Anse de la Providence!" ¹³⁰



"Commodore Freycenet (sic) had performed a voyage of science almost round the world, and after having spent nearly three years, was returning home when this distressing accident happened. ... the crew got safe to land." ¹³¹

¹²⁶ Likely to have been attached to the area now known as Queen Maud Land, this sighting has become regarded as the first of the Antarctic continent.

¹²⁷ The tip of what is now known as Graham Land.

¹²⁸ Craine 1961 p.54

¹²⁹ On the map. The gold dot indicates Berkeley Sound. Red dot is Port Louis/Puerto de la Soledad. Black dot Port Salvador. Blue dot is Port Egmont. Brown is Bense Harbour. Pink is Weddell Island. Green is New Island.

¹³⁰ Account of Louis de Freycinet quoted in *The Uranie site(s): Report of an inspection and the context of the survivor's camp, wreck and wreckage emanating from the loss of La Corvette du Roi L'Uranie at the Falkland Islands in 1820* Dr. M. McCarthy 2002

¹³¹ Weddell 1825. The journal of Rose de Freycinet refers to the location as French Bay.

*“To cap it all, the wind changed against them, forcing them to tack slowly into the Sound, pumping desperately all the while.... Freycinet ran the ship ashore, doing his best to get the hold starboard side to face landwards. But the wind was too weak and the ship too sluggish – she swung portside on to the shore as she struck ... It was just after 3 a.m. On the morning of 15 February 1820.”*¹³²



February 15th, *Uranie's* crew make camp near their crippled ship.¹³³

*“All the 120 people on board survived, and set up a large encampment on the south shore of the Sound to await rescue.”*¹³⁴

February 16th, in Buenos Aires, the National Congress is dissolved; reducing the United Provinces to a loose association of autonomous territories, without central government. General Francisco Ramirez unites the provinces of Entre Ríos and Corrientes into the Republic of Entre Ríos, while Bernabé Aráoz announces the Federal Republic of Tucumán.¹³⁵

*“... in the year 1820, hope was entirely extinguished. Very early in that year a revolutionary movement took place against the supreme authority of the country, having been fostered chiefly by resistance to the project of France for the coronation of the prince of Lucca. This produced a general dislocation; and the nation subdivided itself into as many states as there are provinces, each assuming the form of a sovereign independent body...”*¹³⁶

*“... a State of Confusion and Disorganisation arose in 1820, which threatened annihilation to all hopes of the Establishment of any permanent System of Order;.. a Reign of Anarchy in Buenos Ayres, the General Government was broken up, and the Military Chiefs by turns assumed the directing authority:- The Provinces became alarmed at their own disorganized State:- they separated from each other, and assumed each the attitude best calculated for the maintenance of its respective independence:-...”*¹³⁷

¹³² *The Falklands Saga* Graham Pascoe 2022 vol.1 p.408. A full account can be found in Pascoe's tome pp.405-425

¹³³ McCarthy 2002. The image above is entitled *Port St. Louis 1820* and is part of the Freycinet Collection.

¹³⁴ Pascoe 2020 (2). The vessel was not totally abandoned until March 29, 1820, by which time all that could be saved had been placed ashore. Rose de Freycinet records the 'large number' of horses and cattle they were able to butcher for food.

¹³⁵ Also known as the “*terrible year*”, 1820 saw the fledgling nation dissolve. It was not until 1826 that Rivadavia was elected as the first President of a reformed United Provinces. The Republic of Entre Ríos only lasted some 12 months.

¹³⁶ *Nuñez to Parish June 15, 1824*

¹³⁷ *Paris to Canning June 25, 1824* in FO 6/4

*"The authority of Buenos Aires was long disputed even by her sister provinces. Hence the "Years of Anarchy" (1816-1829). And if the term "Government of Buenos Aires" is here used it is for convenience."*¹³⁸

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

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

February 27th, *Hersilia* (James P. Sheffield), puts into Buenos Aires where he confirms news of the discovery of the South Shetland Islands.

March 6th, Sarratea is replaced by Juan Balcarce; who is replaced 5 days later by – Manuel de Sarratea.¹³⁹

*"Zinny, in his history of the Governors of the Argentine Provinces, gives a list of twenty-four successive Governors of the Province of Buenos Aires during the year 1820, and then, unable to complete the list, takes refuge in an 'etcetera'. ... One day, June 20, brought three successive Governments."*¹⁴⁰

*"An atmosphere of unreality surrounds many of the events of the decade 1820-1830. In the evolution of the Argentine national organization, these years are characterized by both anarchy and the assertion of local independence, the beginning of a long and bitter struggle between the 'centralists' at Buenos Aires and the 'federalists' of the provinces. With the one short exception of the Presidency of Bernardino Rivadavia (February 1826-July 1827), the central administration was suspended and the provinces were delivered up to the personal government of political chieftains."*¹⁴¹

March 19th, a shallop from *General Knox*, moored in West Point harbour, finds the wreck of *Uranie* and the survivors camp. Freycinet requests that Capt. Orne be informed so that a rescue can be organised.

March 21st, Colonel David Jewett, commanding the privateer *Heroína* and its crew of 200, sails from the port of Buenos Aires.

*"The necessity for having an effective crew, and the impossibility of getting men of good characters, had induced him to take some out of the common prison."*¹⁴²

Researcher's Comment: Worthy of note, in light of subsequent events, that when Jewett sailed he knew full well that there was no United Provinces. Not of South America, nor of the Rio de la Plata. Central government had collapsed and with it any semblance of a nation; raising questions both about Jewett's commission and the validity of the privateer licence that *Heroína* carried.

March 29th, a shallop from the *General Knox* arrives at Port Egmont to discover *Jane* and *Beaufoy* moored there. The crew inform Capt. James Weddell of the *Uranie*'s survivors in Berkeley Sound.

On the same day, Capt. John Galvin, in *Mercury*, sails into Berkeley Sound.

*"The Mercury ... dropped anchor. The American informed us that he was flying the flag of rebels in whose service he was and that the purpose of his voyage was to transport cannons to Valparaiso."*¹⁴³

Speaking to Capt. Galvin, Freycinet finds him willing to abandon his employment. A passage to Rio de Janeiro for Freycinet and his expedition is negotiated.

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

139 Who lasted until May 2, 1820

140 *A History of the Argentine Republic* F. A. Kirkpatrick 1931

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

142 Weddell 1825

143 Quoted in McCarthy 2002 citing Rose de Freycinet's account. Weddell described *Mercury* as a 'patriot' vessel. A name often used for a privateer.

April 8th, Capt. Orne and James Weddell sail to Berkeley Sound in one of *General Knox*'s shallops. Too late to negotiate a passage for Freycinet, but hearing that the remains of *Uranie* are to be burned, Orne seeks Freycinet's permission to salvage what he can.



Ruins of Puerto Soledad

and brazenly take what has been refused him."¹⁴⁴

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

April 11th, south of Buenos Aires, Pacheco's saladero fails to turn a profit. Creditor Luis Vernet, and Jorge Pacheco, enter into another agreement.¹⁴⁵

*"The company, however, went from bad to worse; Vernet continued to provide resources which, in April 1820, amounted to two thousand pesos, (the) reason why on the 11th of that month they decided to normalize this annoying issue through an agreement by which Vernet be promised to meet the needs of Pacheco's family "for as long as he was in destitution until he got something from the Government that is debtor of more than one hundred thousand pesos". Pacheco, for his part, was obliged to give him half of what he obtained from the government."*¹⁴⁶

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

April 25th, Freycinet speaks to Weddell and offers him *Uranie*'s rigged boat, which the British captain accepts.

*"He appeared to be very grateful and told us that, out of greed, Captain Orne had concealed the tragedy which had befallen the Uranie... I have heard that he asked what my name was and has called this small sloop The Rose."*¹⁴⁷

April 27th, after arranging for dispatches to be taken to the French Embassy in London, aboard the British whaler *Sir Andrew Hammond*, Freycinet, his crew and passengers from the *Uranie*, depart aboard *Mercury*.¹⁴⁸

144 *Ibid.* Some items were subsequently ditched into the sea as Galvin considered his ship overloaded once *Uranie*'s crew, passengers, stores and rescued research materials had been taken aboard. The image above is part of the Freycinet Collection.

145 See August, 1819 above.

146 Caillet-Bois 1982 (6th ed.) p.192. Quite how such a large sum had come to be owed to a Captain by the government has, surprisingly, never been explained. Nor why Pacheco would agree to hand over 50,000 for a debt of 2,000. Pacheco died in 1833 without ever receiving money from Buenos Aires. In 1835, Vernet applied for half of that owed; a request apparently approved by a judge. However, it is not known whether Vernet ever received it either. See 1823.

147 McCarthy 2002.

148 En-route to Rio de Janeiro, where Galvin sold the ship to Freycinet.

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

July 5th, John Murray Forbes is appointed as the USA's *Agent for Commerce and Seamen in the Province of Buenos Ayres*. John Quincy Adams instructs Forbes to deal with the problem of privateers.

*"... Buenos Ayres and Chili (sic) have, ... combined maritime operations with those of their war by land. Having no ships or seamen of their own, they have countenanced and encouraged foreigners to enter their service, without always considering how far it might affect either the right or the duties of the nations to which those foreigners belonged. The privateers which, with the commissions and under the flag of Buenos Ayres, have committed so many and such atrocious acts of piracy, were all either fitted out, manned, and officered by foreigners, at Buenos Ayres, or even in foreign countries, not excepting our own, to which blank commissions, both for the ships and officers, have been sent..."*¹⁴⁹

July 11th, in Britain's House of Commons; "... Dr. Lushington argued the broad principle, that England ought to recognize immediately and fully the independence of Buenos Ayres."¹⁵⁰

July 27th, in the Atlantic Ocean, *Heroína* attacks a Portuguese ship, the *Carlota*, which is en-route to Lisbon.

"... we got sight of a heavy ship of war or strong armed ship at 10 o'clock in the morning and immediately made all sail in chase, which from the near equality of sailing, we were unable to come up with, until after midnight..."

On coming up with the chase, the weather being clear moon-light, we being to windward and within half musket shot, she from appearances confirmed the first opinion that she was a ship of war. At this moment and before hailing, she fired a shot, which passed between the foremast and bowsprit end. Then hailed her several times, to which at length received an indistinct answer, by some understood "Portuguese."

*I ordered him to send an officer and boat on board, which being repeated several times, and as often refused, I found it necessary to enforce the demand and assured him both in Spanish and English, that unless he complied I should fire into him, and being again refused, I ordered Lieut. Edwards to fire from the Fore Castle of the upper deck one gun across his fore-foot elevating the same, which was accordingly done, and as soon as fired, was returned from the ship with a full broadside of round grape and langrage and musketry and repeated with a brisk fire, being then within a short pistol-shot distance – I ordered the batteries to be opened upon her which was continued for the term of fifteen minutes close action, when she was silenced for the space of two or three minutes – hearing cries and groans on board of her; I immediately ordered a cessation of firing, supposing her to have struck, when she directly resumed the action, then at half pistol-shot distance which I as soon returned with two broadsides, when they cried for quarter, stating that they had struck on which I despatched Lieut. Edwards and the necessary officers and men to take charge for the night; she proved to be, as you will perceive by the documents herewith presented, the ship *Carlotta* of 22 heavy guns besides small arms with a crew of 62 men and 14 passengers from *La Bahia*..."*¹⁵¹

149 John Quincy Adams to John Murray Forbes July 5, 1820

150 Manning 1925 vol.3

151 Jewett to the Supreme Director February 1, 1821. Langrage was a cannister of shrapnel. Buenos Aires was not at war with Portugal so this appears to have been an act of piracy. It is possible, however, that Jewett was also carrying a second *Letter of Marque*, from José Artigas of the Banda Oriental (modern Uruguay), which was at war with the United Kingdom of Portugal, Brazil and the Algarve. While the carrying of two such authorities may have been technically illegal under the Buenos Airean privateer regulations, it was not unusual and the regulations were rarely enforced.

“... in capturing a neutral ship, Jewett left the path of legality and became a pirate. From then on, all his acts were illegal; it was not possible to commit piratical acts and remain a legal privateer. Pirates were subject to “universal jurisdiction” – they were *hostis humani generis* “an enemy of the human race”], so that any court, in any country, was entitled to punish them and to confiscate their ship.”¹⁵²

August 19th, a conspiracy to mutiny is discovered among members of the *Heroína*'s crew. Following a swift court-martial, Jewett executes two officers and four sailors for their involvement.¹⁵³

“Some of his crew complained that they had not come to wage war on the Portuguese flag and began to plot against him, whereupon he had several men shot on deck for mutiny...”¹⁵⁴

In early **September**, Colonel Jewett orders both *Heroína* and *Carlota* to sail for the Falkland Islands.

“... in September 1820, Jewett decided to head back to the Falklands to pursue his official mission, and allow his crew to recover.”¹⁵⁵

“... many of his crew were sick with scurvy and men were dying, so in desperation he decided to sail further south to the Falklands, where his crew could recover but could not desert him.”¹⁵⁶

September 20th, in Buenos Aires, General Martín Rodríguez takes command of the Province.¹⁵⁷

“In 1820 there were 23 changes of government in Buenos Aires...”¹⁵⁸

“... Martín Rodríguez offered to Pacheco compensation for what the State owed to him, the usufruct of the wild cattle existing in the Malvinas Islands.”¹⁵⁹

“After months of upheaval, the situation stabilised towards late 1820. In Buenos Aires, now a self-governing province, General Martín Rodríguez, a cattle rancher and Indian fighter, became governor.”¹⁶⁰

October 17th, US sealers *Hero* and *Express* anchor in Berkeley Sound.¹⁶¹

Other arrivals at the Falklands include *Frederick*, *Free Gift* and *Essex*.

October 20th, *Hero* sails for West Point Island, on the far side of Wets Falkland.

152 Pascoe 2020 p.61

153 Weddell 1825 p.110. Reports differ.

154 Pascoe 2020 p.61

155 Bullrich 2000 p.94. Jewett's only known ‘official mission’ was privateering. In his subsequent report of 1821, Jewett did not explain the reason for his decision to sail south for the Falklands archipelago although, by the time he got there, his crew was suffering the effects of scurvy. Sailing for Buenos Aires would have been the more obvious choice. The cure for scurvy is vitamin C from fresh fruit and vegetables; which had been guessed at since 1600 and proven in 1747. Buenos Aires had a copious amount of both. The Falklands were not, however, noted for their fruit.

156 Pascoe 2020 p.62. Crew members of sealers and whalers deserted in the Falklands regularly, changing ships or opting to go sealing on their own behalf. If this was Jewett's reason, then he knew very little about life in the archipelago.

157 Rodríguez finally brought stability to Buenos Aires; remaining in office until 1824.

158 Headland 1989

159 Caillet-Bois (6th ed.) 1982 p.192. Caillet-Bois stated that, in late 1820, and in recognition of a debt owed by the Government, Rodríguez suggested to Jorge Pacheco that, in lieu of that debt, he accept a *usufruct* (licence) to hunt the wild cattle in the Falkland Islands. Caillet-Bois asserts that this suggestion held no appeal until 1823 when Pacheco's business partner, Luis Vernet, persuaded him to take up the offer. If Caillet-Bois is correct then this would suggest that the Falklands had been a consideration in 1820 and provide some circumstantial support to the supposition that Jewett was given an instruction to go to the islands. If so, at this time, Rodríguez could not have been aware that Jewett had yet to arrive there. There is no clear evidence of any of this and Caillet-Bois's interpretation is disputed. *cf.* August, 1823

160 Rock 2018 p.50

161 *Hero*, a 47-foot long 'sloop' was commanded by 21-year old Nathaniel Brown Palmer. *cf.* Pascoe 2022 vol.1 pp.433-434

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

“... we encountered a very violent Gale from N.W. To W. during which we entertained much apprehension for the safety of both vessels, and in the height of the gale lost sight of the Prize, since which I have no intelligence of her...” ¹⁶²

October 24th, US agent, John Murray Forbes, arrives in Buenos Aires.

“His instructions charged him to bring to a satisfactory conclusion the problem of privateers.” ¹⁶³

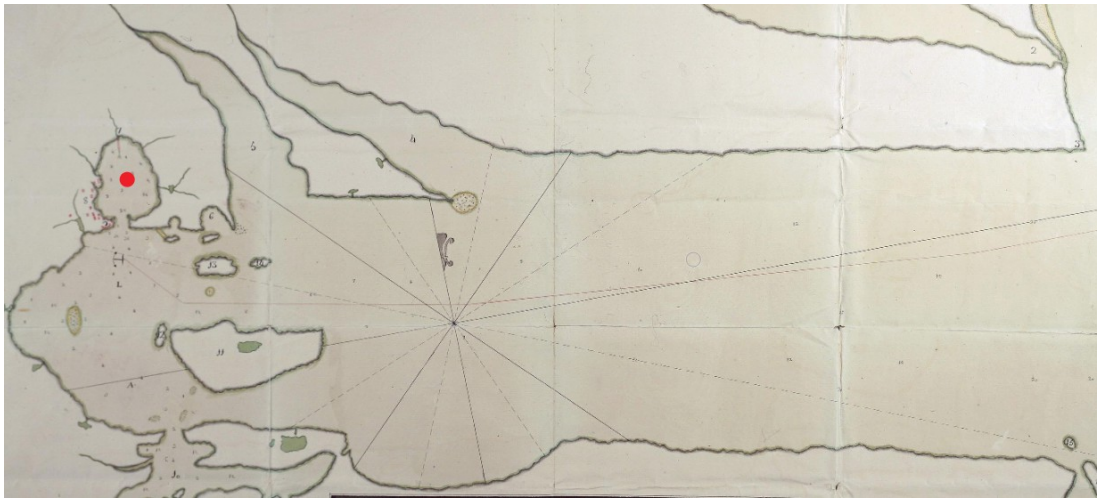
October 26th, *Hero* returns to Berkeley Sound to find *Emeline*, *Express* and *Catherine* there. ¹⁶⁴

October 27th, *Hero*, *Express* and *Frederick* sail from the Falklands for the South Shetland Islands, where *Hersilia* has already arrived after a voyage from Stonington of 85 days. ¹⁶⁵

In the evening, *Heroína* enters Berkeley Sound.

“The state of the Heroína on entering this port cannot be adequately described and scarcely imagined. Only ten effective seamen calculated to do the duty., to attend the sick, the dying, and to bury the dead – without the most distant hope of relief, but from the salutary effects of the fresh earth, and a partial cessation from the heavy duty of working the ship through a series of tempestuous weather and severe cold, the fatigue of which, helped on by despondency, from witnessing the rapidity of the hand of death, increased by terrors, and sufferings from the violence of the weather – left me all but abandoned – in this situation I entered the Bay of this port on the 27th (civil) day of October, 1820, at the close of the same. Finding myself in a situation to bring the ship to an anchor, and unable to reach the port, I ordered it to be done, being then about ten miles distant from the ancient town of Soledad.” ¹⁶⁶

“The accounts by Palmer, Jewett and Weddell all make it clear that when Jewett arrived, Berkeley Sound was deserted – he and his crew were on their own.” ¹⁶⁷



162 *Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2.* Wherever *Carlotta* had gone, the prize crew had gone too. Foundered or fled, there is no evidence either way.

163 Craine 1961 p.105

164 These vessels appear to have remained in Berkeley Sound for less than 24 hours.

165 *Public Ledger & Daily Adviser June 12, 1821*

166 *Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2.* Indicated by the red dot on this Spanish map of 1767 (above), Port Louis to the French (1764-1767), Puerto Soledad to the Spanish, who had maintained a base there (1767-1811).

167 Pascoe 2020 (2)

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

*“Under the dilapidated state in which I found the remains of this once hospitable place, I was compelled to form tents with the shattered sails of my ship, to shelter the sick which was done as easily and early as possible. I was enabled to reach a safe anchorage for my ship, when on landing the sick and affected, the sudden change of air, and effect of the earth, gave an equally immediate termination to the existence of many, and relief to others. The limited resources for vegetable supplies, and the laborious exercise of the chase gave but a partial refreshment to the sick and those able to do duty.”*¹⁶⁸

*“So many of Jewett’s crewmen were sick or had died of scurvy that there were not enough fit men to take the ship to Port Louis, so he anchored “about ten miles from the ancient town of Soledad”...”*¹⁶⁹

October 31st, the American schooner *Huntress*, commanded by Captain Burdick, moors up at Bense Harbour in the N.E. Falklands.

Jewett realises that the archipelago is the centre of a booming industry.¹⁷⁰

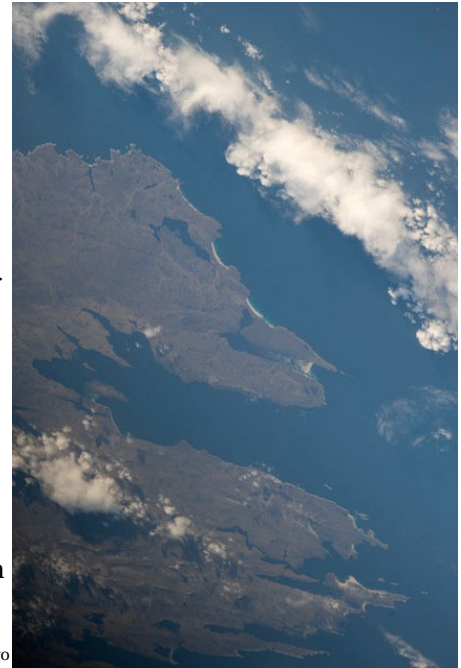
*“... he found more than thirty sail of vessels engaged there in the seal fishery, besides others which were recruiting the health of their crews after whaling or sealing voyages in the Antarctic regions. By the crews of these ships numbers of cattle and pigs were killed, as well as horses, the wild descendants of those taken there by Bougainville and his successors.”*¹⁷¹

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

*“While lying in this port in 1820, I had a letter brought me from the commander of a patriot national frigate of 30 guns, then at anchor in Port Louis; and to convey an idea of the kind of claim made by the South Americans to these islands, I shall subjoin his letter...”*¹⁷²

“National Frigate Heroína at Port Soledad:

Sir, I have the honour to inform you of the circumstance of my arrival at this port, commissioned by the supreme government of the United Provinces of South America to take possession of these islands in the name of the country to which they naturally appertain. In the performance of this duty it is my desire to act towards all friendly flags with the most distinguished justice and politeness.



168 Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2

169 Pascoe 2020 p.62

170 The archipelago had been the center of a flourishing seal oil industry since 1774, of which the Spanish were fully aware and which can hardly have escaped the notice of Buenos Aires. Most the ships were from Britain and the USA.

171 *Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836... Vol. II Proceeding of the Second Expedition, 1831 – 1836, ...* R. Fitzroy 1839. These numbers may well have come from Luis Vernet (1829-1831) and therefore need to be treated with caution. Quite probable that a large number of sealing ships were spread around the archipelago, but how many were in Berkeley Sound is moot. Possibly, none.

172 Weddell 1825. There is only evidence of this one letter being sent by Jewett at this time. No other captain appears to have received one. This begs the question whether the nationality of the vessel was important to Jewett or simply whether there were no ships within sight. Worth noting, perhaps, that Weddell who published in 1825, used the French name, Port Louis rather than the Spanish Puerto Soledad; the name that Jewett used.

A principal object is to prevent the wanton destruction of the sources of supply to those whose necessities compel or invite them to visit the islands, and to aid and assist such as require it to obtain a supply with the least trouble and expense.

*As your views do not enter into contravention or competition with these orders, and as I think mutual advantage may result from a personal interview, I invite you to pay me a visit on board my ship, where I shall be happy to accommodate you during your pleasure. I would beg you, so far as comes within your sphere, to communicate this information to other British subjects in this vicinity. I have the honour to be...*¹⁷³

Researcher's Comment: Jewett's commission was as a privateer. Nothing else. As for his commissioners, the government of the United Provinces of the Rio de la Plata had collapsed before Jewett sailed from Buenos Aires, so he knew that it no longer existed. The all encompassing United Provinces of South America? That had never existed, although Buenos Aires had been known to employ the title in its more arrogant moods. South America was never, at any time in its history 'united.' As regards the 'country to which they naturally appertain' it should be recalled that Buenos Aires was a thousand miles away from the archipelago. And Patagonia remained unconquered until the 1860s. Preventing wanton destruction? Unlikley. The mention of 'supply' is far nearer the truth. However this letter is considered, the word 'baloney' appears most apt.

*“Jewett’s commission did not order him to go to the Falklands, and whatever he may have told Weddell or others, there is no evidence that he was commissioned to take possession of the Falklands. The idea is illogical; he was a privateer looking for Spanish prizes, to help the United Provinces in the war with Spain while making a profit for Patricio Lynch and partners.”*¹⁷⁴

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

*“Captain Jewitt received me with great politeness, and not withstanding the mutilated and worn out state of his crew, he assumed an air of power and authority beyond my expectation. He told me his business was to take possession of the Falkland Islands for his government, and that everything necessary for an establishment would be procured from Buenos Ayres so soon as he could purchase a cutter, of which there were several among the islands. It evidently appeared, however, that his principal business was to refresh his crew; for never, since the time of Lord Anson, perhaps, had an instance occurred where the scurvy had been so destructive to a ships company.”*¹⁷⁵

Other ships arrive at the archipelago.¹⁷⁶

“When Jewitt arrived at La Soledad, he found disseminated in the Islands, more than 50 foreign Vessels. I will name some of them:- ENGLISH – Ship, Indian, Capt. Spiller, from Liverpool¹⁷⁷; Brig, Jane, Weddle, from Leith; do., Hette, Bond, from London; do., George, Richardson, from Liverpool; Cutter, Eliza, Powell,

173 *Ibid.* Jewett's 'commission' was as Captain of a privateer in accordance with the 1817 Regulations; which does not provide a power to take possession of territory. The *armador*, Patricio Lynch, had requested "general and specific" instructions before *Heroína* sailed, but there is no evidence that any were given. José María Rosa, a 20th century Argentine and Peronist revisionist historian, has asserted that Jewett's orders came from Manuel de Sarratea; Governor of Buenos Aires at the time that *Heroína* sailed, but no proof for this was offered. That so much documentation from Lynch and Jewett survived, but not the instruction to make a claim is nothing, if not, suspicious.

174 Pascoe 2020 p.63

175 *Ibid.* See the footnote to June, 1815 for a discussion on the spelling of Jewett/Jewitt.

176 The number of ships is not recorded. Weddell only mention that there were 'several' ships in the area

177 One report places *Indian* at Valparaiso on November 28, 1820 which makes it unlikely that she was at the Falklands.

Liverpool; do., *Sprightly*, *Frazier*, from London. AMERICAN – *Ships*, *General Knox*, *Eucane*¹⁷⁸, *Newhaven*, and *Governor Hawkins*; *Brigs*, *Fanning* and *Harmony*; *Schooners*, *Wasp*, *Free Gift*, and *Hero*¹⁷⁹ - from New York and Stonington...”¹⁸⁰

“The number of vessels of various nations then on the coasts of the islands were not less than fifty, the majority of which were from the United States.”¹⁸¹

“In 1820 the government of Buenos Aires entered in formal and solemn possession of the *Solidad* (sic) of *Malvinas*, as successor in the rights of the Crown of Spain by virtue of its Independence, and that act of possession (was by) marine colonel Daniel Jewitt. When this officer arrived in a warship in the Falkland Islands, he found in that port and in the other islands more than fifty foreign ships, ...”¹⁸²

“At the time the following vessels were recorded there: British – *Eliza* (George Powell), *George* (John Richards), *Hetty* (Ralph Bond), *Indian* (Ferdinand Spiller), *Jane* (James Weddell), and *Sprightly* (George Fraser); United States – *Fanning*, *Free Gift* (Thomas Dunbar), *General Knox* (William B. Orne), *Governor Brooks* (Nicolas Withem), *Harmony* (Nathaniel Ray), *Hawkins*, *Hero* (Nathaniel Brown Palmer), *Newhaven*, *O’Cain* (Jonathon Winship), and *Wasp*.”¹⁸³

November 3rd, Weddell helps Jewett move the *Heroina* to a more suitable anchorage near Bougainville's old fort. The scurvy ridden sick are billeted in the old bakery and under sail-cloth tents.

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

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

“In a few days, he took formal possession of these islands for the patriot government of Buenos Ayres, read a declaration under their colours, planted on a port in ruins, and fired a salute of 21 guns. On this occasion the officers were all in full uniform, being exactly that of our navy, which but ill accorded with the dilapidated state of the ship; but he was wise enough to calculate the effect of such parade, upon the minds of the masters of ships who were in the islands;...”¹⁸⁴

“Recently they (the Falklands) have been taken possession of, in a formal manner, as belonging to the United provinces of South-America.”¹⁸⁵

“In 1820, the Government of Buenos Ayres took formal and solemn possession of the *Malvinas*, in the person of the Colonel of its navy, Mr. Daniel Jewitt. ... Jewitt took possession, firing a salute of 21 guns, with the artillery which he landed.”¹⁸⁶

178 *O’Cain*?

179 Unlikely as *Hero* reportedly sailed on October 27, 1820 bound for the South Shetland Islands, where it found *Free Gift*.

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

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

182 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887 pp.201-278*. This appears to be a straight lift from Vernet (1832).

183 Headland 1989. 'There' being the archipelago (4,700 square miles). How many were at, or near, Berkeley Sound is unknown and much disputed. When the *General Knox* left she took 5,000 Fur Seal skins and 600 barrels of Elephant Seal oil. *Hetty* took 15,000 Fur Seal skins back to Britain, while *Sprightly* carried 9,200.

184 Weddell 1825

185 *Memoir, Descriptive and Explanatory, to accompany the new Chart of The Ethiopic or Southern Atlantic Ocean, with the Western Coasts of South America, from Cape Horn to Panama. ... composed from a great variety of documents ...* J. Purdey 1822 p.33

186 Vernet 1832. See the footnote to June, 1815 for a discussion on the spelling of Jewett/Jewitt. For a transcription of Vernet's 1832 report see <https://falklandstimeline.files.wordpress.com/2012/02/1832-report-vernet.pdf>

*"The guns of a pirate announced the sovereign rights of the Argentine Republic! The ceremonies might have been rendered more appropriate and e act, by burying a chest of money with its usual accompaniments!"*¹⁸⁷

*"In 1820, a Buenos Ayrean Man of War called the Heroinde (sic), took formal possession of these Islands, at Port Louis; the Heroinde had been at sea for a length of time, her crew had been in a state of Mutiny, they were very Sickly, and she was a mere wreck on her arrival; It is doubtful whether her Captain was authorised by his Government to take possession of the Islands, or whether it was not a ruse of his, to assume an authority over some Sealing Vessels; he however left no garrison."*¹⁸⁸

*"... on this date the Government of Buenos Aires recovered the possession of the Malvinas Islands, (demonstrating) eloquently the importance that it attributed to this place, ..., to dominate the navigation and to secure the territory against all foreign power."*¹⁸⁹

*"... the abandonment by Spain of the Falkland Islands, which were thus left uninhabited for some 10 year, results in the consequence that they must be regarded as having during this period, become *terra nullius*. Any claim, therefore, by the Argentine to found a title to the Falklands upon the doctrine *uti possidetis* cannot, in our view, be sustained; since the Falklands were not part of the Spanish Dominion..."*¹⁹⁰

*"If Argentina acquired sovereignty over the Falklands in 1820, therefore, as the act of formal possession purports to claim, it cannot be by transfer from Spain, but only by occupation, the only other of the accepted modes of acquiring sovereignty open to it at the time. ... What is directly relevant is the question of whether the islands were *res nullius*. For this it would not in any way be sufficient to show that there had been an act of dereliction by Britain, which as we have seen cannot be proved, and which is denied by British publicists. It would also be necessary to prove that there had been an act of dereliction by Spain. There is no evidence that this is the case. Indeed, Spain's refusal to recognize the new state of affairs in the Americas, and in particular her attempt in the 1820s to reconquer the Rio de la Plata itself, is strong supporting evidence to the contrary. If, therefore, Spain was the sovereign power in the Falklands in 1811, it was still the sovereign power in 1820, and, for that matter, in 1833, for the brief period of Argentine occupation was much too short to enable Argentina to gain a title by prescription, even in the absence of Spanish protests. ... it must be stated as a matter of historical fact that in 1820 'Argentina' simply did not exist, and the 'United Provinces' were wholly disunited. ... in claiming sovereignty over the Falklands in 1820, Colonel Jewitt acted effectively not on behalf of the Government of the United Provinces, since it did not exist, but the municipal government of the province of Buenos Aires. ... The point is, however, that in no way can we regard its colonial jurisdiction as having extended to the Falklands, and consequently this act was invalid."*¹⁹¹

*"... Jewitt had publicly claimed possession in the name of Argentina, whose government could later confirm or deny his claim The government would confirm Jewitt's claim."*¹⁹²

*"... a few ships taking part in the rush to the South Shetlands put in to Berkeley Sound – Weddell says "several vessels", so there were perhaps a handful or so. On 6 November some of their captains watched as Jewett held a ceremony of "taking possession" of the Falklands."*¹⁹³

187 *Voyage of the United States Frigate, Potomac...* J. N. Reynolds 1835 p.512

188 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835* in ADM 1/43

189 Areco 1884 p.49

190 Opinion of the Law Officers 1947 in LCO 2/490. Original emphasis. cf. December, 1946, January, 1947 & 1966.

191 *Sovereignty and the Falklands Crisis* P. Calvert 1983. See June, 1815 for the spelling of Jewett/Jewitt.

192 Gustafson 1988 p.22. In fact there is no record of any adoption or confirmation of Jewett's claim by the Government of either Buenos Aires, or of the (defunct) United Provinces.

193 Pascoe 2020 p.64

Researcher's Comment: An act much argued over as to its actual importance. Surprisingly, for all the claims made, there is only one eye-witness account of the ceremony, that by James Weddell. The man who did not believe any of it. As for Jewett, he failed to mention both the letter and the ceremony in his only known report. Nor are there any known reports from his officers or crew, and for all the ships alleged to be in the area, not one recorded the event taking place. Mentioned by Luis Vernet in his report to the US envoy in 1832, this event did not feature in the protests by Manuel Moreno in either 1833 or 1834.

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

*“... as he had laid claim to the wreck of the French ship before mentioned to the entire exclusion of several vessels which had arrived, bound to New Shetland, he was aware that an authoritative appearance was necessary. In fact he struck such a terror on the minds of some ship-masters, lest they should be captured or robbed, that one of them proposed taking up arms against him...”*¹⁹⁴

*“Captain Weddell ... ridicules the whole proceeding; insinuating his belief, that Jewett had merely put into the harbour in order to obtain refreshments for his crew, and that the assumption of possession was chiefly intended for the purpose of securing an exclusive claim to the wreck of the French ship Uranie...”*¹⁹⁵

*“... this national vessel of Buenos-Ayres was a common pirate infesting the high seas, and of the same character with those of the Barbary States, and incapable of securing to that nation, by any act, any of those rights which are regarded as legitimate, by nations..”*¹⁹⁶

*“Weddell was in no doubt that Jewett's principle business in putting into the islands was to refresh his crew and that taking possession was subsidiary. ... The un-United Provinces were in a state of unrest. There was no Supreme Government. There were in the year 1820 at least twenty-four governments. Described by Argentina's historians as 'the terrible year,' it was the most anarchic. There was no Supreme Government in Argentina's early history. It is highly unlikely that one of these governments, during its brief reign, would have had time to think of the islands let alone task Jewett to take possession.”*¹⁹⁷

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

*“To all the captains (Jewett) passed them a written official notice of the inauguration on behalf of the Argentine Republic, and notified them of the prohibition of fishing in the banks and hunting amphibians on the coast, and (that) it was prohibited to kill cattle on the same islands, under penalty of seizure and remittal of the offenders to Buenos Aires to be tried there.”*¹⁹⁸

“In his account Weddell makes it clear that Jewett thought it necessary to assume an "authoritative appearance" because other ships' captains were annoyed by his exclusion of other ships from the Uraine – in those woodless islands wrecks were an important source of wood both for repairs to ships and for firewood, and also for ironwork; ... It has been automatically assumed by writers on the Falklands that by "sources of

194 Weddell 1825

195 Greenhow 1842. See the footnote to June, 1815 for a discussion on the spelling of Jewett/Jewitt.

196 Baylies to Livingston 1833 quoted by Pascoe & Pepper in *The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981* D. Tatham (ed.) 2008 p.311

197 Cawkell 1983

198 *De Quesada a Bayard, 4 de Mayo de 1887* in *Memoria de Relaciones Exteriores presentada al Honorable Congreso Nacional en 1887, Buenos Aires, 1887* pp.201-278. All evidence to the contrary. There is only one letter known to have been written after Jewett's ceremony, as there is only one example of a letter written before it.

supply" Jewett meant the wildlife, the seals, cattle, geese, etc., which he wished to conserve. But that is modernism; all those things were abundant in 1820 and the idea of "conservation" lay far in the future; Jewett's display of authority was principally concerned with firewood and ironwork from wrecks." ¹⁹⁹

November 9th, Jewett sends a letter to Capt. William B. Orne of the *General Knox*. ²⁰⁰

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

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

"Jewitt could not enforce his demands, however, since his vessel was in a poor condition, and many of his crew had scurvy. As a result, General Knox (Capt. W.B. Orne) was able to return to Salem on 6 June, 1821 with 5000 seal skins, 600 barrels of whale oil and a copy of Jewitt's letter, no doubt ignored, to inform those sealers about to depart for the islands." ²⁰¹

November 11th, Capt. Burdick moves *Huntress* to Hope Harbour in the north-west of West Falkland Island.

"I found two Ships and their Shallops, one from New Haven, Bound to the East'd, and the other from Salem had been lying here two years past and with a part of a load of oil and a few skins. The former left New Haven last March, was the Huron, Capt. Davis." ²⁰²

Hero arrives at the South Shetlands Islands, where it joins *Free Gift*. ²⁰³

November 20th, Weddell sails from the Falklands.

November 25th, *George* sails from the Falkland Islands for the South Shetlands. ²⁰⁴ *Catherina*, *Emeline*, *Spark* and *Clothier* also sail away.

December 9th, *Clothier* is lost at the South Shetland Islands. ²⁰⁵

December 14th, *Cora* (Robert Fildes), out of Liverpool, hunts at the South Shetland Islands; *"He described the number of fur seals as "incalculable"..."* ²⁰⁶

199 Pascoe 2022 vol.1 p.444

200 Orne clearly was not present for the ceremony on November 6, 1820, and was probably out at West Point Island. This letter may have been handed to one of Orne's tenders and is only the second letter that Jewett is known to have written.

201 Dickinson 2007 p.43

202 *The Voyage of the Huron and the Huntress: American Sealers and the discovery of the continent of Antarctica* E.A. Stackpole 1955

203 Listed by Vernet (1832) as being present for Jewett's ceremony. Unlikely. More than five days sailing to reach the South Shetlands. See also *British Sealing on New South Shetland 1819-1826* A. G. E. Jones in *The Great Circle* vol.7 no.1 (April 1985) pp.9-22

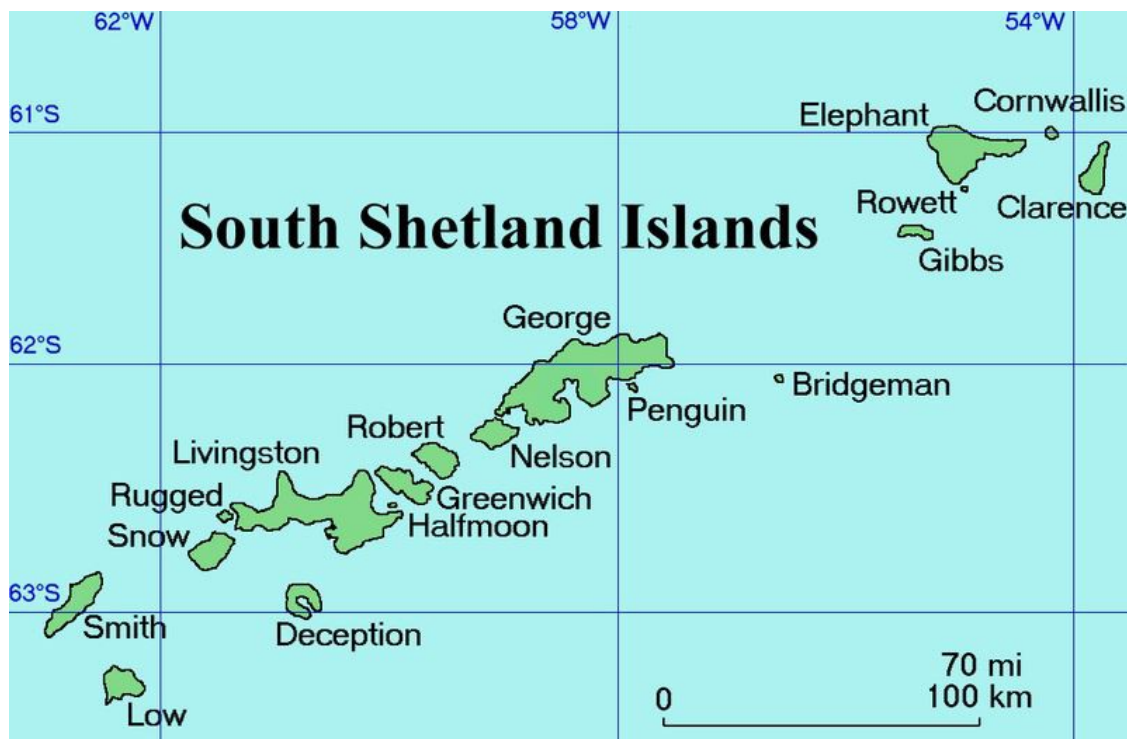
204 Jones 1985 p.13. *George* was somewhere around East Falkland at the time of Jewett's ceremony. Not recorded in that vessel's log; nor in any of the crew's letters that Weddell carried back to England. *George* arrived back in London on May 21, 1821 with 18,000 seal skins.

205 *Australian Sealers in the Antarctic Region 1820 – 1822* Michael Pearson 2018 p.115 in *The Great Circle* vol.40 no.2

206 Jones 1985 p.12

Sealer, *Lynx* (Richard Siddins), out of Sydney, Australia, arrives at Blyth Bay on Desolation Island, South Shetland Islands. ²⁰⁷

December 25th, a gale at the South Shetland Islands drives *Lady Troutbridge* and the *Hannah* ashore on King George Island. ²⁰⁸



December 30th, *Ann* is lost at the South Shetland Islands. ²⁰⁹

At the Falkland Islands, Jewett seizes the US schooner, *Rampart* (Thomas Farrin), claiming that the vessel has a cargo of cotton, wool indigo and cocoa, bound for Spain; “Towards the close of 1820, being at the Falkland Islands, an American schooner entered, which he captured, and sent to their consignee, at Buenos Ayres.” ²¹⁰

“... Jewett was so frustrated at his lack of success and so desperate to communicate his resignation to Buenos Aires that he grasped at this straw, even though the *Rampart* was American. He arrested the ship, (and) accused her captain of transporting goods for the Spanish royalists, ... *Rampart* provided Jewett with what he called his “first and only opportunity, to announce the painful history of events” of his voyage in the *Heroína*. ... As far as Captain Farrin knew, the Falklands were open to any ships that might call, and had been so for a very long time – to have his ship seized by a fellow American was the last thing he was expecting. In seizing an American ship Jewett was committing piracy again.” ²¹¹

207 Pearson 2018 p.115

208 *Ibid.* p.114

209 *Ibid.* p.115

210 *Case of the Heroína in the Morning Chronicle* June 7, 1822. Exact date unknown. Pascoe (2020) suggests that this seizure did not take place until late January, 1821.

211 Pascoe 2022 vol.1 p450. In terms of profit, Jewett's voyage had been a disaster for the investors and he needed something to send back. Anzoátegui, well connected and now disgruntled, returned on a British ship to Buenos Aires where it is known that he complained about Jewett's treatment of him. The provincial government of Buenos Aires ordered Mason to take Anzoátegui back onto *Heroína* when he took over (see below). It seems likely that Anzoátegui submitted a report on his return to the city. That no such report has been found is intriguing.

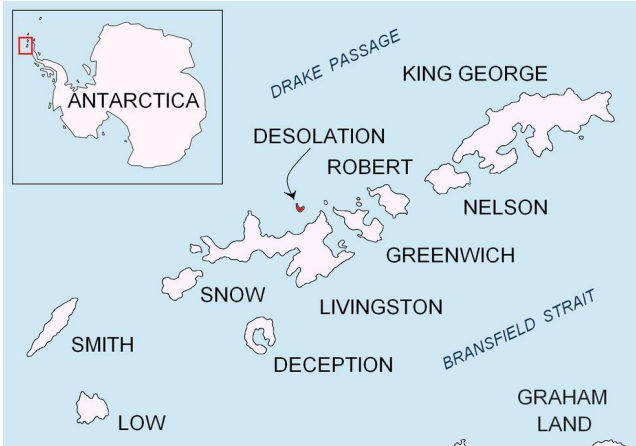
1821 – January 20th, at Puerto Soledad, Capitán Laureano Anzoátegui makes a 'Public Protest' to Col. Jewett, demanding that the ship return to Buenos Aires immediately. Regardless of its poor condition; “(The ship's) express purpose is to cruise for the remaining four months, not to vegetate in this Port as we are...”²¹²

Jewett promptly relieves Anzoátegui from his post.

“... Jewett and his crew did nothing in the Falklands except "vegetate". Jewett dismissed and arrested Ansoátegui for insubordination and had him confined ashore. But Jewett himself was frustrated too, as there was not a single ship he could capture – after the sealing ships had left for the South Shetlands, Berkeley Sound was usually empty.”²¹³

British sealer *Cora*, is wrecked during a gale at Desolation Island, South Shetland Islands. The storm is ridden out by the Australian sealer *Lynx* and an American whaler.

“As a result of the wrecking of his ship, Robert Fildes records the gathering of captains to formally confirm the total loss of the *Cora* a week after the wreck. The captains were John Walker of the snow *John*, Thomas Johnson of the brig *Romeo*, and William Smith of the brig *Williams* (discoverer of the South Shetlands), all of London, and Richard Siddins of the brig *Lynx*, of Sydney. The cove was subsequently renamed 'Cora Cove'. Blyth Bay was a sheltered harbour on Desolation Island, located 80 km north-east of Smith Island, across open sea and along the north coast of Livingston island, a rocky coast exposed to



the heavy seas of the Drake Passage. While a relatively safe mooring, Blyth Bay could be dangerous in heavy weather, as seen by the loss of Fildes's own ship, the *Cora*. Siddins reported in a letter sent home from the Falkland Islands during the winter of 1821 and printed in the *Sydney Gazette*, that there were 40 ships operating in the South Shetlands that season, of which 14 had been lost. Other records indicate that some 72 vessels, ranging from small cutter shallops to large ships, were in fact operating in the South Shetlands in the 1820-21 season, which was the most productive sealing season in the short life of the South Shetlands as a fur sealing ground.”²¹⁴

January 29th, in Britain, George IV ascends the throne following the death of George III.

January 31st, in Buenos Aires, General Matías de Irigoyen denounces the excesses of whalers and sealers on the coasts of Patagonia.

“They attend every year from the beginning of August to the end of January, and without regard to the period of prohibition for reproduction, they not only kill in order to make their shipments, but destroy (upon) their departure in order to ruin those who remain at work, and thus avoid competition in the markets for sale. The damage that results to the country from this conduct is foreseen by the most common reason and if no action is taken on this proceeding the sea beasts and amphibians will come to an end...”²¹⁵

212 AGN X 5-1-3

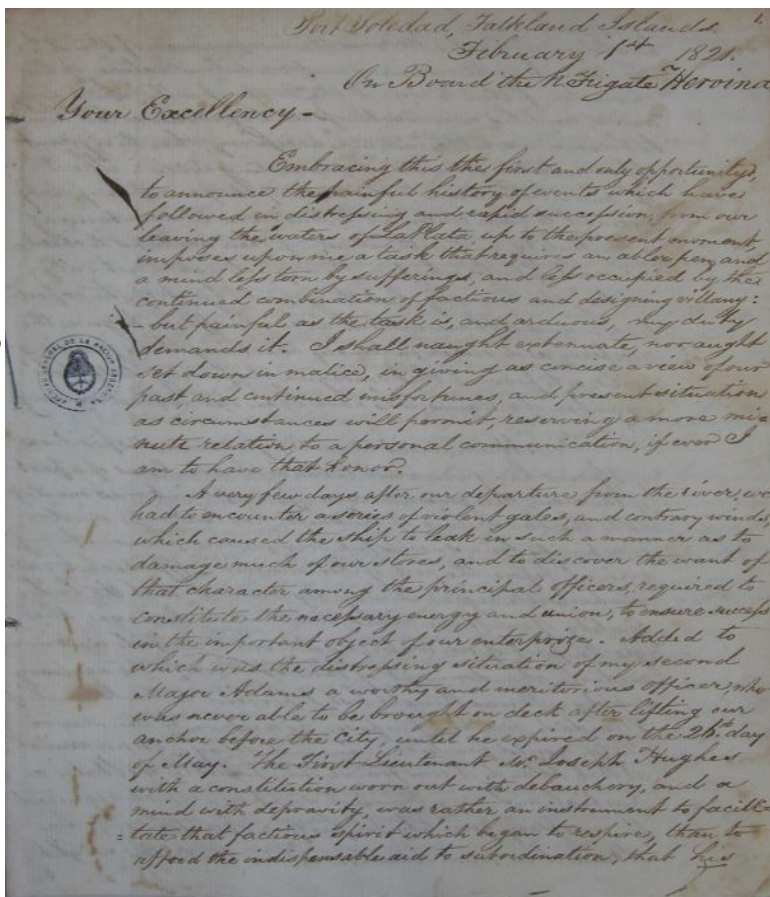
213 Pascoe 2020 p.67

214 Pearson 2018 p.114

215 Matías de Irigoyen quoted in Caillet-Bois 1982 (6th ed.) p.185 citing *Crónica histórica del Rio Negro de Patagones (1774-1834)* José Juan Biedma 1905 pp. 476-479. De Irigoyen's proposal to form a national enterprise to compete with the foreign whalers and sealers appears to have been rejected.

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

*“Should the disposition of Government place this ship again in Commission it will be found necessary to give her the requisite repairs, and advisable to change most of the Officers, and a great part of the crew. Persuaded that my misfortunes will be sufficient to induce the Supreme Government to provide for my immediate relief, from my present painful and distressed situation, by sending a Commander of their confidence to supercede (sic) me – I rest assured that my supplication will be granted as early as possible.”*²¹⁶



“... in that letter he suppresses some very important details. He does not mention that he put the Carlota's crew and passengers aboard another ship (another piratical action after the capture of the ship); he mentions the mutinies but does not say that he had some men shot, or that the Carlota's Portuguese nationality was their

*motive. And he says not a word about "taking possession" of the Falklands! That last omission is highly significant – he had had no contact with Buenos Aires for almost a year, and when contact was finally made, he chose not to inform the government that he had laid claim to the Falklands. If he had been ordered to take possession of the Falklands he would scarcely have omitted to mention that he had done so.”*²¹⁷

Carrying Jewett's resignation letter, and with a prize crew aboard, *Rampart* is sent to Buenos Aires to have its case adjudged by the courts there.²¹⁸

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

*“She was detained by the Heroine Privateer of this Port (Buenos Aires), off the Falkland Islands, upon suspicion of having Spanish property on board.”*²¹⁹

²¹⁶ Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2. See the footnote to June, 1815 for a discussion on the spelling of Jewett/Jewitt. See also <https://falklandstimeline.files.wordpress.com/2018/04/jewett-report-resignation-letter-feb-1-1821-x-5-1-2-agn.pdf> and <https://falklandstimeline.files.wordpress.com/2013/10/report-of-david-jewett-feb-1st-1821.pdf>

²¹⁷ Pascoe 2020 p.68

²¹⁸ Very little is known as to the circumstances of the seizure of this vessel. *Lloyds List Tuesday June 12 1821* noted only that a report dated March 10, 1821 had stated that the cargo had been 'condemned'.

²¹⁹ *Lloyds List Tuesday June 12 1821*

*“On the 16th of February, the American captain Rampart, Captain Farrin, was brought here as the prey of The Heroine, Captain Jewett; who captured him while he was anchored in the Falkland Islands. In this case, all possible irregularities have been committed. The crew was never questioned, the holds were not sealed, the cargo was discharged without notification...”*²²⁰

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

*“We are now loaded with fur skins, having taken upwards of 18,000 of superior quality; but being anxious to obtain a second voyage before I return to the United States, we have agreed to send our cargo home by the schooner Express and brig Frederick, Pendleton, both of Stonington, then to proceed round Cape Horn into the Pacific Ocean, in search of a second cargo, which I doubt not will be obtained soon. As for getting another cargo in these islands, it is utterly impossible, for there is scarcely a seal left alive. The country is full of vessels from most quarters of the globe, and I am certain that one half of them will not obtain half a cargo. Our being the first vessel in the country, and getting possession of the best ground, is the reason why we succeeded in a valuable cargo. There are now lying in this port 12 sail of American vessels; among the number is the ship Huron, Davis, of New Haven,.. it is a climate I am glad to leave. We have already had accounts of nine sail of English vessels being lost in these islands, and one American ship called the Clothier, from Stonington ... The brig Aurora, of New York, has lately arrived...”*²²¹

*“At least thirty sealing voyages were ... made from New England in 1820-1821, including to the Falkland Islands. ... Sealing was now dominated by the Americans.”*²²²

February 21st, the *Gaceta de Buenos Aires* notes the arrival of Rampart.

“American schooner Rampart, from Lima from where it left for Cadiz on December 1 last past under the command of its captain d. Tomas Feren (sic) with cargo, cocoa, cotton, husks and wool having been arrested and sent to this port by the national privateer corvette Heroína, in the latitude of Malvinas, for carrying Spanish properties under the command of Lieutenant de Preza D. Cristival Carnelia consigned to the armourer d. Patrick Lynch.”

*“So now – and not before – the Buenos Aires government knew Jewett was in the Falklands. What they did not know, however, and only found out much later, was that he had raised a claim to the islands.”*²²³

February 24th, US Commercial Agent John Murray Forbes complains to Patricio Lynch about the seizure of Rampart. He then submits a written protest to the Governor of Buenos Aires; *“... which was delivered by a confidential person into the hands of one of his Aids du Camp... to request that the discharging of the Schooner Rampart might be suspended until the Captain should be regularly notified and present and that the regulations for Privateering of 1817 might in all things be observed.”*

February 26th, Forbes learns that the 'discharging' of Rampart has already commenced; its cargo being auctioned off.²²⁴

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

220 *Once años en Buenos Aires, 1820-1831: las crónicas diplomáticas de John Murray Forbes* Felipe A. Espil (ed.) 1956 p.92

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

222 Dickinson 2007 p.43

223 Pascoe 2022 vol.1 p.450

224 There is no evidence of any trial or legal examination.

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

For the best achievement of the objectives to which you are destined you are authorised to recruit people that you consider necessary for this, with a warning that the cost of this, and the transport of recruits are to be made using one of the allocated ships to conduct you. It will be on to the account of the builders and Agents of the Heroine whose lower rank officers you will name according to what you consider fit and timely. As this Government has been informed that the captain of the troops attached to the Heroine Mr. Laureano Anzoate was suspended from his employment by Cnl Jewitt, you will make sure that this officer be immediately put back in the same, unless you are stopped and this solution is not convenient. ... The Government expects you to do this with delicacy and confidence demanded by its importance...”²²⁵

“Jewett's act was not for some time officially adopted as its own by the Government of Buenos Aires.”²²⁶

“... the government appointed the British-born Colonel William Robert Mason to replace Jewett as captain of the Heroína. ...They gave Mason no land-based role (such as governor), and in the orders given to Mason ... they said nothing that implied that they were on Argentine territory. Mason was merely appointed captain of the Heroína and was ordered to continue the privateering voyage.”²²⁷

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

February 28th, Forbes complains again, but the Governor of Buenos Aires denies receiving Forbes' letter of the 24th. So Forbes provides a copy. Responding, the Minister for War tells Forbes that he has no “*official Character*,” a response regarded by the American agent as; “*highly offensive*.”²²⁸

Buenos Ayres, March 10, “In our last Report we stated the detention and arrival here of the American Schooner Rampart, Farran, from Lima to Cadiz. She was detained by the Heroine Privateer of this Port, off the Falkland Islands, upon suspicion of having Spanish property on board. The cargo, consisting of cotton, wool, indigo, cocoa, &c., has since been condemned.”²²⁹

²²⁵ *Archivo General de la Nación Argentina. Fondo Corsarios Sala X.* My emphasis. Mason was not tasked with any responsibility in the Falklands, nor was he named a governor, as is sometimes asserted.

²²⁶ *Memorandum Respecting the Falkland Islands* G. de Bernhardt 1911.

²²⁷ Pascoe 2020 p.68

²²⁸ Despite having been received by the Governor and having had his papers accepted. In later correspondence, Forbes informed John Quincy Adams that he'd been told that his treatment was a reaction by some officials to the USA's reluctance to recognise the United Provinces as an independent country.

²²⁹ *Lloyds List* June 12, 1821

On the same day in Buenos Aires, orders are also issued for Capitán Laureano Anzoátegui.

*“The unfortunate events and contrasts that the national Frigate Heroine has suffered during the expedition have moved the Commander Cnl. Mr. David Jewitt to request his removal from the command of that ship. As was done with record which now is concluded. The Government putting together the reasons for which it has support, it has decided to let him know the named to succeed in command of the said Frigate will be Lieutenant Colonel Mr William A. Mazon (sic) for this task he must travel straight away on one of the ships bound to conduce supplies, people, articles that are necessary in order to continue the cruise, it is agreed to warn you that in this respect you are taking the named Lieutenant Cnl Mazon as Commander of the named Frigate and put yourself at his orders with the troops under your command with which according to your superiors you will continue serving the fatherland under the direction of your superiors with the delicacy and honour that characterise you.”*²³⁰

*“... the symbolic acts performed by David Jewett in 1820 were not followed by an immediate settlement,..”*²³¹

*“... the government’s reaction strongly suggests that they knew nothing about (Jewett’s claims) and did not see the islands as Argentine territory.”*²³²

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

March 7th, Venus is lost at the South Shetland Islands.²³³

March 9th, Forbes is summoned to a conference with Luca, Secretary to the Buenos Airean Government. Forbes complains of the; *“... total disregard which had been shewn to my representations in the case of the American Schooner Rampart lately brought in here as a Prize; I then, producing the Prize Regulation of 1817 in Spanish and English, went through several articles, the observance of which had been wholly neglected in that Case. Mr. Luca confessed his incompetence to speak on that matter, as it belonged to the Department of War.... He said that he would lay the subject before the Governor and take his orders on it.”*²³⁴

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

*“... the American Schooner Rampart, Capn. Farrin, was brought in here, a Prize to the Heroína, Capn. Jewett, Captured at anchor at the Falkland Islands. In this case every possible irregularity has been committed. The Crew has never been examined, the Hatches have never been sealed, the Cargo has been discharged without notification to the Captain and to cap the Climax, we know and hope to prove that the Captor was cruising under two Commissions, but such is the arbitrary military despotism which reigns here and such is still the more arbitrary despotism of poverty and want of means, that I have very great doubt if the best arguments and the strongest Proofs will avail anything against them.”*²³⁵

March 21st, Mason sails from Buenos Aires in a Dutch ship *Twee Broeders* (*Three Brothers*), bound for Puerto Soledad; *“... with a new crew for the Heroína, accompanied by the brig Galvez, which was to take the sick men of Heroína's crew back to Buenos Aires.”*²³⁶

230 Bernhardt 1911

231 Peña & Peña 2018

232 Pascoe 2020 p.68

233 Pearson 2028 p.115

234 It would be a further 6 months before Forbes was able to speak to Rivadavia. By which time *Rampart's* cargo was gone.

235 *John M. Forbes to John Quincy Adams March 10, 1821.* Pascoe (2020 p.68) gives the date as the 17th.

236 Pascoe 2022 vol.1 p.452

March 22nd, sealer *Spring Grove* sails off the coast of Beauchene Island. ²³⁷

March 29th, the Governor of Buenos Aires Province, General Martín Rodríguez, appoints Lt. Colonel Jose Gabriel de la Oyuela as head of the Political and Military Command of Rio Negro and the coast of Patagonia. ²³⁸

April 1st, US Agent John Forbes writes, again, to Washington. ²³⁹

“This Country is lost both Politically and Commercially – there never was anything like education among the Natives of this Country, consequently there are no materials for forming a public opinion and without public opinion how is it possible to form a Republic? the government will long continue a merely military despotism which will pass from the chief of one party to that of another, the people having no part or voice in it. ... Commercially viewed, the resources of this Country are daily disappearing. ... Commerce, with everything belonging to civilized life, may, and probably will relapse into utter barbarism; unless by the special grace and favour of heaven a reform in the personal habits and Political tendencies of the people should be effected and a total regeneration take place.”

April 9th, *Huron* arrives back at New Island for the austral winter. Also at the Falklands are *Charity*, *Henry*, *Aurora* from New York and *Nancy* out of Salem. ²⁴⁰ Also *Huntress* of New York and *Lynx* from Sydney, Australia. ²⁴¹

April 16th, the government of the United Kingdom of Portugal, Brazil and the Algarve, in Rio de Janeiro, formally recognises the independence of the United Provinces of the Rio de la Plata. ²⁴²

April 21st, Colonel William Mason arrives at Puerto Soledad.

April 22nd, Jewett signs over *Heroína*'s documents to his replacement.

“When Jewett was released of his command, Guillermo Mason took over the 'Heroína' and for a few days he ruled the islands, thus becoming the second military commander there.” ²⁴³

April 23rd, Colonel David Jewett leaves the Falkland Islands. ²⁴⁴

May 13th, Colonel Mason departs Soledad Island in *Heroína*.

“... in 1820 the Government of Buenos Ayres, ..., took again possession of them but left them uninhabited.” ²⁴⁵

“No acts of occupation followed the ceremony of taking possession and Jewett's frigate, the Heroína, was subsequently condemned in the United States as a pirate.” ²⁴⁶

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

238 A position which lasted less than two years, although Oyuela does appear to have attempted to police the sealers and whalers, albeit without effect. See September 9, 1821 below.

239 *John M. Forbes to John Quincy Adams April 1, 1821*

240 Stackpole 1905

241 Pearson 2018 p.118

242 Stated on Portugal's diplomatic portal. No evidence is provided and the reference is to the **Republic** of Argentina which did not exist at this time.

243 Destefani 1982. There is no evidence that Mason exercised any control during the 20 days that he was there.

244 What happened on Jewett's return to Buenos Aires is unclear. It is known that there was an inquiry into the mutiny, and that Jewett was absolved of any blame. Within 12 months however, amid rumours of a dispute, Jewett departed for Brazil where he joined that country's navy. From Brazil he would eventually wage war against his old employers and advise US Commander Duncan on the lay-out of Berkeley Sound before the *Lexington* raid of 1831.

245 *Vernet's Memorandum Presented 7 May, 1852 in CO 78/43*. In fact, nothing was left behind, not even a flag. There is no evidence that Mason was even aware of Jewett's act of possession.

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

“But Jewett did not leave marks of ownership on the Islands on behalf of the United Provinces and he failed to report his actions to Buenos Aires. Buenos Aires did not return to the Islands within a reasonable time to exert peaceful and continuous occupation. A territory abandoned even by a lawful occupier who does not leave behind signs to prove his reservation of dominion and his intention to return, remains presumed terra derelicta, liable to be taken by any other power.”²⁴⁷

June 6th, General Knox arrives back in Salem, Massachusetts.

June 8th, Jewett's letter to Orne is published in the *Salem Gazette*.

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

(Circular)

National Frigate Heroína

at Port Soledad Nov 9, 1820

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

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

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

I am, Sir, your most obed^t, humble servant.

D. Jewett

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

Commander of the frigate Heroína

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

SALEM,
FRIDAY MORNING, JUNE 8, 1821.

FALKLAND ISLANDS.
Capt. Orne, who arrived here on Tuesday last from the Falkland Islands, has furnished us with the following act of sovereignty, for publication.

[CIRCULAR.]
National Frigate Heroína,
at Port Soledad, Nov 9, 1820. }

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

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

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

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

I am, Sir, your most obed^t, humble servant,
D. JEWETT,
Colonel of the Marine of the United Provinces of South America, Commander of the Frigate Heroína.
To Capt. Wm. B. Orne,
ship General Knox, of Salem.

June 11th, the *Caledonian Mercury* reports.

“The Heroine privateer, from Buenos Ayres, put into Port Solebad (sic), Falkland Islands, in consequence of mutiny and sickness. A new crew has been forwarded.”²⁴⁸

247 Peña & Peña 2018

248 Featured under 'Lloyds Marine List – June 8' in the *Caledonian Mercury* June 11, 1821

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

“... "D. Jewitt, colonel of the marine of the united provinces of South America and commander of the frigate *Heroína*" has taken formal possession of the Falkland Islands, "in the name of the supreme government" of the provinces aforesaid.”²⁴⁹

July 1st, Luis Vernet and Conrado Rucker break up their partnership, leaving Vernet as a sole trader.

“However, prosperity did not protect (him); successive bankruptcies of people, to whom he had made large deliveries of goods, cracked the finances of Vernet, who not only lost his own (money), but remained in debt to his principals (of) an appreciable sum.”²⁵⁰

July 19th, published in London newspaper, *The Globe*.²⁵¹

America.

From the Salem Gazette of June 8.

Falkland Islands.

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

(Circular)

*National Frigate Heroína at Port Soledad
Nov 9, 1820*

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

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

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

D. Jewett

*Colonel of the Marine of the United Provinces
of South America, Commander of the frigate
frigate (sic) Heroína*

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

249 See the footnote to April 6, 1817 for a discussion on the spelling of Jewett/Jewitt.

250 Caillet-Bois 1982 (6th ed.) p.190

251 *The Globe July 19, 1821 No.5810 p.3*. There were a few changes to the original published in the *Salem Gazette*, which has been taken by some to suggest that more than one letter was sent. An editor's need to fit an item into a particular space seems more likely.

July 28th, Portugal's envoy, João Manuel de Figueiredo, arrives in Buenos Aires where he delivers his credentials as representative of the Portuguese government of Rio de Janeiro. ²⁵²

August 3rd, four British newspapers, including the *Times* of London, reproduce the *Salem Gazette* notice. ²⁵³

"We copy from the board of the New England Coffee-house the following official account of the occupation of the Falkland Islands, by a Naval force, in the name of the "Supreme Government of the United Provinces of South America." We are at a loss what particular Authority to recognise by this title; though there is no doubt that the capture is made on account of the Independent interest. These Islands lie to the east of the Straits of Magellan, 180 miles from Cape San Juan, and 315 from Cape Horn." ²⁵⁴

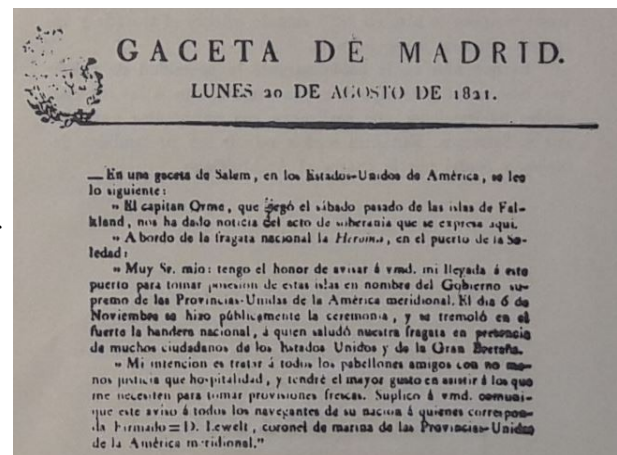
"There was no formal protest about Colonel David Jewett's action in taking formal possession of the Falkland Islands in November 1820. There was no British diplomatic representation in Buenos Aires at the time and there is no reason to suppose that HMG knew of Jewett's action when it took place. It should, moreover, be noted that the act of possession was made in the name of a government which was not recognised either by Britain or any other foreign power at the time. The Islands remained without any effective government and Jewett quickly returned to Buenos Aires,..." ²⁵⁵

In Paris, a Capt. Le Marche submits a proposal to the French Minister of the Navy and Colonies for the establishment of a colony on East Falkland Island. ²⁵⁶

August 4th, the *Bristol Mirror* announces:

"Falkland Islands – Col. D. Jewitt, who styles himself "Colonel of the Marine of the United Provinces of South-America, and Commander of the frigate Heroine," took possession of these Islands on the 6th of November last, in the name of his Government." ²⁵⁷

August 20th, the *Salem Gazette* notice appears in the *Gaceta de Madrid*. ²⁵⁸



- 252 Again, this information comes from Portugal's diplomatic portal. No supporting evidence or any indication of who the envoy handed his credentials to, there having been no United Provinces central government at this time. In any case, Figueiredo's tenure was short. He died on August 21, 1821.
- 253 Reproduced or otherwise announced in the *Morning Post*, *Morning Chronicle*, *Public Ledger & Daily Advertiser* and the *Evening Mail* of London. Further announcements were made in the *Bristol Mirror* (August 4, 1821), *Leeds Intelligencer* (August 6, 1821), *Tyne Mercury* (August 7, 1821), *Kentish Weekly Post* (August 7, 1821), *Taunton Courier* (August 8, 1821), *Belfast Commercial Chronicle* (August 8, 1821) and the *Yorkshire Gazette* (September 1, 1821). See <https://falklandstimeline.files.wordpress.com/2018/04/the-times-newspaper-aug-3-1821-inside-page.pdf> and <https://falklandstimeline.files.wordpress.com/2018/04/the-times-aug-3-1821-detail.pdf>
- 254 This from *The Morning Post August 3, 1821 No. 15,720 p.2*. Followed by an accurate reproduction of the *Salem Gazette* item.
- 255 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*
- 256 Caillet-Bois 1982 (6th ed.) p.346. No source cited. *cf.* December 12, 1833
- 257 *The Bristol Mirror* August 4, 1821 No.XLVII – No.2430 p.2
- 258 "Facsimile reproduction of a fragment of the *Gazette of Madrid* where it is stated that the news that is transcribed from the *Malvinas Islands* has been taken from "England, London, August 3." The *Gaceta de Madrid* was a publication that ran from 1697 to 1936. An organ of the Spanish Court from 1762.

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

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

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

*“I ... again received an apology for his delay in the long promised Conference.... I then stated, That I was instructed by my government to make the strongest remonstrance on this subject. To all these observations Mr. Rivadavia replied that this evil would no longer exist, that there would soon be given an order recalling all privateers;...”*²⁵⁹

“On September 1, 1821, Forbes had a brief conversation with Rivadavia, at which time he reminded him that he was still awaiting an audience, and, though he understood how busy Rivadavia was, he would like to remind him of the seriousness of the question regarding privateers. The Minister of Foreign Affairs replied that the evil would no longer exist, that an order recalling all privateers would shortly be published. He explained his government's policy by saying that "governments seated in perfect peace and security reasoned calmly on these subjects," but his country had experienced so many difficulties in its struggle for independence that the Government had been compelled to adopt the strongest measures against Spanish commerce; but, said he, "this is now all finished."...”²⁶⁰

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

September 9th, Lt. Colonel Oyuela reports to the Governor of Buenos Aires province that the sealers and whalers preying on the coasts of Patagonia are unwilling to pay the duty he has attempted to impose.²⁶¹

October 6th, by decree, Buenos Aires revokes all its privateering commissions.

“Minister Rivadavia's word was made good when, on the following October 6, the promised decree was issued. By this time, the original purpose of the privateers, that of driving Spanish ships from the seas, had been accomplished.”²⁶²

“So Forbes's protest against Jewett's capture of the *Rampart*, together with other complaints against privateering vessels, had its desired effect, and Buenos Aires, indirectly disavowed Jewett's action.”²⁶³

October 21st, in Buenos Aires, a decree for the regulation of fishing on the Patagonian coast is proclaimed.²⁶⁴

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

259 John M. Forbes to John Quincy Adams Sept 2, 1821. Forbes sought compensation for the vessel's owners, but despite his complaints he was unable to gain any satisfaction.

260 Craine 1961 p.105 citing Forbes to Adams September 2, 1821

261 Caillet-Bois 1982 (6th ed.) p.187

262 Craine 1961 p.106. See also *British & Foreign State Papers 1821 – 1822* p 386. cf. *British & Foreign State Papers 1828 – 1829* p.1198

263 Pascoe 2022 vol.1 p.452

264 Fitte (*La agresión norteamericana a las Islas Malvinas* 1966) refers to the fishing law of September 22, 1821. Other sources, including Congressional session papers, to October 21/22, 1821. This may merely reflect the gap between this decree being signed off and then being publicised.

Art.1. It shall be lawful for the Natives and Inhabitants of the Provinces to export from, and import into, any point of it, as well as to re-export, free of all Duties, the produce of the Fishery, as well as that of the chase of amphibious animals, of the Patagonian coast, in National Vessels; - if they employ in it Foreign Vessels they shall pay one dollar per ton, on their departure from that coast..." ²⁶⁵

Researcher's Comment: This law concerned the coast of Patagonia, not the Falklands. The right of the Provincial Government of Buenos Aires to enact legislation over the Patagonian coast was, at best, uncertain, and would be questioned by the Argentine Senate in 1882. Senators found it wanting. Within the sovereignty debate, this decree assumes importance because it was used as the founding legislation for an 1828 decree that first granted territory on the Island of Soledad to Luis Vernet. A shaky foundation at best.

*"... where the unsettled shore, although under the nominal sovereignty of one nation, is in fact possessed by independent uncivilized tribes, the right to exclude other nations from the use of the shores, stands on a much less stable footing. This is the case with all the continent of South America to its extremity, from the Rio Negro or Rio Saules, in latitude 41, and also with the adjacent islands of Terra del Fuego and Staten land. On the Pacific side, the Arancaunians [Araucanians], and on the Atlantic the Puelches, Patagonians, and other tribes, are perfectly independent. To the common use of these shores, therefore, there can be no reasonable objection. How far the present Government of Buenos Ayres is entitled to the extent of territory necessary to establish a right over these fisheries, even supposing them to be attached to the Sovereignty of the country, is another important question to which your attention must be turned, and which we have not the means of determining here. The Vice Royalty of Buenos Ayres under the Spanish Government comprehended several provinces on both sides of the La Plata, these now form separate Governments as far as their unsettled state will allow us to judge of their condition: But that Patagonia was ever included in the Province of Buenos Ayres proper, is not believed. A project was formed by the Spaniards in 1778 of forming settlements there, but although the settlers came out to Monte Video, the project was abandoned, and the whole of the continent, and Islands of Terra del Fuego and Staten land remain as unsettled and desert now as they were found at the time of their discovery."*²⁶⁶

"... but no allusion is made to the Falkland Islands..." ²⁶⁷

"... the law of 22 (sic) October 1821, which was provincial law of the Junta of Buenos Aires, ..; was simply a decree that was intended to establish some surveillance in those coasts. ... it had not been authorized by the General National Congress, ..." ²⁶⁸

"This law proves the full and absolute jurisdiction that the government of Buenos Aires exercised over the Patagonian coasts and adjacent islands." ²⁶⁹

November 6th, a Buenos Aires tribunal, examining the 1820 mutiny on *Heroína*, approves Colonel David Jewett's actions in suppressing it. ²⁷⁰

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

265 Signed by Santiago Rivadavia (younger brother of Bernardino) who was President of the Buenos Aires Provincial Board. cf. 1828, 1829, 1831, 1879 & 1882

266 US Secretary of State Livingston to Francis Baylies, January 26, 1832 in *Diplomatic Correspondence of the United States, Inter-American Affairs: vol.1 Argentina 1831-1860* William Manning 1932

267 Greenhow 1842

268 Congreso Nacional: Camara de Senadores: Sesion de 1882 p.311. cf. 1879 & 1882

269 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*. None of the articles referred to adjacent islands.

270 David Jewitt: *Una Biografia para la historia de las Malvinas* Jose Antonio da Fonseca Figueira 1985.

*GIBRALTAR – Agosto de 1821 – El coronel Jewett de la marina de las Provincias Unidas de Sur de America, y comandante de la fragata Heroína, en circular fecha 9 de noviembre de 1821 en el puerto de la Soledad, previene (?) haber fomado (?) el 6 posesion de las islas Falksand (sic) en nombre de dichas provincias. (Redactor de Cadiz)*²⁷¹

“Whatever may have been Jewitt's motives, or the value of the declaration of right made by him, his act was not for some time officially adopted as its own by the Government of Buenos Ayres.”²⁷²

“... in 1820 Britain had not yet recognised the independence of the South American republics from Spain. It was unnecessary, then, for her to protest against Jewitt's actions because any actions in the name of an independent Argentina were not considered legitimate.”²⁷³

“Buenos Aires clearly remained ignorant of Jewett's making a claim to the Falklands until a report arrived in November 1821 from British sources: the Buenos Aires paper *El Argos* of Saturday 10 November 1821 printed a brief report from the Spanish newspaper *Redactor of Cádiz*, datelined "Gibraltar, August 1821", saying that "colonel Jewett" had taken possession of the "islas Falksand" [sic!]. ... Buenos Aires knew nothing about Jewett's "possession-taking" when they appointed Mason (since Jewett kept it secret), they knew about it from 10 November 1821, the day of the announcement in *El Argos*. But they showed no reaction; they neither formally announced the possession of the islands nor set up any presence there.”²⁷⁴

At the Falklands, *Jane* and *Beaufoy* meet up with American sealer *Charity*. All sail for the South Shetlands.²⁷⁵

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

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

“Captain Powell states in his journal that on that day he landed on these islands and took possession of them in the name of King George the Fourth, leaving a bottle containing a note of this transaction, and naming the island on which he landed ‘Coronation.’ ...”²⁷⁶

British sealers *Enchantress*, *Hetty*, *John*, *Pomona*, *Sprightly*, *Jane*, *Beaufoy*, *Jane Maria*, *Wasp*, *Livonia*, *Robert* and *Grace* lie at the Falklands. *Caroline*, out of Sidney, hunts at the South Shetland Islands.²⁷⁷



271 “GIBRALTAR – August 1821 – Colonel Jewett of the navy of the United Provinces of South America, and commander of the frigate *Heroína*, in a circular date 9 November of 1821 in the port of *la Soledad*, warns that on the 6th he took possession of the *Falksand* (sic) in the name of the said provinces. (*Redactor of Cadiz*). A little hard to read. There was no reaction from the government of Buenos Aires; indeed it is not clear which government was actually in power. By this time Luis Vernet had moved from Montevideo to establish an estancia on the Rio Salado, some 100 km south of Buenos Aires. It is tempting to speculate that he saw this item in the *Buenos Aires Argos*. cf. 1823

272 Greenhow 1842. See the footnote to June, 1815 for a discussion on the spelling of Jewett/Jewitt.

273 *Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands.'* John Muffty in *The Historical Journal*, 29.2 1986 pp 427-432

274 Pascoe 2020 pp.69-70

275 Around this time Weddell also met up with Charles Barnard who recounted the story of his marooning in 1813; a story that Weddell mentioned in his 1825 book; albeit inaccurately.

276 FO 371/4 Admiralty to the Colonial Office 24 January 1906

277 Pearson 2018 p.119

1822 – January 15th, Buenos Aires issues a second decree prohibiting; “... *fishing for amphibians on the coasts of Patagonia, until further resolution.*” ²⁷⁸

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

“... *all treaties between Spanish leaders and American governments (such as that of O’Donju with Iturbide in Mexico) should be null, as respects the acknowledgment of independence;..*” ²⁷⁹

Australian sealer *Lynx* refreshes at the Falkland Islands before the journey home. ²⁸⁰

March 7th, *Robert* is lost at the South Shetland Islands. ²⁸¹

Weddell and McLeod set sail for England.

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

“The revolutionary movement in the Spanish Provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement. ... Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character. This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810. ... Thus it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of war and other circumstances, that there is not the most remote prospect of their being deprived of it. ... Of the views of the Spanish Government on this subject, no particular information has been recently received. ... Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition. In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them.” ²⁸²

March 9th, Joaquin de Anduaga, Spain's Minister to the USA, responds to Monroe’s speech in a letter to Secretary John Quincy Adams.

“Sir: In the National Intelligencer of this day, I have seen the message sent by the President to the House of Representatives, in which he proposes the recognition by the United States of the insurgent Governments of Spanish America. ... what is the present state of Spanish America, and what are its Governments, to entitle them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced, who disappear the next. ... Where, then, are those Governments which ought to be recognised? where the pledges of their stability? where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it? and, in fine, where the right of the United States to sanction and declare legitimate a rebellion without cause, and the event of

278 Caillet-Bois 1982 p.187. Again there was no mention of the Falkland Islands.

279 Ireland 1938 p.326

280 Pearson 2018 p.118. Arrived in Sydney, June 1822.

281 *Ibid.* p.115

282 *Special Message to Congress March 8, 1822* quoted in Craine 1961 p.122

which is not even decided? ... I think it my duty to protest as I do solemnly protest, against the recognition of the Governments mentioned, of the insurgent Spanish provinces of America, by the United States, declaring that it can in no way now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to reunite them to the rest of her dominions." ²⁸³

"It is widely accepted by writers on international law that official protests have the effect of keeping a claim alive, though without changing or strengthening it. Anduaga's letter was a valid protest asserting Spain's claim to her territories in South America (including the Falklands of course). That protest kept Spain's claim, such as it was, alive for some while longer." ²⁸⁴

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

"Monroe's address and the documents submitted by Secretary of State Adams were turned over to the House Committee on Foreign Affairs, who reported on March 19, 1822, that recognition of the Spanish-American governments would only be recognition of an existing fact. Thus, United States recognition would in no way furnish them assistance in breaking the bonds between Spain and her colonies, for no bonds actually existed. The committee also pointed out that Spain had not sent a company of soldiers to South America for three years." ²⁸⁵

March 20th, out in the Atlantic, *Heroína* is challenged by the Portuguese frigate *Pézola* off Gibraltar. Colonel Mason surrenders. Forty-five members of the *Heroína's* crew "spontaneously" confess that her employment is piracy. ²⁸⁶

In Philadelphia, Carey and Lea publish an atlas with a chart of South America – *A Complete Historical, Chronological, And Geographical American Atlas, Being A Guide To The History Of North And South America, And The West Indies ... To The Year 1822 ...* (detail right). There is a separate entry for the United Provinces of South America.



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

283 Manning 1932
284 Pascoe 2020 p.75
285 Craine 1961 p.122
286 Francis Baylies to Edward Livingston January 1, 1833

March 28th, the US House of Representatives pass a resolution. ²⁸⁷

“That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, ought to be recognized by the United States as independent nations. That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition”

April 6th, Adams responds to Spain's Minister, asserting that recognition of South American independence was not intended to invalidate any rights Spain had, but was merely an acknowledgment of the existing situation.

April 22nd, the British brig, *Romeo*, arrives in the Rio de la Plata from the *Islas Nuevas*. ²⁸⁸

April 30th, in Lisbon, Portugal, William Mason stands trial at the Admiralty Court. ²⁸⁹

“The Commander, it appeared in evidence, was a North American of the name of William Robert Mason, and his commission was dated in April, 1820, authorising him only to molest Spanish vessels, enjoining, and imposing on him the obligation to avoid every abuse of his trust, and all irregularities on the high seas which might implicate the Buenos Ayres flag. In his cruize he was directed to overhaul every vessel, both armed and traders navigating under the Spanish flag, and examine their commissions and papers to see if they were legal, and the use made of them, and also to punish all excesses committed against neutral and friendly vessels. The Heroína was fitted out and commissioned as a vessel belonging to the Government of Buenos Ayres. On examination, however, 45 men, composing the crew, spontaneously confessed, that this corvette pursued a system of piracy, robbing all the vessels they could. From the depositions, it appeared, that early in August, 1820, in the latitude of La Isla de Flores, they met a Portuguese vessel, called the Carlotta, bound with a cargo from Bahia to Lisbon, which they captured, after an action of two hours. The crew were put in irons five days, and then sent on board a vessel accidentally met with. The captain of the privateer afterwards had two officers and four sailors shot; and his prize, the Carlotta, was lost in a storm.

Towards the close of 1820, being at the Falkland Islands, an American schooner entered, which they captured, and sent to their consignee at Buenos Ayres. On the 14th June, they captured the Spanish brig of war, Maypu, bound from Lima to Cadiz and armed her to accompany them on their piratical expedition. In the latitude of Cabofrio, they chased the Portuguese brig, Infante Don Sebastian, firing at her, but being unable to come up with her, they chased a Portuguese galley to leeward, and the captain having come on board the Heroína, near Cape St. Vincents, accompanied by a slave, the pirates had the latter hung up to compel him to declare where his master kept his money. On the 12th July, 1821, they captured the Portuguese ship Viscondessa de Rio Sceo, near Bahia, which they took to the island of St. Vincents, conveying on board the privateer the greatest part of the moveable effects, and after selling the hull, they shipped the cargo in the American brig Aligator, and conveyed it to the island of Boa Vista, where it was transshipped on board the brig Hunter of London, for the purpose of going to Buenos Ayres. Numerous other similar cases are detailed in the proceedings.” ²⁹⁰

287 *The Political History of the United States of America During the Period of Reconstruction:...* Edward McPherson 1880 p.351

288 *AGN Sala X 42-3-10*. A name for the Falklands, translated from the French name given them by Frézier (1716) or a reference to New Island which is one of the most westerly of the Falklands' group? cf. Pascoe & Pepper 2008 p.5

289 See <https://falklandstimeline.files.wordpress.com/2018/04/jewett-mason-trial-for-piracy-in-lisbon-1822.pdf>

290 *Morning Chronicle* Friday, June 7, 1822

Found guilty, Mason is sentenced by Jose de Figueredo, Auditor General of Marine, to imprisonment. ²⁹¹

“Even supposing the Corvette Heroine to belong to the Government of Buenos Ayres, or to any private individual authorised to arm her, & was appointed to wage war against the enemies of the Republic; notwithstanding all this there is no doubt of her being a pirate and not a legal privateer; in virtue of the facts proved in the process: because all and every prize she took ought to have been competently tried and condemned, before any person should be suffered to touch any of the cargo ... circumstances that were never observed ... in direct violation of the instructions printed by the Buenos-Ayres Government in 1817, and which the Commander of the Heroine was ordered to observe.” ²⁹²

“A great deal of money was made and lost by speculators, at the time privateering was allowed in Buenos Ayres. The last vessel that sailed was the Heroine (formerly the French Braak), commanded by a North American, named Mason...” ²⁹³

“Thus the Portuguese prize court ruled that both Jewett and Mason had committed piracy, Jewett in capturing the Portuguese Carlota and the American Rampart, and Mason in seizing the Portuguese Viscondesa do Rio Seco. ... Jewett escaped conviction and imprisonment only because he was not present in court ... Since by definition pirates operate outside the law, they cannot perform legitimate acts of territorial sovereignty. In international law Jewett’s “act of possession” at Port Louis was invalid.” ²⁹⁴

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

“Lord Londonderry ..., in answer to the questions of Sir James Mackintosh, (said) that whilst this government had neither formally recognized, or entered into any correspondence that would imply a recognition of, these new governments, it had nevertheless considered them as governments de facto;..” ²⁹⁵

In June, David Jewett leaves Buenos Aires to take up a post in Brazil. ²⁹⁶

“In Buenos Aires Jewett did not enjoy a good reputation, particularly amongst the community of North American residents who considered him to be a bandit and a pirate. John Murray Forbes, who was head of the US diplomatic delegation in Buenos Aires from 1820 to 1831, wrote several letters to the North American Secretary of State, John Quincy Adams, complaining about Jewett's activities, whom he accused, amongst other things, of using corsair licences of convenience from Buenos Aires, or from the Uruguayan caudillo Artigas and also of changing the flags on his frigates to suit his own purposes.” ²⁹⁷

June 21st, Spain’s Court circulates a ‘Manifesto’ to European Governments, and the United States, regarding the *“dissident Spanish provinces of America.”* To inform Spain's allies that King Ferdinand has never renounced his, *“... legitimate acknowledged rights.”* ²⁹⁸

291 Following an appeal by Sir Edward Thornton, Mason only served 2 years. Of the 126 officers and crew aboard the *Heroina*, none were identified as nationals of Buenos Aires; although 6 were recorded as “*Spaniards*,” and a further 26 as “*creoles*.” Mason returned to Buenos Aires - “*Mason, the other commander of the Heroine an Englishman is now at Buenos Ayres a rich man – having escaped punishment as a Pirate as I have understood through the interference of Sir Edward Thornton.*” (*Baylies to Livingstone January 1, 1833* quoted in Manning 1925).

292 Copy of the sentence of the Auditor General of Marine, Lisbon 1822 in Manning 1932

293 Love 1825

294 Pascoe 2020 p.70

295 Manning 1925 vol.3

296 Peter Pepper in Tatham (ed.) 2008 p.310

297 Bullrich 2000 pp.95-96

298 Manning 1925 vol.3 p.2017

August 3rd, *Adeona*, under the command of Capt. Low, sails from the River Plate for the Falklands. ²⁹⁹

August 8th, in London, Minister George Canning outlines his views regarding acceptance of new States in South America. He outlines three “*recognitions*” - 1) The recognition *de facto* of what is; 2) a more formal recognition of *Diplomatic Agents*, and; 3) recognition *de jure* which professes to decide upon title and restrict the rights of the former occupant. ³⁰⁰

September 17th, James Weddell departs England in the brig, *Jane*, bound once again for the southern oceans. *Jane* is accompanied by the *Beaufoy*, now commanded by Matthew Brisbane. ³⁰¹

During early **October**, in preparation for the *Congress of Verona*, Lord Londonderry asks the Foreign Office for information on South America. All available records are collected together by a clerk, Woodbine Parish.

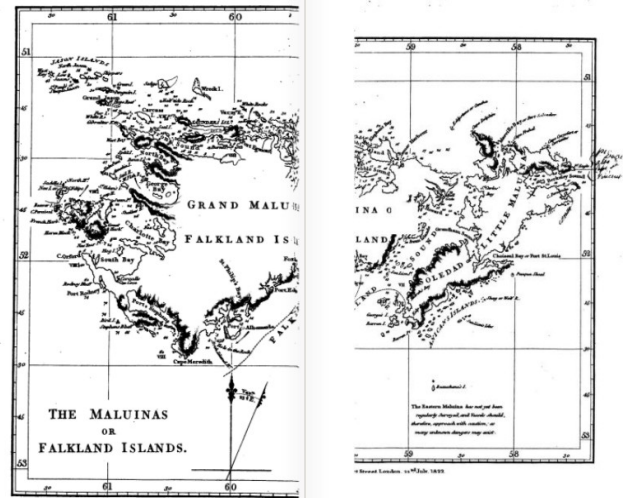
In London, a map by John Purdey is published by the chart-seller R. H. Laurie, showing the Falklands archipelago with West Falkland Island named the *Great Maluina or Falkland Island*. East Falkland Island – depicted as dramatically smaller than its partner – is named *Soledad or Little Maluina*.

The chart also features in a book. ³⁰²

“22. FALKLAND'S ISLANDS, the MALUINAS of the Spaniards.-These islands have borne different names, successively imparted by the older navigators. They are supposed to be the PEPY's LAND of Cowley 1584 (sic),³⁰³ and Sir Richard Hawkins, ten years after, 1594, called them VIRGINIA and MAIDEN LAND, in honour of Queen Elizabeth.

In 1639, Captain Strong gave the name of FALKLAND to the strait which divides the two larger islands, and this name has since been extended to the whole group. In 1706 they were visited by some French from St. Maloes, whence the name of MALOUINES and MALUINAS, given them by the French and Spaniards. An attempt was made by M. de Bougainville, in February, 1764, to establish a small colony on the eastern island. Their port was in the Bay of Accaron, or Berkeley Sound. Wood was procured from the Strait of Magellan, for the construction of dwellings, and a fort of clay, dedicated to St. Louis, was erected. European grain was sown with success, and the cattle increased.

The court of Spain, however, claiming the islands, the French establishment, after it had existed two years, and amounted to one hundred and fifty individuals, was withdrawn; Spain refunding the expenses of the speculators. In



299 There were two British Lows commanding sealing vessels, brothers William and Andrew. There is no information as to which this was, but it is likely to have been Andrew who was most associated with this particular vessel. cf. 1827

300 FO 139/49 quoted in *The Creation of States in International Law* James Crawford (2nd ed.) 2007

301 Weddell 1825

302 *Memoir, Descriptive and Explanatory, to accompany the new Chart of Ethiopic or Southern Atlantic Ocean, with the Western Coasts of South America, from Cape Horn to Panama. ... composed from a great variety of documents, as enumerated in the work, by John Purdy, hydrographer* 1822. The chart could be purchased separately. Laurie described himself as “*chart-seller to the Admiralty.*”

303 William Ambrosia Cowley visited the islands in 1684

1764 the English took possession of the western island, and formed a settlement at Port Egmont, on the north side, which was continued, at the risk of a war, until 1774, when, being found totally use less, as a commercial station, the islands were abandoned to Spain, who seems to have made no use of them, than a place for the transportation of convicts. **Recently** they have been **taken possession of**, in a formal manner, **as belonging to the United Provinces of South-America.** ”³⁰⁴

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

October 18th, *Wasp*, (Benjamin Morrell), meets up with *Henry* (Capt. Robert Johnson) at New Island.

October 29th, *Wasp* arrives at Port Louis.

“We arrived at Port Louis Harbour, or bay, on Tuesday the 29th, and at two o'clock, P.M., came to anchor in three fathoms of water, near the ruins of St. Louis. It was here the French planted their little colony in 1764, ... They called this sound the Bay of Acheron... It may be mentioned ... that there is a little strait at the north side of the English Maloon, which we passed through, called Hell's Backdoor. This French colony, I believe, never amounted to more than one hundred and fifty souls, and the remains of about thirty of their houses are still standing.”³⁰⁵

Researcher's Comment: Worthy of note that there was no apparent recognition that the Spanish had been in the same place (Puerto Soledad) from 1767 to 1811. A three year occupation by the French appears to have been better known than a 44-year sojourn by Spain.

In **November**, *Wasp* and *Henry* arrive off South Georgia.

“(Morrell's) ship's boats allegedly circumnavigated the Island in three days without seeing seals.”³⁰⁶

Robert Schofield, an English born resident of Buenos Aires; “In the latter part of the year 1822... applied to the Government of the Colony (Buenos Aires), for the right to kill the Cattle on the East Falkland Island;..”³⁰⁷

November 20th, a French ship *Coquille*, commanded by Louis Isidore Duperrey, on a round-the-world voyage, moors in Berkeley Sound. 163 specimens of the islands' flora are collected for botanical examination.³⁰⁸

“... I fixed my observatory on the 25th near the old Establishment of St. Louis, in French Bay... Several officers and the master gunner were appointed to procure fresh provisions during our stay. Every day they sent on board either in beef, hogs, hares, geese, and ducks, a quantity more than sufficient for the crew of the corvette.”³⁰⁹

304 Purdey 1822 p.33. My emphasis. cf. 1774 & 1820 Larger versions can be found here (West Falkland) - <https://falklandstimeline.files.wordpress.com/2019/02/3.png> and here (East Falkland) - <https://falklandstimeline.files.wordpress.com/2019/02/4.png>

305 Benjamin Morrell quoted in Pascoe 2022 vol.1 p.508 citing *A Narrative of Four Voyages, to the South Seas, North and South Pacific Ocean, Chinese Sea, Ethiopic and Southern Atlantic Ocean, Indian and Antarctic Ocean. From the Year 1822 to 1831...* Benjamin Morrell 1832. *English Maloon* is a reference to West Falkland Island (see 1813). *Hell's Backdoor* appears to be a reference to the Tamar Pass.

306 Dickinson 2007 p.67

307 *Protest of Schofield's widow – December, 1832* in FO 6/499. Unconfirmed. The Schofields had arrived in Buenos Aires in January 1821. Robert Schofield (25 years old?) appears to have given his wife an account of subsequent events which could not be substantiated. See below. cf. 1823 & 1824

308 Duperrey had accompanied Freycinet aboard *Uranie*, so he knew Berkeley Sound. It may be that his purpose also included an inspection of the *Uranie* and to assess the potential for recovery. See 1820.

309 Quoted in the *Morning Advertiser* July 24, 1823. The author was not identified.

*“As I went to visit Port Louis, the first step I took on the strike placed me in front of a tomb: a slate was used as a tomb inscription and a mausoleum for a poor English sailor whose ashes rested in peace at such a great distance from his homeland. The silence of death that Reigns on these lands, interrupted only by the screaming voices of a few water birds, a cloudy sky, a sun without strength, reddish Meadows, mountains of sandstone with whitish hue, brick houses of which there are only ruins left, all gave rise to many reflections on this Antarctic land, unproductive and thrown at the borders of the world.”*³¹⁰

*“... they pitched their tents among the ruins of Port Louis, and remained till 18 December. The expedition was led by Louis-Isidore Duperrey (1786-1865), who wrote a long account of it, as did his naturalist, René Primevère Lesson (1794-1849). They used only Bougainville’s French names for places in the islands, as did Freycinet in 1820. Like the United States, France did not regard the islands as Argentine, British or Spanish territory, and the French involvement in the islands in the 1820s and 1830s worried the British government.”*³¹¹



Captain Duperrey visits the wreck of *Uraïne*.

*“The remains of the corvette had almost entirely disappeared under the sand of the upper part of the beach, where the violence of the sea during easterly gales must have carried them. But the projecting parts which were exposed to view bore the distinct marks of fire and of the axe, which did not surprise us, reminding us of the numbers of whalers which customarily frequent these waters, .. All the cannons which still lay here and there on the beach had their breech knobs broken, ...”*³¹²

December 18th, *Coquille* sails from Port Louis.

310 *Voyage Autour du Monde enterpris par Order du Government sur la Corvette la Coquille* Rene Primevere Lesson 1838 between pages 50 & 51. Lesson was the surgeon and a naturalist aboard *La Coquille*.

311 Pascoe 2020 p.75. Picture from the Freycinet Collection

312 Duperrey quoted in Pascoe 2022 vol.1 pp.511-512 citing *Voyage Autour du Monde, 1822, 1823, 1824 et 1825 ...* Luois-Isidore Duperrey 1829. See 1820 above.

1823 – January 15th, the *Public Ledger & Daily Advertiser* report; “Commodore Jewett had arrived at Rio from Buenos Ayres, and was appointed to command the Brazilian frigate Union.”³¹³

January 27th, Caesar Augustus Rodney is appointed Minister Plenipotentiary to the Government of Buenos Aires, by the President of the United States.³¹⁴ Recognising Buenos Aires as an independent entity.

*“In every question relating to the independence of a nation two principles are involved, one of right and the other of fact; the former exclusively depending upon the determination of the nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised as well by the Spanish nation in Europe as by several of those countries in the American hemisphere which had for two or three centuries been connected, as colonies with Spain. In the conflicts which have attended these revolutions the United States have carefully abstained from taking any part, respecting the right of the nations concerned in them to maintain or reorganize their own political constitutions, and observing, wherever it was a contest by arms, a most impartial neutrality; but the civil war in which Spain was for some years involved with the inhabitants of her colonies in America has, in substance ceased to exist. ... Under these circumstances, the Government of the United States, far from consulting the dictates of a policy questionable in its morality, yielded to an obligation of duty of the highest order by recognizing as independent states nations which, after deliberately asserting their right to that character, have maintained and established it against all the resistance which had been or could be brought to oppose it. **This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use with the view of reuniting those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts** with the view to the regular establishment with the nations newly formed of those relations, political and commercial, which it is the moral obligation of civilized and Christian nations to entertain reciprocally with one another.”³¹⁵*



Province of Buenos Aires 1826

“The relations of the United States with Buenos Ayres, however, hitherto, so far as they have been sustained by agents of the respective governments have been informal and disconnected. ... Its internal convulsions and revolutions have been many, and are yet far from being at their close... The first establishment of the Buenos Ayrean government was under the ambitious and aspiring title of “the Independent Provinces of South America.” It was afterwards changed for that of the Independent provinces of La Plata, which it is

313 *Public Ledger & Daily Advertiser* January 15, 1823. Repeated in the *Morning Post* February 1, 1823

314 The *USS Congress*, designated to transport Rodney and his family to Argentina, was first ordered to take a new US Minister to Spain. As a result of this diversion, Rodney did not arrive in Buenos Aires until November, 1823. *cf.* December, 1817 & December, 1823

315 John Quincy Adams quoted in Craine 1961 pp.133-134. My emphasis

believed still to retain. But it is far from embracing within its acknowledged authority all the provinces situated on that river, and **for the last two or three years, its effective government has been restricted to the single province of Buenos Ayres.**"³¹⁶

"It does not appear from anything in this office, that any Government under the title of that of "The United Provinces of the Rio de Plata" was ever acknowledged by this. It may be well to state, however, that the same Government, under the title of "The Government of Buenos Ayres" was first formally acknowledged or recognized by the Government of the United States ... by the appointment of Mr Caesar Rodney, on the 27th January, 1823..."³¹⁷

"The doctrine supported by Adams had been stated by Vattel and implied by other writers on international law. Adams insisted that recognition of a government depended on its established authority, not right but fact. ... When recognition came, accusations were thrown at the United States by the Spanish-Americans and Spain that only self interest motivated such action. The insurgents reminded Americans then and later that they alone were responsible for their independence. Such arguments only support Adams' stand. His position was strictly legalistic with cognizance of international law..."³¹⁸

Researcher's Comment: Taking Van Burren's comments as definitive of the USA's position just seven years later, it seems beyond doubt that all that was being recognised in 1823 was Buenos Aires.

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

"... during the progress of his fishing voyage he penetrated into 74..15 South Latitude between 28 & 30 West Longitude where he found a fine open sea, which appeared to be free from ice and icebergs as far as could be seen to the southward from the Masthead of the Vessel."³¹⁹

February 5th, Capt. Low and *Adeona* hunts at the Falkland Islands.³²⁰

March 12th, *Jane* (Wedell), accompanied by *Beaufoy* (Brisbane), anchor in Adventure Bay on the south-west coast of South Georgia.³²¹

"The island is about 96 miles long, and its mean breadth about 10. It is so indented with bays, that in several places, where they are on opposite sides, they are so deep as to make the distance from the one side to the other very small. Near the west end, in particular, there is a neck of this kind, about half a mile broad, over which boats are frequently transported. The tops of the mountains are lofty, and perpetually covered with snow;..."³²²

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

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

"With respect to the provinces in America which have thrown off their allegiance to the crown of Spain, time and the course of events appear to have substantially decided their separation from the mother country;... Spain has long been apprized of His Majesty's opinions upon this subject... As Spain had now an active and powerful European enemy, it became necessary for England to declare in what light she looked upon the struggling provinces of South America: for as Spain still retained the dominion de

316 John Quincy Adams to Caesar Rodney May 17, 1823. My emphasis

317 Martin Van Burren, US Secretary of State, September 24, 1830 in *A Digest of International Law* ... John Basset Moore 1906 vol. pp.90

318 Craine 1961 p138

319 FO/6/6/43. Reported to London on June 21, 1824.

320 Reported as "spoken to" in the *Caledonian Mercury* June 16, 1823

321 *Memoir of the North & South Atlantic Ocean*... James Imray 1847

322 Weddell 1827

*jure over them, though she had lost the dominion de facto; as France might send forth her fleets and armies to seize and conquer them: and as, at the conclusion of the war, arrangements might be made between the two nations regarding the conquest or the cession of them, the British government had felt itself called upon to state, that it considered the separation of the colonies from Spain to have been effected to such a degree, that it would not tolerate for an instant any cession which Spain might make of colonies, over which she did not exercise a direct and positive influence. To such a declaration the British government had at last been forced.”*³²³

April 30th, the *Hebe* is reported as “spoken to” off the Falklands, bound for Lima.³²⁴

May 11th, *Jane* (Wedell) and *Beaufoy* (Brisbane) arrive back at the Falkland Islands for the austral winter.³²⁵

July 4th, Buenos Aires agrees a *Preliminary Peace Convention* with Spanish Commissioners.³²⁶

*“... the Cortes mediated opening negotiations with the Colonies on the basis of Colonial independence, negotiations, which were, in fact, subsequently opened, and carried to a successful termination with Buenos Ayres, though they were afterwards disavowed by His Catholic Majesty.”*³²⁷

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

*“The year of 1823 was one of great drought, and the cattle perished by thousands: the beef market was in so terrible a condition, that scarcely any were to be had, and what there was, was very bad ...”*³²⁸

August 5th, in Buenos Aires, Jorge Pacheco and Luis Vernet agree to become partners in a business venture. Their plan is to hunt the wild (feral) cattle on Soledad Island. Vernet is to fund and organise an expedition. Pacheco is to use his contacts to obtain a *usufruct* (licence) from the provincial government.³²⁹

*“In 1823 the United Provinces of the Rio de la Plata, which had declared their independence of Spain in 1816, did not possess a real national government. The governor of the province of Buenos Aires, General Martin Rodriguez, was acting as the chief executive of the so-called United Provinces.”*³³⁰

*“Jorge Pacheco (as determined in art. 19) would initiate efforts on their behalf to increase the likelihood of outright success, but the other partner would receive half of all profits. Vernet would be responsible – given his commercial and maritime knowledge – for the management of the company.”*³³¹

*“... descended from domestic animals (the cattle brought by Bougainville and the Spaniards). ... Pacheco and Vernet at once saw a source of profit in exporting their valuable hides.”*³³²

323 Canning's fear that France would tilt the European balance of power by seizing Spain's old colonies in the Americas made him a little over-eager to recognise as nations, territories that were not yet fully formed; had not achieved a central administration or had been unable to gain control over all the territory that they claimed.

324 *Gore's Liverpool General Advertiser August 28 1823*

325 Remained until October 7, 1823

326 Manning 1925 vol.3 p.1499. Never ratified.

327 *George Canning to the Chevalier de Los Rios, Minister of His Most Catholic Majesty March 25, 1825. cf. 1825*

328 *Five Years Residence in Buenos Ayres during the years 1820 to 1825 ...* G. T. Love 1825. It must be assumed that the *estancia* financed by Luis Vernet near the Rio Salado, had also suffered.

329 See September, 1820

330 *South America and the Monroe Doctrine 1824 – 1828* William Spencer Robertson in *Political Science Quarterly* vol.30 No.1 (Mar. 1915) pp.97 & 98

331 Caillet-Bois 1982 (6th ed.) p.193

332 Pascoe 2020 p.77

“... Pacheco was married to Dionisia Obes, sister of Cipriana Obes, wife of the Spanish naval captain Bernardo Bonavia, who had served three tours of duty as commandant of the Spanish presidio in the Falklands between 1802 and 1808. It was thus ultimately from Berdardo Bonavia that Pacheco and Vernet learnt of the "wild" cattle on East Falkland...”³³³

The agreement provides for the venture to be sub-contracted to another; but, if that does not happen, then Vernet is to go to East Falkland to supervise the operation.³³⁴

Researcher's Comment: This is the start of Vernet's story. Very much Vernet's story, as he is the one who told it. Sadly, Vernet was not always truthful. His version of events had it that Pacheco was owed a large sum of money by the Government. Exactly which Government is not clear. That of 1810, the United Provinces of South America/Rio de la Plata, or Buenos Aires?³³⁵ And 100,000 silver pesos was a very large sum of money. No explanation was ever offered as to how Pacheco had come to be owed this sum. According to Vernet's story, he had been lending money to Pacheco since 1819, which had amounted to 2,000 silver pesos by 1823. Their agreement was, apparently, that when Pacheco was paid, Vernet would receive 50%. 50,000 pesos for 2,000. Such was Vernet's story. The story suggests that Pacheco was aware of the wild cattle because he was related by marriage to an ex-comandante-gobernador of the Spanish garrison at Soledad. However, an Argentine historian of some note, Caillet-Bois, has it that Pacheco was first informed of the cattle and the idea of hunting them by another military man involved in Buenos Airean politics – General Martin Rodríguez. A name that comes up more than once as this story unfolds. Caillet-Bois did not provide any source for this assertion, but it should be noted that he was granted unusual access to the Vernet family papers – many of which have now been lost (or, in 1982, stolen). Caillet-Bois's account is disputed.

Worth noting, in view of subsequent events, that Vernet was also creditor to another, an Englishman named Robert Schofield.

Adeona returns to Liverpool with a cargo of 4000 fur seal skins from the Falklands.³³⁶

August 19th, US Minister Rush reports from London that the British are on the verge of recognising one or more of the new American States; “*The measure in question was, to send out one or more individuals under authority from this government to South America, not strictly diplomatic, but clothed with powers in the nature of a commission of inquiry...*”³³⁷

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

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

“Although officially neutral in the wars for independence, Britain made it clear that it would never allow Spain to reimpose its commercial monopoly in Spanish America and insisted that the region must remain open to British trade. With the Royal Navy in complete command of the Atlantic, Britain was also able to guarantee that no other European power intervened in Spanish America on behalf of Spain. Meanwhile, unofficially,

333 Pascoe 2022 vol.1 p.523

334 Caillet-Bois 1982

335 Pascoe (2020 p.77) suggests that it was Buenos Aires that owed the money. Province or City is not stated.

336 *Liverpool Mercury* August 15, 1823

337 Manning 1925 vol.3

6,000 British officers and men fought alongside the insurgents, especially in Venezuela and Colombia, Peru and Bolivia.”³³⁸

August 23rd, Jorge Pacheco petitions Governor Martin Rodríguez.³³⁹

“Most Excellent sir,

The undersigned citizen has spent two thirds of his life in the midst of the arms and hardships of active service, he had also accumulated for his private purposes a fortune sufficient to maintain himself in his old age and to give a good start in life to his children; But with change in the political situation of these provinces, war and fate caused him to lose all he possessed. Your Excellency is a good witness of what he has done for the country, and of what he had when the cry of liberty sounded; despite this he had determined to live in poverty rather than ask for help from the authorities of his country. But fate and events have led him to the hard decision to have to ask for the payment of special debts and compensation for his considerable losses.

In his misfortune he has conceived this to be his only hope, as misery has overcome him, and as he is now a beggar: and as he cannot conceive, after his own days are over, of a future for his family, but they being orphans, in extreme poverty and in tears. Seeking for a way to change such a miserable prospect, he has set his eyes on a speculation, which if his luck is not as bad as it has been up until now, will enable him, with the help of his friends, and his hard work, to give his children at least a modest future: and he has come to your Excellency to ask for the necessary permission and authorisation.

*The Island of **Soledad**, one of the seven with the general name of the Malvinas, abounds in **seals**, and must have some **cattle** and **horses** from those abandoned on the island. Because of the harshness of its climate it is deserted, and at the disposal of any foreign sailor; who has wanted to occupy it momentarily. It is to this place that the undersigned directs his speculation, in order to benefit from the **skins and oil of the seals**, as well as the **meat of the cattle** that are of a suitable age and state: for which purpose he will **reconstruct the buildings of the old presidio**, and promises to hand them over to the service of the Government if in the future it believes it might be convenient to use that establishment again.*

A firm confidence motivates the undersigned to petition the Government for its permission and the necessary authorisation, as he considers that when the expenses, risks and possible problems are his, he offers to the country a branch of industry which until now has been exclusively taken over by foreigners, it opens a new avenue for its commerce, leads to unknown income for the country from the capital to be obtained from this arid wasteland, and without asking the Government anything more than a decree giving him the means of saving himself from the abyss of misery, into which misfortune has fallen a citizen, father of six children, who unselfishly served the cause of his country.”³⁴⁰

“Don Jorge Pacheco and myself, convinced of the right of this Republic, and seeing it recognised by the tacit and general consent of all Nations during the 3 preceding years, solicited and obtained from the Government the use of the Fishery, and of the Cattle on the Eastern Malvina Island, and likewise tracts of land thereon, in order to provide for the subsistence of the Settlement we should establish there...”³⁴¹

338 *Britain and Latin America in historical perspective* Leslie Bethell 1989 in *Britain and Latin America: a changing relationship* Victor Bulmer-Thomas (ed.) 1989

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

340 Pasco 2022 vol.1 p.524 citing *AGN VII, 127, doc.22*. My emphasis

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

“On Vernet's advice, Pacheco rewrote his application, which was submitted on August 23. In it he made a brief and sad memory of the services rendered to the country and how he had lost his fortune as a result of the continuous political upheavals.”³⁴²

August 28th, the government's approval is noted in the margin of Pacheco's letter.³⁴³

*“It not being within the **power** of the government to concede an exclusive privilege, or any right of property in the lands referred to, but nevertheless desiring to reconcile the interests of the petitioner within the limits of the authority it exercises, it concedes to him the permission that he requests to go to the Island of **Soledad**, one of the Malvinas, to make use of it in the terms that he has proposed, but in the knowledge that such a concession can never deprive the State of its right to dispose of that **territory of the world** as it might consider to best serve the general interests of the province, which will be ascertained in the future in accordance with how the resources provide the means of establishing himself there effectively and permanently.*

*Return to the petitioner this original document, which decree will serve as sufficient authority.”*³⁴⁴

“On the 28th of the same month the decree on the petition was announced, and Pacheco was granted the requested permission: To go to to the Island of Soledad, one of the Falklands, and to use it in the terms proposed, but in the knowledge that such a concession could never deprive the State of its right to dispose of that territory in the way most convenient to the general interests of the Province, and which will occur as soon as its resources give it the power to establish itself in it in an effective and permanent way...”³⁴⁵

“Vernet said later that when he embarked on the enterprise he was unaware of any British claim ...”³⁴⁶

“It is most odd that the government said it did not have the power to “concede an exclusive privilege, or any right of property” – why not? If the government saw the Falklands as being under the sovereignty of Buenos Aires, it would clearly have those rights ... One can only speculate that perhaps Buenos Aires was ... well aware of the British rights in the islands.”³⁴⁷

Researcher's Comment: Seemingly signed by the Governor, Martin Rodriguez, and Chief Minister Bernardino Rivadavia (the latter's signature is clear, the other little more than a squiggle). A rare government indeed where its two most senior officers sign a licence to hunt at a place that others, particularly foreigners, hunted with impunity.

Worth noting that both the request, and the licence, mentioned Soledad only; the *Spanish Maloon* (see 1813).

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

August 29th, Pacheco accepts Schofield's offer.

“Mr Rob Schofield made a contract with us regarding the cattle, he having to catch the cattle at his expense and to pay 20 rials for each head of grown animals and one dollar per head for the small cattle

342 Caillet-Bois 1982 (6th ed.) p.193

343 Pascoe 2022 vol.1 p.524 fn.7 citing *AGN VII, 127 doc.22*. An act of a provincial administration, not the national government; there being none between 1820 and 1826. This was noted in a Senate debate. *cf.* 1882

344 My emphasis. The phrase, “*territory of the world*,” is particularly intriguing. Suggestive of a land unowned.

345 Vernet 1832

346 Cawkell 1983 p.32

347 Pascoe 2022 vol.1 p.525

– Mr Schofield was to pay ten thousand dollars in advance – a penalty of 10,000 was stipulated in case of non-fulfillment on either side – Mr. Schofield furthermore purchased from us said grant of land for ten thousand dollars. ...”³⁴⁸

“... at a subsequent period, he (Schofield), however, obtained a Grant including his Right in possession of the Land, with all and every the usual Liberties and privileges; which said Grant passed through the regular Forms, and was deposited in the Colonial Archives.”³⁴⁹

“Robert Schofield made his presentation expressing his desire to acquire the grace; he offered twenty reals for each head of cattle he killed and five thousand silver pesos in cash as an advance. The offer was tempting, which was why the terms of the same were accepted, signing, on August 29, 1823, a provisional contract that was only to be formalized when Schofield returned from the Banda Oriental.”³⁵⁰

“The (Government) concession was similar to that given to the cattle herders south of the Salado River in the Province of Buenos Aires. In return for the right to exploit the cattle and horses (Vernet) was tasked with renovating the existing buildings in Port Saint-Louis. Governor Martin Rodriguez and his Minister Bernardino Rivadavia – the future Argentine President, signed the decree authorising the concession. Pacheco, already 62 years old – an advanced age for those times – and Vernet had other business including his sister's estancia south of the Salado River, and a salting house on the Valdes Peninsula in Patagonia. It was therefore decided to subcontract the livestock exploitation on East Falkland to an Englishman, Robert Schofield.”³⁵¹

“The 1824 expedition began with reckless financial extravagance, which left Vernet with debts that burdened him for much of his life. ... Schofield undertook to pay Vernet and Pacheco 20 reales for each animal slaughtered in the Falklands ... and at once began to squander the partnership's money. He bought two ships: the cutter *Rafaela* (for 3,000 pesos), which they fitted out for sealing, and the American brig *Fenwick* (5,000 pesos); he chartered the British brig *Antelope* for 1,000 pesos a month, and hired the mainly English-speaking crews of all three ships.”³⁵²

A provisional contract is drawn up, while Schofield attends to business in the Banda Oriental.

“An Englishman has lately undertaken a speculation which has cost him a considerable sum, to have the exclusive privilege of taking cattle in the Falkland Islands – in fact to be sole proprietor for a term of years. ... the chances of his success are very doubtful. Buenos Ayres claims the jurisdiction of these islands, and those claims will not cause such a dispute as in the year 1770. The voyage to them is made in about fourteen days.”³⁵³

In London, following talks between Foreign Secretary George Canning and the French Ambassador, Jules de Polignac, the British minister is able to advise King George IV to extend diplomatic recognition to Buenos Aires, Colombia and Mexico.³⁵⁴

In **September**, in London, Woodbine Parish applies for the position of *Consul-General* in Buenos Aires.³⁵⁵

348 Vernet to Samuel Fisher Lafone April 9, 1837 in *AGN VII, 130* quoted in Pascoe 2022 vol.1 p.528 Spanish dollars (peso fuerte) not US dollars. Already in debt to Vernet, Schofield had to have borrowed the money – from Vernet probably.

Despite being Pacheco's partner, the extent of Vernet's involvement in this agreement is unclear. He would later imply that he was not fully aware of what was going on. cf. *FO 6/500/337*

349 *Protest of Schofield's widow – December, 1832* in *FO 6/499*. cf.1832

350 Caillet-Bois 1982 (6th ed.)

351 Bullrich 2000 p.97. I can find no reference to Luis Vernet having a sister. He did have three brothers.

352 Pascoe 2020 p.79 citing *AGN VII 130* and *AGN VII 141*

353 Quoted in Love 1826. Source not provided.

354 An agreement was signed in October, 1823, now known as the *Polignac Memorandum*.

355 Twenty-seven year old ex-private secretary to Lord Castlereagh. See October, 1822 above.

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

*“The Admiralty will prepare a Ship of War to take you out, and a person who is not to be called so, but will in fact be a Political Agent, will go with you. You will be joined with him in Commission to report upon the state of things in the provinces of La Plata, and he will return to England with the result of the information so collected, and should that be satisfactory enough to justify the recognition of the New State, he will probably eventually be named Minister... You will have two Vice-Consuls with you, to be placed where you find it desirable upon your arrival at Buenos Ayres, and as you know Charles Griffiths, Mr. Canning will be very willing to appoint him as one of them.”*³⁵⁶

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

In Buenos Aires, Schofield organises two ships for the expedition; a cutter, *Rafaela*, and a brig *Fenwick*. Neither is in good condition and there are debts attached to *Rafaela*, which Vernet has to pay off. Schofield also charters the British brig *Antelope*. Pacheco and Vernet hire Pablo Areguati to oversee the expedition.³⁵⁷

*“Mr. Schofield began to fit out an expedition with three vessels, incurring into great and useless expenses, and his means were exhausted to such a degree that he was unable to fit out the last vessel... The sanguine expectation we had formed of his ultimately succeeding in his enterprize & the advantages we expected to derive from the fulfillment of the contract, induced us to give him every assistance – The advance of which he had paid 8700 Dollars, was soon laid out again for his account etc and by my standing, besides security for several debts which were preventing him from proceeding on his voyage ...”*³⁵⁸

In Buenos Aires, Ignacio Nuñez is appointed Chief Officer at the Secretariat of Government and Foreign Relations.³⁵⁹

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

*“He will recollect always that his character is purely a commercial one, and his object expressly of a conciliatory nature.”*³⁶⁰

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

*“The first treaty between Great Britain and Argentina would be the appointment of Woodbine Parish, Esq., Consul on December 15, 1823 by the King of Great Britain, to which the government of the State of Buenos Aires acquiesced in response to the patent letter addressed by George Canning to the Minister of Government. It is considered the recognition of the independence of Argentina by the United Kingdom.”*³⁶¹

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

³⁵⁶ *Planta to Parish Sept 22, 1823*

³⁵⁷ It was stipulated in the Vernet/Pacheco contract that, in the event of the venture being sub-contracted to a 3rd party, a person of their choosing would also go to the island to oversee the sub-contractor's work.

³⁵⁸ *Vernet to Samuel Fisher Lafone April 9, 1837 in AGN VII, 130* quoted in Pascoe 2022 vol.1 p.528

³⁵⁹ *Noticias Historicas de la Republica Argentina. Obra Postuma del Sr. D. Ignacio Nuñez...* Buenos Aires 1857. cf. 1824

³⁶⁰ *Sir Woodbine Parish and Early Days in Argentina* Nina Louise Kay-Shuttleworth, 1910 Appendix II (an alternative title - 'A life of Sir Woodbine Parish' appears inside the covers, and the work is occasionally referenced under that).

³⁶¹ *La cuestión Malvinas en los tratados anteriores a 1966* Enrique Aramburu 2001

“... as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers... We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

With the **existing** colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as he manifestation of an unfriendly disposition toward the United States...”³⁶²

Britain’s Foreign Secretary Canning responds that the USA has no right; “... to take umbrage at the establishment of new Colonies from Europe in any unoccupied parts of the American continent.”³⁶³

“The United States has at no time taken a legal position on the merits of the competing sovereignty claims. In the 19th century, U.S. officials made clear that – because the British claims antedated 1823 – the United States did not consider the reassertion of British control (over the Falklands) a violation of the Monroe Doctrine.”³⁶⁴

“... it seemed that even Ferdinand would have to acknowledge that the end of the road had been reached. Yet, not unexpectedly, he did not and ignoring both the British and the United States warnings, he circulated the courts of Europe inviting them to attend a conference in Paris where Allied support 'in adjusting the affairs of the revolted Colonies of America' would be discussed.”³⁶⁵

December 18th, as the Schofield expedition prepares to depart, Jorge Pacheco writes again to the Government of Buenos Aires.

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

That the expedition being about to weigh anchor for the Port of Soledad in the Malvine Islands, in order (to) improve that Island which Y.E. has granted him, Don Pablo Areguati, late Captain in the Army, goes out with the same in consequence of an agreement entered into between him and the petitioner and that, as for the purpose of making itself respected both by the **natives** and by foreign vessels as also of promoting the Interests of the State and of (the) Petitioner, it is desirable that there should exist some authority, Your Excellency is requested to be pleased to confer upon Don Pablo the title of **Commandant** of that place, without salary.

Thus will not only that **deserted island be taken possession of**, but the foreign shipping will be made to pay the duty of anchorage of which an exact account will be rendered to the treasury for Areguati intends to form a militia and to officer it properly, in order that the **settlement** may make an appearance

362 My emphasis. Known as the Monroe Doctrine, although the initiative had come from Canning, intended as a united front against the Holy Alliance in Europe. However, John Quincy Adams advised Monroe to present an 'American' position rather than make any joint announcement with the British. Concerned about Russian pretensions in north-west America, Monroe’s announcement went further than Canning had proposed. For all Monroe’s bravado, the US navy was in no position to enforce his doctrine without the sea power of the British Royal Navy to back it up.

363 Canning viewed the defence of existing colonists as one thing; preventing the colonisation of empty lands, another.

364 *The South Atlantic Crisis: Background, Consequences, Documentation* US Dept of State, Bureau of Public Affairs August 5, 1982 (evidence of Assistant Secretary Enders). See also 1886

365 Costeloe 1986 p. 215

worthy of the mother country, to which end he takes out arms and ammunition on account of those concerned; and if Y.E. would be pleased to direct some iron ordnance to be shipped it would serve as a defence against pirates in those deserted regions, and might also be of use if the Government should wish to have **prisoners** sent thither.

It is my design to carry sheep to the settlement, and to lay out pasture grounds sufficient for about 2,000 merinos, in order to spread their breed all over those islands. To shew that I mean to accomplish what I propose I have caused this petition to be **signed by my sureties**. Accordingly I supplicate Y.E. in right of your high authority to **grant me the necessary lands** and to order the above commandant to give me possession of them as I am a citizen of this Province and am willing to defend that territory as a sacred property of this State. I flatter myself that my petition is just & deserving of Y.E. Approbation.”³⁶⁶

Researcher's Comment: In August, 1823 it had been seals, cattle and horses together with some reconstruction of the old *presidio* buildings. By December, it was 'possession of deserted islands', a militia, prisoners and settlement. Plus a grant of land and a commandant. All in the space of four months. In August, it had taken a mere 5 days to get an answer. On this occasion it would be immediate, and the Governor did not turn a hair with regard to the change from a hunting licence to the settlement of new territory. All this, and the speed of response, from no less a personage than the Governor again, has to raise some suspicion that this supposed business venture was officially sponsored from the outset, if not totally government orchestrated. If nothing else, we are missing out on a lot of conversations. That the official response (below) was somewhat ambiguous, may just have been a means by which the government protected itself, should there be an adverse reaction by, for example, the British. Not that any of this was being made public.

Governor Martin Rodríguez responds immediately.³⁶⁷

*“(The) Government, considering it a duty to protect commerce and to encourage every branch of industry in the Country has thought proper to grant to the petitioner the lands that he solicits, under the express condition to make manifest its measurements under fixed boundaries, in order to obtain the titles of property, Gov’t reserving to itself to take the necessary measures on this and the **other points** solicited by the petitioner.”*³⁶⁸

*“In 1823, the Government appointed Don Pablo Arequati, Commandant of the Malvinas.”*³⁶⁹

*“... in discharge of a bona fide debt of £20,000 due to him from that Government...”*³⁷⁰

*“... the favour granted by the Govt was uncertain and vague; and my right to lands without boundaries and known limits would have been doubtful.”*³⁷¹

*“The concession to land made to certain adventurers, Pacheco and Vernet in 1823, and to Robert Schofield a little later, had the paper backing of the Government of Buenos Aires and no more than that.”*³⁷²

366 Original in AGN VII, 127, doc.23. Copy in FO/78/1/33 & 34. My emphasis. There were no natives on the islands.

367 Vernet to Parish April, 1829 in FO/6/499 f.11 & 12. Vernet provided another translation in 1852 (FO 78/1/35) - *“The Government, having made it a duty to protect commerce and to encourage every branch of industry in the country, have been pleased to grant to the Petitioner, as a favour, the lands he solicits, under the precise obligation to make good his title of property, the Government reserving the power of providing for this, as for all other points in the petition of the memorialist.”*

368 Copy in AGN VII, 129, doc.50. Copy in English in FO/6/499 f.11 & 12. A grant of land subject to a survey. My emphasis. cf. February, 1824.

369 Vernet 1832. There is simply no evidence to support this assertion. The Governor certainly made no mention of it.

370 CO/78/43 – Monsieur Vernet's Case 1852. cf. 1828 & 1835

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

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

*“In reality this was only a request, (Arequati) did not get appointed.”*³⁷³

*“... the Buenos Aires government were keeping a low profile – here again one is entitled to speculate that they deliberately avoided doing anything that might offend Britain.”*³⁷⁴

On the same day in England, Woodbine Parish is interviewed by Minister Canning who; “.. *having satisfied himself that Parish was not so young as he looked,.. wound up by asking him what he thought of having the entire responsibility of the Commission thrown upon him, now that Roche could not arrive in time to sail ... The answer was prompt... (he) had no fear but that he should be able to carry out his instructions alone quite as well as in conjunction with anyone else...*” However, so little is known of the political situation in the United Provinces that Parish is handed a list of questions to be answered, including; “*1st. Has the Government so constituted already notified by a public act its determination to remain independent of Spain and to admit no terms of accommodation with the mother country? 2nd. Is it in military possession of the country?*”³⁷⁵

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

*“... substantially capable of maintaining an independent existence, of carrying on a government of its own, of controlling its own military and naval forces and of being responsible to other nations for the observance of international laws and the discharge of international duties. These are questions of fact.”*³⁷⁶

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

December 23rd, when being provided with funding by Luis Vernet, Pablo Areguati acknowledges that his task is to tame; “... *cattle which I shall manage for the benefit of the financiers of the expedition to the Malvinas.*”³⁷⁷

*“Vernet paid him 100 ounces of gold as an advance on wages for three overseers (capatazes) and 23 peons who accompanied him to his new post. The overseers were to earn 40 pesos per month, and the peons 17 pesos.”*³⁷⁸

The three ‘capatazes’ are – Juan Ganto, Aniceto Oviedo and Estanislado Argüello.³⁷⁹

December 25th, Spain’s King Ferdinand abolishes the 1820 Constitution; “... *in his dominions in America.*”³⁸⁰

December 26th, desperately short of funds, Schofield sets about purchasing supplies for the expedition.

*“... my brother in law Coronel Saez standing guarantee for the freight of the last vessel...”*³⁸¹

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

December 29th, after being loaded with the expedition's supplies, and fitted out for sealing operations, *Rafaela* sails towards the Falkland Islands under Capt. James Hastie.³⁸²

373 *Gobernadores que nunca fueron* Mario Tesler in *Clarín* June 6, 1974

374 Pascoe 2020 p.80

375 Kay-Shuttleworth, 1910 p.267

376 Quoted in *The Creation of States in International Law* J. Crawford 2007 (2nd ed.)

377 *Pablo Areguati, receipt, signed Diciembre 23, 1823* in *AGN VII 2-3-3*. See *Land and Life in the Falkland Islands* W. Bernhardson 1989 p.169

378 Bernhardson 1989 p.170. A *peon* was a labourer.

379 Pascoe 2020 p.81 citing *AGN VII, 127, doc 33*

380 Ireland 1838 p.327. Reinstating absolute monarchy in the Americas. At least in theory.

381 *Vernet to Samuel Fisher Lafone April 9, 1837* in *AGN VII, 130* quoted in Pascoe 2022 vol.1 p.528

382 Noted by the Captain of the Port of Buenos Aires in *AGN III 15*

1824 – January 6th, Consul-General Parish and Consul Charles Griffiths sail from Britain on HMS *Cambridge*.³⁸³

January 11th, the brig, *Fenwick*, commanded by Capt. Samuel Adams, and carrying horses, 25 gauchos and Pablo Arequati, sails from Buenos Aires.³⁸⁴

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

January 24th, King Ferdinand VII of Spain decrees that his Government has no authority to negotiate the recognition of any revolted Spanish-American colony.³⁸⁵

February 2nd, after a long and turbulent voyage, Pablo Arequati arrives on East Falkland aboard *Fenwick*.³⁸⁶

*“... we arrived here on the 2nd of this month without any mishap but with only five thin horses, all injured from being in the Ship. With them we could not even survey the terrain. On foot, we have gone up to five leagues, and we find no Cows at all, but only groups of bulls, in fours and sixes. My friend, please protest in my name at the harm caused to me by the pay of the farmhands, and also Mr Escofield (sic) for not providing the horses we had agreed on. ...”*³⁸⁷

*“... it seemed to me ... that they might be profitably occupied for the purposes of colonization, and particularly in catching and taming the wild cattle there abounding in great quantities on East Falkland Island, and also of killing seals. I therefore in the year of 1823 (sic) occupied that as First Settler, and imported Guachos...”*³⁸⁸

Rafaela leaves to go sealing.³⁸⁹

*“... the Captain of the Schooner did not behave himself well, as can be seen, and the many complaints of the Masters whom he betrayed. However, without speaking to Escofield (sic) I cannot know about the conduct of this latter captain because I do not know what he brought to this place. The bridle-bits, spurs, yerba and irons, arrived all mouldy and in bad condition. I cannot be more precise, I beg you to do me the great service of protesting in my name against the losses caused to me by not being provided with the right horses for hunting. ...”*³⁹⁰

*“... the fact that the ship “Rafaela” on which they arrived was armed, prove that the Government of Buenos Aires took the necessary measures to exercise its authority over the Falklands/Malvinas.”*³⁹¹

383 *The Oriental Herald and Colonial Review 1824 – 1829*. Correspondence suggests that Vice-Consul Richard Pousett sailed on the mail packet ship three weeks later (FO 6/6)

384 AGN VII, 132 doc.7

385 *Archivo General de Indias, Indiferente General, 146 -1-18*, quoted in *The Recognition of the Spanish Colonies by the Motherland* William Robertson in *The Hispanic American Historical Review* vol.1 1918.

386 Arequati is assumed to have made for Berkeley Sound where there was some chance of finding shelter at the old Spanish *presidio*. It was also likely to have been the place where *Rafaela* could be found.

387 Arequati to Pacheco February 12, 1824 in AGN VII 129. Doc 51. This letter was passed on to Luis Vernet and can be found among his papers in the Argentine archives.

388 Vernet to Labouchere December 1856 in CO 78/43. Original emphasis. Written more than 30 years later, and in pursuit of compensation. In the same letter, Vernet would claim to have started the seal fishery on East Falkland Island, despite seals having been hunted there for 50 years before Arequati's arrival. Other documents described those sent as peons, not gauchos. cf. 1856

389 Little is certain. A comment by Arequati in his letter to Pacheco of February 12, 1824, implies that *Rafaela* reached the Island of Soledad and disembarked whatever cargo she carried for the Schofield party – horses and riding equipment seemingly. However, details are scant as *Rafaela* was never seen again. Caillet-Bois (6th ed. 1982) speculated that the vessel was lost on rocks at the Falklands. Others, that it may have been stolen.

390 Arequati to Pacheco February 12, 1824 in AGN VII 129. Doc 51.

391 *The Malvinas/Falklands Between History and Law* M. G. Kohen & F. D. Rodriguez 2017 p.105. Who 'they' were is not clear as Arequati sailed on *Fenwick* and Schofield was on *Antelope*. All sealers were armed in those days.

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

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

*"... We are without meat, without ship's biscuits, and without gunpowder for hunting. We support ourselves by chance captures of rabbits, since there is no fat meat since we cannot go out to slaughter as there are no horses. I have resolved to tell you that we are perishing. We stay under boards during the worst of the cold and snows at this time; we have no Boat to go to the Island to cut straw, as no one from the two Ships will give me one since they need them. The Captain of the Brig that brought us has helped us as much as he could; he is entirely a man of goodwill, ... "*³⁹²

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

*"... (they) could not get over the bogs as fast as the cattle, consequently (we) could not catch those that ran, and those that did not run were old bulls that would give battle and often kill horses while many more were wounded."*³⁹³

*"According to her captain, Samuel Adams, the Fenwick made two journeys to Rio Negro and back to get horses, and about 70 in all were taken to the Falklands, but they were untrained and hence not much use."*³⁹⁴

February 14th, in Buenos Aires, and as yet unaware of Areguati's situation, Vernet and Pacheco confirm Schofield's contract. This stipulates that he will kill 20,000 head of cattle each year, once he has 100 horses on the island; *".. which should be within four months."*³⁹⁵

February 25th, *Jane* (Weddell) arrives at the Falklands.³⁹⁶

March 1st, *Antelope*, with Robert Schofield, his family, Emilio Vernet, 26 horses and stores, sails for the archipelago.³⁹⁷

*"A letter from Buenos Ayres mentions that the Government was forming a settlement at Port Louis, one of the Falkland Islands, and that 100 settlers has already gone there, and more were preparing to follow them. This settlement may prove eventually very useful to vessels bound round Cape Horn."*³⁹⁸

*"...he at length departed on the 1st March 1824, indebted to us ten thousand Dollars – or rather to me, Pacheco having no property I made all the disbursements. For our security against the strange behaviour of Mr. S, who has taken to drinking very hard, he was to be associated in the direction and understanding by my bother. But such was the extravagance of Mr. Schofield that if he had tried his best to ruin the undertaking, he could not have done more to that effect..."*³⁹⁹

Emilio Vernet carries instructions from his brother.

³⁹² *Areguati to Pacheco February 12, 1824* in *AGN VII 129. Doc 51*. Also Caillet-Bois (6th ed.) 1982 p.196/7. The brig was *Rafaela*, although elsewhere she is referred to as a 'schooner.'

³⁹³ *Memorial* (draft & undated) by Luis Vernet in *AGN VII 2-4-6*. See Bernhardson 1989 p.170

³⁹⁴ Pascoe 2022 vol.1 p.530

³⁹⁵ Caillet-Boise (1982) suggests that, although unhappy with Schofield's preparations, Vernet had other commitments regarding an expedition to the San Jose peninsula, leaving him unable to cancel the agreement with Schofield.

³⁹⁶ The two ships had parted January 7, 1824, arranging to meet up in March, 1824. See below.

³⁹⁷ Exact date of departure unknown, so I have opted for the date provided by Caillet-Bois (2nd ed. 1952 p.198), which he described as "possible." Sailing time to the Falklands was at least two weeks with fair weather.

³⁹⁸ *Morning Advertiser May 13, 1824*. This was picked up and repeated by eight London and regional newspapers/journals. There is no evidence that *Antelope* carried settlers, however.

³⁹⁹ *Vernet to Samuel Fisher Lafone April 9, 1837* in *AGN VII, 130* quoted in Pascoe 2022 vol.1 p.531

“... assemble all who were **found** there, and in the presence of the assembled the office of Commander of the Island was (to be) delivered to Areguati, "declaring that all persons should be informed (of the decree), and that they recognize (the) commander so that order may be preserved and excesses avoided." It was also provided that "Any vessel arriving, whether by watering, living or otherwise, shall be charged (for) the right of anchorage."..."⁴⁰⁰

“In fact neither Pacheco nor Areguati was given any official position by Buenos Aires. ... that instruction was issued only by Vernet, one of the commercial investors in the scheme, not by the government.”⁴⁰¹

March 12th, Weddell relocates to Port Egmont; “and anchored off the Ruins in nine fathoms water.”⁴⁰²

March 15th, two Spanish warships moor up in the harbour of Port Egmont – the 70 gun *Asia*, accompanied by the 20 gun *Aquiles* (*Achilles*).⁴⁰³ Weddell is invited to dine with the commander, Capitán de Navío Roque Guruceta.⁴⁰⁴

“On the 15th, in the morning, I was surprised to see a line of battle ships and a sloop of war coming around the Point. We presently ascertained that by their colours they were Spanish. I hurried on board, and was politely received – I pointed out the most eligible anchorage, but they chose to run a little beyond it, by which they afterwards drove (dragged their anchors) and caused themselves a great deal of trouble. The Ship of the Line was the *Asia* of 70 guns – the Brig was the *Achilles* of 20 guns.”⁴⁰⁵

March 19th, *Jane* sails for Patagonia.⁴⁰⁶

March 26th, *Antelope* moors at Port Louis. Despite the journey being uneventful, only six of the 26 horses remain alive. Only three in any condition to work. Stepping ashore, Emilio Vernet discovers that nothing has been achieved. In particular, no dwellings have been constructed. He discovers that many of the men that arrived in *Fenwick* are refusing to work due to the harsh conditions and few supplies. In particular, a lack of wine and bread. Areguati, who has failed to take any action other than to send *Fenwick* to the Rio Negro for more horses, has been expecting *Antelope* to bring the missing supplies.⁴⁰⁷

“... neither the *Rafaela* nor the *Fenwick* was still at Port Louis when the *Antelope* arrived...”⁴⁰⁸

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

400 Caillet-Bois 1952 pp.197-198. My emphasis. The only people likely to be found in the Islands were sealers and whalers; all tough seamen unlikely to easily accept being told what to do, and the *usufruct* granted by the provincial government contained no right or power to impose charges. Also, there is no evidence that the government had relented and agreed to the request of a title for Areguati. Certainly, nothing had been *gazetted* or made public.

401 Pasco 2020 pp.80-81

402 Quoted in Pascoe 2022 vol.1 p.531 citing *Weddell's MS 1521/2*

403 Partial account in *Biblioteca Virtual del Ministerio de Defensa Ref: BMDB20160032529*. This notes a voyage for *Asia* of 62 days. *Aquiles* had left Spain on January 13, 1824. These ships were en route to Callao in support of a Spanish fleet there, but remained at Egmont repairing the vessels and refreshing the crews until March 27, 1824. Whether they had chosen Egmont, rather than Puerto Soledad, for any specific purpose is not known. Sadly, the ships' logs do not appear to have survived after the crews of both ships mutinied in March 1825.

404 Ann Savours in Tatham (ed.) 2008 p.556

405 Quoted in Pascoe 2022 vol.1 p.531 citing *Weddell's MS 1521/2*

406 Matthew Brisbane had not shown up, so after giving up James Weddell sailed north towards the Rio de la Plata.

407 There is no evidence of any ceremony to confer a title upon Areguati or to take possession of the island. Cawkell (2001) suggested that the ceremony did not take place due to the interference of Schofield, an Englishman, but sadly provided no source for this. The reason may be simpler – Areguati was not prepared to stay.

408 Pascoe 2022 vol.1 p.533

*“It is worth highlighting that before Argentine independence was recognised and diplomatic relations established, Great Britain had appointed a Consul in Buenos Aires, who had arrived in March 1824. The Consul could not possibly have ignored Pacheco's attempt to establish a settlement that same year.”*⁴⁰⁹

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

April 3rd, on Soledad, seeing sails in the distance and assuming them to belong to *Fenwick*, Schofield sends a message for the captain to allow any horses he has to swim ashore. The ship is then to return to Carmen de Patagones for more. However, the sails belong to a British sealer, *Adeona*, under Capt. Andrew Low.⁴¹⁰

April 4th, Emilio Vernet writes a letter to his brother, Luis, outlining the problems that he has discovered.⁴¹¹

*“We arrived here safely on the 26th of last month, but unfortunately with only 6 horses, of which only 3 are in fairly good condition; the other 20 died on the way. Your concern regarding Schofield has proved well-founded, for it is not merely that he acted as an unwise person; it is now becoming clear that he is a great swindler and an arch-rascal, to whom no agreement is too sacred to break. I knew no differently, and neither did Pacheco I think, than that he had sent here everything necessary with *Areguati* and the *Rafaela* and that what was still missing would go in the *Antelope*. Now *Manterola* tells me that he could not receive most things in *B^s A^s*, since he could not pay. *Argeuati*, who has been here for 2 months and only brought 4 horses in very miserable condition, ... has lived here the whole time in the greatest embarrassment, since they had nothing but *farina* (flour) and salt meat to eat, and they thus looked forward with impatience to the *Antelope*.*

*So you can imagine his astonishment on hearing the Schofield brings nothing, and will not even send ashore the little he had on board destined for this place, such as 2 barrels of sugar, 1 pipe of *Carlos's* wine and 1 chest of woollen goods, but has only disembarked 1 pipe of ordinary wine and the wood. ... he will not even send his medicine chest ashore, which is so very necessary here, since 6 peons and 2 Englishmen are ill... he now tells us he has a mind to go to *Rio Negro* himself with his family in the *Antelope*, in order he says, to send horses from there in case the *Fenwick*, which *Areguati* sent there 6 weeks ago for that purpose, should have met with an accident. This doubt of ours does not stand alone, but is confirmed by everything he revealed to *Medina*, *Manterola* and the Englishmen, and clearly reveals that he conspired with one *Baker*, who came out with us, ... to abandon this enterprise completely, & to try and find the *Fenwick*, to go in her to *England* and to sell this island to the *Engl. govern(ment)*. ... ”*⁴¹²

Emilio writes that the craftsmen who had arrived on *Fenwick* all wish to leave again on *Antelope*, and he has only managed to persuade a mason, a carpenter and a smith to remain for a few more months. He also records the presence of 20-30,000 head of wild cattle, together with 10,000 head of wild horses.

April 5th, in Buenos Aires, Woodbine Parish formally presents his credentials; giving Governor Juan Gregoria de las Heras and Minister Bernadino Rivadavia snuff boxes as diplomatic gifts.⁴¹³

409 Kohen & Rodríguez 2017 p.106. Quite who would have bothered to inform Woodbine Parish of Schofield's expedition is not stated. There is certainly no evidence that Parish became aware of it but if he had, why would he complain? A private enterprise to profit from the feral cattle was no different to private ships exploiting wild seals.

410 *Emilio Vernet to Luis Vernet April 8, 1824* in *AGN Sala VII legajo 132 Doc 8*

411 *AGN VII 132 doc.28*

412 *Emilio Vernet to Luis Vernet April 4, 1824* quoted in full in Pascoe 2022 vol.1 pp.533-534 citing *AGN VII 132 doc.28* .

413 *FO/6/3*. Garcia may have received the third.

“Mr. Parish, the Consul-General, and Mr. Griffiths, the Vice-Consul, were received for the first time at the House of the Government by Senor Don Bernadino Rivadavia, Minister of State for Foreign Affairs, when they presented their credentials ... it is the first official Document from Europe, in which the Government of the Country is addressed in a direct manner suited to the character which this Country has been endeavoring to deserve these 15 years...” ⁴¹⁴

The crew of *Adeona* salvage wood from a wreck in Berkeley Sound. Captain Low is challenged by Areguati and told that the fishing rights are now privately owned and vessels may be charged for mooring. ⁴¹⁵

“The Brig Adiona (sic) of Grenock, which came here a few days ago, has now to our misfortune also taken the best wood from the wrecked ship. He now threatens to denounce us as pirates to the English Government. We are constantly and principally, since it is now winter, threatened by pirates, so it would we think be very good to send 6 or 8 men from Buenos Aires merely with the duty of keeping guard here but under Areguati’s command.” ⁴¹⁶

“... the Government of Buenos Aires, incapable of impressing its authority beyond its own provincial boundaries, was wholly unable to exercise any effective control over a group of islands more than a thousand miles from its own capital.” ⁴¹⁷

“... a very clear British reaction: a threat by the captain of the Adeona to denounce the group from Buenos Aires to the British government as "pirates". The captain of the sealing brig Adeona (as correctly spelt) at this time was apparently Andrew Low, related to her later captain William Low. His threat to denounce the expedition to the British government shows that he regarded the islands as British property and saw Areguati and his men as intruders. No wonder Emilio asked for guards to protect the expedition. But he did not get them.” ⁴¹⁸

April 7th, Parish is granted his *Exequatur* by the; “Minister Secretary of the Foreign Relations and the Government in the State of Buenos Ayres ...” ⁴¹⁹

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

April 8th, Emilio Vernet pens another letter to his brother Luis.

“After another discussion which I have had with Schofield, I really do not know what to think of him, so before you undertake anything against him I would like to sound him out thoroughly, first. He has now sent the medicine chest ashore and also some other things ... He proposes to make money in Rio Negro out of the things left on board, to equip a ship with horses from there....” ⁴²⁰

414 *Buenos Ayres Gazette* April 5, 1824

415 *False Falklands History at the United Nations: How Argentina misled the UN in 1964 – and still does* Pascoe & Pepper (internet published) 2012. *Uranie* had foundered in Berkeley Sound in February, 1820. No other wreck is recorded there in 1824. After 4 years it is surprising that there was much left to salvage.

416 *Emilio Vernet to Louis Vernet April 8, 1824 in AGN Sala VII legajo 132 Doc 8*. The arrival of HMS *Rinaldo*, in August, raises the possibility that Low may well have reported the encounter with Areguati. There is no indication from the correspondence, that Pablo Areguati attempted to impress Low with his title of Commandant.

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

418 Pascoe 2020 p.83. Andrew and William Low were brothers, Andrew the elder.

419 Original (signed by Bernadino Rivadavia) and translation in *FO/6/6/1*

420 *Emilio Vernet to Louis Vernet April 8, 1824 in AGN Sala VII legajo 132 Doc 8*.

*“Schofield's announced intention to sell stores at Rio Negro and buy horses with the proceeds was a sign of desperation – without horses the expedition was doomed, but without stores it would have suffered even greater hardship. It may actually have been an intimation that he was planning to leave, intending to sell the stores to recoup some of his own losses, with no intention of returning to the Falklands.”*⁴²¹

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

*“Canning's instructions to Parish (duplicated to his other consular commissioners) bore signs of the recent international rivalries visible in the Monroe Doctrine and the Polignac Memorandum. They proclaimed with great emphasis that Britain had no intention of establishing colonies or protectorates in Spanish America – but neither should any other country. Thus the British government sought "friendly political and commercial intercourse that His Majesty could not be induced by any consideration to enter into any engagement which might be considered as bringing them under His dominion. Neither, on the other hand, would His Majesty consent to see them...brought under the dominion of any other power.”*⁴²²

Parish concludes a ‘Postal Convention’ with Rivadavia; *“... the British mail-packets were to have special privileges and to remain 10 days in port; a courier being despatched with the mails for Chile 3 days after the arrival of the packet.”*⁴²³

April 25th, Parish writes to Canning; *“Rivadavia has promised me a detailed Report upon the Constitution of the Government of this State;...”*⁴²⁴

Minister Rivadavia resigns his position as ‘Chief and Foreign Minister of Buenos Aires’.⁴²⁵

At Port Louis, Schofield, accompanied by 12 others, abandons the expedition.⁴²⁶ He sails to the San Jose peninsula in *Antelope*. Finding Luis Vernet there, the men demand to be paid as Schofield has no money.⁴²⁷

*“He had hardly been one month at the island when he set sail taking with him all the supplies and leaving his people on the island almost destitute & without the means of doing anything. He arrived with the Antelope at Patagonia, where I happened to be, there he was prosecuted by a dozen mechanics (manual labourers) whom he had engaged in Buenos Ayres at 40 dollars a month & who having managed to come away from the island in the same vessel with him, claimed their wages & would have got him into jail had I not taken his part. Schofield was still daily intoxicated, but even in his sober moments his departure from the island appeared to him as a dream of which he had but a faint recollection. He could give no answer to my enquiries and frankly acknowledged that he knew nothing of the matter.”*⁴²⁸

421 Pascoe 2022 vol.1 p.536

422 Rock 2018 p.54 citing *FO 6/1*

423 *The English in South America* Michael G. Mulhall 1878

424 *FO/6/3/114*. Neither Buenos Aires, nor the United Provinces, had a formal Constitution. It was the failure to agree one that had led to the break-up in 1820.

425 There is no obvious connection between the interview with Parish and Rivadavia's resignation. More likely to have been connected to changes brought in by the new Governor of Buenos Aires. Rivadavia had been Rodriguez's man.

426 Apparently so drunk, that he could not recall giving the order to sail.

427 Exact date unknown. See August 1824 below.

428 *Vernet to Samuel Fisher Lafone April 9, 1837 in AGN VII, 130* quoted in Pascoe 2022 vol.1 pp.536-537

*"In late April 1824 Schofield suddenly sailed in the Antelope, taking the stores and abandoning the expedition, which then collapsed. He took a dozen men but left Areguati and the rest behind. He went to the coast of Argentina where Louis Vernet was killing cattle; Vernet recorded bitterly that the men demanded their wages, which he himself paid."*⁴²⁹

May 12th, with Rivadavia gone, Woodbine Parish repeats his request for information to Don Ygnacio Nuñez. Chief Officer at the Ministry of Foreign Affairs.⁴³⁰

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

*On another occasion, when the Commissioners of North America came to this city, Senor Tagle gave a similar exposition to Mr. Rodney."*⁴³¹

*"As Parish set up a consular registry, he realised there were now far more people from the United Kingdom in Buenos Aires than he had expected, some of them very wealthy. He informed Canning that "the magnitude of British interests here exceeds all others; half the public debt of the country and the best part of the valuable property in the place is in the hands of His Majesty's subjects." ..."*⁴³²

May 13th, news of the Schofield expedition reaches London.

*"A letter from Buenos Ayres mentions that the Government was forming a settlement at Port Louis, one of the Falkland Islands, and that 100 settlers has already gone there, and more were preparing to follow them. This settlement may prove eventually very useful to vessels bound round Cape Horn."*⁴³³

*"... a Mr. Schofield, an Englishman, brought a party hither for the sake of jerking and of salting down the beef of the wild cattle, bred from those left by the French, and of curing their hides, with those of the wild horses, for the Buenos Ayres market..."*⁴³⁴

May 17th, Capt. Andrew Low sails *Adeona* from the Falklands; bound for the Clyde.⁴³⁵

Fenwick returns to Port Louis with horses from Patagonia.⁴³⁶

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

May 26th, Woodbine Parish, Caesar Augustus Rodney and John Murray Forbes attend a banquet. Toasts are drunk to the '*State of Buenos Aires*'.

429 Pascoe 2020 p.83

430 See October 1823

431 FO/6/3. For the information provided by Gregorio Tagle to the US Commissioners, see 1818. Otherwise see June, 1824

432 Rock 2018 p.56

433 *Morning Advertiser* May 13, 1824. This was picked up and repeated by eight London and regional newspapers/journals.

There were no settlers however.

434 *The Athenaeum Journal of Literature, Science and the Fine Arts: From January to December 1833* p.497

435 *Public Ledger & Daily Advertiser* August 14, 1824

436 Exact date unknown.

June 3rd, Parish writes to the heads of other Provinces.

*“(His) Majesty's Government being desirous to obtain the most accurate Information, with respect to the actual State of these Provinces, I have the honor to request that Your Excellency will do me the Honour to furnish me with such Information with respect to the Extent, Population, Productions, and Resources of your Province, as you may consider it may be desirable to His Majesty's Government to be acquainted with... If any good Geographical Map is to be obtained of the Province, I should also be glad to be furnished with a Copy thereof.”*⁴³⁷

June 5th, General Carlos Maria de Alvear arrives in Britain, seeking support against the Holy Alliance.⁴³⁸

June 7th, from Berkeley Sound, Pablo Areguati and Emilio Vernet sail for Buenos Aires in *Fenwick*, leaving a foreman, Aniceto Oviedo, and seven others to hunt wild cattle with the few horses remaining.

*“Despite the failure of the attempt to establish a permanent settlement, the importance of Areguati's appointment lies in the will of the government of Buenos Aires to establish an authority to reside on the islands and in the physical presence of Areguati on the islands as commander for most of 1824.”*⁴³⁹

*“... Areguati was only in the islands for four months .., and his authority did not even extend to the members of his own expedition, still less to British sealers, who threatened to denounce them to the British government.”*⁴⁴⁰

June 15th, in Buenos Aires, Chief Officer Don Ygnacio Nuñez responds to Parish's request in a long letter detailing the political history after 1810, the administrative arrangements of the Province and its limits.⁴⁴¹

*“That part of the province, lying between the rivers Paraná and la Plata on the north and east, and the Salado on the south and west, forms a tract, the greater diameter of which, taking it from the rivulet of the middle, which is between 33 and 33½ degrees of south latitude, to the mouth of the Salado in the Ensenada de Sambozombou, which is in the 36th degree, may contain about 66 straight leagues, inclining from north-west to south-east, and cutting the meridians at an angle of about 50 degrees. The less diameter, in the middle, is 23 straight leagues, which give a surface of 1518 square leagues. Beyond that tract settlements have also been extended to 37 degrees south, following the sea coast; and in the same direction the Guard of Kaquelhuincul has latterly been established, 38 maritime miles to the south of the pass de las Piedras on the Salado, some 55 to the west of the south point of Cape Antonio, and 65 to the north east of the Mountains del Volcan. ... Since the above description was given, however, the country of Buenos Ayres has been extended 50 leagues more to the South...”*⁴⁴²

*“Foreign minister Rivadavia delegated the task of writing the report on the all-important city and province of Buenos Aires to his secretary Ignacio Núñez, who had the reports printed when he was in Europe a year later, in a book of over 300 pages, in London in Spanish and English, and in Paris in French.”*⁴⁴³

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

437 FO/6/3/211

438 An alliance of European monarchies committed to facilitating the return of Spain's colonies.

439 Kohen & Rodríguez 2017 p.105. Arequati was there for 4 months and 3 days to be precise, but not as 'commander'.

440 Pascoe 2020 p.80

441 Published by Buenos Aires in London in 1825

442 Nuñez to Parish June 15, 1824 published in 1825 by Nuñez as *An account, historical, political, and statistical, of the United Provinces of Rio de la Plata, with an appendix, concerning the usurpation of Monte Video by the Portuguese and Brazilian governments*. The last sentence suggest that Nuñez had copied the information provided to the American commissioners. See https://falklandstimeline.files.wordpress.com/2018/01/an_account_historical_political_and_stat.pdf

443 Pascoe 2020 p.84

June 25th, Woodbine Parish sends Ygnacio Nuñez's *memorial* to the Foreign Office in London; together with those responses he has received from the other Provinces; adding his own conclusions.

“The United Provinces of la Plata, or, as they are sometimes called, the Argentine Republic, comprise, (with the exception of Paraguay and the Banda Oriental, which have become separate...) the whole of that vast space lying between Brazil and the Cordillera of Chile and Peru, and extending from the 22nd to the 41st degree of south latitude. The most southern settlement of the Buenos Ayreans as yet is the little town of Del Carmen, upon the river Negro.” ⁴⁴⁴

Researcher's Comment: Nunez's *memorial* is important. Before Britain could make a decision about recognition, Canning needed to know just what it was that was being recognised. In order that he could meet Canning's requirements, Parish clearly asked for information relating to the composition of the country. That the official response failed to mention a claim to the Falkland Islands clearly demonstrates that Buenos Aires did not have such pretensions at that time. Either that, or Buenos Aires chose to hide this detail. The information provided was, however, consistent with that given to the US Commissioners in 1818. Either way, Britain's decision to negotiate a treaty was based upon the information provided. Fanciful then, for modern commentators to assert that the subsequent treaty with Britain amounted to a recognition of Argentine rights to the Falklands archipelago.

“In an 1824 report to Woodbine Parish, ..., the merchants credited the Rodriguez government with having engineered a great increase in prosperity by promoting trade. On that basis, Parish advised George Canning, ..., that 'the benefits of a good government, which has been at last established, are now quite sufficiently known and understood to ensure the support of all classes of the people.'...” ⁴⁴⁵

“Nunez's response is simply consistent with the request. It begins with a brief historical summary of the causes of the revolution and the subsequent Argentine independence, then it makes mention of certain principles on which government is based and ends giving a summary statement of the various branches of the administration (government, war, relationships foreign and finance). In no section does it refer to the territorial composition of the United Provinces (or Buenos Aires province upon which depended the Falkland Islands). The British representative in Buenos Aires, present in the capital since March 1824, asked nothing about (the islands)” ⁴⁴⁶

“Once established in Buenos Aires, Parish quickly decided the country met the standards of internal stability Canning required.” ⁴⁴⁷

“Woodbine Parish wrote an 85-page report for Canning based on Núñez, in which he mentions Patagonia as part of the United Provinces: he says 24 representatives in the Congress of the United Provinces had been assigned to Buenos Aires, 24 to the rest of the country, and "one for the settlement on the coast of Patagonia," but he does not mention the Falklands. The conclusion is clear: to both Núñez and Parish the Falkland Islands were not part of Argentina.” ⁴⁴⁸

444 FO/354/7 *Woodbine Parish Papers*. My emphasis. The Falklands' archipelago are situated ten degrees of latitude further south than this description; which is consistent with the reports of the limits of the Viceroyalty (1774) and the information provided to the US Commissioners (1819).

445 *The Terms of Trade and the Rise of Argentina in the Long Nineteenth Century* Joseph A. Francis (unpublished thesis) 2013 citing *Great Britain and Argentina* Klaus Gallo 2001 p.142

446 Kohen & Rodriguez 2016 p.148. Parish was seeking information from an aspiring new State. It was not his function to put words into their mouths. The information provided, clearly included territorial details of the country.

447 Rock 2018 p.54.

448 Pascoe 2020 p.85

July 2nd, *Fenwick* arrives back at Buenos Aires, in a poor condition and leaking badly. She is sold to help meet the expedition's debts..⁴⁴⁹

“... *Areguati* was soon busy paying off the employees: the capatazes *Juan Gauto* and *Estanislado Argüello* were paid off on 12 July, and 16 others soon afterwards.”⁴⁵⁰

“*Louis Vernet* himself had very little to do with the conduct of the expedition, and seems to have regarded it as a purely commercial venture; he had no interest in the Falkland islands as such. When preparing an account of it in 1838, he had to write to Captain *Adams* of the *Fenwick* to ask if he had ever carried any produce from the islands. *Adams* replied that some 70 horses had been taken to the islands, but the expedition had produced nothing, since the ground was too difficult for the horses, "it being with the greatest difficulty that fresh beef could be obtained for the maintenance of the men";...”⁴⁵¹

On behalf of Buenos Aires, a £700,000 loan with Barings Bank of London comes into effect, with £570,000 passed to the provincial Government.

“*The 1824 Loan* was an attempt to take advantage of a favourable period on the London money market, at a time when the Government of Buenos Aires could not raise money locally at less than 14% ... Speculation kept the Buenos Aires Loan at a premium for the first few days (July 1824), but genuine investors refused to touch it.. Much indignation has been expressed at what, in fact, was the custom of the day – the withholding by the agents of a borrowing government of the sums required for the first years of service and amortization.”⁴⁵²

July 22nd, in London, General *Alvear* has a private interview with Foreign Secretary *George Canning*.⁴⁵³

“... *Canning* gave him a cool reception. ... (proceeding) to cross-examine him in a hasty and almost irritable manner. ... *The Foreign Secretary*... asked a few questions concerning the characteristics of the political institutions functioning in the River Plate, such as the extent of authority attributed to the Executive and to the Congress.... He also asked *Alvear* about the real authority of Buenos Aires over the other River Plate Provinces. *Alvear* answered that the capital had no authority over the Provinces. ... The conference ended with *Canning's* request to see *Alvear's* credentials. *Alvear* promptly refused this request, fearing that it was a strategy to make him reveal official papers concerning his mission to the United States.”⁴⁵⁴

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

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

“*What is now understood by the State of Buenos-Ayres, is the Territory which composed the ancient Vice-royalty of that name. ... Buenos Ayres, Montevideo, Paraguay, Cordova, Mendoza, Tucuman,*

449 Caillet-Boise 1982. Journey time of 25 days. Pascoe (2022 vol.1 p.537) notes that the ship was sold for 1600 pesos against debts of 1487 pesos.

450 *Ibid.* pp.83-84

451 Pascoe 2022 vol.1 p.539 citing *Vernet to Adams August 15 1838* in *AGN VII 127, doc. 33 A No.3*. In this letter, *Vernet* asks a surprising number of questions of a simple nature; e.g. *What vessels were employed?*, suggesting that he knew very little about events in 1824, despite having a financial interest.

452 *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) p.16. A £1,000,000 loan was negotiated by Minister *Bernadino Rivadavia* in January, 1824 at a minimum price of £70 for £100 stock raising £700,000 (beyond my ken - best read the article cited). See 1838 & 1842

453 This interview appears to have been arranged by a private trading company in London (*Hullett Brothers & Company*) which acted as *Bernadino Rivadavia's* agents. *Canning* found relationships between diplomats and commercial establishments troubling. As we still do. A few days after this meeting, *Alvear* left for the USA where he hoped to be recognised as a Minister for Buenos Aires.

454 *Great Britain and Argentina from invasion to recognition, 1806-26* Klaus Gallo 2001 p.148.

Salta, Santa-Fe, Corriente, La Rioja, Catamarca, Santiago del Estero and Entre-Rios. ... The present State of Buenos Ayres is composed of the same Territory that it comprehended under the Spanish Dominion, with the recent addition of the establishments on the Patagonian Coast." 455

"It is of importance to observe that all the Provinces, about to meet in Congress, have enjoyed for the last fourteen years, and upwards, without interruption, their full Independence, that is to say, ever since the 25th of May 1810. The Fortress of Montevideo the only point which the Spaniards retained in the whole extensive Territory of the State, was obliged, in 1814, to surrender to the Liberating army of the United Provinces of the River Plate, which laid siege to it." 456

On the same day, a British sealer, *Susannah Ann* (John Robinson), rescues Aniceto Oviedo and his men.

"... a Mr. Schofield, an Englishman, brought gauchos and horses from Buenos Aires for the purpose of catching the wild cattle, which had multiplied and spread themselves all over the East Falklands; but he failed in his speculation." 457

Researcher's Comment: Schofield's expedition was an utter failure. From the arrival of the first ship in February, to the day that the last of the gauchos were taken off in July, 1824, the whole enterprise had lasted less than six months. There is no evidence that Areguati ever received an official title so, contrary to a few outrageous claims, Areguati was not Argentina's 3rd 'Governor.' Once the last gauchos were rescued there was nothing to show that they had ever been there. No flags flying. No marks and signs. A few horses abandoned. Nothing more. Certainly no effective control by anyone. As far as is known, they never caught a single cow.

Lieut. John Moore commanding HMS *Rinaldo*, arrives at Port Louis, noting; *"... this place appears to have been settled by the Spaniards."* He writes in *Rinaldo's Remarks Book* of a previous visit he had made to the old Soledad garrison site in 1814; *"By a paper I found in the Governor's house it appears they left it in April 1811 (sic)..."* 458

In **August**, Schofield returns to Buenos Aires. As does Luis Vernet; *"Everything was lost."* 459

"Thus ended Mr. Schofield's enterprize, with the total loss of the capital employed and besides loaded with debts, which he could never pay. I was the greatest loser of all the creditors, for Pacheco could not pay me his part of the loss & his testamentaria remains owing me about seven thousand dollars, ... The bill of sale of the land to Schofield has never been made out, because he has not paid for it..." 460

455 FO/6/6/53. Alvear did admit that Paraguay was separate at that time. More importantly, Alvear did not mention the Falklands, only 'establishments' on the Patagonian coast.

456 FO/6/6/65. In 1810, there had been no declaration of independence. Quite the contrary, the administration in Buenos Aires declared for the Spanish King. See 1810.

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

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

459 Vernet quoted in Caillet-Boise 1982 p.198. Losses recorded in the expedition's account book were recorded as 29,311 pesos. Perhaps more importantly, the land granted to Pacheco had not been surveyed as required. See below.

460 Vernet to Samuel Fisher Lafone April 9, 1837 in AGN VII, 130 quoted in Pascoe 2022 vol.1 p.537

*“The difficulties of any new company were in this one so (very) great, which discouraged director Schofield, abandoned it the following year, losing more than thirty thousand pesos, and ruining himself, who died shortly after in Buenos Aires leaving his widow and small children destitute.”*⁴⁶¹

Researcher's Comment: Schofield spent the next 14 months drinking himself to death. He died in October, 1825; the cause given as consumption and alcohol abuse. Despairing, his wife returned to England in December, 1824. From there, in 1832, she petitioned the Buenos Airean Government for compensation regarding rights she believed that her husband had held over Soledad's wild cattle. A search of the Buenos Aires archive revealed only debts, not rights. Schofield would seem to have spun a different story to his wife than the one told by Luis Vernet. Unless, of course, Vernet's story was not the real story.

August 12th, Aniceto Oviedo and the seven others arrive back at Buenos Aires; to be paid off.

*“The 1824 expedition had been an utter failure; it had not exported a single cattle-hide; it had not made a survey of the island (required for the grant to be valid under the terms of the grant of 18 December 1823), and it had made a loss of 29,311 pesos and 3 reales. That loss remained a millstone round Vernet's neck for the rest of his involvement with the Falklands.”*⁴⁶²

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

*“The papers which the Minister has the honor to send herewith contain all the Laws and Decrees particular by the Legislative Bodies of the Country which are not published in the Official Register of Buenos Ayres.”*⁴⁶³

August 23rd, London grants to Woodbine Parish the power to negotiate a treaty; *“... which shall place on a regular and permanent footing the commercial intercourse that has so long subsisted between His Majesty's subjects and those States.”*⁴⁶⁴

*“The sudden appearance of this treaty question arose from the need of Canning and Lord Liverpool to formalize commercial relations as well as recognition. Nevertheless, they needed still further evidence of the stability and unity in the River Plate...”*⁴⁶⁵

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

*“An Official Register shall be organised and published under the direction of the Ministry of Government. The Register shall be composed of all the laws, decrees, and orders, of a general tendency, or which demand a circular communication. ... Every thing inserted in the Register shall be considered to be officially communicated and published.”*⁴⁶⁶

September 3rd, Bernardino Rivadavia arrives at the port of Falmouth in south-west England.⁴⁶⁷

461 Areco 1885 p.50

462 Pascoe 2020 p.84

463 *Parish Papers FO/354/6*. Mainly consisting of the reports of the proceedings of the National Congress between 1816 and 1819. No references to the Falklands archipelago. Parish was being efficient in answering Canning's questions.

464 *Canning to Parish August 23, 1824* in *FO/6/2/25*. This authority came with a number of caveats and Parish had to delay opening a negotiation until the Government of Buenos Aires had obtained the consent of all the other Provinces to act on their behalf. This authority appears to have preceded the arrival of Parish's correspondence of August.

465 Gallo 2001 p.152

466 *Decree Relative to the Publication of the Acts of Government* in Nuñez 1825. There had been at least two previous official *Gazettes* announced by Buenos Aires following the declaration of independence in 1816.

467 *FO/6/6/88*

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

December 9th, the Battle of Ayacucho in Peru effectively marks the end of Spanish rule in South America. ⁴⁶⁸

December 30th, Foreign Secretary George Canning informs the USA that the British Government has decided to recognise the existence of three new American States – Mexico, Colombia and Buenos Aires. ⁴⁶⁹

“What, then, was the state of things in the Spanish-American colonies at the time that the English Government thought itself justified in entering into diplomatic relations with them? In the first place it is to be observed, that the resistance of the insurgents to the Spanish authorities had been protracted for nearly twenty years. Over and again the Government of Spain had itself invoked the mediation of Europe. ... the principles to be deduced from this transaction are clear and intelligible enough. Where the Spaniards had practically abandoned the struggle to re-establish their sovereignty, the State, the independence of which was thus established de facto beyond the probability or almost the possibility of reverse, was admitted to be entitled to recognition.” ⁴⁷⁰

“In the last months of 1824 Canning decided to press for the recognition of the River Plate. In spite of his doubts and suspicions about the stability of the political situation... Parish's despatches had certainly done a lot to persuade Canning to take this decision. Around 3500 Englishmen were now residing in Buenos Aires, and 39 English commercial houses were already operating in the city...” ⁴⁷¹

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

“Spain's position rested on a single, consistent policy; recognition of independence would not be granted. That fundamental position was maintained throughout the reign of Ferdinand VII ...” ⁴⁷²

In Paris, a French edition of Carey & Lea's *American Atlas* is published (detail right), revealing the 'Republic of Buenos Aires'. Patagonia is separated, as is the Banda Oriental, Paraguay and Entre Rios.



468 Costeloe 1986

469 Manning 1925 vol.3 p.1527

470 *Letters by Historicus on some Questions of International Law* W. V. Harcourt 1863

471 Gallo 2001 p.155

472 Costeloe 1986 p.5

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

*“The King will never consent to recognise the new states of Spanish America and will not cease to employ the force of arms against his rebellious subjects in that part of the world.”*⁴⁷³

*“... Spanish king Fernando VII got wind of Britain's intention to recognise the United Provinces; Spain insisted that South America was eternally Spanish, and strongly objected to Britain's recognition of any part of it as independent. On 21 January 1825 the Spanish foreign minister Francisco de Zea Bermúdez (1779-1850) made a formal protest to the British chargé d'affaires at Madrid, saying "rebellion does not constitute a right", and accusing Britain of "disowning the legitimate rights of the King of Spain". ... Zea Bermúdez's letter was a valid diplomatic protest by Spain against Britain's recognition of the independence of what became Argentina. Protests are a universally recognised way of keeping claims alive ... and Spain's protests upheld Spain's rights (such as they were), at least for a while.”*⁴⁷⁴

January 4th, London's *Morning Chronicle* reports:

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

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

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

“As to Buenos Ayres, England herself hardly can tell who it is that commands, or what form of Government exists there at present. ... H. M. considering that no act of proceeding of a third power can alter or weaken, much less destroy, the Right of His Sovereignty ... He neither acknowledges, nor ever will acknowledge, either directly or indirectly the independence of the Governments, which have established or shall hereafter establish themselves in Mexico, Terra-firma, Buenos Ayres, or any other part of His Trans-marine Dominions. ... H. M. declares also, that if, ... the Gov, of H. B. M. shall persist in carrying into effect the conclusion of Treaties of Commerce with them, and the consequent diplomattick recognition which the communication of the English Minister announces, H. M. protests and will protest in the most solemn manner against these measures, by which the Treaties existing between the two Powers will be violated and the legitimate and imprescriptible Rights of The Throne of Spain attacked in the most serious manner.”*⁴⁷⁵

“So far, then, as any practical rule can be deduced from historical examples it seems to be this – When a sovereign State, from exhaustion or any other cause, has virtually and substantially abandoned the struggle

473 Quoted in *Establecimiento de relaciones diplomaticas entre Espana y Argentina, Paraguay y Uruguay* Juan Carlos Pereira 2004

474 Pascoe 2020 pp.85-86

475 *Francisco de Zea Bermudez, Minister of Foreign Affairs, to His Britannic Majesty's Charge d'Affaires, Madrid.* Manning 1925 vol.3 p.1533. See Art.3 of the 1809 Treaty between Spain and Great Britain.

for supremacy it has no right to complain if a foreign State treat the independence of its former subjects as de facto established; nor can it prolong its sovereignty by a mere paper assertion of right..."⁴⁷⁶

*"... as late as 1822 and 1825 (Spain) asserted her claim to the whole of South America (thus including the Falklands) by protesting against the recognition of the United Provinces of the River Plate by the United States and Britain. Those protests preserved Spain's rights at least for some time, during which Spain's continuing claim was an encumbrance on Argentina's claim."*⁴⁷⁷

January 23rd, with no central government existing in the United Provinces of the Rio de la Plata, a *Congress of the Provinces* grants Buenos Aires specific powers to conduct negotiations with Britain on their behalf.⁴⁷⁸

January 28th, Buenos Aires recognises Woodbine Parish as Britain's accredited Minister Plenipotentiary with powers to agree a treaty of friendship and commerce. Garcia is appointed to represent the United Provinces.⁴⁷⁹

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

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

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

*III. His Majesty the King of the United Kingdom of Great Britain and Ireland engages further, that in all his dominions situated out of Europe, the inhabitants of the United Provinces of Rio de la Plata shall have the like liberty of commerce and navigation, stipulated for in the preceding Article, to the full extent to which the same is permitted at present, or shall be permitted hereafter, to any other nation."*⁴⁸⁰

*"As to the Treaty of Amity, Commerce and Navigation of 1825 not making a reference to the Malvinas or Falkland Islands, its text does not suggest that such reference should have to have been included. The document declared friendship and freedom of navigation with no reference to territorial rights. Moreover, at the time of its signing, no Argentine settlement was on the Islands."*⁴⁸¹

476 Harcourt 1863 p.9

477 Pascoe 2020 p.50

478 *John M. Forbes to John Quincy Adams January 23, 1825*. A *Congreso General* had commenced deliberations in December, 1824 with the aim of reforming the country after its 1820 break-up, but had not reported by this time. However, agreements would be reached in February, 1826, that allowed for a new President and national government to be elected. The General Congress also produced a draft-Constitution. See below.

479 *Noticias históricas de la República Argentina* Ignacio Nuñez 1857

480 *Articles II and III* permitted Argentine merchants/traders to operate within British territory. See

<https://falklandstimeline.files.wordpress.com/2018/03/treaty-of-amity-commerce-and-navigation-between-his-majesty-and-the-united-provinces-of-rio-de-la-plata-february-2-1825.pdf>

481 Peña & Peña 2018

“... diplomatic recognition does not even confirm recognition of the extent of territory held *de facto*, let alone of *de jure* rights to territory, still less recognition of mere claims to territory that is not physically held. That would be absurd, as diplomatic recognition is always mutual – if it included recognition of claims to territory, then Argentina would also have recognised Britain’s claim to the Falklands. ... Britain asked Buenos Aires and all the Argentine provinces for descriptions of their territories and products, and they submitted detailed accounts of themselves, including the extent of their territories without mentioning the Falklands. The United Provinces clearly did not include the Falkland Islands.”⁴⁸²

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

“Under the 1825 agreement, the so-called most favoured nation principle ensured that tariff duties on British goods would never be higher than goods from other countries. The treaty exempted British merchants from the forced loans and military service of the kind Pueyrredón threatened to impose in 1818.”⁴⁸³

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

February 18th, in Buenos Aires, following three days of heated discussions – held *in camera* – the *Constitutional Convention* approves the treaty. Much to the dismay of other foreign representatives.

“There has been a great deal of intrigue against our Treaty here amongst the foreigners, but principally set going by the Yankees who have been working in every way upon the ignorance of these people in such matters; and their Credulity in general. The American charge d'affairs here Mr Forbes has not confined himself to private insinuations but has addressed a note to the Government upon the subject, of which having privately obtained a Copy I am able to send it you herewith for Canning's information.

*Their great object has been to defeat the negotiations by persuading the natives that Great Britain is only working for her own Benefit and will certainly humbug them. That a Treaty is no Recognition and that the United States are their only sincere friends;- and ought to have the first place in their Estimation. They are very much out of humour at the Result.”*⁴⁸⁴

February 19th, the Treaty is ratified by Buenos Aires Governor, Juan Gregoria de las Heras.⁴⁸⁵

Parish writes to Canning.

“... fresh Credentials have been prepared in the name of the United Provinces for the Agents of this Government at present employed on Diplomatic Missions abroad, and Mr. Garcia informs me, it had been determined to send to Mr. Rivadavia, general Powers to act as Minister Plenipotentiary in the name of the nation, with the Courts of France, Holland, and Spain, with instructions to him, to endeavour to bring the former Governments to enter into Relations with these Provinces, and with respect to the latter, to avail himself of any circumstances which may arise, to come to any better Understanding with the Government of H.C. Majesty. It was his intention also to have sent to him similar Credentials for the Court of St. James; but I suggested to him, that it appeared to me to be more convenient for all Parties, especially now that our own Treaty was signed, that His Majesty's

482 Pascoe 2020 p.86

483 Rock 2018 p.56

484 Parish to Planta Feb 18, 1825 in FO 6/8/83. Original emphasis. cf. 1823

485 *Supplément au recueil des principaux traités d'alliance ...*, Friedrich Murhard & Friedrich Saalfeld 1828 vol.10 Pt. 2

*Government should be previously consulted, as to the footing upon which they would wish any Diplomatic Relations between the two Governments to be placed;... Mr. Garcia agreed ...”*⁴⁸⁶

*“The people of each of the revolted Districts of the Spanish American Provinces established their own Independence and their own Right of self-government within the Territory which they had occupied, but nothing more. ... when their political existence as independent States was acknowledged by other Countries, they contracted severally with those Foreign Countries such new Treaties as were applicable to their respective geographical limits and political condition; and neither they nor the foreign Powers with which they treated even thought of considering them as Inheritors of any of the Rights or Obligations arising out of the Treaty Engagements of the Spanish Crown.”*⁴⁸⁷

*“When two nations have a territorial dispute and establish diplomatic relations, it is elementary that one or both reserve their rights or declare that the establishment of diplomatic relations does not in any way affect their respective positions. At the time, the government in Buenos Aires was intensifying its exercise of sovereign rights over the islands.”*⁴⁸⁸

Researcher's Comment: A commercial treaty, at best providing *de facto* recognition of the United Provinces. Legal recognition (*de jure*) would only happen with another treaty - in 1850.

February 22nd, Griffiths is tasked with taking the agreement to London for ratification. He sails with Don Ygnacio Nuñez, who is carrying Bernadino Rivadavia's credentials.⁴⁸⁹

March 25th, Foreign Secretary George Canning responds to Spain's January protest, in a letter addressed to Ambassador Camilo Gutiérrez de los Rios.⁴⁹⁰

*“The questions which remain to be examined, are, whether in treating with de facto Governments now established beyond the danger of any external assailment, Great Britain has violated either any general principle of international Law, or any positive obligation to Treaty. To begin with the latter, as the more specifick (sic) accusation. M. Zea brings forward repeatedly the general charge of violated Treaties: but as he specifies only two that of 1809, and that of 1814, it may be presumed that he relies on them alone to substantiate this charge. ...*⁴⁹¹

*To come now to the second charge against Great Britain, the alleged violation of general international Law:- Has it ever been admitted as an axiom, or ever been observed by any nation or Government, as a practical maxim, that no circumstances, and no time, should entitle a de facto Government to recognition? ...*⁴⁹²

486 Parish to Canning, February 19, 1825 in FO 6/8/108. This trebling up of responsibilities was probably a means of reducing costs, but would cause some consternation back in Europe. Parish's comment about a consultation with London over the precise nature of the diplomatic relations would seem to accentuate the commercial nature of this treaty.

487 Quoted in O'Connell 1956 p.34 citing the answer to a letter by the British Foreign Secretary (?) of July 16, 1847 from Nicaragua's agent in London. In other words, inheritance from Spain was never a consideration.

488 Kohen & Rodriguez 2017 pp.107-108. ‘Elementary’? At that time, Buenos Aires was doing nothing in the Falklands. No flags, no administration, no representatives. No people. No activity at all, in fact. In 1825, there was no sovereignty dispute nor, indeed, any dispute of any kind. Buenos Aires did not declare its pretension to the Falklands archipelago until 1829. Only then would there be a dispute. See below.

489 Nuñez 1857. See also *The Papers of Henry Clay Volume 4: Secretary of State 1825* Hopkins (ed.) 1982

490 Original in Spain's *General Archivo de Indias ES.41091.AGI/21//STATE, 91, N.42*. See

<https://falklandstimeline.files.wordpress.com/2018/06/canning-to-zea-march-25-1825.pdf> See also Manning 1925 vol.3 p.1547. cf. 1809 & 1814

491 Original emphasis. See 1809 and 1814

492 Original emphasis.

*M. Zea concludes, with declaring that His Catholic Majesty will protest in the most solemn manner against the measures announced by the British Government, as violating existing Treaties; and the imprescriptible rights of the Throne of Spain. Against what will Spain protest? It has been proved that no Treaties are violated by us; and we admit that **no question of right** is decided by our recognition of the New States of America. ...*⁴⁹³ *The Undersigned is directed, in conclusion, to express the anxious hope of his Government, that a discussion, now wholly without object, may be allowed here to close.*”

“Canning's distinction between *de jure* and diplomatic recognition and his application of it to the Spanish-American colonies are significant. ... this recognition 'of right' reflected the then influential principle of legitimacy.”⁴⁹⁴

“In 1825 Spain still claimed the Falklands, and maintained her rights there by protesting,...”⁴⁹⁵

Austria, Prussia, France and Russia object to Britain's unilateral recognition of the United Provinces.

“... there can be no doubt that under the rules of the prevailing international order Spain was the sovereign authority in the Americas.”⁴⁹⁶

April 3rd, Matthew Brisbane moors the sealer *Beaufoy* at New Island, for the austral winter.⁴⁹⁷

April 19th, a group of thirty-three revolutionaries led by Juan Antonio Lavalleja, supported by troops from Buenos Aires, cross the Rio de la Plata to ferment resistance to Brazil's occupation of the Banda Oriental.⁴⁹⁸

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

May 8th, Griffiths and Nuñez arrive in England. Secretary Canning writes to Woodbine Parish to express his satisfaction with the accord.

*“Having laid these despatches before the King, I have received H.M's Commands to express to you HM's entire satisfaction at the conclusion of the Treaty of Amity Commerce with the United Provinces of Rio de la Plata, in a manner so exactly conformable to your Instructions...”*⁴⁹⁹

May 10th, in London, the *Treaty of Friendship, Commerce and Navigation* is agreed to by Britain's parliament and ratifications are exchanged at a conference held with Bernadino Rivadavia.⁵⁰⁰

“On July 9, 1816, Argentine independence was proclaimed, but the war continued, as is known, until the Battle of Junín. Independence was only recognized by Great Britain in 1825.”⁵⁰¹

“It is important to note that the 1825 treaty in no way implied British recognition of any claim by Argentina to the Falkland Islands. Diplomatic recognition merely formalises the acceptance of the existence of a state and of

493 My emphasis.

494 Crawford 2007 p.378

495 Pascoe 2020 p.86

496 Calvert 1983. This opinion fails to appreciate the effects of the 1790 Nootka Sound Convention.

497 Brisbane remained around the islands until September 27, 1825. Following further sealing on the Patagonian coast, he returned to England on March 29, 1826.

498 Portuguese Brazil had invaded the east bank of the Rio de la Plata in 1816; maintaining its occupation after Brazil's own declaration of independence in 1822. Buenos Aires considered the eastern bank to be its own territory 'inherited' from Spain. *cf.* 1828.

499 *Canning to Parish May 24, 1825* in FO 6/7/21

500 See - <https://falklandstimeline.files.wordpress.com/2018/03/treaty-of-amity-commerce-and-navigation-between-his-majesty-and-the-united-provinces-of-rio-de-la-plata-february-2-1825.pdf>

501 *Las Islas Malvinas en la Historia* Bonifacio del Carril in *Diario La Nacion* July 26, 1964

its government's authority; it does not indicate recognition of any specific territories as being ruled by that government.”⁵⁰²

Ygnacio Nuñez, Secretary to the United Provinces' Legation, has printed an updated version of the 1824 description of his country that he, when Chief Officer at the Foreign Ministry in Buenos Aires, provided to Woodbine Parish. He lays out the political organisation and geography of the United Provinces, including longitude and latitude readings for the main towns. Nuñez places the most southerly of the United Provinces' settlements at latitude 37° S and the southern boundary at 37.5° S plus 50 leagues.⁵⁰³

“Author of the work published in London under the title of *“Historical, Political and Statistical News of the Provinces of the Rio de la Plata”* printed in Spanish, English, French and German.”⁵⁰⁴

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

July 23rd, Griffiths returns to the United Provinces, carrying news that Woodbine Parish is appointed British *chargé d'affaires* to Buenos Aires; pending the arrival of a Minister.

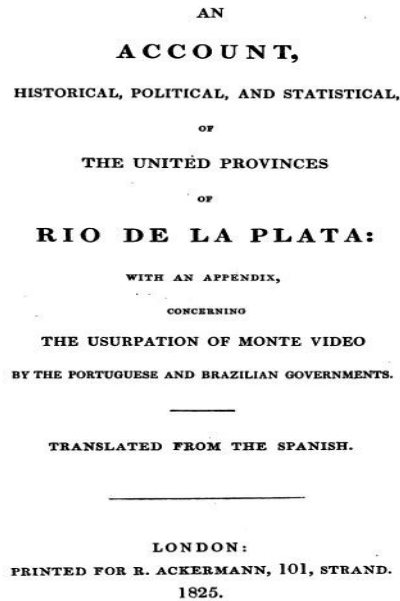
“The names and the titles always signified something;... *Consul-General or Charge d’Affairs where the regime in power was not officially recognised ... or diplomatic relations were otherwise politically complicated or incomplete, or where a more junior diplomat was minding shop in the absence of a fully fledged Head of Mission.*”⁵⁰⁵

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

After 16 years of war, the Republic of Bolivia is proclaimed.⁵⁰⁶

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

“On the 22d made the island of Bauchain (sic), and on the 23rd, came to anchor in a bay of the Falkland Isles, and sent the whale boat, chief mate, and crew, on shore, in pursuit of inhabitants; but am sorry to say we found nothing but wild horses, pigs, and fowls; and after several days search, we found the remains of a Spanish ship of war in a fresh water pond, inland, sanded up, and which we purchased, with the use of spades, kedge anchor, and tackles, and recovered nails, bolts, &c., to secure our rudder to run for the River Plate...”⁵⁰⁷



502 Pascoe 2022 vol.1 p.546

503 Nuñez 1825. Forty-two places of interest are listed with their latitudes and longitudes together with descriptions of the various provinces. No mention was made of the Falkland Islands. See https://falklandstimeline.files.wordpress.com/2018/01/an_account_historical_political_and_stat.pdf

504 *Autor de la obra publicado en Londres bajo el titulo de "Noticias Historicas, Politicas y Estadisticas de las Provincias del Rio de la Plata" impresa en castellano, ingles, frances y aleman* in *Noticias Historicas de la Republica Argentina. Obra Postuma del Sr. D. Ignacio Nuñez...*Buenos Aires 1857

505 *The Spanish Ambassador's Suitcase* Matthew Parris & Andrew Bryson 2012

506 Previously known as Upper Peru. See 1816.

507 *Caledonian Mercury* January 1, 1826

September 25th, the USA's envoy in Spain, Alexander Hill Everett, reports back to Washington.

*"... (the Minister) remarked repeatedly, that the King would never abandon his claim to these His ancient and rightful Possessions;... I said to him, however, that I regretted to hear from him so decisive a declaration of the King's resolution not to acknowledge the new States; that my Government had hoped that the battle of Ayacucho, and the recognition of England, would have been considered by his Majesty as settling the question,..."*⁵⁰⁸

September 26th, Canning writes to Parish expressing his concerns regarding the renewed dispute between Buenos Aires and Brazil over the Banda Oriental (map detail right).⁵⁰⁹

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

October 11th, in London, despite the issue of Rivadavia's credentials not having been resolved, together with the King's initial reluctance and the misgivings of the Duke of Wellington; King George IV declares his intention to receive Rivadavia as the Minister from Buenos Aires.⁵¹⁰

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



*"He said that they were, and always had been, ready and willing to accept any proposal for mediation, or to treat directly with the colonies, upon the basis of their previous submission to the King's sovereign power; but that they would never consent to negotiate in any way upon any other terms;..."*⁵¹¹

*"... non recognition was with the king an article of faith. His conscience, his religion he might call it, would forever prevent him from thinking of such an arrangement."*⁵¹²

November 25th, in Buenos Aires, Luis Vernet, in greater debt due to the losses incurred by the Schofield expedition, decides upon a second attempt to exploit Soledad's cattle. Vernet's brothers, Emilio and Carlos, agree to go, as does his brother-in-law, Loreto Sáez. Twenty-five gauchos contract to hunt the cattle.⁵¹³

⁵⁰⁸ *American State Papers, Senate, 19th Congress, 1st session Foreign Relations: Vol.5 p.795* also *British & Foreign State Papers 1825-1826 p.432*. Spain's Prime Minister was Francisco de Paula de Zea (Cea) Bermúdez y Buzo

⁵⁰⁹ FO/6/7/52. See 1828 below

⁵¹⁰ Rivadavia's credentials were for Britain, Holland and France, a novel situation that was unacceptable to the Court of St. James. However, Rivadavia did not await an answer, instead leaving Europe in something of a huff.

⁵¹¹ *American State Papers, Senate, 19th Congress, 1st session Foreign Relations: Vol.5 p.796*

⁵¹² Zea Bermudez quoted in Costeloe 1986 p.220

⁵¹³ Among the gauchos was Manuel Coronel, who had been on the 1824 expedition. See 1841.

“... on 25 November 1825 an agreement was drawn up listing 28 men; Vernet’s brothers Emilio and Carlos were to go to the islands too, plus his wife’s brother Loreto Sáez.”⁵¹⁴

“(Vernet) did not envisage forming a permanent settlement in the islands; no women were involved, and he planned to take only gauchos – the sole purpose of the enterprise was cattle-killing, and the gauchos were merely his employees.”⁵¹⁵

In **December**, Manuel de Sarratea arrives in London as *charge d'affairs* for the United Provinces.

December 10th, George Norris, captain of the sealer *Sprightly*, out of London, lands on an island far to the east of South Georgia, naming it Liverpool Island and claiming it for Britain's King George IV.⁵¹⁶

December 26th, Secretary Canning informs Parish that Lord Ponsonby is to be appointed; “... *His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United Provinces.*”⁵¹⁷

December 31st, in Buenos Aires, Luis Vernet and a Frenchman, Aristide Sacristie, enter into a contract with Jorge Pacheco allowing Vernet and Sacristie to make use of Pacheco’s grants on Soledad Island. Sacristie and his associates are to invest 3,400 silver pesos, while Vernet is to find a further 11,600 pesos. 15,000 pesos in all.⁵¹⁸ An agent, Shipmann, takes a concession to sell the produce for a 5% commission.

“... at the end of 1825 he formed with several friends a company with which he hoped to make a new expedition to the fascinating islands.”⁵¹⁹

“... for almost two years from July 1824 to June 1826 there was no Argentine presence whatever in the Falklands – but plenty of British and American ships, upholding the customary rights they had acquired over the previous 60 years, ...”⁵²⁰

With a war with Brazil imminent, the Vernet/Sacristie/Pacheco/Shipmann company shareholders form a shell-company to provide a cover suitable to pass muster with any Brazilian blockade of the Rio de la Plata. The British merchant company of Green & Hodgson become the erstwhile owners of the company.

“Since they (rightly) feared a war with Brazil, a bogus contract was also made out ceding Pacheco's rights of usufruct to two British merchants called Green and Hogson. This contract dated 10 October 1825, was signed by three Buenos Aires notaries, and was countersigned by the British Vice-Consul, Richard Poussett, on 3 January, 1826, who added a paragraph at the end in English confirming the authenticity of the notaries' signatures, with his signature "Richard D. Poussett HBM Vice Consul", and at the bottom left he affixed the embossed paper seal of the British consulate. ... A secret contract was drawn up, also dated 10 October, 1825, reversing its provisions and ensuring that Green and Hodgson had no genuine title”⁵²¹

514 Pascoe 2020 p.90 citing *AGN VII, 129, doc.56*

515 Pascoe 2022 vol.1 p.553

516 Bouvet Island; first sighted by a Frenchman on January 1, 1739 but lost again. Norris' was the first recorded and undisputed landing and claim. However, Bouvet Island was not visited again until 1927 when a Norwegian expedition stayed there for a period and also claimed it. Britain renounced its claim in favour of Norway in November, 1929.

517 *Canning to Parish December 26, 1825 in FO 6/7/95*

518 *AGN VII, 129*. Aristides Sacriste sold his shares back to Luis Vernet on February 6, 1828. See *AGN VII 129, doc.56*

519 Caillet-Boise 1982 p.198

520 Pascoe 2020 p.87

521 Pascoe 2022 vol.1 pp.553-554 citing *AGN VII 127, doc.22*. A ruse to fool the Brazilians, but also to deflect challenges from the likes of Capt. Low.

1826 – January 3rd, Luis Vernet takes all of his papers, including those from Green & Hodgson, to the British Consulate where Vice-Consul Poussett authenticates the notaries' signatures.

*“... the British consulate’s seal affixed to said grants, lulled me... into security ...”*⁵²²

*“I got certified by the British Consulate at Buenos Aires, with no other intention at the time than to ensure respect (as to their authenticity,) from foreigners who might touch at the islands,..”*⁵²³

*“... it would appear Vernet had become aware of Britain's interest in the islands as before sailing,... he took his grant to the British Consulate where it received their stamp.”*⁵²⁴

*“These writings were certified by the British consul in Buenos Aires, Richard Poussett (sic), on January 3, 1826. There was not the slightest reaction. If they were British Islands, the British representative in Buenos Aires would have objected to the concessions made by a foreign government. Not only he did not react, but the British Consul certified the authenticity of the documents relating to such Argentine concessions.”*⁵²⁵

*“On 3 January 1826 all those papers were countersigned by the British vice-consul in Buenos Aires, Richard Poussett, who merely confirmed the authenticity of the signatures, quite possibly without reading the documents – it was not necessary to know the content of documents in order to confirm that they were valid where issued. The consulates of many countries offered (and still offer today) an authentication service: the consular officials state officially that the signatures are authentic and that the documents are valid in the country of issue. Vernet seems to have assumed that in presenting his documents to the British consulate he was informing the British government of his activities and demonstrating that he was not concealing anything. But he was mistaken.”*⁵²⁶

*“However, the documentation shows that Poussett did not inform the British government of Vernet's concession. ... So the British government remained in ignorance of Vernet's concession... Vernet seems to have presumed that his openness meant Britain would not object to his activities, and that therefore in effect he had British permission to continue...”*⁵²⁷

Researcher's Comment: So much conjecture. So few facts. In particular, the contract between Pacheco and Green & Hodgson has never been published. We know that Poussett authenticated some signatures, but we do not know what, exactly, was written above them. Commentators refer to a transfer of Pacheco's concession, but which concession? The *usufruct* to hunt seals and cattle, or the (incomplete) grant of lands? Or both? Without knowing what information this bogus contract contained, no conclusion regarding an authentication counter-signature can have any meaning.⁵²⁸

January 12th, Vernet's expedition sails from Ensenada in the British registered ship *Alert*. Gauchos remain out of sight below decks until the ship passes the Brazilian blockade in the Rio de la Plata. There is a ban on horses leaving the city, so *Alert* has none on board.

*“... your memorialist being determined to persevere in the undertaking, proceeded himself to the Island in January, 1826 to superintend the operations.”*⁵²⁹

522 Vernet to Parish 23 July 1834, PRO FO 6 501, fol. 148 verso quoted in Pascoe 2020 p.91.

523 Vernet to Lord Stanley April 26, 1858 in CO 78/43. Thirty-two years after the event, Vernet sent two letters, one public, one private. This is from the latter. cf. 1824

524 Cawkell 2001 p.48. No source cited.

525 Kohen & Rodriguez 2016 p.141

526 Pascoe 2020 p.90

527 Pascoe 2022 vol.1 p.554

528 See 1823 above. cf. 1828, 1852, 1856 & 1858

529 Vernet's Memorandum Presented 7th May, 1852 in CO 78/43. cf. 1828, 1829 & 1852

“... in 1826 Louis Vernet, a naturalised citizen of Buenos Aires, undertook a purely private venture to establish a small settlement at Puerto de la Soledad.”⁵³⁰

“The *Alert* left Ensenada on 12 January 1826 with the gauchos hidden below decks, and as a British ship she was allowed to pass, but only in ballast; the vital horses were not allowed through.”⁵³¹

January 26th, Vernet arrives off Carmen de Patagones, where he owns 200 horses. However, Vernet finds his access blocked by the Brazillian ship, *Maria da Gloria*. After another failed attempt to anchor at San Blas, *Alert* diverts towards Bahia Blanca; “... which was then in the hands of the Indians.”⁵³²

January 29th, arriving off Bahia Blanca, *Alert* proves to have too deep a draught to sail up the river and grounds, resulting in a leak that prevents further travel.

February 6th, the Congress of the Provinces vests executive power in a new office of President. Bernardino Rivadavia is elected. The Province of Córdoba rejects the appointment and retires from the Assembly.

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

March 6th, after repairing his damaged ship, Vernet is finally in a position meet with the Indians; who, he discovers, will not sell their own horses.

March 16th, following protracted talks and an exchange of gifts, Vernet is permitted to send men overland to obtain horses from Rio Negro. Manuel Coronel sets off with four other gauchos and 100 gold doubloons.

“At the end of March they returned empty handed, bringing an order from the local commandant not to trade with the Indians – that was a privilege of Rio Negro residents. Vernet sent them back to Rio Negro with an explanation of their mission.”⁵³³

May 4th, Vernet’s gauchos finally return with horses, however *Alert* only has room for 48, so Vernet sends the remainder to the San Jose peninsula; under the control of 16 gauchos, including Jean (Juan) Simon. Vernet provides them with six months supplies.⁵³⁴

May 13th, two months later than expected, Luis Vernet sets out for the Falklands.

“... a repeat of the 1824 expedition, a purely commercial cattle-slaughtering scheme with gauchos but no women, since there was no intention to found a settlement.”⁵³⁵

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

In **June**, English sealers *Star* and *Sprightly* hunt around the Falklands archipelago.⁵³⁶

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

530 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*

531 Pascoe 2020 p.91

532 Vernet quoted in Caillet-Bois (6th ed.) 1982 p.200

533 Pascoe 2020 p.91

534 Simon was a gaucho of French stock. See below.

535 Pascoe 2020 p.88

536 *Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826* in CO 78/01

*“The Spanish colonies in South America which seceded in the early portion of the nineteenth century did not regard themselves, speaking generally, as bound by the treaties of Spain. The British Foreign Office was advised by the King's Advocate on 8 June 1826 that a convention of 1790 relating to fishery rights in the South Seas 'will not, I conceive, be applicable to the present state of South America.' ...”*⁵³⁷

June 9th, after six days of trying, in adverse weather conditions, Vernet's expedition finally sails into Berkeley Sound. Mid austral-winter, his gauchos, seeing snow for the first time, have to be persuaded to leave the ship to obtain fodder for the remaining stock. A third of the horses have died of stress and hunger, while the survivors are in a poor condition.

*“Arriving now on a bleak desert island in the middle of winter, with a scarcity of provisions, and dying horses, was a sad initiation to the great enterprize of catching and domesticating wild cattle. The gauchos considered themselves deceived and would not leave the ship. Again I was advised to abandon the undertaking and to return to Montevideo,..”*⁵³⁸

*“On June 9, 1826, we arrived at Isla de la Soledad, which is the one that has been inhabited and is located at 51° 30' latitude. Its port in which there were two English fishing vessels is called the port San Luis: (the) mouth looks east about two miles wide, and about 25 miles long, its bottom varied and some stones. We went to the town that is 5 blocks away from the pier: we found it deserted, all its buildings destroyed, and only the walls of the Church and hospital were still standing, but without roofs. ...”*⁵³⁹

*“Spain behaved in 1811 very much in the same way as Britain had in 1774, withdrawing from the Islands and leaving behind signs of possession. The animus derelinquendi did not exist in either case, which is essential to consider a territory res nullius and open to be occupied by others. The thesis that in 1826 Argentina occupied a territory that was res nullius is therefore not sustainable.”*⁵⁴⁰

*“... for almost two years from July 1824 to June 1826 there was no Argentine presence whatever in the Falklands – but plenty of British and American ships, upholding the customary rights they had acquired over the previous 60 years.”*⁵⁴¹

Researcher's Comment: Despite not formally announcing its pretensions, it can be argued that from this date, June 9, 1826, Buenos Aires occupied the Island of Soledad. Buenos Aires. Not the United Provinces, whose government had not authorised any such act.⁵⁴²

The status of this expedition from Buenos Aires is disputed. New owners or trespassers? If Spain's rights had diminished after 1811, then Buenos Aires had commenced an occupation of Soledad. If Spain's rights were still good, however, then Buenos Aires had no right to be there. A trespass can, in some circumstances, provide rights greater than that of the owners, but only after a lengthy period of time and with effective (controlling) occupation.

Vernet would discover that he had very little time – and almost no effective control.

537 O'Connell 1956 p.34 citing FO 83/2366, Appendix no.3. 1790 is clearly a reference to the Nootka Sound Treaty of that year. More importantly, if the Anglo-Spanish treaty did not bind the new South American States, how could Spain's rights have transferred to them? Inheritance must include all, or nothing.

538 Vernet quoted in Bernhardson 1989 p.171

539 Letter dated February 10, 1830 signed by Loreto Sáez, Vernet's brother-in-law.

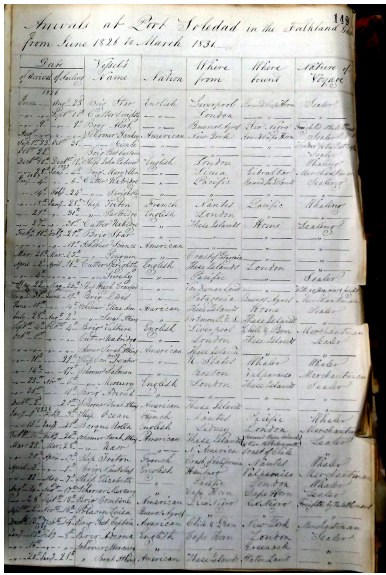
540 Peña & Peña 2018

541 Pascoe 2020 p.87

542 See 1882

Luis Vernet commences a record of ships entering Berkeley Sound.

*“Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9th June, 1826.”*⁵⁴³



*“... running from June 1826 to January 1832 ... There were 9 ships that visited Port Louis in 1826; 22 in 1827; 11 in 1828; 16 in 1829; 23 in 1830; 26 in 1831, and 2 in January 1832. Some ships paid several visits; the 109 entries in 5½ years represent 61 individual ships, of which 26 were American, 22 British, 6 French, 4 from Buenos Aires, 2 from "Malvinas" and 1 Swedish.”*⁵⁴⁴

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

*“... two days after a spell of fine weather set in, which melting the snow discovered the beautiful green tussock fields, and the great expanse of country covered with verdure, which cheered every man's spirit.”*⁵⁴⁵

“The length of time from 11 June 1826, when Louis Vernet landed on the southern shore of Berkeley Sound, to 7 November 1831, when he finally left the islands by his own decision, was less than 5½ years, and he was absent for about half that period. During those 5½ years there was a constant turnover

*of people at the settlement at Port Louis – of the 25 men who landed with Vernet in June 1826, exactly two were still there five years later in June 1831 (Juan Gregorio Sánchez and Dionisio Eredia); all the others had left and been replaced by roughly as many new men. Many people spent only a few months at the settlement before leaving again – they spent less time in the islands than many of the British and American sealers and whalers, who are usually regarded as temporary visitors.”*⁵⁴⁶

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

*“A silence of death reigned over the place, silence that was only interrupted by the screech of the marine birds: "a cloudy sky, a sun without force, red meadows, mountains ..." (A) brick house totally in ruins, such was the picture that faced the head of the company... when Vernet occupied the site, he found only piles of rubble, the only remains of what had once been so many houses. Such ruin was produced, apparently, by the extraction that the fishermen made of the wood contained in the ceilings and walls, wood that they destined to feed their bonfires. However, these ruins served as the basis for the erection of the Establishment, since the newcomers took advantage of the materials so comfortably offered, and with them built their homes”*⁵⁴⁷

*“In the place where the old island settlement was installed, Vernet founded (or rather, re-founded) Puerto Luis and carried out his commercial activity exclusively as a private individual until the middle of 1829.”*⁵⁴⁸

543 CO 78/01. Generally referred to as the *Port Louis Sailing List* (See Pascoe 2020). However, the document supplied by Luis Vernet to Woodbine Parish listing arrivals is headed *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831*. See - <https://falklandstimeline.files.wordpress.com/2022/12/arrivals-at-port-soledad-in-the-falkland-isles-from-june-1826-to-march-1831.pdf>

544 Pascoe 2020 fn.4 p.91

545 Vernet quoted in Bernhardtson 1989 p.171

546 Pascoe 2020 p.88

547 Caillet-Bois 1982 pp.201 & 214. Reminiscent of Lesson's (1838) description. See 1822.

548 *Malvinas: Hombres, Ganados y Tecnologia Rural Criolla (Siglos XVIII y XIX)* J. F. Jiminez, S. B. Alioto & D. Villar 2018

June 22nd, representatives of the revolted Spanish colonies meet at Panama.

*“That congress was summoned by Bolivar, and was intended primarily to induce the Spanish-American states to form a united league against Spain, and force her to grant them recognition. ... the question of a purchase scheme, of paying a sort of tribute in return for recognition, was discussed. It was eventually rejected. Canning had instructed Dawkins to offer the good offices of England for reopening negotiations with Spain, but refused to recommend or give an opinion on this purchase scheme.”*⁵⁴⁹

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

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

*“The first thing we found were two pigs that were killed to eat leaving the young. After three days we saw some cattle. The repeated snowfalls, cold and bad muddy and shifting ground in very broken fields delayed the horses, and we had to stay alone because the two laborers went back to the town. We continued our reconnaissance for 25 days in which we would walk 40 or 45 leagues. We would see about two thousand head of cattle divided into herds. To the south the land is firmer with good pastures, and larger and fatter cattle. To the north is the opposite, bad ground, hard puna grass, small and skinny cattle. No tree(s) ... Shrubs about 3 feet in abundance and called Fachinales. ... Foxes, rabbits and rats, galore. Many aquatic and bathing birds whose eggs contribute to food. Only one species of fish is known but a lot of shellfish. The coasts with many Wolves. There are no reptiles or insects, undoubtedly because of the very cold: ... The vegetables, and the legumes that are seeded, do not reach maturity.”*⁵⁵⁰

*“... which led them to the summits towards the South; Then they recognized the land between the east coast and the mountain chain.”*⁵⁵¹

*“Unlike Bougainville and his companions, (Vernet) was on horseback, with his "brothers", by which he means his brother Emilio and his brother-in-law Loreto Sáez. They were accompanied by two gauchos and an old roguish convict from the Spanish *presidio* days, whom they had brought as a guide, but whom Vernet does not name.”*⁵⁵²

In **August**, the American sealer *Yankey*, arrives in Berkeley Sound.⁵⁵³

August 17th, Vernet arrives back at the Soledad ruins, where he suppresses a rebellion by disenchanting gauchos.

*“... On his return, he was lucky to discover a conspiracy that (he) managed to abort.”*⁵⁵⁴

While he was away, a house for Luis Vernet has been made ready.

*“The crews of the *Sprightly* and the *Star* helped to make Port Louis habitable and built several houses for Vernet and his men, using stone from the ruins of the former French and Spanish buildings. The largest new building was Vernet's own house, which he called "the principal house", ... it was of one storey with a large roof garret, and was intended to be shaped like an H turned on its side. The southern block was 80 feet east to west and 25 feet north to south (24.6 metres by 7.7 metres);...”*⁵⁵⁵

549 *The Later American Policy of George Canning* H.M.V. Temperley in the *American Historical Review* vol.11 No.4 July 1906. Britain was represented following an invitation from Bolivar.

550 Letter dated February 10, 1830 signed by Loreto Sáez. The shrubs would have been Tussock Grass.

551 Caillet-Bois 1982 p.202.

552 Pascoe 2022 vol.1 pp.559-560. The gauchos were likely to have been Manuel Coronel and Aniceto Oviedo. The latter had been on Schofield's ill-fated 1824 expedition.

553 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in CO 78/01

554 Caillet-Bois 1982 p.202.

555 Pascoe 2020 p.92. Never entirely finished, a plan of the building is in the Public Records Office at *Adm 1.43*

September 9th, *Alert*, carrying Luis Vernet and a number of rebellious gauchos, sails for the San Jose peninsula to collect the remaining horses. They almost immediately encounter bad weather, which forces them to change course towards Montevideo.

*“... the first of several long absences, this time for over eight months. In the two years from his arrival he spent less than four months in the Falklands: three months from June to September 1826, and then less than three weeks in June 1827, after which he was away again till August 1828, leaving affairs at Port Louis to his brother Emilio (Jean Émile, b. 1800), who remained at Port Louis without interruption from June 1826 to March 1831.”*⁵⁵⁶

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

*“In September 1826, Lord Ponsonby arrived from England charged to mediate between the Belligerents:- No Secretary of Legation was appointed and I was desired to do the duties of that office, an arrangement which as Mr. Canning signified to me he was induced to propose because my intimate knowledge of the State of Affairs, and acquaintance with the leading Persons of the Govt. of Buenos Ayres, he expected would enable me to render to his Lordship the most effectual assistance.”*⁵⁵⁷

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

September 23rd, Lieut. George Bynon, in the Buenos Airean corvette *Chacabuco*, stops off at Soledad.⁵⁵⁸

September 26th, with *Alert* taking on water, Luis Vernet arrives at Montevideo; *“... it is feared (she) will be condemned.”*⁵⁵⁹ The ship is declared unseaworthy and put up for auction.⁵⁶⁰ A number of the company's shareholders, disturbed by the problems encountered, arrange to sell their shares back to Vernet.

*“Shuffling figures, signing documents to which he always faces with honesty, raising money and contracting new mortgages, Vernet, as a prey of a devilish fever, negotiates, always negotiates, (and) always finds friends who help him to prop up the company...”*⁵⁶¹

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

October 22nd, a sealing brig *Port Captain*, out of New York, arrives in Berkeley Sound.⁵⁶²

October 31st, Vernet uses what little money the *Alert* fetches at auction, to pay off some of his debts.

*“The insurance Vernet had arranged with Green and Hodgson on 3 January, 1826 seems not to have fully covered the damage, so she (Alert) represented a major loss. The expedition in the Alert had cost a total of 17,820 pesos and 5 reales, including 2,820 pesos and 5 reales for goods to keep the Indians happy.”*⁵⁶³

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

“In 1826 the United provinces of Argentina (sic), involved in hostilities against monarchical Brazil over the possession of the Banda Oriental (Uruguay), sought Chilean assistance in the form of a treaty of alliance.

556 Pascoe 2020 p.91

557 Parish to Palmerston June 4, 1832 in FO 354/9 at 3

558 Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831 in CO 78/01

559 Lloyds List Tuesday December 12, 1826

560 *Alert* was sold off in October; resulting in another loss for Luis Vernet.

561 Caillet-Bois 1982 p.202

562 Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831 in CO 78/01

563 Pascoe 2022 vol. p.562 citing AGN VII 130, doc.2

*Article III of the proposed treaty obligated both parties "to guarantee the integrity of its territories and to act against any foreign power which may attempt to change by force the boundaries of said republics". Despite favorable press and public opinion in Chile for the republican cause of Argentina, neither increasing internal disorders nor the deplorable state of the treasury would have permitted the Chilean Government to become engaged in a foreign war. Furthermore, since there was no threat to her own territorial integrity, whereas Argentina was involved in a war with Brazil and at swords point with Bolivar over Alto Peru (Bolivia) and Paraguay (former parts of the Spanish Viceroyalty of La Plata), Chile would have been assuming commitments unequal to her political and economic means. The 1826 treaty with Argentina was not ratified by the Chilean Congress."*⁵⁶⁴

December 12th, in London, Secretary Canning explains to Parliament, the reasons for his recognition of a few South American States.

*"Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain "with the Indies." I called the New World into existence, to redress the balance of the Old."*⁵⁶⁵

A British whaler, *John Palmer*, hunts near Soledad Island.⁵⁶⁶

December 16th, sealer *Prince Saxe Coburg* (Matthew Brisbane), founders in the strait of Magellan. All the crew get safely to shore.⁵⁶⁷

December 24th, a draft-*Constitution of the Argentine Republic* is presented to representatives of the Provinces at the General Constituent Congress in Buenos Aires.⁵⁶⁸

"Article 1.- The Argentine Nation is forever free and independent from all foreign domination.

Article 2.- It will never be the patrimony of a person or a family.

*Article 3.- Its religion is Catholic, Roman Apostolic, to which it will always provide the most effective and decided protection, and its inhabitants the greatest respect, regardless of their religious opinions."*⁵⁶⁹

*"Argentina declared its independence from Spain in 1816, as part of the United Provinces of the Rio de la Plata (which also included Bolivia, Paraguay and Uruguay). It became officially known as Argentina in the Constitution of 1826."*⁵⁷⁰

The proposed Constitution is rejected by Congress.

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

⁵⁶⁴ *Chile and Hispanic-American Solidarity 1830-1865* Elliot A. Marcus in *The Americas* 1952 vol.9 No.2 pp.177-200

⁵⁶⁵ *HC Deb 12 December 1826 vol.16 cc350-98*. Canning's attitude towards the emancipation of the Spanish American colonies had far more to do with European power politics than it did with any high moral attitude towards the rights of man. French involvement in Spain threatened to affect the balance of power in Europe, to Britain's disadvantage. Hence Canning's desire to separate Spain from its old dominions.

⁵⁶⁶ *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78/01*

⁵⁶⁷ The ship was part owned by James Weddell.

⁵⁶⁸ A draft-*Constitution* had been proposed as early as 1813, but it would be 1859 before one was eventually agreed. *cf.* 1853 & 1859

⁵⁶⁹ See - https://www.cervantesvirtual.com/obra-visor/constitucion-de-24-de-diciembre-de-1826/html/2e4207d7-2703-417d-9733-f0033e6d28d4_2.html

⁵⁷⁰ *Argentina's Parliament and other political institutions* European Parliament Briefing Note September 2021

1827 – January 4th, William Low in *Uxbridge* sails into Berkeley Sound. ⁵⁷¹

January 14th, English sealer *Sprightly* arrives off the old Spanish garrison site. ⁵⁷²

January 18th, a French whaler, *Triton*, anchors in Berkeley Sound, commanded by John Upham. ⁵⁷³

January 21st, English whaler *Partridge* stops off at Berkeley Sound. ⁵⁷⁴

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

'Port Louis, ile Falkland'

"Captain Low is leaving immediately for England. We are going to leave the island to go to our destination. We have found at this place all that we were promised by the Spaniards, we have eaten much local game and fish. Captain Upham has taken on two passengers here – an American belonging to the 'Sprei' and a Spaniard from the island of Chiloe. Captain Norris of the 'Sprei' is a little better of the scurvy. Please excuse my style of writing. They are hurrying me to have lunch and go ashore to advise Captain Norris, who is sailing in Captain Low's ship." ⁵⁷⁵



"An entire letter from Port Louis to Nantes dated 28 January 1827, sent by a French Surgeon L. Gautier on board a visiting vessel commanded by Captain John Upham. First charged ¼, later deleted and altered to 2/4 in black (8d ship letter + 8d Deal to London + 1s rate from London to France). The letter could not be sent on from the London GPO Foreign branch until the postage had been paid and was transferred to the Returned Letter Office where it was given reference number RLO 2699. Upon Payment the black 2/4 was replaced with a red 2/4 denoting payment. Finally the letter was charged 18 decimes for internal delivery in France. Shipped by 'Adeona' from Port Louis 28 January arriving Deal 20 July 1827." ⁵⁷⁶

February 11th, the English sealing brig *Star*, and the American schooner *Science*, anchor at Puerto Soledad. ⁵⁷⁷

March 3rd, after two and half months, Matthew Brisbane and the remainder of *Prince Saxe Coburg's* crew, are rescued by a boat from HMS *Beagle*.

March 9th, Lord Ponsonby writes to George Canning to inform him that the provinces have all rejected the central authority of Buenos Aires, declaring against the proposed constitution and, in some cases, recalling their representatives from Congress. Ponsonby also describes the inhabitants of the Banda Oriental as; *"wild and savage, but not more so than here (Buenos Ayres), and, I believe everywhere else on this continent."* ⁵⁷⁸

⁵⁷¹ *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in CO 78/01. *Uxbridge* returned on the 27th and sailed on January 31st, with its destination noted as "Home." Sealers, *Adeona*, *Mercury* and *Uxbridge* were all part owned by Andrew and William Low. Pascoe (2022 vol.1 p.563) suggests that Andrew Low arrived with his brother, William, in January, 1827. This is unlikely.

⁵⁷² *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in CO 78/01

⁵⁷³ *Ibid.*

⁵⁷⁴ *Ibid.*

⁵⁷⁵ This pre-stamp letter was handed to Capt. Low for posting in England; which he did on July 20th. It is addressed to Monsieur Goupilleau, *Courtier de Marine, demeurant sur la Fosse, a Nantes, France*. *Sprei* was *Sprightly*.

⁵⁷⁶ *To The Royal Philatelic Society, London of The Postal History of the Falkland Islands between the years 1827 and 1945* Michael J. Y. Roberts 2015. There is no record of *Adeona* at Port Luis at this time.

⁵⁷⁷ *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in CO 78/01

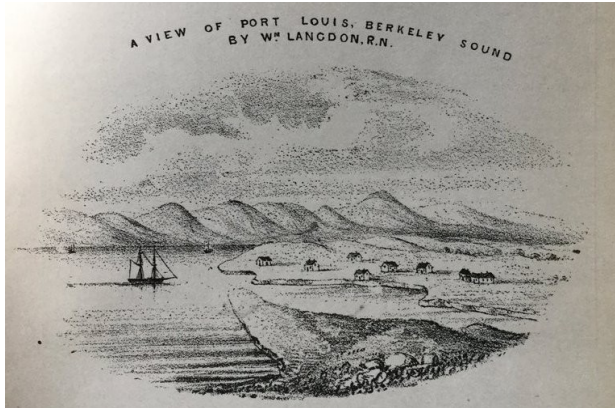
⁵⁷⁸ Kay-Shuttleworth 1910 p.332

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

*“By early 1827 Rivadavia's presidency, barely six months old, was on the brink of dissolution. Four provinces – Coórdoba, La Rioja and its client, Catamarca, and Santiago del Estero – had formed a military alliance to resist the Constitution.”*⁵⁷⁹

March 21st, an American sealer, *Penguin*, anchors in Berkeley Sound.

March 23rd, William Langdon, in *Hugh Crawford*, sails from Hobart, Tasmania en-route to England.⁵⁸⁰



April 4th, English sealers *Sprightly* and *Lively* lie at anchor Berkeley Sound.⁵⁸¹

April 24th, Matthew Brisbane disembarks in Montevideo seeking a ship bound for England.⁵⁸²

May 22nd, *Hugh Crawford* arrives at the Falklands.

“... busy supplying myself with water, I received a message from a Mr. Luis Vernet indicating that he was the superintendent of a British Merchants Company of Buenos Aires, who had received a concession on these Islands by the Government of

*said State, and that he was there with a party of twenty Americans and Spaniards dedicated to slaughtering the island's cattle and horses, salting the meat of the cattle and collecting the hides whose sale would benefit their Patrons; that the Company employed a brig to transport these items to the Rio de la Plata. At the same time he offered to supply me with salted beef ... he asked me to prevent the crew from killing the cattle and horses. I stocked up on very good quality fresh and salty meat at the prices mentioned above and left the next day. ...”*⁵⁸³

*“... and having only one cask of water left on board, put into Berkeley Sound, and anchored about two miles up; watered easily, and procured some fine beef at two pence per pound, from Don Vernet's brother (then there,) who sent it down in a whaleboat from the settlement, and with it a letter warning that officers not to kill any of the cattle or wild pigs...”*⁵⁸⁴

*“He was surprised to find Vernet's settlement, where Emilio Vernet was in charge.”*⁵⁸⁵

May 31st, after a frustrating journey, via the San Jose peninsula where he found no horses awaiting him, Luis Vernet finally returns to Puerto Soledad in *Idris*.⁵⁸⁶

579 *Argentina, 1516-1987: From Spanish Colonialism to Alfonsín* D. Rock 1987 p.103

580 Langdon traded between England and Tasmania, with the Falklands as a regular port of call after 1827. His first vessel, the *Lusitania* was followed by *Hugh Crawford*, then *Wanstead* and finally *Thomas Laurie*.

581 *Arrivals and Sailings of Vessels touching at the East Falklands: Begun 9, June, 1826* in CO 78/01.

582 Worthy of note, in light of the events that followed, the Fitzroy and Brisbane were acquainted.

583 Langdon quoted in Caillet-Bois 1982 (6th ed.) pp.306-307 citing *Report of Lieutenant Langdon on the Falklands Islands* (June 16, 1829 in PRO CO 78/02).

584 *The Museum of Foreign Literature, Science and Art* 1833 vol.22. Langdon sailed for England on the 25th.

585 Pascoe 2020 p.92

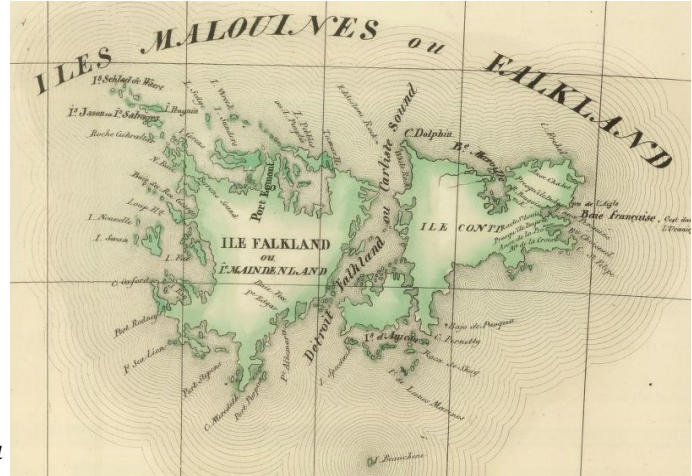
586 The gauchos herding the horses at San Jose had given up the wait after more than a year; their endeavours frustrated by local tribes which had stolen much of the stock. Some, the gauchos had traded for supplies after those provided by Vernet had run out. It is likely that at least a few of these gauchos traveled to Soledad with Vernet. Pure conjecture but there persists an abiding belief among many Argentines that one, Antonio Rivero, travelled to Puerto Soledad in 1827. There is no clear evidence for it, and no Argentine historian claims it. cf. 1833

“... (matters)... were somewhat improved, but still without product... The horses were beginning to be useful; but they were too few.”⁵⁸⁷

An English merchant brig *Doris*, arrives in Berkeley Sound while American sealer, *Eliza Ann*, hunts.

June 19th, after re-contracting his gauchos for a further year, Vernet leaves for Montevideo in *Idris*. Sailing with him are Manuel Coronel, who wishes to return home, and another gaucho whose services are being dispensed with.⁵⁸⁸

In Brussels, Philippe Vandernaelen publishes a map of the archipelago – *Iles Malouines ou Falkland*. *Amer. Merid. no. 41* (right).⁵⁸⁹



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

“Rivadavia quitted his post in July 1827, and the national congress was dissolved.”⁵⁹⁰

“... as rumors spread of a cattleman's revolt in Buenos Aires and both the mercantile interests and the British abandoned the administration, Rivadavia resigned. Another bitter spate of civil war supervened.”⁵⁹¹

“On the fall of Rivadavia, the provincial governors once more took charge as occurred eight years previously on the political demise of Pueyrredón.”⁵⁹²

July 28th, American sealer *Sarah Atkins*, moors in Berkeley Sound.⁵⁹³

August 18th, Manuel Dorrego, recognising provincial autonomy, is elected Governor of Buenos Aires.

“By the *Dover Packet*, which arrived from the River Plate, we learn that another change has taken place in the Government. The Congress having been dissolved, and Dorrego being named the President of the Province at Buenos Ayres, so that there is no longer any head of the Republic; or rather, there is no longer any Republic.”⁵⁹⁴

“To placate the caudillos, Manuel Dorrego, ... nullified the Constitution, re-acknowledged the autonomy of the provinces, and himself reassumed the title of governor of Buenos Aires. The former United Provinces were now the Confederation of the River Plate, or the Argentine Confederation. To end the Brazillian blockade, Dorrego declared support for peace on the east bank and eagerly accepted an offer of mediation that Rivadavia had ignored from the British envoy, Lord Ponsonby.”⁵⁹⁵

587 Quoted in Caillet-Bois 1982 p.203

588 Luis Vernet would not return until August, 1828. Manuel Coronel, after being some 12 months on the island, chose to leave with Vernet. However, Coronel would return in 1831. cf. July, 1831 & November, 1841

589 See <https://falklandstimeline.files.wordpress.com/2019/01/1827-philippe-vandernaelen-bruxelles.png>

590 *The Monthly Chronicle* November & December, 1841

591 Rock 1986 p.103

592 Rock 2018 p.77

593 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in CO 78/01.

594 *Roscommon & Leitrim Gazette* Saturday 17 November 1827

595 Rock 1986 p.103

*“The return of self-rule in Buenos Aires led to the election of Manuel Dorrego, one of the ex-president’s leading opponents, as governor.”*⁵⁹⁶

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

Back in Buenos Aires, Luis Vernet buys out the remaining shareholders of the association formed in 1826.⁵⁹⁷

October 1st, *Uxbridge*, under Capt. William Low, returns to the archipelago for the sealing season.

Low is joined at Berkeley Sound by the American sealer *Sarah Atkins*.⁵⁹⁸

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

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

October 25th, *Mercury* arrives in Berkeley Sound, followed by *Adeona* (Andrew Low) five days later.

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

*“... having realised the natural advantages that it might provide the country, I (Vernet) conceived the project of establishing a Colony directly subordinate to Buenos Aires which at the same time would give the state the benefit of putting the sovereignty over the coasts and islands of the south beyond doubt...”*⁵⁹⁹

*“Initially motivated by the great advantages that it would bring Republic of establishments in the South, and having had good success some tests that I did in agriculture, I decided to exhaust all my resources and use all my relationships, to undertake a formal colonization to ensure those advantages, and build the foundations of a national fishing, which has been at all times, in all countries, the origin and cradle of merchant and military marinas.”*⁶⁰⁰

Pacheco writes to the Governor of Buenos Aires seeking clarification of the 1823 grant of land made to him.

*“... the former Grants count undetermined and vague and my possession would also have been doubtful, as well as uncertain, my rights to lands without, limits or determined points... I am led to hope from the superior integrity of your Excellency that you will fix the grants to the lands that I have pointed out in this petition, news being at same time that the decree to be issued may be held a sufficient title for possession... I pray your Excellency may be pleased to grant as I have solicited.”*⁶⁰¹

*“Pacheco, moved by Vernet, puts a new presentation to the Government, requesting that it complete the decree of December 18, 1823, since the lands (granted) had no precise limits. He asked, therefore, (for) the corner that exists in the S.E. part of the island on the Bay of Choiseul and the land located on the banks of the San Salvador Bay and on the east coast, from Bomport in the direction of the Rincon.”*⁶⁰²

November 11th, *Adeona* sails.

November 24th, now back in Britain, Matthew Brisbane is appointed captain of the sealing schooner *Hope*.

596 Rock 2018 p.77

597 Peter Pepper in Tatham (ed.) 2008 p.541.

598 *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in CO 78/01

599 Quoted in Pascoe & Pepper 2008 p.13; citing AGN, Sala VII, Legajo 129, doc.59

600 Vernet quoted in Areco 1885 pp.50-51

601 Quoted in *Parish to Aberdeen April 25, 1829* in FO 78/1/16-18

602 Caillet-Bois (6th ed.) 1982 p.203

1828 – January 1st, at Soledad, Emilio Vernet starts a diary/logbook. ⁶⁰³

January 5th, with no response to Pacheco's request having arrived, Luis Vernet prepares his own petition.

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

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

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

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

*The Malvine Islands being in a manner **deserted** must belong to the first occupant; they are situated entirely beyond the boundary of the Province. I have in the present application no other object that that Y.E. should **acquire rights** and should exercise your jurisdiction over those islands. I have pointed out the only manner of acquiring those rights. The colonization of those islands would be attended with incalculable benefits, such as increase of population, extension of territory, acquisition of excellent ports, introduction of a new branch of commerce by taking fish, and by means of that occupation the creation of seamen, all of them natives who in process of time might render the Buenos Ayres marine formidable. I accordingly solicit Y.E. to grant me as above.”* ⁶⁰⁴

Researcher's Comment: Resuming or acquiring? Luis Vernet appears to have been hedging his bets.

This petition is submitted to the Government of Buenos Aires that same day.

*“I conceived the project of establishing a Colony under direct obedience to Buenos Aires which ... would bring to the State the benefit of **putting beyond question** the right of sovereignty over the coasts and Islands of the South...”* ⁶⁰⁵

603 *AGN VII 141* For a full description of the diary and its condition, see Pascoe 2022 vol.1 p.566 fn.1

604 *FO 78/1/29 & 30 also FO 6/499*. My emphasis

605 Rough draft of a historical account in Vernet's handwriting in *AGN VII, 129, doc.59 2 fols*. My emphasis. See Pascoe 2022 vol.1 p.567 fn.4

“... your Memorialist perceiving that, by regular Colonization, the Islands might be made very valuable;.. (I) proposed to the Government of Buenos Aires, (then in **nominal** possession of the Islands), to establish a Colony thereon...”⁶⁰⁶

“I could ... undertake with success the forming of a Colony of European Settlers, provided my expenses would be guaranteed by the property of the Lands of the East Falkland Island. I therefore solicited from the Buenos Ayres Government (who was still to the best of my knowledge and belief the sole proprietor of the Falkland Islands) the remaining lands of that Island on condition of placing a Colony thereon at my expense, within three years.”⁶⁰⁷

“I represented the nature of the island and its fitness for furnishing thousands of settlers with a means of procuring an easy livelihood, provided the property of some land was granted to them and provided the Government would make some advances of money to the settlers, to maintain them until their industry could be brought into action;..”⁶⁰⁸

“Vernet's petition is contradictory because the Falklands/Malvinas could not be at the same time terra nullius and be able to be claimed by Argentina by right of Spanish inheritance, a personal opinion that bears no legal weight because he was not at the time a representative of the government of Buenos Aires.”⁶⁰⁹

“It was a breathtaking request – nearly all the areas mentioned were far beyond the real limits of Argentina at the time.”⁶¹⁰

Researcher's Comment: Clearly, in January 1828, Luis Vernet did not see East Falkland Island (Soledad) as belonging to Buenos Aires, but recognised that it would be in his interest to remove any ambiguity.

General Juan Ramón Balcarce, Minister of War, immediately signs a decree on behalf of the government.⁶¹¹

*“The Government, considering the great advantages which will accrue to the Country by peopling the Islands, of which the property is solicited, which, besides the increase that will necessarily be afforded to the commerce, with foreign Nations, new channels of national prosperity will be opened by encouraging the important branch of fishing, in as much as the inhabitants of the Republic will gain much by the sums flowing in from foreign countries; that in the present war with the Emperor of the Brazils, and in any other in which the Republic hereafter may be engaged, nothing will be more useful than to have in those islands a point of support for maritime operations, and to be able to open to the Privateers secure parts into which to send their prizes; that for the settlement and extension of the territory on the Southern Coasts and for the improvement of their ports nothing can be more beneficial than the colonization of those Islands; and, finally, that the immense expenses necessary to be incurred into carrying into execution an enterprise of this nature, cannot be compensated otherwise than by the property of lands which must be granted, if we would not lose the opportunity of greatly benefiting the nation and the right and jurisdiction over them – pursuant to the provisions of the **law enacted the 22nd Oct, 1821** does from this moment grant to Don Luis Vernet, inhabitant, and merchant of this City, all the territory which in the Island of Soledad shall happen to be uncultivated, with the exception of those granted to Don George Pacheco by a Decree dated 18 December 1823, and which is ratified by the*

606 Vernet's Memorandum Presented 7, May, 1852 in CO 78/43. My emphasis.

607 Vernet to Earl of Derby April 26, 1858 in CO 78/43

608 Memoria (draft & undated) by Luis Vernet quoted in Berhardson 1989 p.173

609 Peña & Peña 2018

610 Pascoe 2022 vol.1 p.567

611 A decree of the Province of Buenos Aires; the last National Congress having dissolved in July, 1827. This all appears to have been done with some haste, and without any obvious consultation. cf. 1821, 1879, 1882 & 1887

Decree of this day's date, **the Government reserving to itself an extent of ten square leagues** in the Bay of San Carlos, and in the Isle of Statenland: to the effect, and on the condition that within the term of three years to be computed from this date a colony shall be established, and that, after the expiration of them, information shall be given to the Government, for it to provide what it may deem expedient for the internal and external administration. And the Government desiring to contribute as much as possible to the establishment and prosperity of the Colony, Decrees likewise, ⁶¹²

1 That the colonists shall be exempt from paying any kind of contribution, excepting what may be necessary for the support of the authority or authorities to be established, from all duties on shore and from all maritime imposts of exportation and of the importation of articles needed for the support of the Colony, for the term of Twenty years to be reckoned from the date of the expiration of the three conceded for the establishment of the Colony;

2 That for the like term of Twenty years, and with exemption from the payment of duties, the Colony shall enjoy the fishery near the two islands whose property is granted, in all the Malvine Islands, and on the coasts of the Southern Continent of the Rio Negro de Patagones;

3 That in case the population should extend to the other islands within the three years conceded for the establishment of those granted, the Director of the Colony shall be obliged to state it to the Government to enable it to provide what may be necessary.

And to answer the proper ends (the) Petitioner shall receive the testimonies solicited by him from the Supreme Secretary's Office of the Government." ⁶¹³

Researcher's Comment: Busy day. After two months with no reply to Pacheco's submission, Vernet supposedly composed a report, submitted it and received approval all in the space of one working day. And approval by a Minister, yet again. Clearly, not a busy man. From a hunting licence in 1823 to a grant of property five years later; based upon a very questionable 1821 fishing regulation (see 1882). Unpublished, this decree cannot be seen as an act taken with any great confidence.

"The Government, ... issued a Decree on the 5th of January, 1828, whereby, in conformity with the **spirit** of the Law enacted by the Honorable House of representatives, on the 22nd October, 1821, granted me the right of property to the lands on the Island, ..." ⁶¹⁴

"It is said that officers in the Buenos Ayrean army, relations of Mrs. Vernet, had claims upon their Government, which they agreed should be liquidated by receiving certain sums of money from Mr. Vernet; in consideration of which the Government made over to him their pretended right of property in the Falklands and Staten Land." ⁶¹⁵

612 The 1821 law concerned the regulation of fishing on the coasts of Patagonia; no mention being made of the Falkland Islands. This omission would become an issue in 1879 and 1882. *cf.* 1821, 1823, 1879 & 1882

613 *FO 78/1/31-34*. Different translations exists, all with slight variations. My emphasis. The reservation of land was for the creation of a *presidio*, a frontier garrison despite the last thing Vernet wishing for was troops and prisoners. Apparently he protested to the Buenos Aires government that a *presidio* would deter settlers (Pascoe 2022 vol.1 p.568), without effect. Worthy of note that this *decree* was not published in the official Gazette, or any of the journals. Unannounced. Secret.

614 Vernet 1832. My emphasis. Spirit is a word used when some text does not actually state that which the observer had hoped it would. *cf.* 1882

615 Fitzroy 1839

“... the Executive Power of the province of Buenos Aires... issued a decree giving to senior Don Luis Vernet as his property the Isla de la Soledad and the Isla de la Estados ... In the judgment of the Commission that decree gives no right whatever... no legal force since it had not been authorised by the General Congress of the Nation, which was the power that had to regulate grants of national territories.”⁶¹⁶

“It does not give him any rights, because the law of October 22, 1821, which was the provincial law of the Junta de Buenos Aires, did not authorize the assignment of that territory.”⁶¹⁷

“There was no protest from from the British Government, despite this being a public act exercising sovereignty and with the knowledge of the active British representative in Buenos Aires...”⁶¹⁸

“Despite the importance of a legal document which not only granted lands reputedly belonging to the Nation but also awarded fishing warrants and tax exemptions, the decree was not published in the Gazette of Buenos Aires. To date no clue has been found as to the reason for such omission, which gave Great Britain grounds to justify not protesting Argentina's act of possession in the Islands.”⁶¹⁹

“Unlike the earlier concession of 1823, which had granted only the "usufruct" (the right to exploit the natural resources), this decree actually "ceded" the freehold of the island itself to Vernet, which led him to describe himself later as "Owner of the East Falkland Island" or "sole proprietor with small exceptions of the whole East Falkland Island with all that it contained". ... but of course no other country recognised any rights of Buenos Aires to any part of the islands; to all other countries his concessions were null and void.”⁶²⁰

Matthew Brisbane, in the British sealer *Hope*, sails from the Port of London for the southern seas.

French whaler *Ocean*, stops off at Port Louis.

January 11th, in possession of a copy of the *decree* drawn up by the Government's senior clerk, Luis Vernet takes it to a Buenos Airean Notary Public, Josef Ramon de Basavilbaso, to have further replicas made. Vernet also acquires the services of a ship in Montevideo, an American brig, *Osprey*; “... because the waters immediate to Buenos Aires continued to be patrolled by Brazillian warships.”⁶²¹

January 15th, English merchantman *Rolla*, arrives in Berkeley Sound en-route to London.

January 30th, Vernet goes to the British Consulate in Buenos Aires with a copy of the land grant of January 5th, as made out by the Notary Public, Josef Basavilbaso, and asks for it to be validated.

Onto the bottom of this copy, Consul Charles Griffiths writes out a statement, appends his signature beneath that and adds the stamp of the British Consulate.

“These are to certify that the foregoing is the true and proper **hand writing** of Don Josef Ramon de Basavilbaso, and that he is a Notary Publick practising as such in this City. In Testimony whereof I have hereunto set my hand and append the Seal of this Consulate to serve as occasion may require.”⁶²²

616 Argentina's Senate in *Diario de Sesiones* July 29 1882. Text here -

<https://falklandstimeline.files.wordpress.com/2018/01/senadoargentina-sesion18820729.pdf>

617 Senator Francisco J. Ortiz: Senate debate into compensation for the heirs of Luis Vernet on August 11, 1882.

618 Kohen & Rodriguez 2016 p.153. This is not true, and the authors' knew it when they stated it. No publication in either the official gazette or any of the journals. Moreover, Vernet did not seek to advertise the *decree* or the rights given him; something he would quickly do in 1829 following the *decree* issued at that time. This *decree* was not for public, nor indeed, international consumption.

619 Peña & Peña 2018

620 Pascoe 2020 p.95. *cf.* 1882

621 Caillet-Boise 1982 p.204

622 My emphasis.

“... in order that these grants may not be disputed by foreign fishing vessels, which frequented those Islands, your Memorialist got them **certified** by the British Consulate in Buenos Ayres;...”⁶²³

“And moreover, both these grants were **legalized** by the British Consulate at Buenos Aires at the time...”⁶²⁴

“All Vernet did was to have the Decree of January 5th, 1828 certified at the British Consulate in Buenos Aires. This certification was given on January 30th, 1828 and was signed by the British Consul Charles Griffiths. It was a typical consular legalization by which a Consulate in a foreign country certifies that an official document is signed and sealed by the competent authorities of the State in which the Consulate is located or has jurisdiction. This function of "legalization" of foreign official documents is conducted even today by consulates worldwide. Why... ? Because his intention was, as he did, to send all the documentation to Europe in order to attract European settlers to the Falklands ... It was a way to prove that he was (running) the establishment with state authorization...”⁶²⁵

“... on 30 January 1828 Vernet paid another visit to the British consulate in Buenos Aires to have his concession document authenticated, as he had done in 1826. Such authentications were mere routine bureaucratic acts, so it was again done by the vice-consul, who was now Charles Griffiths. It seems likely that he did not actually read the document (which was not necessary for authenticating it), and like Vice-Consul Richard Poussett in 1826, Griffiths failed to inform London about it.”⁶²⁶

Researcher's Comment: This document has survived. All that was certified was the handwriting of a well-known Buenos Airean Notary Public. Nothing else. Again, there is no Consular record. It seems likely that Griffiths chose his words carefully and if Vernet was seeking a validation of Buenos Airean sovereignty, he didn't get it. There is no evidence that this certification was presented to anyone. It was certainly not advertised in Europe in an attempt to attract European settlers as suggested above.

February 17th, Capt. Kenney, of the sealer *Sarah Atkins*, breaks up a gunfight between two gauchos. One of the protagonists, Dionisio Ortiz, is sent back to Buenos Aires by Emilio Vernet.

April 23rd, Matthew Brisbane's ship, *Hope*, is wrecked off South Georgia. The crew manage to get ashore.⁶²⁷

Buenos Aires defaults on its 1824 loan from Barings Bank.⁶²⁸

May 24th, Emilio Vernet organises a party at Puerto Soledad to celebrate independence from Spain..

*“We made preparations for celebrating the day tomorrow, as the day for freedom for Buenos Aires, sending some of the people to butcher meat in the skin. We put up two poles for flags and a target to shoot at with rifles.”*⁶²⁹

May 25th, 1810's revolution in the Spanish Viceroyalty of the Rio de la Plata, is celebrated at Puerto Soledad.

623 Vernet's Memorandum Presented 7, May, 1852 in CO 78/43. My emphasis.

624 Vernet 1858. My emphasis. To *legalise* something is simply to – “make (something that was previously illegal) permissible by law.” Clearly not what had occurred. I have included three versions of Vernet's reasoning as there were some inconsistencies in his descriptions between 1852 and 1858; notably the change from 'certified' to 'legalized.' cf. 1952 to 1858

625 Kohen & Rodriguez 2016 p.166. Vernet only used the term 'legalized' in a few of his letters in 1858, all previous correspondence using the word 'certified.' cf. 1852 & 1858

626 Pascoe 2020 p.96

627 *British Packet and Argentine News* May 2, 1829. cf. May, 1829

628 Surprising no-one, except, possibly, Barings Bank. cf. 1824, 1838, 1842 & 1853

629 Emilio Vernet's diary quoted in Pascoe 2022 vol.1 p.571

“... At sunrise three cannon shots were fired and the flags of both Great Britain and Buenos Aires were hoisted; 10 at noon, three more cannon shots were fired, and three more in the evening. After lunching meat roasted with hide on and cakes especially prepared for the occasion, we practised target shooting until dusk. People organized a ball at the cooper's ranch, which lasted all night.”⁶³⁰

“... the population behaved consonantly with Argentina's sovereignty over the territory in which they were located. One example is that of the observance of the national holidays of May 25th and July 9th.”⁶³¹

“No reason has been given for the hoisting of the British colours along with the Argentine flag.”⁶³²

“The fact that the settlement hoisted a British flag has embarrassed more than one Argentine writer. ... there was not a single British person there.”⁶³³

Researcher's Comment: A demonstration of how Emilio Vernet saw the political situation in the archipelago? It could be argued that the Vernets, aware of Britain's longstanding claims, were 'hedging their bets' by raising both flags. Assuming, of course, that Emilio Vernet had any knowledge of what his brother had been up to.

June 15th, at Patagones, Vernet acquires 31 negro servants and workers captured by privateers from a Puerto Rican – Fernando Maximo Alfaro. Six of them are children, one only five years old, all purchased for 160 pesos each. The five year-old signs up for 13 years service.⁶³⁴

“Vernet was also accused of having black slaves, but contracts with a Labor broker indicate that these were freed slaves who chose indenture. One such contract contains the following clause: “The freed slave Julia, in use of her free spontaneous liberty, offers herself to serve don Louis Vernet for the term of ten years given that the terms of the following provisions are fulfilled...” These provisions bound Vernet to feed, clothe, and provide her medical care, and to “treat her according to servants of her class.” Vernet also pledged to educate his servants...”⁶³⁵

“In 1587 the first slaves arrived in Buenos Aires from Brazil. From 1580 to 1640, the main commercial activity for Buenos Aires was the slave trade. More than 70 percent of the value of all imports arriving in Buenos Aires were enslaved Africans. Slaves came primarily from Brazil via the Portuguese slave trade from Angola and other western states in Africa. Once arriving in Buenos Aires, they could be sent as far as Lima, Peru; slaves were provided to Mendoza, Tucuman, and Salta Jujuy as well as to Chile, Paraguay, and what is today Bolivia and southern Peru. Córdoba functioned primarily as a redistribution center for this slave transfer until 1610. ... By the end of the 18th century, the Río de la Plata had become a strong economic power because of the location of Buenos Aires's port and changes in trade routes because of the Bourbon Reforms. The slave trade had increased significantly by the end of the 18th century, reflecting the economic status of Buenos Aires in the Atlantic economy. In 1810 Buenos Aires called for independence and began the wars of independence that would eventually spread across all Latin America. The participation of slaves was crucial to victory. Because of their efforts on the battlefield, gradual abolition was introduced in 1813 with the Free Womb Act, which

630 Quotation from Emilio Vernet's diary in Marcelo Vernet 2011. With Luis Vernet still in Buenos Aires, operations on Soledad Island appear to have remained under the control of his brother. It is not clear why Emilio would wish to fly the Union Jack. Unless informed by letters passed to sealers headed in the right direction, it is unlikely that Emilio was even aware of the January decree. And a ball? Unless other settlers had been sent, there were no women. The 1810 revolution was not actually much of a revolution as the rebels declared loyalty for King Ferdinand. cf. 1810

631 Kohen & Rodríguez 2017 p.110

632 Peña & Peña 2018

633 Pascoe 2020 pp.98-99

634 *Tras su manto de neblinas... Presencia de afroargentinos del tronco colonial en las Islas Malvinas en el siglo XIX* Norberto Pablo Cirio 2019 p.7

635 Bernhardson 1989 p.193 citing *Vernet y Fernando Alfaro, contract, Julio 15, 1828* in *AGN VII 2-3-6*

"freed" all babies born to slave mothers. The first Constitution of Argentina abolished slavery in 1853. This, however, did not apply to Buenos Aires, as it was not a part of the Confederation. Once Buenos Aires joined the Confederation in 1861, slavery was completely abolished in Argentina."⁶³⁶

"... there were 18 men and 12 women from the purchase tickets ... on July 15 of that year. ... The tickets have a typical form, so only the data of the individuals vary: name, age, time in which will serve Vernet, price, black ship (slaver) from which (the individual) was taken and name of the Corsair ship that captured it."⁶³⁷

"... he purchased a human cargo: 19 black men and 12 black women. Six of them were children, bought at Rio Negro for 160 pesos each: a girl aged five, the others about 14, "indentured" for 10 or 13 years. Five of them had been taken from the slaving brig *Buen Jesus*, captured by the privateer *Presidente* in July 1828, and one was from the slaver *Goldfinch*, but the origin of the 25 others is obscure. Some Argentine ships assisted Britain's suppression of the slave trade, but the fact that some "liberated" slaves were then sold in Argentina, as shown by Vernet's purchase, did not exactly contribute to ending it."⁶³⁸

Researcher's Comment: Not paid, could not own land and could not leave. Why they would therefore 'choose' indenture, and how a girl aged 5 could be contracted, is hard to understand. The only applicable term, is 'slaves'.

June 30th, *Adeona*, *Mercury* and *Uxbridge* sail from the Patagonian coast for the Falkland Islands, en-route to Britain, carrying letters from the surveying vessels *Adventure* and *Beagle*.⁶³⁹

*"The day after the Indians left us, a boat came from the Adeona, to acquaint us that, in a day or two, she and her companions, the Uxbridge and Mercury, intended to leave the Strait for the Falkland Islands; upon which I prepared letters for England and a report of my proceedings for the Secretary of the Admiralty. The ships passed by on the 30th, and took my letters."*⁶⁴⁰

In **July**, with the American brig, *Osprey*, damaged after running aground, Vernet purchases a polacca, *Luisa*, to take the slaves out to Soledad.⁶⁴¹ He charts an American brig out of Salem, *Combine*, to transport 65 horses.

July 9th, on Soledad, Emilio Vernet celebrates the 1816 declaration of independence.

*"Good weather with ice and some rain showers. Southwest wind and snow. We did celebrate this [day of the oath of independence of Buenos Aires] with a black dance until midnight. It was freezing hard at night."*⁶⁴²

July 31st, from Buenos Aires, Lord Ponsonby transfers to Brazil, leaving Woodbine Parish as *charge d'affaires*.

*"Lord Ponsonby having brought about the opening of a negotiation for peace sailed for Rio de Janeiro and I became again solely charged with H. M.'s affairs in the United Provinces."*⁶⁴³

In London, Stephen Henry Fox is appointed to replace Ponsonby.

636 *Slavery in Argentina* Erika Edwards 2017 in *Oxford Bibliographies*

637 Cirio 2019 p.5

638 Pascoe 2020 p.99. Carmelita and Gregoria, destined to see their lives out in the Falklands, were among this group

639 *Adeona's* usual captain, Andrew Low, who had challenged *Areguati* in 1824, appears to have died of scurvy around June 14, 1828. It is likely that William Low commanded *Uxbridge*. cf. 1824, 1826 & 1833

640 *Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836... Vol. I Proceeding of the First Expedition, 1826 – 1830, under the command of Captain P. Parker King* Parker King P. 1839 p.149

641 During the period 1828 to 1832, 4 of the slaves died and 2 absconded. 4 remain unaccounted for.

642 *AGN Fondo Luis Vernet VII-141*

643 *Parish to Palmerston June 4, 1832* in *FO 354/9*

August 14th, *Mercury* (Watson) arrives in Berkeley Sound. ⁶⁴⁴

August 27th, in Rio de Janeiro, a peace agreement is signed by Brazil and Argentina. Under the terms of the *Treaty of Montevideo*, both agree to recognise the independence of the *Republica Oriental del Uruguay*.

“Uruguay joined Paraguay as the third independent state to arise from the ashes of the former Viceroyalty of the River Plate.” ⁶⁴⁵

“(Ponsonby) opposed allowing control over Montevideo by either of its two large neighbors, Brazil or the United Provinces. He contended that whoever dominated Montevideo would control the entire region north of Montevideo to the distant Republic of Paraguay... If either of its neighbors gained permanent possession over Montevideo, it would “injure, if not control...the trade of England to China, India and all the eastern trade of the Pacific.” Such dangers would increase if the dominant local power formed an alliance with the United States or France.” ⁶⁴⁶

Researcher's Comment: The agreement brokered by Lord Ponsonby was not, however, well received by the Argentine forces fighting in the Banda Oriental. They had thought themselves on the verge of victory. The effect in Buenos Aires was a collapse in government support. Britain, which had exerted pressure on both sides to come to a compromise, was the obvious scapegoat. In settling one conflict, Ponsonby inadvertently started another. A dispute that has lasted into the 21st century. Argentina v. Britain.

August 29th, after 14 months away from the Island, Luis Vernet arrives back at Puerto Soledad on *Combine*. Of the 65 horses loaded, only 37 have survived the journey. Vernet sets about meeting the terms of his grants.

“In the beginning, Vernet surveyed Pacheco’s land, which comprised three distinct estancias: one at Choiseul Sound, another on the west side of Salvador Bay, and the other between present-day Fitzroy and Port William. With the data acquired, Vernet mapped both his and Pacheco’s property, as well as the Government reserve at San Carlos.” ⁶⁴⁷

“In the two years and two months from his arrival in June 1826, Louis Vernet spent a total of less than four months in the Falklands: three months from June to September 1826, and then less than three weeks in June 1827 before leaving again to spend over a year away. He eventually returned in August 1828 and spent the following three years and two months in the islands.” ⁶⁴⁸

Vernet starts to warn sealers and whalers that they should no longer hunt in those waters.

“... fishing vessels trafficked between the islands began to avoid contact with the colony: they rarely contributed to the port. ... When one of them arrived, he received the best deal. I have not talked to only one of them who was not instructed previous dominion of the Spaniards, of the prohibition of frequenting those seas imposed by these and the act of sovereign ranged by the Republic in 1820. Admonished for that the fishing continued there, everyone promised but none complied, and the colony without any repressive force, looked sterilized and ridiculous...” ⁶⁴⁹

644 Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831 in CO 78/01. Remained to August 17

645 Rock 1987 p.103

646 Rock 2018 p.84 citing Ponsonby to Dudley Jan 18, 1828 in GRE/E/607

647 Bernhardson 1989 p.174

648 Pascoe 2022 vol.1 p.566

649 Vernet quoted in Areco 1885 p.52. Between 1774 and 1811, British and American sealers had repeatedly ignored the Spanish, who had in any case restricted themselves to East Falkland Island (the Spanish Maloon). This long history of exercising a right of fishery in the face of rare complaint, made it unlikely that they would obey a German from Buenos Aires.

September 2nd, the slaves indentured to Luis Vernet arrive in Berkeley Sound in *Louisa* (Norris). ⁶⁵⁰

“Upon rising, they received orders for the day’s tasks; during the summer, these orders were given the previous evening, to take advantage of longer days, with sunrise as early as 4am. Indoor work was reserved for inclement weather. Eleven of the blacks, along with two English sailors, were assigned to a man contracted for catching and salting mullet. When fishing was impossible, these individuals were employed in construction and roofing. ... Another task assigned the black servants was brickmaking. They were also to build a hen run and help tame a dairy herd.” ⁶⁵¹

“... Vernet purchased 31 black people in Argentina and took them to the islands; for a while in 1828-9 they formed the majority of the population of Port Louis. Most were adults, but some were children, with one girl aged only 5. The documentation of their lives is sadly very sparse, but some of them were "new" slaves taken from slave ships coming from Africa, while others seem to have spent some time in South America. They no doubt spoke one or more West African languages among themselves, plus a little Spanish in communicating with the South Americans. The blacks were theoretically "indentured labourers" who were to be released after a term of years, but they were not paid in money, they could not own land, they were not free to come and go as they pleased, and their original African names were never used – some men and boys were given a surname in Spanish, often a name of a month, such as "Marzo", "Abril", "Julio" or "Octubre", but most women and some men were given no surnames. They were slaves in all but name, and we shall refer to them as slaves, as did some people at the time.” ⁶⁵²

September 15th, *Combine* sails with 700 hides, 300 seal skins and 200 dozen rabbit skins and three gauchos.

“... which realised enough profit to pay for her charter and some extras...” ⁶⁵³

Argentina's armies return home from the Banda Oriental. Those troops under General Juan Lavalle march to Buenos Aires, and those commanded by Jose Maria Paz head to Cordoba. ⁶⁵⁴

“Both immediately made a bid for power ... in Buenos Aires the hapless Dorrego was seized...” ⁶⁵⁵

“In Buenos Ayres, again, the termination of the war was the commencement of ruinous and disgraceful civil dissensions, in which nothing was respected but force, and the people allowed themselves and their government to be made the sport of military adventurers.” ⁶⁵⁶

October 18th, Emilio Vernet records in his diary the construction of a *pescadero*. A place for the drying and salting of fish, to the north-east of the settlement. Part of Luis Vernet's plan to export fish from the Islands. ⁶⁵⁷

November 16th, Vernet sails from Soledad aboard *Tiburtina*, with a cargo of salt beef, hides and tallow. ⁶⁵⁸

650 *AGN Sala VII Legajo 141*. Recorded in Emilio Vernet's diary and *Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831* in *CO 78-01* which notes the vessel's purpose as “*freights by the settlement.*” Renamed *Tiburtina*.

651 Bernhardson 1989 p.194

652 Pascoe 2020 p.89

653 *Ibid.* p.100

654 Lavalle was a Unitarian, who believed that the country should be ruled from Buenos Aires, with the provinces having little say in how the country was run. His opponents were the Federalists, who believed that the country should be an amalgamation of equals. Neither were happy with Ponsonby's peace agreement, but they disliked each other more.

655 Rock 1987

656 *Annual Register 1829* p.238

657 Pascoe 2022 vol.1 p.576

658 The renamed *Louisa*

December 1st, General Juan Lavalle seizes power in Buenos Aires.

December 3rd, Lavalle presents himself as Governor of Buenos Aires to the British, French and US representatives. After consulting, the envoys agree to delay recognition of the new regime. ⁶⁵⁹

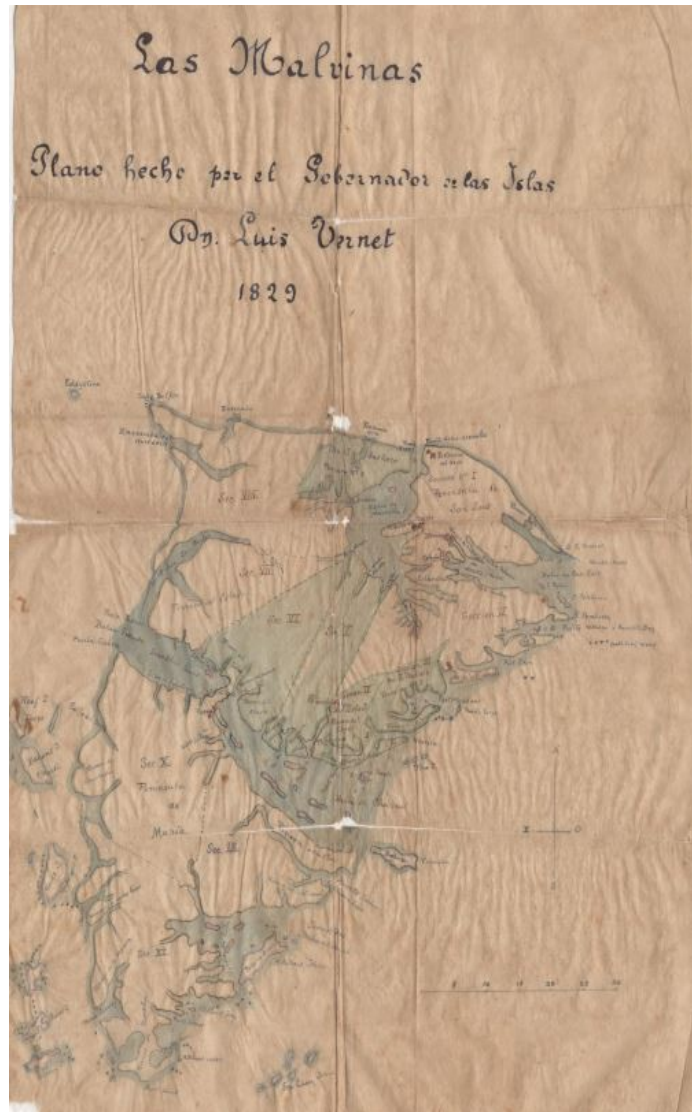
“The ensuing outbreak of the civil war in the United Provinces between the Unitarians and the Federalists was yet another blow to Vernet. He had earlier applied to “European friends” (no doubt including some of his family and associates in Hamburg), hoping they would invest in his project, and around this time he drew a map showing East Falkland divided into eleven sections, each to be bought or leased from him. They showed little interest, and in any case the civil war “blasted all these prospects,” as he says in his “Memoirs”. Vernet’s partners in the original association of 1825-6 (Pacheco, Sacristie and Sacristie’s associates) thereupon gave up, and Vernet was obliged to buy them out on long credits.” ⁶⁶⁰

December 13th, an American merchantman, *Post Captain*, en-route to New York, stops overnight at Puerto Soledad; the first vessel to arrive at the settlement since September. ⁶⁶¹

In Buenos Aires, Governor Manuel Dorrego is executed by firing squad.

“As civil war erupted, in weeks Lavalle too lost control when the self-styled Federales of Buenos Aires, the late Dorrego’s sympathisers, rebelled under General Juan Manuel de Rosas.” ⁶⁶²

December 31st, Luis Vernet arrives back in Buenos Aires to find turmoil.



⁶⁵⁹ Kay-Shuttleworth 1910 p.350

⁶⁶⁰ Pascoe 2022 vol.1 p.577. My emphasis. Pascoe (2022 vol.1) refers to this as Vernet's 'Spanish' map as the language used was Spanish. Aimed at Buenos Airean investors. Later there would be an 'English' map.

⁶⁶¹ Vernet 1832. During 1827, 22 vessels had visited Port Soledad. Throughout 1828 the number was only eleven, with seven of them (including just 2 sealers) in the first half of the year; before Vernet's return. Only one of the vessels that visited after July, 1828 was listed as a sealer – *Mercury*. This does not support Vernet's suggestion that it was his attempt to enforce his rights over the seal fisheries that drove the sealers away from Puerto Soledad. It is more likely that fewer sealers was the result of fewer seals. Indeed, there is little evidence that Vernet attempted to seriously assert his right over the fisheries until after the 1829 decree. Certainly no reports from any vessels reached England or the USA.

⁶⁶² Rock 2018 p.78

1829 – January 7th, HMS *Chanticleer* under Capt. Foster arrives in the South Shetland Islands where he takes; “... formal possession of the lands about the islands on the 7th January, 1829, landing at Cape Possession, Hoseason Island...”⁶⁶³

“In 1829 the surveying was considerably extended by Captain Henry Foster, in HMS *Chanticleer*, who visited various parts of the South Shetlands.”⁶⁶⁴

January 9th, Capt. Foster sets up a base on Deception Island; remaining for 3 months.

January 13th, *Adeona* returns to Berkeley Sound.

January 16th, *Mercury* return to Berkeley Sound.

January 20th, American sealer *Sarah Atkins* calls into Puerto Soledad.⁶⁶⁵

February 13th, *Uxbridge* returns to Berkeley Sound.

March 7th, in Buenos Aires, *El Tiempo* reports:-

*“Treatment of Prisoners – Three of the prisoners captured in the action on the 7th Feb., were shot on the 10th March. The Chief Mesa had been shot on the 16th Deb. “Of the remainder, some have been condemned to hard labour, to be transported, &c., for the term of seven years, at present to the Island of Martin Garcia, until the establishment at the Islas Malvinas (Falkland Islands) is to be arranged, to which place the prisoners are ultimately to be sent, to fulfil their term of banishment.”...”*⁶⁶⁶

Researcher's Comment: It was this article that rang warning bells at the British Legation. Woodbine Parish knew his history – he had researched South America in 1820 – and knew about the events of 1770/1771. It is likely that he also knew of the circumstances of the British withdrawal in 1774. During his research he may even have seen Clayton's report regarding the marks and signs of sovereignty left behind. What Parish knew of Vernet's activities on Soledad before 1829 is less clear, but, for the first time, this news report spoke of the Malvinas/Falkland Islands (plural). It was enough to grab Parish's attention.

“Some time in early 1829 the Buenos Aires government decided to set up a “presidio” in the Falklands, which was presumably why it had reserved ten square leagues for itself around San Carlos under Louis Vernet’s concession of January 1828. A presidio was the last thing Vernet wanted – it was a frontier garrison, something between a military outpost and a prison settlement, since much of the army was made up of convicts guarding other convicts. Vernet wrote to the government to protest, saying that a presidio would dissuade many families who would otherwise go to his establishment. The government, however, ignored his protest.”⁶⁶⁷

On South Georgia, that same day, Matthew Brisbane, marooned since April, 1828, sails for Montevideo in a shallow built with materials salvaged from the wreck of his ship, *Hope*. Ten of the crew remain behind to await rescue.

663 Field 1928 paras.271 & 272. The South Shetland Islands would seem to have been taken into the formal possession of the UK on at least three occasions, cf. 1819, 1820, 1843, 1892 & 1907

664 Memorandum on the Falkland Islands Dependencies January 12, 1947 in LCO 2/490

665 Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831 in CO 78-01. Various described as being 'American' or “of these islands” suggesting the Vernet's may have chartered her on more than one occasion.

666 Copied in the *Morning Advertiser* Saturday June 13, 1829

667 Pascoe 2020 p.106 citing AGN VII 131 doc.147

March 12th, in Buenos Aires, General Lavalle announces the formation of a new force for the defence of the city, to be made up of foreigners, the - 'Batallon del Comercio Extrangero'. The order is signed by Admiral Brown.

*"During the efforts to repel the threat, Lavalle ordered the military enlistment of British townsmen. Threatening to banish anyone refusing to obey the order,.."*⁶⁶⁸

*"As the civil war escalated and the Federalists closed in on Buenos Aires, Jose de San Martin, the great "Liberator" who had led the independence struggle against Spain and had been living in Europe, had arrived back in February 1829, but was so disgusted by the chaos he saw in Buenos Aires that he decided not to land and sailed back to Europe."*⁶⁶⁹

March 13th, HMS Tribune, a frigate of 42 guns, arrives in Berkeley Sound.

*"Captain Wilson found in Berkeley Sound, in the Eastern Island of the Falklands, excellent water, abundance of fish, and a good supply of fresh beef, some settlers from Buenos Aires about 50 men and women and children being at that port, and having as they stated about 17,000 head of Cattle on the Island. The Western Island is not inhabited."*⁶⁷⁰

*"... the admiralty had been informed by Rear-Admiral Sir Robert Otway, the officer in charge of the south American station based at Rio that..., whilst searching for pirates and privateers in the region of the Plate, one of his captains had put into Berkeley Sound and found the island in possession of a German overseer named Vernet..."*⁶⁷¹

*"Emilio Vernet records in his diary that he spent a night aboard the ship on 15 March, and on 18 March bought shoes, socks and tobacco from her purser. The Tribune had been sent by the commander-in-chief on the Royal Navy's South American station, Rear Admiral Sir Thomas Otway, to the Falklands and the coast of Patagonia to "show the flag" and check for any pirates or captured prizes. Captain Wilson of the Tribune reported to Otway that he found all in order in Berkeley Sound, and there were "some settlers from Buenos Ayres (about 50 men women and children) present"."*⁶⁷²

March 15th, Woodbine Parish writes to Lord Aberdeen.

"In a sentence lately passed upon some Convicts, and signed by the acting Government of Buenos Ayres it was expressed that they were to be banished to Martin Garcia; "until the establishment at the Falkland Isles should be ready for their reception." This, and the circumstances of this Government having taken upon itself at various times to grant to individuals privileges to form temporary Settlements in those Islands for the purposes of Sealing and taking the Wild Cattle which are to be found there, induces me to bring the pretensions of this Government to the Sovereignty of those Islands under your Lordships notice, not being aware that His Majesty has ever formally relinquished his ancient claims to them, ...

It was the practice of the Spaniards previously to the South American Revolution constantly to maintain a guard in one of those Islands over Convicts who were sent there for punishment, and also a small vessel of War, which, as well as the guard, was annually relieved from Buenos Ayres... this practice was

668 Rock 2018 p.78

669 Pascoe 2022 vol.1 p.586

670 Otway to John William Croker 2 April 1829 no.28 Adm. 1/31 also in FO 78/1 at 66. HMS Tribune's arrival is confirmed in Emilio Vernet's diary and Arrivals at Port Soledad in the Falkland Isles from June 1826 to March 1831 in CO 78/01. Tribune had been sent out from the British station at Rio de Janeiro to search for pirates and privateers around the coasts of South America and at the Falklands. She remained near Puerto Soledad until March 18, 1829.

671 Cawkell 2001 p.57

672 Pascoe 2020 p.102

*discontinued, but the Buenos Ayreans have not the less ever considered the Territory as belonging to them, and as far as I can learn, they now have some idea of re-occupying it in the same manner and for the same purpose as the Spaniards did.”*⁶⁷³

*“Parish's attention was first called to the question early in 1829, when the Buenos Ayreans proposed a scheme for the detention of prisoners and convicts in the Islands. Parish at once communicated the intention of the Buenos Ayres Government to the Foreign Office...”*⁶⁷⁴

*“... it would be well to note that what prompted Britain's charge d'affaires in Buenos Ayres to draw Lord Aberdeen's attention to the islands was the apparent intention of the Buenos Ayrean government to establish a penal colony there. Such an establishment would have constituted an undeniably formal Argentine presence in the Falklands, and it was this possibility, together with other formal assertions of sovereignty, against which the British Government reacted. Britain might not object to the presence of individuals on the Falklands, but any formal foreign activity in a 'British' possession constituted a challenge to her sovereignty which could not be allowed to pass without protest.”*⁶⁷⁵

*“Great Britain did not oppose the Spanish settlements or Argentine acts of possession between 1775 and 1828. This argument is quite strong; Even when Great Britain may have considered that the question of sovereignty with Spain was relegated to further debate in 1771, the noticeable lack of interest since then does impair the British claim. The inaction of the British government in the face of Argentine acts of possession does as well. But it seems probable or at least possible, that ... Great Britain might have taken Argentine activity in the Islands as just another display of the frequent private endeavours in fishing and whaling.”*⁶⁷⁶

*“... the central point in Parish's despatch to the Foreign Office was that there was about to be government involvement in the islands as well as Louis Vernet's private cattle-killing venture – Buenos Aires was planning a presidio.”*⁶⁷⁷

March 16th, from Buenos Aires, despairing of the political situation, Parish writes to Ponsonby at Rio de Janeiro; *“I remain unwillingly, an idle pensioner disappointed in every expectation I was led to form from my services in South America.”*⁶⁷⁸

March 18th, after further announcements of military conscription for foreigners, Woodbine Parish protests to the Buenos Ayrean government; pointing out that the demand breaches the *Treaty* of 1825. France's representative also protests, forcing Lavalle to rescind the order.

April 1st, American sealer *Harriet* (Pendleton), arrives in Berkeley Sound.

*“On 3 April Emelio Vernet records a typical barter transaction: the Harriet obtained seven cattle from the settlement in exchange for tables, paint, maize oil, a little flour and honey” William Pendleton left in the Harriet on 8 April, first going to Port Salvador to look for two of his men who had deserted.”*⁶⁷⁹

April 9th, Matthew Brisbane arrives at the town of Rio Negro; where he reports the loss of the *Hope*.

April 11th, outside Buenos Aires, General Rosas gives his troops orders to shoot all foreigners.⁶⁸⁰

673 FO 6/499 Dispatch No.17 also FO 78/1/11-13

674 Kay-Shuttleworth 1910

675 *Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands.'* J. Muffty 1986

676 Peña & Peña 2018

677 Pascoe 2022 vol.1 p.579

678 *Parish to Ponsonby March 16, 1829* in Rock 2018 p.80

679 Pascoe 2022 vol.1 p.581

680 *British Packet* April 11, 1829 in Rock 2018 p.78

April 12th, in England, William Langdon writes to the MP, Thomas Potter MacQueen.

“Having captained a merchant ship during five trips to New South Wales and returned to London via Cape Horn, I have seen the need to establish a colony in the Falkland Islands in order to provide ... water, supplies or repairs in case of accident. ...

Numerous boats are now used commercially in New South Wales and Van Diemens land exclusively prisons ships and whalers. Most of them are forced to anchor in one of the Brazilian ports for water, etc., if they return by the Eastern route. All this would be absolutely unnecessary if there was an established colony ...

*I was in Berkeley Sound ten months ago and found the islands held by a German director and about 20 men ..., [who] had been sent there by a company of merchants of Buenos Aires [which] obtained a concession from the government of that state, and its aim was to kill the cattle to remove the skins...”*⁶⁸¹

MacQueen “entreats” on Langdon's behalf.

*“... while England slept a foreigner was stealing a march on her.”*⁶⁸²

April 20th, in Buenos Aires, Parish receives a note from Luis Vernet.

*“There exist now in Soledad Island 10 white inhabitants, 10 seafaring men, mostly English and Americans, 18 Negroes indentured for 10 years, 12 Negro girls, 52 in all, a brother and brother-in-law of Mr. Vernet. There are prepared to embark for the Falklands, eight families including Mr Vernet, and seven single men – Germans. 33 individuals in all. There are going to Staten Land 4 families and 6 single men – English. In all 18 Individuals. 103 people in all.”*⁶⁸³

*“...for the information of the British Government, and in order to shew them the good faith with which your Memorialist was acting, (I) handed to the British Charge d’Affairs, Sir Woodbine Parish, translations of these Grants, and at the same time stated to that Gentleman, your Memorialist’s exact position and the **Title** under which he held the **Eastern** Island, and represented to him that if the Islands should ever come under the British flag, (in which case your Memorialist felt assured that his rights as first Settler, would be fully acknowledged), he would be most happy to render his best services towards the Colonization of them and the General prosperity of the Islands, as a British possession...”*⁶⁸⁴

*“... having trained and seasoned a considerable number of Horses, and caught and domesticated therewith, much cattle – I carried thither, several German Families to form dairy farms...”*⁶⁸⁵

*“Parish also asked to see Vernet; he paid a third visit to the British consulate in late April 1829, and this time he met Parish, showed him his concession documents and gave him a translation of his 1828 petition and concession, plus a memorandum dated 20 April 1829 listing the people living at Port Louis or about to go there...”*⁶⁸⁶

Researcher's Comment: Parish's enquiries following the March 7, 1829 newspaper announcement seem to have led him to Luis Vernet. It is likely that they met on some day in April, 1829, apparently for the first time, and that Parish asked for information about the Soledad settlement which Vernet duly provided.

681 Quoted in Caillet-Bois 1952 p.418. Also FO 78/1/54

682 Cawkell 2001 p.57

683 Parish to Aberdeen April 25, 1829 in FO 78/1/16-18

684 Vernet’s Memorandum Presented 7, May, 1852 in CO 78/43. My emphasis. cf. 1823, 1825, 1826, 1828 & 1852

685 Vernet to Labouchere December 1856 in CO 78/43

686 Pasco 2020 p.106

April 23rd, Matthew Brisbane sails from the Rio Negro in the *Triunfo*, bound for Buenos Aires.

April 25th, Woodbine Parish writes to Lord Aberdeen.

“With reference to my despatch no. 17 of the 15th Ultimo upon the subject of the Falkland Islands, I now enclose for your Lordships information copies of the Grants which have been made by the Government of Buenos Ayres of the Isle of Soledad, as well as of Staten Land, whereby your Lordship will observe the terms upon which a Mr Charles (sic) Vernet has undertaken to form Settlements in those places. I have procured these papers from Mr Vernet himself, a very intelligent person, who has passed three winters there, and is now returning with several Colonists to be located according to his Agreement with the Government. I understand from him that he will have sent to Soledad, and Staten Land in this year, and the last, about one hundred persons altogether, of different Nations, as the accompanying list (N^o3) sets forth:- Mr Vernet states the climate of Soledad to be by no means severe, and that although as yet he has not course grain, he has cultivated Potatoes, and other European Vegetables with the greatest success, and doubts not that the Settlers will be able very soon to provide entirely for their own sustenance:- That Island abounds also with good peat for fuel, and timber adapted to every purpose may be procured from Staten Land:-

*Of the Fishery on the adjacent Coast, Mr Vernet expects to make a considerable profit. The chief object however at present is to increase the stock of Cattle which he has found in Soledad, and which he calculates at from 15 to 20,000 head. **He would I believe be very happy if His Majesty’s Government would take his Settlement under their protection:-***

*He sails for the Falklands with his family in about a month, and intends to pass he says some years there in promoting the objects of this Colony.”*⁶⁸⁷

Woodbine Parish encloses for Aberdeen's consideration.

*“Letter of Petition from Louis Vernet to the Governor & Captain General of the Province of Buenos Ayres, 5th January 1828; Buenos Ayres Government Decree Buenos Ayres January 5th 1828; Letter of Petition from Louis Vernet & George Pacheco to the Governor of Buenos Ayres, 18 December 1823; Decree issued to Louis Vernet & George Pacheco Buenos Ayres 18th December 1823; Copy of a business report and further petition made by George Pacheco made available to the British Consul 20th April 1829; Memorandum received from Mr Vernet as to the present state of his Colony in the Falkland Islands, dated Buenos Ayres, 20th April 1829.”*⁶⁸⁸

*“You cannot doubt the veracity of Parish, especially as the document is intended for ministers... Moreover, our knowledge of the documentation leads us to believe that there must have been a manifestation of recklessness by Vernet, torn, possibly, by reservations and counterclaims to make him the business manager of His Majesty. But I doubt that Vernet at that time was well informed about the legitimacy of our titles, and, therefore ... said the words reported in Parish's note.”*⁶⁸⁹

*“Vernet, who was essentially a businessman, had meetings with Parish in May (sic), 1829, where he stated, as Parish reported to London, his willingness to accept British protection. The British Government did not pay attention to his suggestion.”*⁶⁹⁰

687 Vernet to Labouchere December 1856 in CO 78/43. Also FO 6/499 & FO 78/1/16. My emphasis.

688 Parish to Aberdeen April 25, 1829 in FO 78/1/16-18. Notably absent from the list of papers provided by Luis Vernet are the Consular 'certifications' of 1826 and 1828. Parish appears to have remained ignorant of them.

689 Caillet-Bois 1982 (6th ed.) p.305

690 Bullrich 2000 pp.99-100

*“In letters written 27 years later in 1856, Vernet confirmed that in 1829 he would indeed have preferred British sovereignty in the islands.”*⁶⁹¹

At Puerto Soledad, Carmelita, one of Vernet's indentured slaves, gives birth to a son, Jean José Simon. The father is Jean (Juan) Simon, the foreman of Luis Vernet's gauchos; *“... the son of Juan Simon, Vernet's agent at Port Louis, who was born in the year 1828 (sic) at Port Louis.”*⁶⁹²

April 26th, following defeat at the battle of Márquez Bridge, Juan Lavalle is besieged by General Rosas.

*“... one party ruled in the city and another in the country;... the only efficient law was the sword. As to the confederation which formed the Argentine Republic, it no longer existed. While the country districts of one province were fighting bitterly against its capital, the different provinces had their armies in the field, and were fighting equally bitterly against each other.”*⁶⁹³

May 2nd, Capt. Brisbane finally arrives in Buenos Aires where he completes a *Public Instrument of Declaration and Protest* recording the loss of the *Hope*, which is submitted to the British Consulate.⁶⁹⁴

*“He volunteered immediately to return to South Georgia, in the hope of saving the remainder of his men...”*⁶⁹⁵

*“Parish paid the £75 13s 9d (seventy-five pounds, thirteen shillings and ninepence) at once to Brisbane for his crew's immediate needs in Buenos Aires, and on 30 May wrote to the Treasury in London asking for approval of the payment, which was granted.”*⁶⁹⁶

In Buenos Aires, General Martín Rodríguez is elected as interim Governor.⁶⁹⁷

May 15th, Parish, learning that an American ship, *Betsey*, is about to sail south from Buenos Aires under a charter contract with Vernet, negotiates an agreement with both its master, Oliver Keating, and Luis Vernet, for the ship to assist Brisbane in rescuing his shipwrecked crew.⁶⁹⁸

*“... for the sum of one thousand Spanish Milled Dollars for every calendar month that she may be at (Brisbanes's) disposal... The only object of this Charter is to enable Captn Brisbane to deliver his Seamen that were wrecked upon the Island of New South Georgia in the Schooner "Hope" of London and are presumed still to exist upon said Island...”*⁶⁹⁹

May 17th, at Puerto Soledad, Emilio Vernet notes in his diary that Irish gaucho/cattle-tamer/storeman William Dickson is going to Long Island in Berkeley Sound.

691 Pascoe 2022 vol.1 p.580

692 *CO 78/43*. Recorded as 1828 in Governor Moore's report of December, 1858, the exact date is unknown. Moore's record appears to be inaccurate. If Jean Simon was involved in the transport of the indentured slaves to East Falkland Island the earliest he could have consummated a relationship with Carmelita was July, 1828, while still in Patagones. That would suggest a birth in April, 1829. If Simon had not helped transport the slaves, the earliest consummation would have been in September, 1828, after their arrival in the islands. That would move the birth to June, 1829. Cirio (2019) gives the year of birth as 1831, but no date.

693 *Annual Register 1829* p.242

694 *British Packet & Argentine News* May 2, 1829

695 *Parish to Bidwell June 1, 1829* in *FO 6/28/48*

696 Pascoe 2020 p.103

697 Caillet-Bois 1982 (6th ed.) p.205. Elected by who, is not clear.

698 *Parish to Bidwell June 1, 1829* in *FO 6/28/48*

699 *FO 466/3*. Consul Charles Griffiths witnessed the agreement. Brisbane then submitted a petition for a further 1,730 pesos for provisions and clothing for his crew. Handed over on May 20, 1829. Kohen & Rodriguez (2016) believe that this act of rescue was in some way an assertion of sovereignty by Buenos Aires over South Georgia. Their reasoning is hard to follow.

May 18th, on Soledad, Emilio Vernet makes a note in his diary.

*“Good weather with a bit of rain in the morning and hail at night. Simon, S. Centurion and Anto Rivero slaughtered 2 cows in the camp and brought hides and meat. Simon had found and brought back 4 horses...”*⁷⁰⁰

*“That date makes it highly unlikely that Rivero took part in the fighting surrounding the Lavalle coup, as asserted by Martiniano Leguizamón Pondal, and impossible that he arrived in the Betsey since she did not leave Buenos Aires till June 1829. ... When Rivero arrived in the islands is not recorded; he may perhaps have been present in 1828, but the fact that Emilio does not record him before May 1829 suggests that he arrived in one of half a dozen ships that touched at Port Louis in the first few months of 1829, ...”*⁷⁰¹

May 20th, Brisbane makes out a formal affidavit at the British Consulate absolving his crew of any responsibility for the wreck of *Hope*. He receives further funds for the supplies necessary for his rescue mission.

May 24th, Emilio Vernet makes a note in his diary; *“Good weather with strong wind from NW to North at night. Jacinto brought 86 bundles of straw from long Island that Eredia had cut... all the black and white to dance the next day which is the anniversary of the freedom of Buenos Aires. The steer Pio Ortiz came from the South.”*⁷⁰²

May 25th, in Emilio Vernet’s diary; *“Rain almost without interruption all day with strong west wind. The blacks were dancing until 3 in the morning the other day.”*⁷⁰³

June 2nd, in London, from the Foreign Office, John Barrow writes to R. W. Hay with regard to the Falklands.

*“I don’t know whether your recent enquiries respecting these Islands, concerning which the enclosed gives some information, had any reference to our settling them, as I think it would be wise to do – but if not, the sooner we proceed to do so the better – Remember they are virtually ours, being ceded to us by Spain in full right of occupancy, ... The people of Buenos Ayres can have no pretensions whatever to them.”*⁷⁰⁴

In Buenos Aires, on the same day, Woodbine Paris reports to London that it has been necessary for British marines to guard his house for two months, due to the chaos in Buenos Aires.⁷⁰⁵

June 5th, Britain's Foreign Office, in receipt of reports from both Rear-Admiral Otway, and Woodbine Parish, recommend that the Government take action.

*“These islands are not mentioned in any subsequent treaty with Spain; and no trace has been found of any such correspondence as you suppose may have taken place whereby Gt. Britain agreed to a permanent cession of them... Great Britain, being then in possession, declared on withdrawing her troops from the Islands in 1774 that they were “the sole right & property of Great Britain.” Whatever right we possessed then, we appear to have still.”*⁷⁰⁶

700 Emilio Vernet’s diary. cf. 1833

701 Pascoe 2020 p.102

702 Translation by the Malvinas Museum

703 *Ibid.*

704 FO 6/499

705 The threat of foreigners being conscripted into Lavalle's army had caused a French admiral to seize all the ships in Buenos Aires harbour, effectively blockading the river. This act had caused outrage in Buenos Aires leading to the French Consul and 600 French citizens fleeing to Montevideo. On June 9, 1829, Parish placed the Consulate's ciphers aboard HMS *Thetis* after the government in Buenos Aires told him that they could not guarantee his safety.

706 *John Backhouse to Hay June 5 1829 in CO 78/1/3*

June 9th, in Buenos Aires, despite the turmoil, Luis Vernet submits a request to the Government. ⁷⁰⁷

“Exmo. Lord

D. Luis Vernet as the founder of a new colony in the Malvinas Islands before V. E. (Your Excellency) respectfully I present myself and say: after the predecessors of V. E. have competently authorized me to direct this foundation to which I have already given a start at my expense, I thought it appropriate to represent to the superiority the advantages and utility of building a fort for the safety and respect of the establishment itself in the new colony. It's all about manifesting V. E. the reasons of convenience that cannot be hidden, and I will only ask that I be helped with some battery cannons with their corresponding kit, ammunition and other details (on) the note that I attach.

The honorable Board of Representatives in previous years issued a law on the protection of fishing and of its nationals, it has not, however, had any significant effect since it is indispensable [that a] warship crosses those seas for the cause of which foreign nations have enjoyed complete freedom of fishing to the detriment of the inhabitants and the State, which could have reported huge amounts if it had dedicated itself to collecting the amount per ton established by that law. I also find it very convenient that a small vessel with a rotary barrel of colisa (?) be placed at my disposal for the sole purpose of assigning it to the collection of the (duties) by pointing out the fixed points to which I must send it, taking care to inform the government of the collection religiously.

This vessel could also serve as a conduit for timber from the Strait of Magellan that should be used for the construction of the fort, and also to maintain efficient communication between these islands and the Río Negro and Buenos Aires. Although I did say V. E. that an armed vessel crossing those seas is indispensable for fishing, but in order not to tax the state, a small sailing vessel can be made available which, at the same time as it is useful, saves the state the costs of a larger vessel. I must also present V. E. that the announcement of a prison on the island of la Soledad where the old one was has caused many families who could have (been) encouraged (to) that establishment to withdraw, and if it is not to erase the impression that this announcement gives on the island of the new colony, it may perhaps cross the European emigration company in which I am committed to promoting.

I therefore believe it is my duty to plead with V. E. that by a special decree the re-establishment of the former prison on that island be prohibited; but in the event that the Government wishes to restore it, I, for my part, will take care to indicate one of the immediate small islands that are most appropriate for this purpose by committing myself to provide all the aid that is within my reach for the construction of the prison. V. E. will not fail to know the greatest advantage of a presidio on a small island where everything is in sight, and the dangerous [in] an extensive island where elements are presented to disrupt the order that is the first thing we must guard in the foundation of every colony.

Anyway, I think V. E. nothing will fail to make it contribute to its promotion as so interesting to the greatness and prosperity of the Republic that it seems that due to the circumstances of war and revolution it had not been possible to contract a company that must eventually strengthen its political existence and respectability with other nations. Therefore= I ask and I beg that having presented myself, it be served to command as I leave exposed for being of Justice.

Luis Vernet ⁷⁰⁸

Researcher's Comment: Initiated by Woodbine Parish's enquiries? Or the return of Martín Rodríguez?

707 Caillet-Bois 1982 p.208. The copy of the document in the Argentine National Archive (AGN X-293) does not appear to be dated.

708 AGN X-293

*“It is evident that the Seal Fishery in those Islands, is exhaustible,... Foreigners who only seek present and immediate utility, without considering the future, effect the slaughter in a pernicious manner. They set fire to the fields and slaughter indiscriminately, and in all seasons, even in that of bringing forth young. In consequence of this, and of the constant and great concourse, has ensued the present diminution of Seals, of which there are now scarcely the twentieth part of what there were in 1820. It is not impossible that this valuable species may return to its former abundance, by means of a well regulated slaughter, and some years of respite. But while Foreigners continue to slaughter, it is impossible, and the species will become extinct. If this takes place, the Colony is undone, for the slaughter is the great allurements... I perceived the danger to which this disorder exposed the Colony... For this reason I requested the Government to furnish me with a Vessel of War, to enable me to cause the rights of the Colony to be respected.”*⁷⁰⁹

*“... just one more step that was added to the series begun years ago, ... (by) then Governor (Rodríguez).”*⁷¹⁰

June 10th, the provincial government of Buenos Aires issues a decree.

Political and Military Command of the Malvinas

*“When by the glorious Revolution of May 25, 1810 these Provinces separated themselves from the Dominion of the Mother Country, Spain held the important possession of the Falkland Islands, and of all the others around Cape Horn, including that known under the name of Tierra del Fuego; that possession being justified by the right of being the **first occupant**, by the consent of the principal maritime powers of Europe and the proximity of these islands to the Continent that formed the Viceroyalty of Buenos Aires, unto which government they depended.*

*For this reason, the Government of the Republic having **succeeded** to every right which the Mother Country previously exercised over these Provinces, and which its Viceroys possessed, continued to exercise acts of Dominion in the said Islands, its Ports and Coasts, notwithstanding circumstances have hitherto prevented this Republic from paying the attention to that part of the Territory which, from its importance, it demands. Nevertheless, the necessity of no longer delaying such precautionary measures as shall be necessary to secure the rights of the Republic; and at the same time to possess the advantages which the productions of the said Islands may yield, and to afford to the Inhabitants that protection of which they are entitled, the Government has agreed and decreed, as follows:*

Article 1:- The Falkland Islands and those adjacent to Cape Horn in the Atlantic Ocean, shall be under the command of a Political and Military Commander, appointed immediately by the Government of the Republic.

Article 2:- The Political and Military Commander shall reside in the Island de la Soledad, on which a Battery shall be erected under the Flag of the Republic.

Article 3:- The Political and Military Commander shall cause the Laws of the Republic, to be observed by the Inhabitants of the said Islands, and provide for the due performance of the Regulations respecting Seal Fishery on the Coasts.”

Martin Rodriguez

*Salvador Maria del Carril*⁷¹¹

Researcher's Comment: June 10th, 1829 was the 59th anniversary of the surrender of Britain's garrison at Port Egmont in 1770. Coincidence? Perhaps. However, it is worth remembering that 1) Spain had not been first

709 Vernet 1832.

710 Caillet-Bois 1982 pp.205 & 208 cf. September 1820

711 *British & Foreign State Papers 1831-1832 p 314*. My emphasis throughout

occupant. It had been the second occupant of Soledad Island behind the French; and third, behind the British, in the archipelago. 2) The principle maritime powers in 1767 were Britain, Spain and Holland. Britain and Holland had not given any consent to Spain. 3) Proximity was not the term used in the 1760s. Adjacency was. At 100 leagues distant, the Falklands had not been considered adjacent to South America by any nation except Spain. 4) The Viceroyalty was of the Rio de la Plata. Not Buenos Aires. The last seat of the Viceroyalty had been at Montevideo. 5) The government in Buenos Aires was not the 'Government of the Republic.'

Finally, there was no natural right of inheritance favouring a revolted colony; nor any legal right under international law as it stood in 1829. Indeed, Spain still considered the provinces as their territory and would not begin the process of recognition until after 1836.

This decree carried two signatures. One belonged to the Minister of Finance and Foreign Affairs, Salvador Maria del Carril. The other was from an old friend, Martin Rodriguez, who had returned to Buenos Aires with General Lavalle. Considering his repeated appearances, Rodriguez may be seen as the driving force behind the Buenos Airean attempt to seize control of the islands. Caillet-Bois (1982) believed that it was Rodriguez who had first suggested the wild cattle venture to Pacheco in 1820. Pacheco's licence and land grant of 1823 also carried Rodriguez's signature. This last was the biggest leap yet. From a request for a fisheries protection vessel to a military commander.

One further, and dramatic, departure from previous licences and decrees was that this enactment was published. The first public notification of Buenos Airean pretensions.⁷¹²

*"Taking advantage of the opportunity to be at the head of the province's destinies as delegate Governor, General Martín Rodríguez (elected on May 4), required Vernet to be granted an official status that would strengthen his position on the islands. Such a request, moreover, if satisfied, would not constitute an overstepping of the new authorities; it was a further step in the series begun years ago, and in which the then delegated Governor had had such decisive intervention."*⁷¹³

Vernet's request for a warship is not granted; however he is provided with 4 cannon, 50 rifles and ammunition, 20 quintals of iron, a bellows and blacksmith equipment, carpentry, construction and farming tools.⁷¹⁴

*"... I demanded a warship from the government, that would enforce the rights of the establishment. The government knew this truth but could not then send me the ship, deciding to invest me with a public character, and issued the two decrees of June 10 (1829), restoring for one the government of Malvinas and Tierra del Fuego, and nominating me for the other to carry out this position."*⁷¹⁵

*"The Buenos Ayres government has taken possession of the Falkland Islands, which, with Tierra del Fuego, are erected into a military government, the seat of which is fixed at the island of La Soledad."*⁷¹⁶

"The decree asserted the right of Buenos Ayres to the Falkland Islands and all the others, on the ground of having been formerly occupied by Spanish subjects, and of having been incorporated in the viceroyalty of the Rio de la Plata, when under the Spanish monarchy, whose successors the government of Buenos Ayres claimed to be, by virtue of the revolution of the twenty – fifth of May, eighteen hundred and ten. It is proper to state here, that by this revolution the dominion of the Spanish nation was thrown off at Buenos Ayres, but not that of

712 For a Senate discussion on the extent of Buenos Airean powers at this time, see 1882.

713 Caillet-Bois 1982 (6th ed.) p.205

714 *Archivo General de la Nación Argentina. Fondo Luis Vernet. Sala VII 2-4-6.* Kohen & Rodriguez (2016 p.155) claim that a later, undated decree, signed by Salvador Maria del Carril, ordered the Ministry of War to provide Vernet with four guns, rifles and other weapons "for the formation of a battery in the isle of Soledad." No source cited, however.

715 Vernet quoted in Areco 1885 p.53

716 *London Evening Standard* Thursday September 3 1829. The publication of the decree was widely reported in Britain.

the Spanish king. Ferdinand VII, was acknowledged there until eighteen hundred and sixteen, and, in some parts of the vice royalty, several years longer. This decree was never communicated to the government of the United States, nor to Mr. Forbes, our resident at Buenos Ayres, nor does it appear that he protested against it.”⁷¹⁷

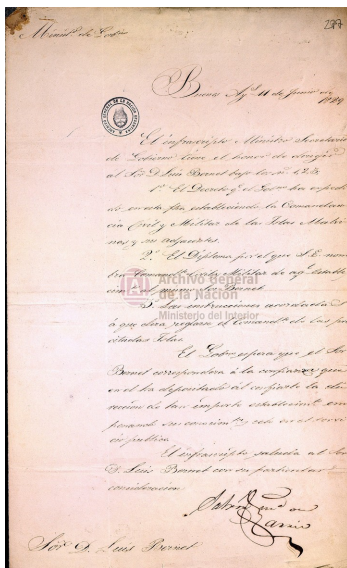
“... to acquire the sovereignty of regions which are not in the dominion of any State, it is indispensable that the occupation be effected in the name of the State which intends to acquire the sovereignty of those regions; That the occupation cannot be held to be carried out except by effective, uninterrupted, and permanent possession being taken in the name of the State, and that a simple affirmation of rights of sovereignty or a manifest intention to render the occupation effective cannot suffice; ...”⁷¹⁸

“Coinciding with the anniversary of the first expulsion of the English from Puerto Egmont, on June 10, 1829, General Martín Rodríguez appointed governor of the islands to Luis Vernet, a native of Hamburg...”⁷¹⁹

“The Decree, published on June 13th, appropriately based Argentine rights upon Spanish inheritance and negated any other means of acquisition of sovereignty such as the occupation of terra derelictae, as claimed by Vernet, or usucapio...”⁷²⁰

“Despite the chaos, on 10 June 1829 Vernet managed to get hold of General Martín Rodríguez, Lavalle’s governor of Buenos Aires, and at Vernet’s request Rodríguez made the Falklands into a “comandancia”, the political entity below a “gobernación” in the old Spanish imperial hierarchy. A gobernación would have had a governor, but a comandancia only rated a “Comandante Político y Militar”... At any rate, the date of the decree, 10 June, was noteworthy in the history of the Falklands – it was the date on which the British had been expelled from Port Egmont in 1770...”⁷²¹

A second, unpublished, decree grants the title of ‘Civil and Military Commandant’ to Luis Vernet.



“The Government of Buenos Aires having decreed on this day that the Malvinas Islands adjacent to Cape Horn in the Atlantic sea be ruled by a political and military commander and keeping in mind the capabilities of Luis Vernet, has decided to appoint him, as it is being done by means of this document, for said position as Political and Military Commander of the Malvinas, bestowing on him all the authority and jurisdiction necessary to fulfill his job.”⁷²²

Researcher's Comment: No announcement and not officially published.⁷²³ Why? One reason may be that a decree required two signatures. Signed only by Martín Rodríguez, before being sent for the attention of Minister del Carril. The latter, on issuing a copy to Vernet, described it as a 'Diploma' (see below). Carril did not sign. A difference, and there clearly was one, that is not immediately apparent. Following the subsequent dispute with the USA, all the papers relevant to the events of December, 1831, were placed before Congress by Governor Rosas in 1832. Notably this 'Diploma' was not among them.

717 Reynolds 1835 p.483

718 Reports of International Arbitral awards: Guiana Boundary case (Brazil, Great Britain) June 1904 vol.11 pp.11-23

719 El Problema de las Malvinas Raimundo D. Alejo 1982

720 Peña & Peña 2018. Usucapio is prescription/adverse possession.

721 Pascoe 2020 pp.102-103

722 Quoted in Destefani 1982. Also AGN VII 128.

723 See June 23, 1829, below.

“... the Government, either believing me to be the most proper person, or to save the expense of a salary, ... thought it expedient that the Director of the Colony should also be Civil and Military Governor; and, by another distinct Decree, although of the same date, it nominated me to fill this office...”⁷²⁴

“... in... 1829 (up to which time the British Government had not exercised any act of Sovereignty) your Memorialist was offered the appointment of Governor of these islands by the Buenos Ayrean Government, and finding, that, notwithstanding his frank avowal of preferring to be under the protection of the British Flag, .., no change of flag had then been made, your Memorialist accepted the said appointment with the view of affording at least some protection to his rising Colony, and not with reference to any political question.”⁷²⁵

“It was therefore not a decree, strictly speaking, but rather a sort of supplementary and reserved article on the other.”⁷²⁶

“Vernet's Colony was distinctly in the nature of a private venture with the paper backing of the Buenos Aires Government. Vernet himself later admitted that the foundation of the Colony was entirely his own work, that he received no assistance at any time from the Government, that he received no salary as "Governor," and that the Islands paid no taxation.”⁷²⁷

“By two decrees of June 10, 1829, the government of Buenos Aires created the Political and Military Command of Malvinas, and appointed Louis Vernet its ... Commander. As from that date, Vernet's actions could compromise the government of Buenos Aires of which he had become a representative.”⁷²⁸

“What was missing, however, was a public announcement of Vernet's appointment as CPM. However official the document, it could only become valid when publicly announced; Vernet's appointment was never published in the official gazette and was thus never strictly legal. Those were chaotic times, but it is difficult to understand why there was time to gazette the comandancia, but not Vernet's appointment as CPM. Vernet published the text of the Comandancia decree in his Circular, but he appears never to have done the same with his own appointment as CPM; he probably knew it was not properly legal.”⁷²⁹

June 11th, copies of the decree and diploma are issued to Luis Vernet.⁷³⁰

“The undersigned Secretary to the Minister Secretary of Government has the honor to direct Mr. Luis Bernet under the terms 1, 2 and 3;

*1st. The **Decree** that the Government has issued on this date establishing the Civil and Military Command of the Malvinas Islands and their adjacencies;*

*2nd The **Diploma** for which His Excellency appoints Mr. Bernet Civil and Military Commander of that establishment;*

*3rd The **Instructions** agreed upon by the Commander of the above-mentioned Islands.*

*The Government hopes that Mr. Bernet will respond to the confidence His Excellency has in his knowledge and zeal for the public service.”*⁷³¹

724 Vernet 1832. Also AGN, Fondo Luis Vernet Sala VII 2-4-6

725 Vernet's Memorandum Presented 7, May, 1852 in CO 78/43

726 *Les Iles Malouines, Nouvel exposé d'un vieux litige* P. Groussac 1910 pp.23-24

727 *Memorandum on the Falkland Islands* 1947 in LCO 2/490. My emphasis.

728 Peña & Peña 2018

729 Pascoe 2022 vol.1 p.589

730 Or Luis Bernet. The document clearly employs a B rather than a V. The two sound very similar in the Spanish language.

731 Translation by Fabian Turcato. My emphasis. Quoted in *La agresión norteamericana a las Islas Malvinas* Ernesto Fitte 1966 p.17. Also Caillet-Bois 1982 p.208 fn.44 citing *Archivo General de la Nacion, Documentacion donada, Archivo de*

*“He then obtained four barrels of eight with their corresponding equipment of projectiles, 50 rifles, in addition to other implements, such as bellows, forges, etc. (11 June).”*⁷³²

June 13th, the Provincial Government of Buenos Aires publishes its decree entitled: *Political and Military Command of the Malvinas*, in the city's journals.⁷³³

*“... during the temporary existence of a government at Buenos Ayres, originating in a mutiny, and disgraced by the murder of the chief magistrate, one Louis Vernet, a German adventurer and a naturalized citizen of the United States, obtained a decree by which he was constituted civil and military governor of the Falkland Islands, Terra del Fuego, and the adjacent islands. ...”*⁷³⁴

*“... June 1829 a Buenos Aires Decree regarding the administration of the Falkland Islands appears in the Registro Nacional. By this time, it is true, the Government of Buenos Aires had gained the recognition of both the United States and Great Britain. But the foundations of that government seemed no more stable than in the earlier days of anarchy.”*⁷³⁵

*“The Pennsylvania Inquirer published the decrees of 1829.”*⁷³⁶



Luis Vernet has a seal made (left).

*“... with which he stamped all his documents.. in the center the 'Arms of the Country and in contour the inscription Comandancia of the Malvinas and adjacencies.' ...”*⁷³⁷

*“While he was in Buenos Aires Vernet had a circular printed in English to give to captains of ships visiting the Falklands. On one side it bore Vernet's translation of the comandancia decree and on the other a warning against "fishing" (mainly sealing) and shooting cattle – since almost all ships visiting the islands had English-speaking crews, English was the only usable language. ... In his warning on the other side, Vernet promotes himself to governor, though he was only a CPM (a mere commandant), and he warns that offenders against the laws governing the "fisheries" may become "a lawful prize",..”*⁷³⁸

June 16th, in London, Lieut. Langdon (RN) pens a Report.⁷³⁹

Vernet. An alternative translation for No.3 would be – “The instructions according by which the commander of the aforementioned islands will be regulated.” The only original that appears to have survived, is the principle decree itself. However, it is a little strange that 2 & 3 do not appear in Vernet's archive, as he recognised that the government's failure to publish the diploma in the official gazette, raised doubts about his appointment.

732 Caillet-Bois 1982 (6th ed.) p.209

733 For example *La Gaceta Mercantil* June 13, 1829 p.2

734 Reynolds 1835 p.483

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

736 Caillet-Bois 1982 p.227 fn.29

737 *Ibid.* p.210

738 Pascoe 2020 p.102

739 Caillet-Bois (1982 (6th ed.) chp.19) uses this report to argue that the subsequent British action in 1833 was based upon a British desire to secure its sea route to Australia. However, there is no evidence that this report was submitted to the British government before 1835. Which is where it appears in the British archive in CO 78/2 f.173. See also May 22, 1827 above

“... I have had an opportunity of forming an opinion upon the necessity for our Government taking possession of these Islands again, which can be done at a trifling expense, and after being garrisoned by a Company of Marine soldiers can be enabled to support themselves. The Islands ... contained more than 10,000 head of horned cattle and great numbers of horses, besides wild hogs, and all kinds of wildfowl...” ⁷⁴⁰

June 17th, the *Gaceta Mercantil* reports:

“One of the most important measures of the current government has been the political and military organization of the Malvinas Islands, and the lands adjacent to the strait of Magellan. Although our navy is in its infancy, we can take great advantage of the Falkland Islands. The territory is very fertile, its climate less harsh than corresponds to its latitude. The quadrupeds, which the Spaniards released there, have multiplied prodigiously, and it is estimated that there will be no less than 40,000 head of cattle, with countless wild horses. The Government will undoubtedly give a useful destination to this flow, after circumstances allow it to deal with the exploitation of those islands. Another abundant spring is the fishing of sea lions that abound on its coasts...” ⁷⁴¹

June 19th, in London, Parish's letter of March 15th, is copied to Secretary of State for War and the Colonies, Sir George Murray, for his consideration. ⁷⁴²

At the Port of Buenos Aires, with *Betsey* (Keating) ready to sail, Luis Vernet posts a letter to Woodbine Parish inviting an investment in the new colony.

“... My letter to you is not in your publick (sic) character, but as to a private individual, and as such being convinced that no person has it so much in his power to further the coming of settlers from England as you, and more so if the intention which once you mentioned to me is realised. I propose either your entering yourself into my undeertaking or to introduce into it some of your friends that you may wish to favour. The terms should be to mutual great advantage, that is to enter with me on equal shares – by repaying me one half of the expenses that I have hitherto been at; then whatever the cattle, fishery, rent of Lands, or sale of the same may produce, will belong to both. ...

Once more I must observe that my letter is private and intended for you in your private character; and were you not occupying a public situation, I should also, and indeed more willingly write to you on this subject, being prompted to me merely by the consciousness of the Knowledge that you possess of the subject, and that you will conceive the importance of founding a flourishing Colony, ...” ⁷⁴³

The letter includes details of plots of land. ⁷⁴⁴

“... your Memorialist,.. confidently relied on British protection in any case of necessity, and did not, for a moment, hesitate to embark the whole of his own property, and a large portion of that of his friends in England, and the United States, and on the Continent of Europe, in founding the Colony, and in bringing to the Island several English, German and other families.” ⁷⁴⁵

740 PRO CO 78/02

741 *La Gaceta Mercantil* June 17, 1829 n^o.1627 p.2 cols. 2-4

742 FO 78/1/10

743 Vernet to Parish June 19, 1829 in *AGN VII, 129, doc.70* quoted in full in Pascoe 2022 vol.1 pp.590-591. Quite what 'knowledge' Parish possessed is not identified although the Consul-General had researched the subject of the Spanish colonies in 1820.

744 For map, see December 1828 above. Also -

https://falklandstimeline.files.wordpress.com/2019/02/mapa_de_la_isla_soledad_hecho_por_vernet.jpg

745 Vernet's Memorandum Presented 7, May, 1852 in CO 78/43

*“Shortly before leaving with his title of Political and Military Commander, he tried to convince Woodbine Parish to take part as a private individual in the undertaking begun. “No one better than you,” he said, “could encourage the coming of Settlers from England.” Vernet requested, in exchange for the participation of the profits from the operation, the reimbursement of half of the sum invested until then (June 1829). In his view, the inconvenience caused by the sending of settlers from Buenos Aires or England “would be sufficiently compensated by the value of the land”. He added that he left “to (Parish’s) best judgment the preparation of the plan [the] direction, the management to which the Colony must undergo for its best success”. He then hardened his idea, proposing a contract by which a Company would be constituted in England by shares for about one hundred thousand pounds sterling, amount in which they would be represented by fifty thousand, sum in which they valued the lands.”*⁷⁴⁶

June 20th, in Buenos Aires, the *British Packet & Argentine News* publishes the decree of June 10. It also notes the departure of the brig, *Betsey*.

*“June 19 Sailed, American brig, Betsey, Keating, for the Colony, and Falkland Islands; passenger Mr. Lewis Vernet, and likewise individuals, and families (emigrants).”*⁷⁴⁷

*“Brisbane boarded the Betsey together with Vernet and his family (his wife María, known as “Mariquita”, and their three small children Emilio, Luisa, and Sofia); the children’s British governess Miss Robinson; two British families; one Spanish-speaking family; five German families and 16 bachelors – 57 people in all. The “colonists” or “settlers” were almost all British or German; Vernet did not want South Americans except as gauchos.”*⁷⁴⁸

June 21st, sailing via Montevideo for supplies, Vernet writes again to Parish.

“My establishment at the Falklands, you are already aware is in a fair way of prosperity, tho' by very slow degrees – my own means being too scant to give the impulse it deserves. Tis true I have appointed agents abroad in different parts of Europe to get settlers giving them grants of land, but the instability of the Government of Bs Ayres, the frequent revolutions and disturbances have as yet deterred speculators from entering into my plans of colonisation.... I am forced to seek a partner – among the merchants I could find none, they understand nothing but the shop – I have therefore directed my views upon you...

*I offer you a share in my concerns at the Falklands not exceeding the half nor less than a fourth... you can do more for its benefit than any other person, because you have only to state to your government the advantage of their vessels of war to go round the Horn to touch them in preference to touching at a port in the Brazils, where they are subject to suffering from desertions and sickness, and no doubts although all vessels would touch them for refreshment or repair – merchant vessels of all parts would soon follow the example and the settlers would find consumers for all their staple articles at the islands, which of course would give a great impulse to the colony...”*⁷⁴⁹

“... still aboard the Betsey, he wrote to Parish again with the same offer of half shares, but now saying he would like to obtain inhabitants “of the Shetland Islands, of Norway, of the northern parts of Holland and

746 Caillet-Bois 1982 (6th ed.) pp.226-227 citing *Vernet to Parish June 19, 1829*

747 *The British Packet & Argentine News, June 20, 1829 n° 148, p.3 col.2 & 3.* Another passenger was Matthew Brisbane.

748 Pascoe 2020 p.104. Listed as cargo are a “good” piano, fine crystal chandeliers, dining tables, barometers, thermometers, kitchen utensils, a box of surgical instruments, a library, coarse and fine china, a large living room rug, a fine sofa, etc. The brig also stored barrels of vinegar, linseed oil, turpentine, gin, and coffee. Also tree saplings and sheep (Caillet-Bois 1982 (6th ed.) p.209)

749 *Vernet to Paris June 21, 1829 in AGN VII, 129, doc.71* quoted in Pascoe 2022 vol.1 pp.591-592

Germany, of Switzerland or the highlands of Scotland and the bays of Ireland." Those two letters express his concerns at the time – he did not have the funds to develop his colony himself and thought his best chance of success was to obtain British funds and British settlers, plus others from northern Europe.”⁷⁵⁰

June 23rd, *La Gazeta Mercantil* names Luis Vernet as the; “... Comandante politico y militar de las islas.”

“The decree on the Malvinas has already been executed. D. Louis Vernet, a native of Hamburg, a very active and intelligent man, who had made an attempt to explore those islands, has been appointed its political and military commander. He has been transported there with his family, and with about forty English and German settlers, with whom he will lay the foundations of a colony, in Berkley Bay.”⁷⁵¹

“The Decree which ordered that a Governor should be named was published by the press; but the other under the same date, in which I was appointed Governor, was not published. This circumstance has doubtless given rise to the idea that I had appropriated to myself this title...”⁷⁵²

June 26th, Parish notifies London of the decree gazetted on the 13th; “... formerly asserting the Rights of the Republic to those Islands.”

“Since my despatches No. 17 and 24 to Your Lordship upon the subject of the Falklands, the Provisional Government of Buenos Ayres has issued a Decree of which I forward a copy for Your Lordship's information, formally asserting the Rights of this Republic to those Islands:-

I believe that the steps lately taken by Mr Vernet to increase his Colony, at the Isle of Soledad, have drawn the attention of the Buenos Ayrean Authorities to the subject, and have led to this measure. But, I do not learn that they at present contemplate taking any further steps in pursuance of their Decree, beyond the conferring upon Mr Vernet himself the Honorary appointment of Political and Military Governor of his own Settlement.”⁷⁵³

June 27th, an agreement is reached between General Juan Lavalle, Captain General of the Province of Buenos Ayres, and the Commandant General of the Country Districts, Juan Manuel Rosas; “... in order to put an end to the disturbances which have afflicted the province...”⁷⁵⁴ Elections are to take place.

June 29th, in London, the Foreign Office forwards Parish's April 25th letter to Secretary Murray.

July 2nd, Sir John Barrow, Permanent Secretary to the Admiralty argues for an immediate return of British forces to the archipelago in a letter to Robert Hay, Permanent Under-Secretary for the Colonies. Barrow asserts that under the; “Law of Nations ... priority of discovery must give way to priority of occupancy.”⁷⁵⁵

July 9th, Foreign Secretary, George Hamilton-Gordon, Lord Aberdeen, requests a legal opinion regarding British title to the archipelago. Lord Dunglas writes to the Advocate-General, Sir Herbert Jenner.

750 Pascoe 2020 p.105. See September 25, 1829 below.

751 *La Gaceta Mercantil* June 23, 1829 no.1642 p.2 cols.2-4. The full decree was published in the same journal on July 7, 1832 (no.2520 p.2 cols.1-4).

752 Vernet 1832. Also *Archivo General de la Nación, Fondo Luis Vernet Sala VII 2-4-6*. My emphasis. cf. 1832.

753 FO 6/499 and FO 78/1/40. This appears to confirm that Parish had not been aware of the pretensions of Buenos Aires before April, 1829, when the newspapers had reported the likelihood of a new *presidio* on the Islands. It also emphasises that Parish continued to view the activities of Vernet as purely a business concern; i.e., “his own” settlement rather than a Buenos Airean settlement. Coincidentally, Vernet only ever referred to “his” settlement or Colony.

754 *London Courier & Evening Gazette* Thursday September 3, 1829

755 Quoted in *The British Reoccupation and Colonization of the Falkland Islands, or Malvinas 1832 – 1843* Barry Gough 1990 citing CO 303/146

*“... the Government of Buenos Ayres has recently claimed them as an appendage to their territory, on the ground of right derived to them from the Crown of Spain; and Lord Aberdeen directs me to request that you will be pleased to take these the circumstances into consideration, and report to His Lordship your opinion how far the interval of non-occupation by any British force from the year 1774 to the present time or any portion of the previous transactions already referred to, can be held to invalidate the former claim of this country to the islands in question.”*⁷⁵⁶

July 10th, London's War and Colonial Office expresses surprise at the Buenos Aires Government; *“.. assuming to themselves the right to dispose of the Islands and the projects which they have in regard to them.”*⁷⁵⁷

*“... (The Right).. to these Islands has always been maintained in our discussions with the Spanish Govt., as well on the ground of prior discovery, as of prior settlement, and it is clear that Spain has acquired no additional Right to them since the period since her supposed claims were successfully resisted by Great Britain.”*⁷⁵⁸

July 11th, from Buenos Aires, Woodbine Parish forwards to London a letter by an Englishman named Beckington. Calling for the establishment of a naval base on the Falklands. For the protection of whalers.⁷⁵⁹

July 14th, *Betsey* arrives in Berkeley Sound with its passengers and settlers. Once back at the settlement, Vernet resolves to; *“... employ all my resources and avail myself of all my connections in order to undertake a formal colonization which should... lay the foundation of a national Fishery which has been at all times and in all countries the origin and nursery of the Navy and Mercantile Marine...”*⁷⁶⁰ This leads Vernet to the decision that a formal act of “dominion” will take place in August; on the anniversary of Saint Rose of Lima's death.⁷⁶¹

*“On 15 July 1828 (sic), Vernet arrived on the Islands with his wife, his children and 15 English colonists, 23 Germans, as well as gauchos and indians to work on the land. He made various changes to the names on the Islands; Puerto Soledad became again Puerto Louis and Bahia de la Anunciacion became Bahia Louis. Puerto Hermoso (later Port Stanley) became Puerto Williams.”*⁷⁶²

*“The Betsey brought 57 people; 16-20 of them sailed on to Statenland but eventually went back to Buenos Aires. Only about 40-45 of the settlers, mostly Germans or British, remained for a while at Port Louis and temporarily brought its population up to around 95-100 – the exact number is not recorded, though it is clear that the population did not rise much above 100 at this time. Even that figure was not maintained for long, as tensions arose among the Germans and the Spanish speakers.”*⁷⁶³

Around the same time, the American sealer *Harriet* arrives in San Salvador Bay where its commander, Capt. Pendleton, is presented with a copy of Vernet's sealing restrictions by Matthew Brisbane.⁷⁶⁴

756 FO 83/2227/95. Quoted less accurately in Caillet-Bois 1982 pp.422-423

757 Colonial Office Papers 10 July 1829, PRO CO 78/2 FO. 160v in Ware 1984

758 CO 78/2. Which discussions and when are not made clear by the note.

759 Beckington to Robert Peel July 11, 1829 in Caillet-Bois 1982 (6th ed.) p.304

760 Vernet 1832 p.420

761 An act of dominion is the taking up of ownership. See *¿Islas Malvinas o Falkland Islands? La cuestión de la soberanía sobre las islas del Atlántico Sur* Luciana Coconi 2007 (unpublished thesis). cf. August 30, 1829.

762 Bullrich 2000 p.100

763 Pascoe 2020 p.107

764 Cawkell 2001 p.52. It seems that during the voyage from Montevideo, Brisbane and Vernet became firm friends; with Brisbane agreeing to work for Luis Vernet.

*“Captain Brisbane ... is the person who was formerly with Mr. Weddell in his voyage to South Georgia. He has since associated himself with Mr. Vernet in his speculation in the Falklands.”*⁷⁶⁵

At Puerto Soledad, María Sáez Pérez de Vernet starts a diary.⁷⁶⁶

*“The population was employed in the "seizing" and domestication of raised cattle, in the construction of corrals, ranches and tambos, in the manufacture of cheese and butter, in the cultivation of orchards, in the construction of stone houses, in the killing of rabbits and salting of fish, in the hunting of amphibians, etc. Not counting those who, because they had a trade, such as blacksmiths, shoemakers and tailors, devoted most of their time to that.”*⁷⁶⁷

July 22nd, in London, an internal memorandum is drafted.

“The opportunity to bring the accompanying documents to the attention of his colleagues at the present time has been energetically brought to the attention of Sir George Murray by the following circumstances:

1° The demonstrations made by the merchants who traffic with South America and the Pacific, pointing out the urgent need to ensure for the navigation of this country a port for repairs and refreshment in the Southern latitudes. As to the political reasons for obtaining possession of such an important station for our Naval Force in a region of the world where there is no British port to resort to, Sir George Murray does not consider it necessary to extend himself, although he knows that they are a very important part of the consideration of the question.

2° The procedures of the Government of Buenos Aires, in assuming the right to dispose, and the projects they have in view with respect to them, as communicated in the last dispatches of the Diplomatic Agent at that point. It is clear that, judging from these communications, the time has come when the claim of Great Britain for these Islands must be affirmed either clearly or totally abandoned.

*3° The importance of obtaining a site as desirable as the Falkland Islands for a part of our convicts, provided that it is not considered convenient for the Australian Provinces to continue in the status of penal colonies, constitutes a different matter that contributes to highlight this issue in the present moment.”*⁷⁶⁸

*“... the documentation alone reveals the pressure exerted by traders directly interested in transactions with Australia and other lands in the Pacific Ocean.”*⁷⁶⁹

July 23rd, Sir George Murray writes to the British Prime Minister, Arthur Wellesley, 1st Duke of Wellington.

“It appears to me that the interval between the cessation of the power of old Spain and the consolidation of that of the new governments in South America would be the best time for our resuming our former possession of the Falkland Islands ... I have not spoken with Lord Melville on the subject, but I believe he is very sensible of the importance in the naval point of view of the occupation of those islands.”

July 25th, Wellington responds.

⁷⁶⁵ Woodbine Parish to Earl of Aberdeen November 20, 1830 in FO 78/1/111

⁷⁶⁶ Which she would keep for just five months from July 14 to December 1, 1829.

⁷⁶⁷ Caillet-Bois 1982 (6th ed.) p.213 citing *Archivo del Ministerio de Relaciones Exteriores, Buenos Aires, División Política, Islas Malvinas, leg. II, exp.I, 1832/35, vol.III*

⁷⁶⁸ Caillet-Bois 1982 (6th ed.) pp.311-312 citing *Respecting the Falkland Islands July 22, 1829* in CO 78/2. I am unable to find this memorandum in CO 78/2 which deals primarily with events in 1834/5, although it does include a copy of Langdon's June, 1829 Report (not submitted by George Whittington until 1835).

⁷⁶⁹ *Ibid.* p.312

*“It is not clear to me that we have ever possessed the sovereignty of **all** these islands. The convention certainly goes no farther than to restore to us Port Egmont, which we abandoned nearly sixty years ago. If our right to the Falkland Islands had been undisputed at that time and indisputable, I confess that I should doubt the expediency of now taking possession of them. We have possession of nearly every valuable post and colony in the world and I confess that I am anxious to avoid to excite the attention and jealousy of other powers by extending our possessions and setting the example of the gratification of a desire to seize upon new territories. But in this case in which our right to possess **more** than Port [Egmont] is disputed, and at least doubtful, it is very desirable to avoid such acts.”*⁷⁷⁰

I am at the same time very sensible of the inconvenience which may be felt by this country and of the injury which will be done to us if either the French or Americans should settle upon these islands, the former in virtue of any claim from former occupancy, the latter or both from any claim derived by purchase or cession from the government of Buenos Ayres.

*That which I would recommend is that the government of Buenos [Ayres] should be very quietly but very distinctly informed that His Majesty has claims upon Falklands Islands and that His Majesty will not allow of any settlement upon, or any cession to, individuals or foreign nations of these islands by Buenos Ayres, which shall be inconsistent with the King's acknowledged right of sovereignty. I think that this is all that can be done at present. It will have the effect of impeding any settlement or cession by Buenos Ayres and as we may suppose that the French and Americans will hear of this communication they will not be disposed to act in contravention to it unless determined upon a quarrel with this country.”*⁷⁷¹

July 26th, in Bueno Aires, elections for President are held. The result appears to favour the Unitarians – the party of Lavalle.⁷⁷² Rosas, a Federalist, and his army remain encamped some 20 miles from the city.

July 28th, in London, Sir Herbert Jenner's legal opinion is given.

“I am humbly of opinion that the right which this country acquired by the original discovery and subsequent occupation of the Falkland Islands cannot be considered as in any manner affected by the transactions, which occurred previously to the year 1774. So far from those rights having been abandoned they have always been strenuously asserted and maintained, particularly in the memorable discussions with Spain referred to in your Lordship's letter, which terminated in the restoration of the English Settlement and Fort which had been taken by the Spanish Forces.

The claim, therefore, to these Islands, now advanced by Buenos Aires, cannot be admitted upon any supposed acknowledgement or recognition of the right of Spain by this Country; if it is capable of being maintained on any ground, it must be upon the supposition, that the withdrawing of the British Troops in 1774, and the non-occupation of these islands since that time, amounted to a virtual abandonment of the right originally acquired, and that, being unoccupied, the Islands in question reverted to their original state, and liable to become the property of the person who might take possession of them. But I apprehend that no such effect is to be attributed to either or both of these circumstances.

*The symbols of property and possession which were left upon the Islands sufficiently denote the Intention of the British Government to retain these rights which they had previously acquired over them, and to reassume the occupation of them when a convenient opportunity should occur.”*⁷⁷³

770 My emphasis.

771 *Correspondence and Memoranda of the Duke of Wellington* 1877 vol.6 p.41

772 *London Courier & Evening Gazette* Friday October 9, 1829

773 *Jenner to Aberdeen* July 28, 1829 no.40 FO 83/2227 at 102-105

July 31st, 18 sheep, shipped from Buenos Aires by *Betsey*, are landed at Long Island.

August 4th, at the Foreign Office in London, Barrow writes to Hay; “Our intention is to order our ships that pass Cape Horn to call at Port Egmont & assert our sovereignty of that Island at least.”⁷⁷⁴

August 8th, from London, Lord Aberdeen sends instructions to Parish.

“The information contained in your dispatch of the 15th of March and 25th of April respecting the measures which have recently been adopted by the Government of Buenos Aires has engaged the attention of His Majesty's Government. It appears that the Republik (sic), attempting to execute the full rights of sovereignty over these Islands, has made grants of land, and has conferred exclusive privileges upon certain individuals to a term of years. These acts have been done without deference to the validity of the claims which His Majesty has constantly asserted to the sovereignty of the Falklands; and it is therefore essential that the proceedings of the Republican Government should not be permitted to injure the rights of His Majesty. Those Rights, founded upon the original discovery and subsequent occupation of the islands, acquired an additional sanction from the restoration by his Catholic Majesty of the British Settlement in the Year 1771, which in the preceding year had been attacked and occupied by a Spanish Force, and which act of violence had led to much angry discussion between the Governments of the two Countries.

It cannot be entertained that the abandonment of this Facility in the Year 1774 by the British Government is in any degree to be considered as ... to invalidate His Majesty's just pretensions.

The Naval Force was withdrawn, and the settlement relinquished, in pursuance of a system of economical retrenchments adopted at that time, ... the symbols of possession and property were left upon the Islands. When the Governor took his departure the British flag remained flying; and all those formalities were addressed which indicated the rights of ownership ... (and) the intention to assume the occupation of the territory at a more convenient season. His Majesty's Govt are aware of the increased importance of those Islands.

The change in political condition of South America, and the nature of our relations with the various States ... with the great extension of commerce in the Pacifik (sic) Ocean, will render mighty desirable the possession of some secure points from where our shipping may be supplied and if necessary, refitted. In the event of our being engaged in War in the Western Hemisphere, such a station would be almost indispensable to its successful prosecution.

It is not in my power at the present moment, to inform you of the final determination of His Majesty's Government with respect to those Islands; and whether it shall be thought proper to resume possession of a settlement which had been extinguished for a time, although never abandoned. The question is one of much delicacy, there being important consequences, and demanding therefore, the most mature deliberation. ... in order to preserve entire the rights of His Majesty, and to prevent all injury from the proceedings of the Government of Buenos Ayres, you will inform that Govt of the existence of His Majesty's pretensions in their full force. You may also give it to be understood that His Majesty will not view with indifference, nor can he recognise any cession of territory by the Govt. of Buenos Ayres, either to individuals or to any foreign nation, which shall be found incompatible with the just rights of Sovereignty to which His Majesty lays claim, and which have heretofore been exercised by the crown of Great Britain.”⁷⁷⁵

774 FO 6/499

775 Aberdeen to Parish No.5 August 8, 1829 in FO 6 499

“... it is not a question of rights; these only appear on the back of an issue that is fundamental for England: the possession of a point on the South Atlantic coast and through which the naval station in Rio de Janeiro can pass when circumstances so require.”⁷⁷⁶

“While Woodbine Parish's despatch no. 34 of 26 June 1829 was still on its way to London with its copy of the Buenos Aires decree of 10 June 1829 establishing the comandancia in the Falklands, the British Foreign Office reacted to his earlier despatches of 15 March and 25 April, in which he had mentioned Louis Vernet's activities and his grant of land, and the intention of the Buenos Aires government to set up a penal settlement (presidio) in the islands. On 8 August Foreign secretary Lord Aberdeen drew up a despatch to Parish telling him that the government were now considering the question of the Falklands, and instructing him to inform Buenos Aires of Britain's claim to the islands.”⁷⁷⁷

August 10th, Vernet distributes a Circular to vessels moored near Puerto Soledad.

*“All masters of vessels engaged in the fisheries on any part of the coasts under (this) jurisdiction, will ... desist, since a reincidence will expose them to becoming a lawful Prize to any vessel of war belonging to the Republic of Buenos Aires, or to any vessel, which the undersigned may think proper to arm in use of his authority, for executing the laws of the Republic. The undersigned further warns against the practice of shooting cattle on the East Falkland Island, the same being private property, and however innocent the act may be in those that are not aware of the circumstances, it becomes of course highly criminal in those who wilfully persist in such acts, and renders them liable to the rigour of the laws in similar cases.”*⁷⁷⁸

August 16th, *Betsey* sails from Port Louis for Statenland taking some of the settlers brought out to Puerto Soledad in July. The ship also takes one of Vernet's slaves. Their objective is to build a saw-mill to provide wood for the settlement on East Falkland.⁷⁷⁹ After dropping off Vernet's workers, Matthew Brisbane is to take over the ship's charter for his rescue mission.

*“The settlement at Port Luis was very useful for seamen of all nations... and an essential relief for the survivors of shipwrecks in those desolate areas. It is worth noting in this connection the rescue of shipwreck survivors in South Georgia. ... One of the first recorded official activities concerning South Georgia is the dispatch, by Political and Military Commandment of the Malvinas Commander of the Falklands/ Malvinas [sic!], Luis Vernet, of a team to rescue castaways who found themselves in South Georgia. This happened between August and October 1829.”*⁷⁸⁰

*“Emilio said in his diary that on Sunday Aug 16, 1829 a ship from the colony left for the South Shetland and South Georgia islands to take the settlers of Buenos Aires destined for the first and three settlers and "one black" to chopping wood, a precious input that Malvinas lacked. ... The journey was extensive: the Shetlands are 1,172 km south of the Falklands – only 120 km from Antarctica –, and the Georgias 1,151 km southeast, ... which positions the exercise of national sovereignty through the Afro presence in even more distant coordinates, perhaps the most distant occurred in the African diaspora in America.”*⁷⁸¹

776 Caillet-Bois 1982 (6th ed.) p.313

777 Pascoe 2022 vol.1 p.610

778 Quoted in Bernhardson 1989 pp.186 & 187 citing *Vernet, circular, August 10, 1829 AGN VII 2-4-1. cf.* October, 1830.

779 A first attempt, which appears to have failed.

780 Kohen & Rodriguez 2016 p.163 & p.260. This is a lie. See below

781 Cirio 2019 p.22. This author appears confused as to the purpose of the voyage south from Statenland.

“... the rescue was organised by the British Consul-General Woodbine Parish, more than three weeks before Vernet was appointed Civil and Military Commandant of the Malvinas; it was financed by the British government, and Vernet’s role was merely to transfer part of his charter to Brisbane (i.e. from Statenland to South Georgia and thence to the Falklands). Vernet had chartered the ship for a round trip: Buenos Aires – Falklands – Statenland – Falklands – Buenos Aires, but the rescue meant he did not have to pay for the third leg from Statenland to the Falklands (including the diversion to South Georgia), which was paid for by Britain, so it saved him money.”⁷⁸²

Researcher's Comment: Contrary to the distortions of some Argentine authors, the voyage to South Georgia was a rescue mission organised and paid for by the British Consulate in Buenos Aires, some three weeks before the 1829 decree. It was not an act of sovereignty, and there was no voyage to the South Shetland Islands.

August 24th, in Argentina, Lavalle and Rosas agree to dispense with the election results, and arrange; “... a new form of Government. The senate to consist of 24 individuals, named by the Governor from the most distinguished class of the country. General Juan José Viamonte was declared Provisional Governor’...”⁷⁸³

August 29th, at Puerto Soledad, using teams of horses, the settlers drag four cannon up from the beach.⁷⁸⁴

August 30th, María Sáez Pérez de Vernet notes in her diary; “Very good Saint Rose of Lima day, so Vernet has decided to take possession today of the islands in the name of the government of Buenos Aires. ... I gave everyone a hat with two ribbons, the two colours that distinguish our flag.”⁷⁸⁵

At a ceremony, Luis Vernet announces the June 10 decree issued by the Province of Buenos Aires. Puerto Soledad is formally renamed Port Louis.⁷⁸⁶

“The political and military commander appointed by the Superior Government of Buenos Aires, in accordance with the decree of 10 June that I have just made public, has chosen this day (the) anniversary of Santa Rosa De Lima, patroness of the Americas, and to exercise again a formal act of Dominion that the Republic of Buenos Aires has over these Malvinas Islands, Tierra del Fuego and its adjacent and other territories from where the command of Patagonia ends, to Cape Horn; and to this end, the flag of the Republic has been inaugurated this day, greeting it in the best way that the nascent state of this population allows.

*The Commander expects that each of the inhabitants will at all times give subordination to the laws, living as brothers in Union and harmony so that with the increase of population that is expected and that the Superior government has promised to promote and protect a population born in its southern territory that honors the Republic whose dominion we recognize. Viva the Fatherland!”*⁷⁸⁷

“... (the) Governorship and the Commandantcy of the Island was **reinstalled**, under salutes of artillery.”⁷⁸⁸

“... after claiming from each of them subordination and industriousness, making vows so that, in those territories, a population was born “that honors the Republic, whose domain we recognize”, finishing with a ! Viva la Fatherland!, ... A witness, among others, observed the simple ceremony: it was the North American

782 Pascoe 2020 p.104

783 *Public Ledger & Daily Advertiser* November 13, 1829

784 Unloaded from Betsey.

785 *AGN Fondo Luis Vernet. VII-141.*

786 A name in common use from at least 1826. In any case, the old Spanish name of Puerto Soledad appears to have been little used by American and English sailors who kept to the French Port Louis. Some inconsistency in later references using Puerto/Port Luis, but then Vernet was inclined to use Luis, Louis or Lewis interchangeably.

787 *Ibid.* See also Marcelo Vernet 2011

788 Vernet 1832. Island singular. My emphasis.

*bergatin Betsy, Captain Oliver Keating, of Boston, which – in union with its crew – witnessed the act and participated in it with its flag...”*⁷⁸⁹

*“... the secret article in the Nootka Sound Convention of 1790 entitled Britain to set up an "Establishment" south of places occupied by Spain if "the Subjects of any other Power" had done so. ... Whether the Nootka Sound Convention was still in full force is debatable, and whether the Vernet operation was under the auspices of a successor state to Spain is debatable too. But what is not debatable is that if Argentina were a successor state, ... it inherited Spain's obligations as well as rights. That would mean that Vernet's activities violated Britain's rights under Article 6 of the Convention. But if Argentina was not a successor state to Spain, that would make Vernet a "subject of another power" and ... he would have activated the secret article in the Convention.”*⁷⁹⁰



Mode of Lazoing Cattle in Buenos Ayres, Drawn for the Lady Ponsonby 1829 by Emeric Essex Vidal

*“In addition to Puerto Luis were... two smaller towns, called Rosas and Dorrego, located respectively in the gulf and port of Polacra and near the remote area of St. Augustine.”*⁷⁹¹

Luis Vernet circulates further messages to those whalers and sealers anchored around the Islands informing them of his newly granted authority.

789 Caillet-Bois (6th ed.) 1982 p.210 citing *Luis Vernet to the Ministro Secretario de Gobierno, Puerto de la Soledad, December 26, 1829.*

790 Pascoe 2020 p.127. This author links activation to the sale of land by Vernet in 1831. Vernet's 'establishment', however, clearly dates from the ceremony in 1829. See 1790

791 Kohen & Rodriguez 2016. Based upon a fabrication by Argentine historian Antonio Gomez Langenheim (1939) who invented two settlements at the sites of modern Goose Green and Johnson's Harbour. See Pascoe (2020 pp.88-89)

September 3rd, Parish's despatch regarding the June 10th decree arrives in Britain. ⁷⁹²

September 17th, from London, Lord Aberdeen writes to Parish.

“Having in my despatch No. 5 of the 8th August 1829 fully explained to you the opinion of His Majesty's Government as to the rights of the Crown of Great Britain with regard to those Islands, I have now only to instruct you to address a note to the Buenos Ayrean Minister ... protesting formally in the name of His Majesty against the terms of the above mentioned Decree, as infringing these just rights of Sovereignty over the Falkland Islands which His Majesty has never relinquished.” ⁷⁹³

A draft-Protest is enclosed. ⁷⁹⁴

In the South Atlantic, on the same day, Brisbane takes over *Betsey*; sailing from Statenland for South Georgia.

September 25th, from Buenos Aires, Woodbine Parish writes to Luis Vernet; rejecting the invitation to invest in a colony on East Falkland Island, made on June 19th.

“I feel persuaded that your colony will be one of much use to our trade round Cape Horn, and I shall not fail to avail myself of any occasion to give that as my opinion to His Britannic Majesty's Government, which I shall be very glad to find is of any service to you.” ⁷⁹⁵

“I shall take an interest in your progress, I shall always be happy to know of it and of your welfare, whenever you have any opportunity of writing to Buenos Ayres.” ⁷⁹⁶

“H.M.'s Representative Sir Woodbine Parish wished me heartily good success in my undertaking, considering that it would be very useful to the Commerce around Cape Horn... Not the slightest objections were raised against my undertaking by the British Government.” ⁷⁹⁷

“On that occasion and responding to Vernet's request, he told Vernet that he would take every opportunity to let S. M. B. know his opinion of the Colony.” ⁷⁹⁸

“It was ludicrous to imagine that a British consul could invest as a private individual in what Britain regarded as British territory, under the auspices of a government whose rights in that territory Britain denied. So it was natural that Parish politely declined to become involved, in his reply of 25 September 1829.” ⁷⁹⁹

General Lavalle leaves Buenos Aires.

“The Federalists acquired the ascendancy in August, and accounts received to the end of September, intimate that they are fully established in the Government, General Lavalle and other leading men in the party of the Unitarians, being about to go abroad, in a kind of honourable exile.” ⁸⁰⁰

Woodbine Parish assists General Rosas in devising the appointment of a permanent Government. ⁸⁰¹

792 Muffty 1986

793 FO 6/499 (draft) and FO 78/1/43

794 FO 78/1/45 – 47

795 Parish to Vernet September 25, 1829. AGN VII 129 doc.74. Among Vernet's archived papers, there is no copy in the British archives, probably because Parish saw it as private correspondence. A brush off, nonetheless.

796 Quoted in Vernet to Labouchere December 1856 in CO 78/43. Also AGN VII 129 doc.74

797 Vernet to Earl of Derby April 26, 1858 in CO 78/43. cf. 1829, 1856 & 1858

798 Caillet-Bois 1982 (6th ed.) p.227 fn.28

799 Pascoe 2020 p.105

800 Dublin Evening Packet & Correspondent Thursday December 17, 1829

801 Kay-Shuttleworth (1910 p.358) speaks of a genuine friendship between her grandfather and Rosas. After Rosas fled to England in 1852, Parish visited him in exile. cf. 1852

*"Mr. Parish confessed to Baylies - "he was a friend of the Federal Party and they consulted him a lot." ..."*⁸⁰²

*"At the conclusion of the civil war of 1828–1829, the standing of the British in Buenos Aires bore no resemblance to that of a few years earlier. Trade had slumped and investment in loans, mines and colonisation halted."*⁸⁰³

On the same day, an American sealer *McDonough* (Montague) arrives at Port Louis

October 2nd, US Secretary of State, Martin Van Buren, writes to the newly appointed US Minister in Spain, Cornelius Van Ness; *"... The contest between Spain and her former colonies must now be considered as at end; yet, still entertaining vain hopes of reconquering them, she withholds her acknowledgement of an independence which has long since been recognized by the most powerful and influential Governments of Europe,.."*

In Spain, Spanish historian, Don Mariano Torrente, in a detailed consideration of the nation's colonies, notes the extent of the Spanish monarch's dominions in America.

*"The King's possessions in America occupy an immense plot that extends from 41° 43' lat. S. to 37° 48' lat. N..."*⁸⁰⁴

October 19th, Brisbane arrives back in Port Louis, having rescued nine of the ten survivors of the wreck of *Hope* that he'd been forced to leave behind on March 7th, 1829.⁸⁰⁵

October 25th, one of Vernet's indentured slaves, Antonio, known as the 'Foreman of the blacks' marries another of the slaves, Marta.⁸⁰⁶

*Maria (Vernet) says the couple swore fidelity before four witnesses and their godparents, and signed a contract, which they undertook to get confirmed by the church in Buenos Aires."*⁸⁰⁷

October 28th, a Buenos Airean decree prohibits fishing on the coasts of Patagonia.⁸⁰⁸

November 1st, American sealer *Superior* arrives in Port Louis. Capt. James Nash is taken ashore in ill-health.⁸⁰⁹

November 9th, *Betsy*, still under charter to Luis Vernet, sails from Port Louis for Buenos Aires with a cargo of hides and salted beef. Some of the men rescued by Brisbane go with her.

*"... the Betsy (sic), on its return journey, was carrying a shipment of timber valued at approximately two thousand strong pesos and 117 quintals of fish ..."*⁸¹⁰

November 10th, an unidentified slave at Port Louis dies of 'gout'.⁸¹¹

802 Caillet-Bois 1982 (6th ed.) p.318

803 Rock 2018 p.79

804 *Historia de la Revolucion Hispano-Americaux* M. Torrente 1829. His use of the present tense reveals that the Spanish King had still not abandoned his claims to those possessions. 41° 43' lat. S was the southern limit of the Viceroyalty de la Rio de la Plata. The Falklands sit at 51° 68'. cf. 1740

805 See April, 1828 & May, 1829. Pascoe (2020 p.107) notes that one man had lost both feet due to frostbite.

806 Cirio 2019 p.7

807 Pascoe 2022 vol.1 p.607 citing Maria Vernet's diary

808 See July, 1831

809 Nash recovered from whatever he was suffering from and returned to his ship in January, 1830.

810 Caillet-Bois 1982 (6th ed.) p.220

811 Cirio 2019 p.7. Maria Vernet records a number of the slaves ill around this time. Two more dying in December.

November 18th, Woodbine Parish receives Lord Aberdeen's instruction of September 17th, and draft-*Protest*.

November 19th, Parish presents a *Diplomatic Protest Note* to the Foreign Minister, General Tomás Guido.

“The undersigned H.B.M. Charge d’Affaire has the honour to inform H.E. General Guido the Minister charged with the Department of Foreign Affairs that he has communicated to his Court the official document signed by General Rodriguez and Don Salvador Maria del Carril, in the name of the Government of Buenos Ayres, and published on the 10th of June last, containing certain Provisions for the Government of the Falkland Islands. The undersigned has received the orders of his Court to represent to H.E. General Guido that in issuing this decree, an authority has been assumed incompatible with His Britannic Majesty’s rights of sovereignty over the Falkland Islands.

These rights, founded upon the original discovery and subsequent occupation of the said islands, acquired an additional sanction from the restoration, by His Catholic Majesty, of the British settlement, in the year 1771, which, in the preceding year, had been attacked and occupied by a Spanish force, and which act of violence had led to much angry discussion between the Governments of the two countries. The withdrawal of His Majesty’s forces from these islands, in the year 1774, cannot be considered as invalidating His Majesty’s just rights. That measure took place in pursuance of a system of retrenchment, adopted at that time by His Britannic Majesty’s Government.

But the marks and signals of possession and property were left upon the islands. When the Governor took his departure, the British flag remained flying, and all those formalities were observed which indicated the rights of ownership, as well as an intention to resume the occupation of that territory, at a more convenient season.

The undersigned, therefore, in execution of the Instructions of his Court, formally protests, in the name of His Britannic Majesty, against the pretensions set up on the part of the Argentine Republick (sic), in the decree of 10th June, above referred to, and against all acts which have been, or may hereafter be done, to the prejudice of the just rights of sovereignty which have heretofore been exercised by the Crown of Great Britain.”

*“In November 1829 the British Consul-General protested against this decree; but inasmuch as by this time, in our opinion, Great Britain no longer had any claim to the Falkland Islands, we find that this protest on behalf of Britain had no justification in law which could result in its having any effect upon the status of the Falklands. ... We accordingly feel, not without some hesitation, however, that in 1832 and 1833 the Falkland Islands could be considered as having been part of the possessions of the Argentine.”*⁸¹²

*“One cannot help but imagine the amazement that must have been painted on the faces of the Buenos Aires ministers when they received the document in question from the Chargé d’affaires of S. M. B.”*⁸¹³

*“We are convinced that the amount of activity by M. Vernet initially was in his private capacity. He paid no taxes, and he received no assistance from the government in Buenos Aires until 1829, when he was formally appointed Governor of the Falkland Islands, by decree, in Buenos Aires. That, of course, was one to which we made an immediate protest, reverting to the fact that the Islands were British.”*⁸¹⁴

812 Opinion of the Law Officers 1947 in *LCO 2/490*. The historical information provided by the Foreign Office was flawed by omissions. However, the Law Officers went on to find in favour of Great Britain's sovereignty based upon a legal case for *usucaption* (prescription). *cf.* December, 1946, January, 1947 & 1966.

813 Caillet-Bois 1982 (6th ed.) p.314

814 Legal Adviser to the FCO 1976-1984, Sir Ian Sinclair QC quoted in *The Little Platoon* Michael Charlton 1989 p.4

*"The text of Parish's protest was closely based on the instructions from Lord Aberdeen on 8 August, before Britain knew about the comandancia decree of 10 June."*⁸¹⁵

November 20th, American sealer *Elizabeth Jane* (Brooks) out of New York, hunts at the Falkland Islands.

November 25th, in Buenos Aires, Tomas Guido acknowledges receipt of the British protest.⁸¹⁶

*"The Undersigned Minister for Foreign Affairs has received and laid before His Excellency the Governor the communication which HMB's Charge de Affaires Mr Woodbine Parish has been pleased to address to him under date of the 19th November, protesting against the Decree issued on the 10th of June last, appointing a Political and Military Commandant for the Falkland Islands. The Government will give their particular consideration to this said note from Mr Parish, and the undersigned will have the satisfaction of communicating to him their resolution upon it, as soon as he receives orders to do so."*⁸¹⁷

*"In Nov 1829 Sir Woodbine Parish was ordered to protest, (not against my own private undertakings,) but against the act of sovereignty which the Govt. of Buenos Ayres had exercised in appointing an official authority over the Falkland Islands,..."*⁸¹⁸

*"According to all forms of law, (the protest) did nothing but renew a discussion silenced and forgotten during the space of more than half a century. It is true that the Minister of the Republic, surprised by a claim of this kind, that there was no idea (such) could exist from the Government of His Majesty, limited himself to acknowledge the receipt of the protest, and to offer an express reply ... but if this reply did not come it required some time, it is not known whether (an answer) was demanded or urged by the diplomatic agents of His Majesty."*⁸¹⁹

*"... no answer was made to it, and it was kept entirely secret by the Government."*⁸²⁰

*"In his acknowledgement of receipt, the General the Minister for Foreign Affairs, in the ephemeral administration of Viamonte, showed the provisional government, (was) too busy to "pay particular attention" to Mr. Parish's note, These times of trouble and calamity, .., the wonder is not that the answer was not long, but that the minister of the day had the leisure to announce it. The protest fell into a void, and after eight days nobody thought of it,..."*⁸²¹

*"... despite the concern caused by the events of internal politics, the Minister Secretary of Foreign Affairs, Tomás Guido, upon acknowledging receipt, declared that the Government would give "particular consideration to Snr. Parish's note." He thus announced a response that would never see the light, not because of the laziness of the men of government, but because of the vertiginous events of those years in which unitarians and federalists played their last card."*⁸²²

Researcher's Comment: Britain had had no cause to protest with regard to the Falklands since 1770. The convention of 1771 had reinstated the status quo of 1769, ie. Britain in Gran Maluina (West Falkland) and Spain

815 Pascoe 2022 vol.1 p.612

816 Caillet-Bois (1982 (6th ed.) p.314 fn.24) suggests that the acknowledgement was at the specific request of Woodbine Parish, although there is no clear evidence for what, after all, should have been a formality.

817 FO 6/499 and FO 78/1/53. The governor was Juan José Viamonte, who had taken over after the fall of Lavell, until elections could be arranged. Arranged to elect Rosas to the governorship.

818 *Vernet to the Earl of Derby, April 26, 1858 in CO 78/43*

819 Areco 1885 p.68

820 Greenhow 1842. cf. 1832 & 1833

821 *Les Iles Malouines: Nouvel Exposé d'un Vieux Litige* Paul Groussac 1910 p.22

822 Caillet-Bois 1982 (6th ed.) p.314

on Soledad (East Falkland). Nothing had occurred after 1774 to require a protest by either side. Minor encounters between sealers and Spanish ships simply never warranted any reports. And there were no reports of complaint even after the 1790 Nootka Sound Convention. In 1829, Buenos Aires was the first to challenge a status quo that had been in being for 58 years.

That the protest was accepted without challenge seemed to settle the matter. Buenos Aires would later claim that they considered the question to be '*pending*,' but there was no indication of this in 1829.

December 3rd, one of Vernet's indentured slaves, Gregoria, dies of a fever. ⁸²³

December 5th, Parish informs London of his action.

"... I herewith enclose for your Lordship's information the Copy of an Official Note which on the following day I presented to General Guido the Minister Encharged with the Foreign Department, protesting in His Majesty's name against the Pretensions set up on the part of the Argentine Republick to those Possessions.

Having explained at the same time generally to the Minister the tenor of my communication, he promised to give his immediate and serious attention to the subject:-

I requested that He would be so good in the meantime to acknowledge officially the Receipt of my Note, which he did on the 25th as your Lordship will see ..." ⁸²⁴

"I have it from what I consider good authority, that soon after the Protest was presented, the English Chargé d'Affaires here attempted to make some arrangement, touching the Islands, with this Government; which, however, did not succeed." ⁸²⁵

December 6th, Juan Manuel de Rosas is sworn in as Governor and Captain-General of the Province of Buenos Aires by the House of Representatives.

"A letter has been received from the agent to the North and South American Coffee-house, dated Buenos Ayres, Dec 12, 1829 the substance of which is as follows:- After stating that the old legislature of that province was reinstated on the 1st of December, it mentions the appointment of Don Juan Manuel Rosas as Governor, Don Tomas Guido as minister for foreign affairs, Don Manuel Garcia for the financial department, and Don Juan Romoso Balcarce for the war and marine." ⁸²⁶

"In late 1829 Rosas became governor of Buenos Aires, greeted as a savior after two years of anarchy. The legislature of Buenos Aires, the junta de representantes, bestowed upon him "extraordinary facilities"... unbridled dictatorial powers... accurately depicted as the embodiment of the Federalist caudillo, a conservative autocrat dedicated to the aggrandizement of his own province and to its ranchers and saladeristas. For Rosas all other concerns were secondary, to be ignored, circumvented, or obliterated." ⁸²⁷

823 Cirio 2019. Not Gregoria Madrid.

824 Parish to Aberdeen December 4, 1829 in PRO FO 6/499

825 George W. Slacum, *United States Consul at Buenos Aires, to Edward Livingston, Secretary of State of the United States December 20, 1831* in *Diplomatic Correspondence of the United States: Inter American Affairs 1831-1860* William R. Manning 1932 vol.1 Argentina. Caillet-Bois (1982 (6th ed.) pp.314-315 fn.25) implies that Parish had attempted to come to some financial arrangement with Buenos Aires. Slacum was reporting rumour and there is no evidence that Parish entered or attempted any negotiation. cf. January 18, 1833

826 *Globe* – Friday February 26, 1830

827 Rock 1987 p.104

*“Rosas was a classic "caudillo" or South American local leader – charismatic, strong-willed, secretive, dictatorial, ruthless and unscrupulous, but he stood head and shoulders over all his rivals.”*⁸²⁸

Governor Rosas, declares the Lavalle administration as having been “*intrusive.*” All its proceedings are disavowed.⁸²⁹

*“... the Decrees, in virtue of which Vernet pretended to act, had emanated from an intrusive and illegal authority, and had never been acknowledged by the constitutional powers of the State, but had, on the contrary, been annulled ...”*⁸³⁰

*“It has been affirmed, without evidence, that all the legislation passed by the Lavalle administration of 1829 (and this included the Decree of the 10th June, 1829) was disavowed by the Rosas Government which followed. The Registro Nacional shows only that certain of those decrees were annulled by Rosas; these do not include the vital Decree of the 10th June. Although, then, the validity of the proceedings of the Buenos Airean Government in the Falkland Islands prior to 1829 is open to question, the Buenos Aires Decree of 1829 must be accepted as the legal act of the Government of a country whose independence had been recognised by both the United States and Great Britain.”*⁸³¹

*“... the famous decree – given by the "intrusive Government," perched in power by the riot of December 1 – had no value, because the opponents, when overthrowing the unitary faction, declared the actions of this faction void.”*⁸³²

*“... (the UK) cannot invoke the "nullity" of the decrees passed to create the Political and Military Command and to appoint Vernet. Firstly, there was no such nullity, and even if it had been declared by the subsequent government, it would not be opposable in the international sphere by virtue of the principle of continuity of the State. Secondly, because the government that followed that which issued the decrees on June 10th, 1829, including Rosas', continued to act in accordance with the content of those decrees... Thirdly, if the decrees were hypothetically null and void, the only State that could invoke such nullity would be Argentina...”*⁸³³

December 10th, a child, Daniel, is born to one of Vernet’s indentured slaves, Francisca.

*“Daniel. He was born on Dec 10, 1829 from No.22, Francisca and unknown father. Born at 5 o'clock "mulatito". He left for Montevideo in 1832 imprisoned in the Lexington and from there to Patronage of Buenos Aires, where Vernet claimed him as a servant.”*⁸³⁴

December 12th, Betsey returns to the Falklands.

At South Georgia, Pacific (Capt. James Brown) hunts for seals; *“... but could only obtain 256 fur seal skins and 1800 gallons of elephant seal oil before leaving in March 1830.”*⁸³⁵

828 Pascoe 2022 vol.1 p.613

829 Greenhow 1842. Also Field 1928 para.64. Having sailed the week before, Vernet would have been unaware of the change of regime for some time.

830 *Ibid.*

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

832 Caillet-Bois 1982 p.206. My emphasis. It is rare to find an Argentine historian acknowledging this inconvenient fact.

That said, Caillet-Bois goes on to argue that subsequent events and correspondence between Vernet and the government in Buenos Aires effectively “*ratified*” his position as military commander.

833 Kohen & Rodríguez 2017 p.116. A lawyers answer.

834 Cirio 2019 p.9. Father’s name not stated.

835 Dickinson 2007 p.67

December 15th, one of Vernet's indentured slaves, Julia (14 yrs), dies after a few weeks of illness. ⁸³⁶

December 18th, an American sealer, *Belleville*, out of Massachusetts, arrives at Port Louis. Two of the owners are aboard, Nehemiah Bray commanding, and Henry Metcalf. Warned of Vernet's sealing regulations, Capt. Bray does not mention that he has left two sealing parties of six seamen hunting the around the archipelago in two boats – *Black Prince* and *General Jackson*. ⁸³⁷

“Bray told no one at Port Louis about those men – to him the islands were open to all; he was happy to cooperate with Vernet but did not see him as possessing any kind of monopoly.” ⁸³⁸



Port Louis 1829 by Luisa Vernet

December 26th, from Port Louis, Luis Vernet writes to inform the provincial government of Buenos Aires of all he has done since his return to East Falkland Island. He again reminds them that the fishing laws need to be enforced, not least because the foreign sealers hunted when the seals were calving; *“... which, if it is not prevented, will in a few years destroy the species.”* ⁸³⁹

“At the end of December 1829 he had already pointed out the seriousness of the problem, because he revealed to the Government that foreign fishing boats, “not content with fishing in the proper season do it mainly in the time of birth, which if not prevented in a few years will destroy the species”. He therefore asked to be provided with a small warship, ten or twelve huntsmen, and as many cavalry men.” ⁸⁴⁰

836 Cirio 2019 p.9. Described as the servant of Maria.

837 Information provided by Graham Pascoe and Peter Pepper. cf. 1830, 1831 & 1833

838 Pascoe 2020 p.110

839 *Luis Vernet al Ministro Secretario de Gobierno 26 de diciembre de 1829* in Caillet-Bois 1982 p.210. When this was written, it is unlikely that Vernet would have been aware of the change of regime in Buenos Aires.

840 Caillet-Bois 1982 (6th ed.) p.233.

Vernet's letter is taken by *Betsey*, which again sets out for Buenos Aires via Statenland.⁸⁴¹

December 27th, from Port Louis, Matthew Brisbane pilots *Belleville* around to Salvador Water.

A complicated period to sum up. A declaration of independence by the provinces of the Viceroyalty of the Rio de la Plata in 1816, followed by (often violent) political division throughout the period. The United Provinces/Confederation of Argentina was not a cohesive nation at that time. True unification would not come until much, much later – 1862 at the least.

The legal position of the archipelago is no less confusing. An 1820 claim on behalf of a nation which had ceased to exist before it was made? A claim not reported by the claimant. A licence to hunt cattle by a provincial government that lacked the power to grant it? Descriptions of territory provided to the British that did not include any mention of the islands? Settlement by a German businessman after 1826? On territory still claimed by Spain? Pretensions declared by an illegal government in Buenos Aires? An illegal administration whose actions were declared null and void by those that deposed it?

Conclusions are hard to draw. However, it can be said, at the least, that by the end of 1829 Britain was aware of the previously unforeseen threat by an otherwise insignificant entity. A revolted colony of Spain that London had given de facto recognition to in 1825. Despite uncertainty as to its value, England knew that it must defend its own strategic interests. Its own rights. A warning then. A shot across the bows, in the hope that it would be enough to see off the young pretender.

At Port Louis, Vernet's fledgling colony remained blissfully unaware of the problems heading its way.

Paper 6 will examine the period of time when the Port Louis settlement reached its short-lived peak before being thrown down – twice.



Bibliography <https://falklandstimeline.files.wordpress.com/2019/04/bibliography-1.pdf>

841 Probably carried by Vernet's brother-in-law Loreto Saez. The eventual response from the Provincial Government of Buenos Aires was equivocal; referring only to the "*difficult circumstances*" in which the country found itself (Caillet-Bois 1982 p.235). This may be an indirect reference to the protest submitted to the Buenos Airean Government by Woodbine Parish only some 4 weeks before. Sadly, Caillet-Bois provided little detail of the government's response and I am unable to identify its author. *cf.* February, 1830 & March, 1832