

*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* <sup>1</sup>

## Paper 7<sup>2</sup>

### 1834 – 1852 Colonization

**“I have now to acquaint you that Her Majesty's Government propose to complete the measures ... for the colonization of those islands.”**<sup>3</sup>



Sovereignty reasserted, the British Navy did not remain. After Onslow's departure, the islands remained without any direct authority other than an Irish Storekeeper tasked to raise the flag on a Sunday. The archipelago was confirmed as a Crown possession, but not a colony. This paper deals with the aftermath of the murderous riot of August, 1833 and the decision making process that led to formal colonization and consolidation.

At the start of 1834, Port Louis was deserted with some of the survivors living on Hog Island in Berkeley Sound, while others had been taken Port Egmont, on the far side of the archipelago. The good news was that help was on its way; though intimation of the murders had yet to reach those who could react. Those responsible for the deaths, however, were still nearby; watching. Desperate to find a way off the Islands, food had been offered to the Hog Island group, with reassurances - lowering their defences.

**1834 – January 2<sup>nd</sup>**, in London, the Foreign Office forwards Minister Moreno's protest to Lord Stanley. <sup>4</sup>

**January 3<sup>rd</sup>**, in Berkeley Sound, from Hog Island, José María Prado, Carl Kussler, Santiago López and Pacuel Diaz row over to Port Louis, where they are captured. In possession of the boat, Prado and Kussler are forced to take their captors to the island where the other refugees are also threatened.

*“... being sent from Hog Island to the Main Land, without sufficient caution, fell into the Hands of the Murderers, ....”* <sup>5</sup>

*“The murderers now had the boat, and forced Prado and Kussler to row them to Hog Island, where they captured Helsby, Channen and "Black John" and took them back to the ruins of the settlement.”* <sup>6</sup>

In the confusion, José María Prado and Carl (Charles) Kussler manage to escape again, rowing out to Kidney Island at the mouth of Berkeley Sound.

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1 *Falklands Wars – the History of the Falkland Islands: with particular regard to Spanish and Argentine pretensions and taking some account of South Georgia, the South Sandwich Islands and Britain's Antarctic Territories* Roger Lorton LL.B(Hon), M.Phil. 2011 – 2019. Roger Lorton has asserted his rights under the Copyright, Designs and Patents Act 1988 to be identified as the author of this work. **NB.** These papers are about the disputes surrounding the Falklands. The full research can be found here – <https://falklandstimeline.wordpress.com/>

2 Citation = Lorton, Roger. *Falklands Wars: Timeline History of the Falkland Islands*. Wordpress 2011 Paper 7. 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.

3 *Lord Stanley to Lieut. Governor Moody January 25, 1843*

4 *CO 78/1/267*. See June and December 1833

5 *George Gipps, August 2, 1834* in *CO 78/01*

6 *The Falklands Saga* Graham Pascoe 2022 vol.2 p.341. Channen/Channon - pronounced Shannon.

**January 7<sup>th</sup>**, HMS *Challenger* (Capt. Seymour) sails into Berkeley Sound. <sup>7</sup>

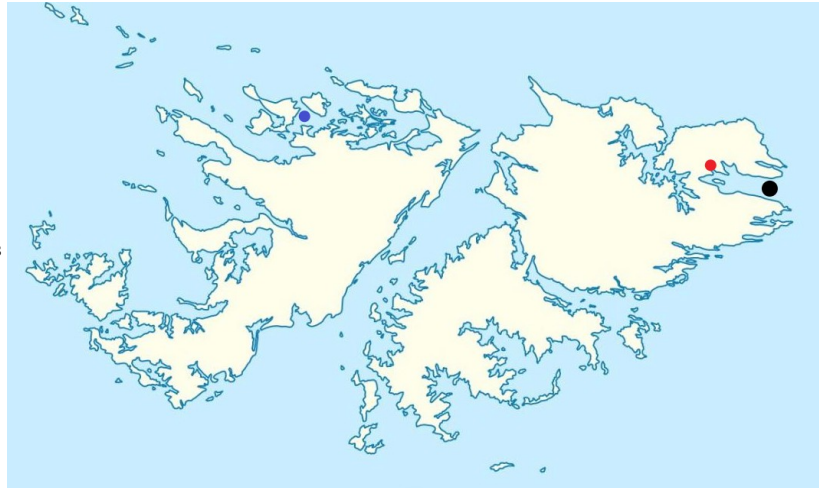
His guard distracted by the arrival of the warship, Thomas Helsby takes the opportunity to make off.

*“The whole of them, nine in number, retreated into the interior as soon as they found out it was a ship-of-war, taking all the tame horses, between fifty and sixty.”*<sup>8</sup>

*“... Channen was then sent by the murderers to make contact with the ship, on the understanding that the others would be killed if he failed to return.”*<sup>9</sup>

2pm, Lieut. Henry Smith steps ashore.

*“Landing at some distance from the settlement as the wind was very strong; on our way up we met a man of the name of Henry Channon (sic) who informed us of the Murders that took place here on the 26<sup>th</sup> August 1833.”*<sup>10</sup>



Dots L-R: Blue = Port Egmont. Red = Port Louis. Black = Berkeley Sound

*“Captain Seymour,.. being anxious to visit the settlement of Port Louis, landed some distance from it (the wind being strong from SSW), intending to walk there. About a mile from the houses they were met by an Englishman named Channon, sent by the gauchos to see who they were and whether the ship was a whaler in want of beef, or a man-of-war. He informed them that the gauchos and Indians had murdered Mr. Brisbane: Dickson, who had been left in charge of the flag by Captain Onslow: Simon; and two others: and had pillaged the houses, destroying everything in their search for money. ... He also stated that one of them was willing to turn King's evidence, and would bring back all the horses, if possible, provided Captain Seymour would ensure his pardon. ... As his party were not armed, Captain Seymour thought it right to return on board;...”*<sup>11</sup>

At 5pm, British whaler *Hopeful* (Lieut. Rea) joins *Challenger* in Berkeley Sound. <sup>12</sup>

*“...there is now at Anchor off the settlement a schooner called the Hopeful of London belonging to Mess<sup>rs</sup> Enderby, which has already made me feel the weight of responsibility. I think on return to England, it will cause Government a Law suit, a M<sup>r</sup> Rea belonging to the Navy and a surveyor was in her, & by some means or other has become Master which has made the Men dissatisfied, as he was employed by the Admiralty, only to make observations in high southern Latitudes, & if possible to make a coast survey of the Land Called*

<sup>7</sup> Despatched from the British naval station at Rio de Janeiro on December 20, 1833, with a lieutenant and four-man boats crew on board bound for the Falkland Islands. *Challenger* had sailed before news of the Port Louis killings had reached Rio de Janeiro. See August and December, 1833.

<sup>8</sup> *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.

<sup>9</sup> Pascoe 2022 vol.2 p.343

<sup>10</sup> Smith's journal in ADM 1/42.

<sup>11</sup> Fitzroy 1839.

<sup>12</sup> *Hopeful* and its tender, *Rose* (Mallors), has been exploring in the Antarctic when *Rose* was lost to pack ice in December, 1833. All the crew were saved. Lieut. Henry Rea had been attached to the sealer by the Admiralty at the request of the owners, Charles and George Enderby in July, 1833, but, after the departure of two captains, appears to have taken command in October 1833 (See – <https://www.cambridge.org/core/journals/polar-record/article/in-search-of-the-origin-of-an-antarctic-ghost-ship-the-legend-of-the-jenny-reevaluated/2D88EE4809DBEB54676E3904A48C3A78>). It was a message from Rea, following *Hopeful's* discovery of the survivors in Berkeley Sound in October 1833, that would eventually alert the Admiralty as to what had happened at Port Louis. See October, & November, 1832

*Grahams; & Enderby's Land, she is a sealing vessel, & all these disputes are referred to me which is quite out of my line.*"<sup>13</sup>

At 8pm, Lieut. Smith returns to shore accompanied by two armed boat crews.

*"8 PM landed with two Boats Man'd and armed to the settlement in search of Murderers and also with a bottle in which was a piece of paper with a crisifix (sic) and promising Jose Maria Luna pardon if he would turn evidence for the King and bring in the horses..."*<sup>14</sup>

*"... Port Louis was deserted, (and) the houses had been wrecked by the murderers, ..."*<sup>15</sup>

**January 8<sup>th</sup>**, in London, British Foreign Secretary Lord Palmerston (Henry John Temple) responds to Ambassador Moreno's *démarche* of June 17<sup>th</sup>, 1833.<sup>16</sup>

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

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

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

*3dly. That the withdrawal of his Majesty's forces from the Falkland Islands, in 1774, could not invalidate the just rights of Great Britain, because that withdrawal took place only in pursuance of the system of retrenchment adopted at that time by his Majesty's Government.*

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

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

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13 *Smith to Hope February 10/11, 1834.* See below.

14 *Smith's journal in ADM 1/42.*

15 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.167

16 *Palmerston to Moreno January 8, 1834 in FO 6/501.* Also CO 78/1

*to the rights of Great Britain, as asserted in that protest; but the Buenos Ayrean government persisted, notwithstanding the receipt of that protest, in exercising those acts of sovereignty against which the protest was specially directed.*

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

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

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

(after the extracts <sup>17</sup>, Palmerston continues)

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<sup>17</sup> These have been incorporated into these papers at the appropriate dates. A transcription of the full document can be found here – <https://falklandstimeline.files.wordpress.com/2012/02/palmerston-to-moreno-1834.pdf>

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

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

*The undersigned trusts, that a perusal of these details will satisfy M. Moreno, that the protest which he has been directed to deliver to the undersigned, against the re-assumption of the sovereignty of the Falkland Islands by his Majesty, has been drawn up under an erroneous impression, as well of the understanding under which the declaration and counter-declaration relative to the restoration of Port Egmont and its dependencies were signed and exchanged between the two courts, as of the motives which led to the temporary relinquishment of those islands by the British Government; and the undersigned cannot entertain a doubt but that, when the true circumstances of the case shall have been communicated to the knowledge of the government of the United Provinces of the Rio de la Plata, that government will no longer call in question the right of sovereignty which has been exercised by his Majesty.”<sup>18</sup>*

*“That the British government did secretly engage – to abandon the Falkland Islands entirely, soon after the restitution of Port Egmont should have been formally effected was asserted at the time openly in parliament, and without reply from the ministers, as well as by many individuals in Great Britain whose opinions are entitled to credit. ... It was, indeed, regarded as an established fact, and was unquestioned until the 8th of January, 1834, when Lord Palmerston, the British secretary for foreign affairs, in answer to a protest on the part of the government of Buenos Ayres against the recent occupation of the Falkland Islands by Great Britain, formally denied it, and produced a number of extracts from correspondence between British ministers and their own agents, which he considered as affording "conclusive evidence that no such secret understanding could have existed," as it is not mentioned in those extracts. The papers cited by Lord Palmerston, and the arguments which he draws from them, are, however, insufficient to change the general preexisting belief on the subject; for in none of them should we expect to find any allusion to the engagement in question. There is no apparent reason for which the ministers should have informed any of the persons addressed in these letters of their promise to evacuate the islands; while, on the other hand, it was clearly important for them to suppress all proof of their having made such an engagement, which the whole British people would have considered dishonoring.”<sup>19</sup>*

*“In January 1834, almost on the anniversary of the attack, Lord Palmerston, Secretary of Foreign Affairs in Lord Grey's cabinet, after leaving for seven months unanswered the protest of Argentine Minister Manuel Moreno, (pays) condescending lip service with a dry explanation (so-called deduced from the documents of the old Spanish negotiation), which ended in expressing the desire that the Government of the United Provinces be*

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<sup>18</sup> CO 78/1

<sup>19</sup> *The History of Oregon and California and the other Territories on the North-West Coast of North America; ...* Robert Greenhow 1844. Contrary to rumour, there had been no secret agreement to abandon Islands in 1771. Greenhow, an American, appears to have been unaware of the exchanges between Britain and Spain that followed the 1771 accord.



satisfied and stop discussing the sovereign rights of HMB over the Falkland Islands. This first explanation remained the last. Henceforth, the motto at the Foreign Office was, as we shall see, to answer all the Argentine claims only by a polite refusal to reopen the discussion.”<sup>20</sup>

“Palmerston, continuing what was already tradition in the English ministry, silenced or ignored the precious antecedents of 1811, the inauguration of 1820, etc. He only gave value and importance to what suited the English thesis. And with a certainty that must have baffled the Argentine Minister, he later affirmed that the so-called "secret agreement" of 1771 did not appear at all in any of the aforementioned papers, which allowed him to assert that such an arrangement had not existed.”<sup>21</sup>

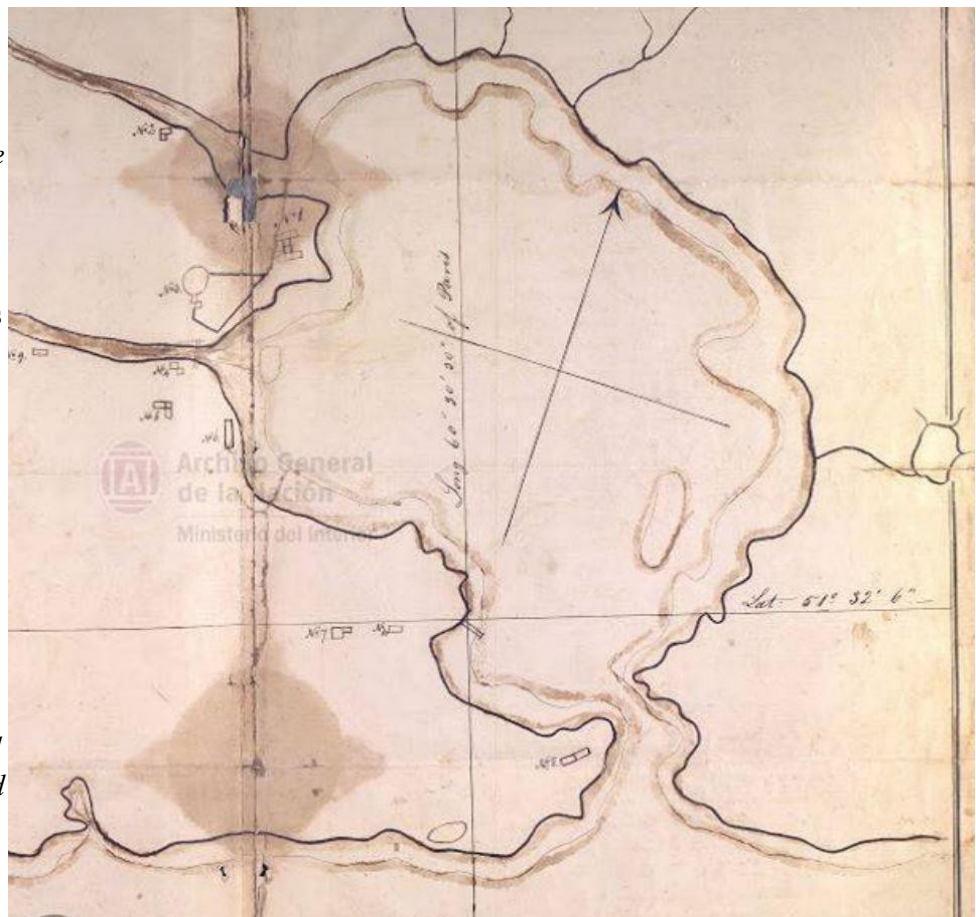
“Fundamentally, the Republic of Argentina bases its claim to the Falkland Islands on the principle of disruption to its territorial integrity. This claim is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina.”<sup>22</sup>

In the Falklands, on the same day, Lieut. Smith returns to the Port Louis settlement.

“... visited the settlement which we found in a ruinous condition the Murderers having burnt and destroyed some of the houses for money and nails.”<sup>23</sup>

**January 9<sup>th</sup>**, at Port Louis, during the day, six carpenters start to repair the main house<sup>24</sup>, while in the evening the search for the fugitives commences.

“Port Louis consists of 10 or 12 low houses, some built of stone and others of turfs with thatched roofs. At the time of the massacre these were mostly pulled down and plundered and the place now exhibits a sense of wild ruin, two or three only of the buildings having been



20 *Les Iles Malouines: Nouvel Exposé d'un Vieux Litige* Paul Groussac 1910 p.14. A similar tactic to that used by Lord Rochford, after the 1771 convention had been signed.

21 *Una Tierra Argentinas: Las Islas Malvinas* R. R. Caillet-Bois 1982 (6<sup>th</sup> ed.) p.355. For the British, Argentina had not existed before *de facto* recognition in 1823. cf. 1810, 1811, 1820 & 1823

22 British Government response dated May 28, 2013 to an Argentine letter of April 9, 2013 in *UN Document A/67/880*

23 Smith's journal in *ADM 1/42*.

24 The H shaped house top left of this depiction of Port Louis dating from 1832, The house occupied by Vernet after 1826, in which both Mestivier (January) and Brisbane (August) had been murdered in 1833

*repaired for the reception of the Governor and the few men with him, amounting only to 23 in all. The Government house contains one comfortable room, furnished with a stove, a table, a cupboard, an old sofa and chest of drawers and a few chairs.”*<sup>25</sup>

*“... after dark, Lieutenant Smith was sent with a party of marines, and two boats, to try and take them, if they should be still about the houses, and to leave with Channon a bottle containing a crucifix, as a signal for Luna. On their landing, Lieutenant Smith took all necessary precautions, left six men in charge of the boats, and proceeded cautiously with the rest. He carefully searched every building in the place, without seeing even a trace of them. All was desolation; yet he learned afterwards from the two innocent gauchos, that Antonio Rivero and another, suspecting who the party were, had watched them closely; that at one time Lieut. Smith was near treading on them ...”*<sup>26</sup>

**January 10<sup>th</sup>**, at Port Louis, at noon, the Union Jack is hoisted to a 21 gun salute from HMS *Challenger*.

**January 11<sup>th</sup>**, Jose Maria Luna surrenders to Lieut. Smith; prepared to give evidence against his associates.

*“8 (am) Jose Maria Luna the Gaucho came in with two horses on an eminence to the NW of the settlement when to (sic) or three persons went out to meet him he was admitted as evidence for the crown by Cap' Seymour.”*<sup>27</sup>

*“... (Luna)..., on the fourth day, brought in two horses – not having been able to obtain more, as the murderers were very watchful and fearful of each other, so much so, that one of them had fallen a sacrifice to suspicion; and Luna's desertion reduced their number to six.”*<sup>28</sup>

**January 12<sup>th</sup>**, Lieut. Smith forms a search party of four midshipmen and 13 marines.

*“... they had an epic and dangerous journey in appalling weather across East Falkland, but returned exhausted and empty-handed after five days.”*<sup>29</sup>

**January 14<sup>th</sup>**, in London, Minister Moreno acknowledges receipt of Lord Palmerston's reply.

**January 15<sup>th</sup>**, as work continues to repair the main house, one of Rivero's prisoners returns to Port Louis.

*“Pasqual arrived having made his escape from the Murderers on the 12<sup>th</sup>.”*<sup>30</sup>

**January 18<sup>th</sup>**, in Argentina, the *Buenos Ayres Packet* publishes Minister Moreno's Protest to the British Government of June 1833.

*“The document is of enormous length, and the nature of the argument precludes all abridgement... It is as dull a diplomatic document as ever official dullness inflicted on an unhappy reader.”*<sup>31</sup>

**January 19<sup>th</sup>**, *Hopeful* (Mallors) sails from Berkeley Sound, leaving behind twelve crew from the wrecked *Rose* who are to go aboard *Challenger*. Lieut. Henry Rea, however, remains at Port Louis to await a ship for England.<sup>32</sup>

**January 20<sup>th</sup>**, four members of *Challenger*'s crew drown when a boat capsizes.

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25 *Journal* of the Reverend Titus Coan February 5, 1834

26 Fitzroy 1839

27 Smith's journal in *ADM 1/42*.

28 Fitzroy 1839. The 'fallen' was Juan Brasido, who had been at odds with the others.

29 Pascoe 2022 vol.2 p.346

30 Smith's journal in *ADM 1/42*. Pascual Diaz had been captured by Rivero on January 3, 1834.

31 *Morning Chronicle* Monday May 19, 1834

32 It seems likely that he had been ordered to leave the *Hopeful* by either Capt. Seymour or Lieut. Smith.

**January 21<sup>st</sup>**, from East Falkland Island, HMS *Challenger* sails for the Pacific coast of South America. On board are Thomas Helsby<sup>33</sup> and a gaucho, Tanstin Martinez; “... leaving in the Colony 20 persons in toto besides the 7 Gauchos in the Camp...”<sup>34</sup>

“Captain Seymour, finding that capturing the Indians would be a tedious and uncertain task, made one of the ruined houses habitable, and leaving six marines as an additional protection to Lieut. Smith and his boat's crew, proceeded as ordered.”<sup>35</sup>

“Captain Seymour had received no orders to leave Marines at the Falklands, but did so on his own initiative; together with the volunteer boat's crew of four men, they brought Henry Smith's forces up to the grand total of ten men.”<sup>36</sup>

With the departure of *Challenger*, Lieut. Smith takes command as the “Resident Naval Officer” responsible for the administration of the Falkland Islands and the safety of its remaining population – Charles Kussler, Antonina Roxa, Gregoria Madrid, Carmelita, two children and three gauchos; Santiago Lopez, Pascual Diaz and Manuel Coronel. Also two ‘men of colour’ and the remnants of Low’s sealing crew.<sup>37</sup>

“Smith settled in Puerto Luis, which he renamed Anson’s Harbor, ...”<sup>38</sup>

“After Helsby left aboard the *Challenger* there were 29 people at Port Louis (Luna, Diez and six of the refugees, plus Smith and his ten men, and ten former crewmen from the *Unicorn*); the murderers out in Camp were now reduced to six after the murder of Brasido and the escape of Luna, but they were still holding Santiago López hostage... In addition, there were at least nine more people from Port Louis at various other places in the islands ...”<sup>39</sup>

**January 22<sup>nd</sup>**, at Puerto Deseado, on the Patagonian coast, HMS *Beagle* (Fitzroy) and *Adventure* (Wickham) part company. *Beagle* is to sail south for Tierra del Fuego. *Adventure*, to survey the Falkland Islands.<sup>40</sup>

**January 23<sup>rd</sup>**, the schooner *Hopeful* (Mallors) returns to Berkeley Sound, with an injured crew member.

**January 24<sup>th</sup>**, *Hopeful* sails for Port Egmont.<sup>41</sup>

**January 25<sup>th</sup>**, HMS *Challenger* encounters a British Brig, *Joseph Winter* near Magellan's Strait and informs the crew of events at Port Louis.

**January 27<sup>th</sup>**, Smith records in his journal.

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33 Helsby, an employee of Luis Vernet, was noted as a “passenger for Valparaiso”. He was an important witness of the events in August, 1833 and it seems he was only allowed to leave after giving assurances that he would return to Port Louis, or sail for England, if necessary to give evidence in any trial.

34 Smith's journal in *ADM 1/42*.

35 Fitzroy 1839

36 Pascoe 2022 vol.2 p.350.

37 *The Falkland Islands: 1833 to 1876* S. A. Royle in *The Geographical Journal* vol. 151 No. 2 July 1985. Smith's new position gained him an increase in salary of 7 shillings a day, although his duties had not been defined and no money was made available for the running of a settlement.

38 *Malvinas: Hombres, Ganados y Tecnologia Rural Criolla (Siglos XVIII y XIX)* J. F. Jimenez, S. B. Alioto & D. Villar 2018

39 Pascoe 2022 vol.2 p.350.

40 Captain Robert Fitzroy commanding HMS *Beagle*, had purchased the sealer *Unicorn* (Low) in 1833 and renamed her *Adventure* during a visit to Port Louis. cf. 1833.

41 Exact dates after this are not recorded, but Mallors took *Hopeful* to Port Egmont where he met up with the refugees there. While they were in the harbour, William Low allegedly encouraged some of Mallor's crew to desert and, seemingly, threatened to take the ship by force. Mallors recovered the situation; taking 175 seal skins from Low as security. All of this in a deposition made to Lieut. Smith at Port Louis on February 7, 1834.. See below.



“9.30 arrived a gaucho of the name of Santiago Lopez who had been detained as a prisoner in the camp, with a message from Antonio Rivero, the principal of the Murderers, saying if I would promise him pardon or if he could be instrumental in apprehending the Englishmen who abetted the Murders, he would give up the horses and himself and assist in capturing the others...”<sup>42</sup>

Smith responds to Rivero’s message.

“... I have it not in my power to pardon, but if he will undertake to bring in all the horses and afterwards assist to capture the Indians, I will use my influence with the Commander in Chief upon him throwing himself upon the mercy of the British Government.”<sup>43</sup>

**January 28<sup>th</sup>**, *Antarctic* (Capt. Nash)<sup>44</sup> arrives in Albermarle Harbour in the south of West Falkland Island. On board are two passengers; the Reverend Titus Coan and Brother William Arms.<sup>45</sup> Nearby is *Caroline* (Capt. Storer) out of New York.



L-R: Maroon = New Island; Black = Port Albermarle; Blue = Port Egmont; Dk Grey = Port Salvador;  
Red = Port Louis

**January 29<sup>th</sup>**, *Hancock* (Davison) out of Stonington, Connecticut, also anchors in Albemarle Harbour.<sup>46</sup>

42 Smith's journal in *ADM 1/42*. Only on the periphery of events in August, 1833, López had been captured by the killers on January 3, 1834. The 'Englishmen' was a reference to two of the ex-*Unicorn* sealers who had provided shot and powder to Antonio Rivero. Lieut. Smith suspected them of being accessories, although no charges were ever laid.

43 *Ibid.*

44 Previously commanding *Superior* (1829-30) and *Elizabeth Jane* (1831). Worth noting that Nash was well acquainted with the islands, and may well have previously known some of the gauchos. As with most sealers, Nash was a tough man, not above breaking a few rules, or laws, if he saw an advantage. *cf.* 1829/1830, September, 1831 & April, 1832

45 *Adventures in Patagonia: A Missionary's Exploring Trip* Titus Coan 1880. Coan was a theological student on a 'missionary exploring expedition' funded by the American Board of Commissioners for Foreign Missions.

46 Pascoe 2022 vol.2 p354. Gilbert Davison, ex-*Harriet* perhaps? *cf.* 1832

**January 30<sup>th</sup>**, Lopez leaves the settlement with Lieut. Smith's answer to Rivero.

*Antarctic* sails around to St. Salvador Bay (Salvador Water) on the north of East Falkland Island.

*"... at 4 P.M. came to anchor in this bay, having sailed nearly 100 miles. Our sail through the Sound was delightful. With a fine breeze and a smooth sea we glided along at the rate of 10 knots an hour. The Island on our left in many places presented a bold shore of perpendicular rock several hundred feet high, while in the rear the land rose to a mountain range, sprinkled here and there with patches of snow. On our right the land was low and level presenting a scene somewhat like the pampas of Patagonia. Spoke two vessels on our way, but did not understand the name of the first. The second was the little schooner Eagle which was built at these Islands from the wreck of a vessel and is constantly plying in these Seas."*<sup>47</sup>

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

**February 1<sup>st</sup>**, at Port Salvador, Capt. Nash encounters three gauchos.

*"Of the three who appeared on the beach today, two were Indians, and the other a Spaniard. The Indians were banished here some years ago for murder. The Captain wishing to obtain some beef enquired of them if they had any bullocks on hand. They told him that they had one some 4 or 5 miles distant up the shores of the lagoon, and that they would sell it to him if he would send a boat for it. They also agreed to catch 7 more and bring them down to the vessel tomorrow. A boat was sent for the bullock, and after a long and fatiguing row against wind and tide, we found the Indians and the beef in a deep valley near the shore. It was now about sundown, and by the time we again got on board the "Antarctic" it was 10 o'clock in the evening."*<sup>48</sup>

*"Captain James Nash had by now no doubt heard of the Port Louis murders from other captains in the islands, and must have suspected that the men on shore were involved. Titus Coan suspected the same..."*<sup>49</sup>

**February 3<sup>rd</sup>**, beef is delivered to the *Antarctic*.

*"Early this morning six men appeared on shore with eleven horses and four fat bullocks. These beeves they sell at \$5 per head and receive pay in powder and ball, rum, tobacco, bread etc."*<sup>50</sup>

Capt. Nash invites the leader of the gauchos aboard his ship.

*"Capt<sup>n</sup> Nash took Antonio (Rivero) into his Cabin... I heard Antonio describe to Capt<sup>n</sup> Nash every particular relating to the Murder, and their reasons for having done so. Capt<sup>n</sup> Nash made a joke of what he heard, and told Antonio to keep a good look out for himself, otherwise he would be caught..."*<sup>51</sup>

**February 4<sup>th</sup>**, at Port Louis, two men that Lieut. Smith had sent out to look for cattle, report a ship in Salvador Water. Smith sends Henry Channon with a letter for the American ship, asking to borrow a boat in order to assist in the search for the killers. Capt. Nash declines.

47 *Journal of the Reverend Titus Coan held at the US Library of Congress MSS76760.*

48 *Ibid.*

49 Pascoe 2022 vol.2 p.355

50 *Journal of the Reverend Titus Coan held at the US Library of Congress MSS76760.*

51 Luther Johnson, 2<sup>nd</sup> Mate, quoted in Pascoe 2022 vol.2 p.356 citing a statement made by Johnson on February 18, 1834 in *ADM 1/42 doc.8*. See May 5, 1832.

**February 5<sup>th</sup>**, Lieut. Smith leads an armed party across to where *Antarctic* is anchored.

*“... to visit the American Schooner in St. Salvador bay... found the Master was in communication with the Murderers; that they had, according to his account, supplied him with 5 Bullocks at 5 Dollars a head and were to bring him 4 more. Antonio Rivero had been on board well armed. I cautioned the Master against having any further communications with them and I should look on all persons aiding or assisting them as aggressors against His Majesty’s Government.”*<sup>52</sup>

*“Feb. 5th. Governor Smith came over from Port Louis today accompanied by Captain Rea, an Indian and an escort of six British Marines. Captain Rea is in the service of the English Admiralty, and in attempting to reach the newly discovered "Grahams land" lost his vessel and is now waiting here for an opportunity to leave the Islands. The Governor and Captain Rea came on board and entered into conversation about the murderers, and having heard that Captain Nash had aided these desperadoes the language of the Governor soon became warm and threatening, even declaring that if he had an armed vessel he should proceed immediately to seize the "Antarctic". ... The fact was that matters had been misrepresented to the Governor, ...”*<sup>53</sup>

*“... the Governor rode across from Port Louis, and came on board the schooner – and questioned Capt<sup>n</sup> Nash, whether he had supplied the Gauchos with any Arms or Ammunition, which I heard Capt<sup>n</sup> Nash deny, in his cabin, and says he had supplied them with Bread only...”*<sup>54</sup>

Lieut. Smith returns to Port Louis, after inviting Coan and Arms to spend the night at the settlement.

*“When about to return to the settlement the Governor insisted that Brother Arms and myself should accompany him and spend the night at his house, offering to send some of his marines to conduct us back tomorrow. We accepted the invitation and at 4 P.M. set off for the port where we arrived at a quarter past eight – distance 10 or 12 miles. There were but two horses in the party, one of which the Gouger (sic) rode, and the other was used by Captain Rea, Brother Arms and myself in rotation; the Governor and the Marines walking all the way. Before we arrived at the settlement the men had taken at least a dozen rabbits, an animal which abounds on some of these Islands.”*<sup>55</sup>

After Smith has departed, the gauchos reappear with more beef carcasses for *Antarctic*.

*“On the same evening, after the Governor left the Vessel, 4 more Bullocks were received, and for which the Gauchos were paid in Rum,... the Gauchos did not come aboard this time, but a message was sent from Capt<sup>n</sup> Nash, by Frank, that they must keep a sharp lookout for themselves, as a party was coming out in an English Vessel of War, to take them up...”*<sup>56</sup>

In London, on the same day, Argentine Minister Moreno despatches to Buenos Aires, Palmerston’s response to his protest of 1833.<sup>57</sup>

**February 6<sup>th</sup>**, at Port Louis, Lieut. Smith prepares a message which he asks the Reverend Coan to take back to *Antarctic*. With a request that Capt. Nash passes it on to other vessels.

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52 Smith's journal in *ADM 1/42*.

53 *Journal* of the Reverend Titus Coan.

54 Luther Johnson, 2<sup>nd</sup> Mate, quoted in Pascoe 2022 vol.2 p.357 citing *ADM 1/42 doc.8*. Nash had apparently supplied Antonio Rivero with both ammunition and powder.

55 *Journal* of the Reverend Titus Coan. Gouger should be Gaucho.

56 Luther Johnson, 2<sup>nd</sup> Mate, quoted in Pascoe 2022 vol.2 p.357 citing *ADM 1/42 doc.8*. Frank, seemingly, spoke Spanish.

57 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.355 fn.18

*"I, Henry Smith, Lieutenant in His Majesty's Navy and Commanding at the East Falkland do acquaint all vessels that there is an establishment at Port Louis and that the six Gauchos in the Camp are Murderers and any assistance or support given them in exchange for beef or otherwise will be looked on by me as an aggression against the British Government."*<sup>58</sup>

*Adventure* (Wickham) sails into Port Egmont where Capt. William Low; "tired... of inaction..." offers his services as pilot on his old ship.<sup>59</sup>

*"...he fell in with our tender, the Adventure, and immediately offered his services as a pilot: they were accepted, provisionally, by Lieut. Wickham, and afterwards by me, trusting that the Admiralty would approve of my so engaging a person who, in pilotage and general information about the Falklands, Tierra del Fuego, Patagonia, and the Galapagos Islands, could afford us more information than any other individual, without exception."*<sup>60</sup>

**February 7<sup>th</sup>**, *Hopeful* (Mallors) returns to Port Louis with the 175 seal skins seized from William Low; to be deposited in Smith's care.

*"7.30 arrived the Hopefull (sic) last from P<sup>t</sup> Egmont when a M<sup>r</sup> Prior late Master of the schooner gave in a deposition to the truth of which he made oath also a M<sup>r</sup> Mallors now in charge of her and deposited in my care 175 seal skins and three pieces which he took from a Mr Low as he supposed he had seduced his men to desert and take some of the Vessel's stores."*<sup>61</sup>

*"Smith ... made the main house habitable, for which he had previously removed all the bones of animals that were scattered there; but this substantially modified the appearance of the place: "it is better to live in the midst of danger than to dwell in this horrible place," said Smith; and then "we live in the midst of danger, for at times we see criminals on horseback ..."*<sup>62</sup>

*"The 175 sealskins had been taken aboard the Susannah Ann(e) by William Low ten weeks earlier on 21 November 1833; it took some time before their ownership was clarified, ... ( Low later convinced Smith that his threats to the others had been uttered in a "drunken frolic" and Smith gave him back the 76 skins rightfully due him. Smith retained the remaining skins belonging to Vernet,..)"*<sup>63</sup>

A French warship *Victorieuse* (Lefevre) arrives in Berkeley Sound, en-route to Valparaiso.<sup>64</sup>

**February 9<sup>th</sup>**, in England, *Swallow* arrives at St. Albans with the news of the massacre at the Falklands.<sup>65</sup>

*"... that the news of the murders could have remained unknown for so long underlines the extreme isolation of the Falklands. But the news still did not reach Buenos Aires for another two months."*<sup>66</sup>

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58 Smith's journal in *ADM 1/42*. Nash was not very willing, apparently, as Smith received the next day an; "*impertinent letter from the Master of the Antarctic.*" Nash seems to have questioned whether, after Brisbane's death, there was any government at Port Louis.

59 Ex-*Unicorn* captain, William Low's movements after September, 1833, are not well recorded. He, with others, had taken a defensive position on Kidney Island in the mouth of Berkeley Sound after the murders, apparently to await any passing ship. He is believed to have gone aboard *Susannah Anne* which took some of the refugees to Port Egmont, well away from any danger, in November, 1833. What happened in the intervening three months is not known, but see January 24, 1834 above. Low may have had reasons other than 'inaction' for wishing to depart from Saunders Island.

60 Fitzroy 1839 vol.2 p331

61 Smith's journal in *ADM 1/42*. Low had previously been accused of taking two barrels of skins from Port Louis which had not belonged to him. See November, 1833.

62 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.378 citing *Smith a Ch. Hope, Puerto Luis, 10 de febrero de 1834*

63 Pascoe 2022 vol.2 p.361 and fn.3

64 *Journal* of the Reverend Titus Coan. Sailed again on February 9, 1834.

65 *The Times* and *Evening Mail* Wednesday February 12, 1834.

66 Pascoe 2022 vol.2 p.363. Took another week to reach Rio de Janeiro.

2pm, *Antarctic* (Nash) sails into Port Louis.

**February 10<sup>th</sup>**, in anticipation of getting a letter out with the American schooner, Lieut Henry Smith settles down to write to his old captain, Charles Hope, aboard *HMS Tyne*.<sup>67</sup>

*“... I have bat present but a cheerless prospect, the Marines are only victualled for six weeks, three has already elapsed & Captain Lefevre told me the Conway does not leave Rio before the latter end of March or April & I brought four months beard & Tea &<sup>c</sup> for 5 persons. ... we dwell in the midst of alarms for we see the fellows (murderers) for a moment on horseback, and then they vanish...”*<sup>68</sup>

**February 12<sup>th</sup>**, in Madrid, US Ambassador Van Ness presses for recognition of the Spanish-American states.

*Antarctic* sails from Port Louis, for a tour of the archipelago before sailing north. Capt. Prior (ex-*Hopeful*) takes passage for New Island.<sup>69</sup>

**February 14<sup>th</sup>**, the British whaler *Susannah Anne* returns to Berkeley Sound.<sup>70</sup>

Capt. Nash (*Antarctic*) puts a prisoner ashore on Eagle (Speedwell) Island.

*“Mr. (Luther) Johnson, who has been some time in irons was put on shore today at his own request. He is to be left here with two boats, a gun and ammunition, a quantity of provisions, his share of seal skins etc.”*<sup>71</sup>

**February 15<sup>th</sup>**, in England, the *London Courier & Evening Gazette* reports:

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

*“According to your desire, I send you such information as I am possessed of, respecting the massacre at Falkland Islands. Spoke the Susan Ann cutter, on a sealing voyage, which left the above Islands on the 10<sup>th</sup> Dec., 1833; her commander informed me that a number of gentlemen was landed from his Majesty's ship Clio, to take possession of the Falkland Islands, and that on the 26<sup>th</sup> August, at ten o'clock, a.m., were murdered by a few old residents, principally Spaniards, although headed by two Englishmen, one of whom was known to Capt. Fergusson, and owned to the deed committed, and immediately fled into the interior, with the others. After the murder, their intention was to take possession of a small vessel stationed a short distance from the place; fortunately, she had sailed a few hours before, otherwise, in all probability, more mischief might have been committed. Capt. F. took from Berkeley Sound two women and three children, and landed them on Saunders Island, until his Majesty's ship Clio arrived, which ship had been looked for, some time previous.”*<sup>72</sup>

*“It is hardly surprising that the details became garbled in being shouted across from the Sussanah Anne(e) to the Swallow in the South Atlantic...”*<sup>73</sup>

*Adventure* (Lieut. Wickham) joins *Antarctic* at Eagle (Speedwell) Island.<sup>74</sup>

67 Letter dated February 10/11, 1834, in full two parts in Pascoe 2022 vol. 2 pp.347-348 and 363-365

68 *Smith to Hope February 10/11, 1834*

69 *Journal* of the Reverend Titus Coan. Capt. Prior had commanded *Hopeful* until November, 1833.

70 See December, 1833.

71 *Journal* of the Reverend Titus Coan.

72 *London Courier and Evening Gazette* Friday February 28, 1834. A confused account.

73 Pascoe 2022 vol.2 p.363

74 The *Journal* of the Reverend Titus Coan referred to the ship by its original name, *Unicorn*.

*Elizabeth Jane*, (Albertson) a sealer out of New York, also anchors at Eagle Island.

**February 16<sup>th</sup>**, in Valparaiso, Thomas Helsby is allowed to disembark from HMS *Challenger* on the understanding that he will go to the UK to give evidence regarding the August 1832 murders when required to do so. From Valparaiso, Helsby writes to Luis Vernet asking for his outstanding wages.<sup>75</sup>

At Rio de Janeiro, *Joseph Winter* arrives with news of the August, 1833, murderous revolt at Port Louis.

**February 17<sup>th</sup>**, *Antarctic* (Nash) sails for Arch Island.

**February 18<sup>th</sup>**, meeting adverse winds, *Antarctic* moves on to Port Albermarle where Capt. Nash sees *Charles Adams* (Staunton) out of Stonington and her tender *Uxor*. Also *Commodore Barre* (Chester) from New York, and *Elizabeth Jane*, American whalers.<sup>76</sup>

*“These vessels are all engaged in whaling. There are now five sail lying in the port, giving it a lively appearance. The safe and quiet harbours of this group are numerous, and many of them are landlocked. Many ships, barks, brigs, and schooners flock together in these bays.”*<sup>77</sup>

At Eagle (Speedwell) Island, Lieut. John Wickham of *Adventure*, interviews Luther Johnson regarding Capt. Nash's dealings with Antonio Rivero.<sup>78</sup>

At Rio de Janeiro, the *Jornal do Commercio* publishes news of the Port Louis murders. HMS *Conway* is ordered to visit the Falklands whilst en-route to Valparaiso, to check on Lieut. Henry Smith.

**February 20<sup>th</sup>**, the Reverend Titus Coan travels to New Island in one of *Antarctic*'s boats. There he finds the whaler *Hamilton* (Pendleton). Also anchored there is *Hancock* (Davison).

**February 24<sup>th</sup>**, Titus Coan and William Arms transfer to the *Hamilton*.

**February 26<sup>th</sup>**, *Antarctic* (Nash) sails for Brazil. Titus Coan transfers to the *Hancock*.

**February 27<sup>th</sup>**, at Port Louis, Lieut. Smith notes in his diary.

*“Sent 5 marines with Santiago Lopez, Pasquel Diaz, Charles Kussler and Jose Manuel Prado, giving Santiago the paper in Answer to Antonio Rivero's message.”*<sup>79</sup>

**March 1<sup>st</sup>**, a French whaler, *Albatross*, sails into Berkeley Sound.

In Buenos Aires, Luis Vernet draws up a final account of his venture on the Falkland Islands for 1825 to December 31<sup>st</sup>, 1831.

*“In the accounts for the establishment, he gives the value of the "Colony of Malvinas destroyed by the Commander of the North American Corvette of War Lexington" as 211,728 pesos and 4 reales (about £45,880), though it is unclear how he arrived at that figure ... he treated all the money he had invested since August 1825 (less the profits made since then) as losses caused by the Lexington...”*<sup>80</sup>

75 Pascoe 2022 vol.2 p.367. Helsby subsequently refused. See *Tait to Elliot October 10, 1834* in ADM 1.42. Helsby's journal, however, was retained in the custody of Capt. Lord James Townsend, commander of the Pacific Station. Now in the Jane Cameron National Archives in Stanley, Falkland Islands.

76 *Journal* of the Reverend Titus Coan.

77 *Ibid* quoted in Pascoe 2022 vol.2 p.367

78 Statement in full in Pascoe 2022 vol.2 pp.356-357

79 Smith's journal in ADM 1/42. These men (plus José María Luna) had initially made an offer to hunt down the killers on February 23, 1834, provided they were armed and paid 100 dollars. On that occasion Smith declined the offer, fearing they may be captured and lose the weapons. Clearly he had a change of heart, although only the marines were armed. See Pascoe 2022 vol.2 pp.369-370.

80 Pascoe 2022 vol.2 pp.372-375



**March 2<sup>nd</sup>**, at New Island, a whaler *Talma* (Capt. Allyn) arrives. Titus Coan negotiates passage to the USA for himself and Brother William Arms. Also taken on board is Luther Johnson.

**March 6<sup>th</sup>**, on East Falkland Island, the Marines searching the countryside see Antonio Rivero. Santiago Lopez speaks to him; passing on Lieut. Smith's message of January 27<sup>th</sup>.

*"... on the fifth day after leaving the Settlement, they saw Antonio Rivero on the top of a hill, when Santiago Lopez held up a white handkerchief, the former approached on horseback out of musket range, and had a conference with the latter who gave him my answer, and explained it;..."*<sup>81</sup>

*Hopeful* (Mallors) sails from Port Louis for Montevideo, taking letters and a passenger - Lieut. Henry Rea.<sup>82</sup>

At New Island, American whaler *Atlantic* (Young) arrives.

**March 7<sup>th</sup>**, in the early morning, Antonio Rivero drives 53 horses towards the waiting Marines but does not surrender himself. Four Charrúa Indians, now on foot, give themselves up and are taken to Port Louis.

*"... after some hesitation, he determined the following morning to betray his companions, and deliver the horses (fifty-three) being his turn to take care of them, which he accordingly did and the four Indians seeing the course things had taken, surrendered."*<sup>83</sup>

Lieut. Smith makes a note in his log.

*"Marines with Santiago came in with all the horses ..., also four Indians the other remaining in the Camp having broken his thigh by a fall ..."*<sup>84</sup>

Once the prisoners are secured, Smith questions each of them about their part in the riot of August, 1833.

*"... having been betrayed into the hands of Lieutenant Smith, by their ringleader, he examined them, they implicated the late crew of the Unicorn.. as accessories to the murders: Lieutenant Smith immediately arrested three of the crew who had remained at Port Louis, and hearing that the others were at Port Egmont, West Falkland, he despatched (in the English sealing cutter *Susannah Anne*) six marines..."*<sup>85</sup>

*"... some of the Englishmen that were in the Islands were more or less implicated in the massacre (but) there is nothing else in the Papers to justify such a suspicion."*<sup>86</sup>

**March 8<sup>th</sup>**, Lieut. Henry Smith takes a statement from Henry Channon, former carpenter aboard *Unicorn*, while the four Charrúa Indians are marooned on Peat Island without any means of escape. Lieut. Smith then gives instructions for two of his seamen, and two marines, to sail for Port Egmont; *"...to bring the three women, the children, Coronel, George Hopkins or any of the Englishmen who were here during the Murders, using mildness with the former and force if necessary with the latter."*<sup>87</sup>

**March 9<sup>th</sup>**, the USS *Potomac*, on the homeward leg of a circumnavigation, sights the Falkland Islands.

81 *Smith to Sir Michael Seymour June 30, 1834 in ADM 1/42*

82 Pascoe 2022 vol.2 p.370

83 *Smith to Sir Michael Seymour June 30, 1834 in ADM 1/42*

84 Manuel González, Luciano Flores, Manuel Godoy and Latorre. A fifth, Felipe Salazar, had remained near Port Salvador, unable to move due to his injury. After delivering the horses, Rivero appears to have gone to assist Salazar.

85 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835 in ADM 1/43.* A somewhat ambiguous note in the margin, possibly by Admiral Hamond, states; *"There was nothing whatever said relative to them at that time. It was in consequence of a quarrel a long time afterwards between Channon and Jose Maria Luna merely the (unreadable) of this scoundrel."*

86 *FO 78/1/102-103*

87 Smith's journal in *ADM 1/42.* The vessel proposed was apparently the sealer *Chaloupe* (see December, 1831) but when this sprung a leak, the mission was completed by *Susannah Anne*.

*“We stood around to the east end of the island, with the intention of going into Berkley (sic) Sound, in compliance with discretionary instructions which the commodore had received from the department to that effect. ... a person by the name of Smith, of whose office or character nothing is known, has lately warned sealers not to visit these islands, still it is presumed that they can do so with perfect safety. If they are molested, it is an easy sail for one of our sloops-of-war on the Brazil station to run down there and break up Mr. Smith... If Great Britain should advance any pretensions to the exclusive use of the fisheries at the Falklands, it is to be hoped that such pretensions will be as strenuously resisted as were those of the Argentine Republic – indeed more strenuously...”*<sup>88</sup>

**March 9<sup>th</sup>**, *Talma* sails from the archipelago.

**March 10<sup>th</sup>**, HMS *Beagle* returns to East Falkland with a cargo of wood; dropping anchor in Johnson’s Harbour.

*“Captain Robert Fitzroy, and he crew had spent just over a year surveying the coasts of Patagonia and Tierra del Fuego.”*<sup>89</sup>

**March 12<sup>th</sup>**, Captain Robert Fitzroy moves the *Beagle* to Port Louis.



L-R: Brown = Port Salvador; Red = Port Louis, Black = Johnson's Harbour

*“We found a state of affairs somewhat different from that of March 1833; but though more settled, in consequence of the presence of an established authority, resident at Port Louis (a lieutenant in the navy), my worst forebodings had not equalled the sad reality.”*<sup>90</sup>

*“... Smith, who is acting as Governor, came on board, & has related such complicated scenes of cold-blooded murder, robbery, plunder, suffering, ... With poor Brisbane, four others were butchered;...”*<sup>91</sup>

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

In England, on the same day, in a letter to the Colonial Office, George Whittington claims that he has been granted a “portion of lands” by Luis Vernet.<sup>92</sup> Whittington also asserts that Vernet's horses and boats have been “signed over” to him and that, while “several traders” were aware of the advantages to be found in the archipelago, if it was not possible to reach an agreement with the British Government, he was willing to sell his concession “immediately” to the Americans.<sup>93</sup>

*“The British Ministry, in accordance with the plan drawn up by its advisers, denied any value to the concession and announced that it had not yet determined anything regarding the future of the archipelago (17 March).”*<sup>94</sup>

<sup>88</sup> *Voyage of the United States Frigate, Potomac...* J. N. Reynolds 1835 p.479 & pp.514-514. cf. October, 1837

<sup>89</sup> Pascoe 2022 vol.2 p.376

<sup>90</sup> Fitzroy 1839

<sup>91</sup> Extract from the *Diary* of Charles Darwin. Antuco appears to have been a misheard 'Antonio' (Rivero).

<sup>92</sup> *CO 78/43 4927 Monsieur Vernet's Case*. Premature as Vernet did not agree to the reassignment of Langdon's 10 square mile plot until May, 1834. Somewhat eccentric, Whittington was prone to wild claims. cf. 1831 & 1840

<sup>93</sup> *Una Tierra Argentina: Las Islas Malvinas* R. R. Caillet-Bois 1982 (6<sup>th</sup> ed.) p.391

<sup>94</sup> *Ibid.* p.391

**March 13<sup>th</sup>**, *Adventure* (Wickham) arrives at Port Louis, with its new pilot, William Low; “... she had almost completed her examination of the west, south, and south-east outer coasts, in a very satisfactory manner, having been greatly forwarded and helped by Mr. Low's minute acquaintance with every port, and almost every danger...”<sup>95</sup> From HMS *Beagle*, Capt. FitzRoy goes ashore.

“When I visited the settlement it looked more melancholy than ever; and at two hundred yards distance from the house in which he had lived, I found, to my horror, the feet of poor Brisbane protruding above the ground. So shallow was his grave that dogs had disturbed his mortal remains, and had fed upon the corpse. This was the fate of an honest, industrious, and most faithful man: of a man who feared no danger, and despised hardships. He was murdered by villains, because he defended the property of his friend; he was mangled by them to satisfy their hellish spite; dragged by a lasso, at a horses heels, away from the house, and left to be eaten by dogs.”<sup>96</sup>

Susannah Ann(e) returns from Egmont harbour; with two women, two children and a gaucho.<sup>97</sup>

**March 14<sup>th</sup>**, Lieut. Smith sends *Susannah Anne* to fetch the last of the suspects, Salazar, from Salvador Bay.

**March 15<sup>th</sup>**, under arrest, Henry Channon is taken aboard the *Beagle*.<sup>98</sup>

**March 18<sup>th</sup>**, at Port Louis, Antonio Rivero surrenders to Lieut. Smith. Fitzroy has him placed aboard *Beagle*.

“Finding him (Smith) much encumbered with prisoners, some of whom are notorious villains, I removed two of the worst (Henry Channon & Antonio Rivero) from the shore to the *Beagle*...”<sup>99</sup>

“... the principal murderer, Antuco, has given himself up. He says he knows he shall be hanged but he wishes some of the Englishmen, who were implicated, to suffer with him; pure thirst for blood seems to have incited him to this latter act. Surrounded as is Mr Smith, with such a set of villains, he appears to be getting on with all his schemes admirably well.”<sup>100</sup>

“... by March 1834 the British forces finally recovered the islands. Rivero and the others were taken to the British ship HMS *Beagle* to be tried, beginning the myth. The Gaucho Rivero represents that intrinsic motivation of revolt against colonialism in the Latin American peoples, his actions converted into little less than feats account for the creation of National but also regional memory, of the defense of identity against the colonial invasion, the protection of our culture and customs that made this simple man tired of the abuse of the invaders and with the feeling of national belonging in his veins a symbol for his eventual followers in the islands and then for a Nation that gave account of its stories 175 years later thanks to the change of state vision on the Falkland Islands.”<sup>101</sup>

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95 Luther Johnson's statement regarding the dealings of Capt. Nash, was handed to Lieut. Smith.

96 Fitzroy 1839

97 Smith's journal in *ADM 1/42*. The two women were the black indentured slaves, Gregoria and Carmelita, with the latter's two children. The gaucho was probably Manuel Coronel, who was ill. Despite the instructions, Antonina Roxa had remained at Port Egmont. So had the ex-*Unicorn* sealers, although in what condition is not recorded. See April 11 below.

98 Smith's journal in *ADM 1/42*.

99 *Fitzroy to Rear Admiral Sir Michael Seymour* April 4, 1834 in *ADM 1/42*. This suggests that the six ex-*Unicorn* sealers detained on the orders of Lieut. Smith, suspected of complicity in the murders, had been imprisoned at Port Louis.

100 Extract from the *Diary* of Charles Darwin.

101 *Análisis de la toma de decisiones y del proceso de negociación en la cuestión malvinas desde 1983 hasta la actualidad. avances del proyecto* Susana Pereyra & Leandro Nicolás Argento 2016. IN reality, Rivero's revolt was against the Buenos Aires businessman Luis Vernet and his managers. The cause was money, or the lack of it, and had nothing to do with colonialism. Some sources in Argentina have attempted to raise Rivero up as some kind of revolutionary hero when, in fact, all he sought was revenge for an unpaid debt. cf. 1833

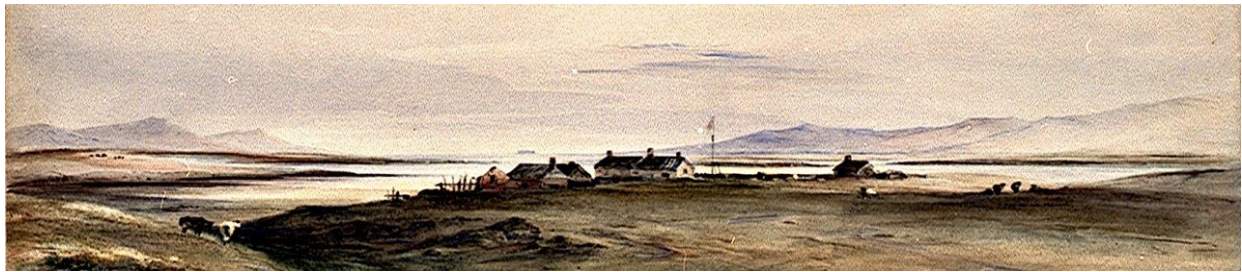
At 6pm, *Susannah Anne* returns with the injured Charrúa Indian, Felipe Salazar.<sup>102</sup> The other Charrúa Indians - Luciano Flores, Manuel Godoy, Manuel González, and Latorre - remain on Peat Island out in Berkeley Sound.

**March 21<sup>st</sup>**, *Adventure* leaves Port Louis to continue her survey work.

**March 22<sup>nd</sup>**, in London, George Whittington writes to Lord Stanley.

*"Whittington repeated his attempt a few days later, though replacing the proposed matter with a new one, namely: "That the British Government would... grant me such a grant of land in the Falkland Islands, etc., as may be mutually agreed, subject to such regulations and stipulations as may be deemed necessary; but on the express condition of me to release the British Government from any expense whatsoever and the subsequent obligation of me to pay a reasonable salary to the military Governor appointed by the Crown." It was also requested that the ports of the islands be (open), being only subject to the port tariffs that would henceforth be agreed between both parties, and putting an end to the rampant slaughter of cattle and amphibians. For all this, Whittington asked to be named civilian Governor of the Establishment, although without claiming any salary. "... arrangement would ensure Britain, the biggest advantage of that are susceptible to these islands, providing immediate benefits to businesses of Australasia, South America, etc, that of the greatest – and creating at the same time a Station safely, in comfort (as needed by the British warships, etc, in the Southern hemisphere),".."*<sup>103</sup>

**March 25<sup>th</sup>**, *Beagle's* official artist, Conrad Marten, sketches the settlement.



# Researcher's Comment: Much photo-shopped on the internet to show a different flag. The artist's originals are in the Royal Maritime Museum at Greenwich. One colour painting was completed, while other sketches were used to make engravings for lithographs that appeared in the publications by Fitzroy. These sketches were less detailed than the painting, and it has been argued that they show an Argentine flag flying over the settlement. In reality, Smith flew the ensign of the Royal Navy and it was that flag that was drawn by Martens.

A French whaler, *Polletais* (Le Guen), arrives in Port Louis.

**March 26<sup>th</sup>**, the *London Evening Standard* reports.

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

In the Falklands, *Adventure* returns to Port Louis.

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

102 Smith's journal in *ADM 1/42*.

103 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.391 citing *G. T. Whittington to Stanley, London, 22 March 1834*

**March 30<sup>th</sup>**, *Adventure* sails from Port Louis, for the last time.

**April 1<sup>st</sup>**, a whaler, *Albatros* (Davey) anchors in Port Louis. <sup>104</sup>

**April 4<sup>th</sup>**, from Port Louis, FitzRoy writes to Admiral Seymour to inform him that he will keep Rivero and Channon on board *Beagle* when he sails; secure until they can be transferred to another vessel for transport to Rio de Janeiro. Luna, the King's witness, is also to be held on *Beagle*; "... lest he should escape from the Islands, or fall a victim to the anger of his companions..." <sup>105</sup>

**April 5<sup>th</sup>**, José María Luna is taken on board *Beagle*.

**April 6<sup>th</sup>**, Charles Darwin writes to his sister; "We found that the Gauchos under pretence of a revolution had murdered & plundered all the Englishmen whom they could catch & some of their own country men." <sup>106</sup>

"... at the time of the rampage of Rivero, there was nothing remotely resembling a revolution in Malvinas." <sup>107</sup>

**April 7<sup>th</sup>**, *Beagle* sails for Patagonia, taking Antonio Rivero, José María Luna and Henry Channon.

"With the three men on board, the *Beagle* spent the next three months surveying Patagonia and the Strait of Magellan, then began working steadily northwards up the Chilean coast." <sup>108</sup>

**April 11<sup>th</sup>**, at Port Louis, *Susannah Anne* arrives from Saunders Island with three prisoners detained on suspicion of complicity in the murders of August, 1833. <sup>109</sup> Also on the ship is Antonina Roxa.

Lieut. Smith arranges for Roxa to break cows caught by the gauchos in exchange for; "... every other calf of every cow she tamed. I did this as I had no funds to pay her for her labour, ... and I do further certify that this woman's labour has been the means of my having so many cattle." <sup>110</sup>

HMS *Conway* (Henry Eden) anchors in Johnson's Harbour.

**April 13<sup>th</sup>**, prisoners – Luciano Flores, Manuel Godoy, Manuel González, Latorre and Felipe Salazar – are taken onto *Conway* together with detained 'witnesses,' George Hopkins, Patrick Kerwin, Daniel McKay, John Stokes (all ex-*Unicorn*) and gaucho Faustino Martínez.<sup>111</sup> HMS *Challenger's* six marines also go on board.

"Three of the prisoners were sent off in His Majesty's Ship *Beagle*, and ten in the *Conway* in April 1834, which freed the Islands of these Criminals." <sup>112</sup>

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104 Sailed on April 7, 1834, carrying Fitzroy's letter of April 4, 1834 addressed to Admiral Seymour. *Albatros* arrived at Rio de Janeiro on April 26, 1834. Forwarded to the Admiralty in London May 6, 1834.

105 *FitzRoy to Seymour April 4, 1834 in ADM 1/42*. This letter was handed to the French whaler *Albatross*, which delivered it in Rio de Janeiro on May 19, 1834, after leaving the Falklands on April 30<sup>th</sup>. FitzRoy's letter described Channon as one of the killers although not mentioned as such in Helby's account. cf. *George Gipps, August 2, 1834 in CO 78/01*

106 *Charles Darwin to Catherine Darwin April 6, 1834*. The revolt was over a debt. Rivero was no revolutionary hero, despite some Argentine authors, and politicians, suggesting otherwise. cf. 1956, 1965, 1966, 1974, 2012, 2014 & 2015

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

108 Pascoe 2022 vol.2 p.386. *Beagle* finally returned to England in October, 1836, its survey work complete.

109 *Remarks upon the Present State of the Falkland Islands, by Commander Robertson of His Majesty's Sloop Snake January 1835 in ADM 1/43*. Most likely, George Hopkins and Daniel McKay (ex-*Unicorn* sealers) plus Faustino Martinez, a gaucho.

110 *Smith to Lowcay April 6, 1838 in The Governor's Year: Moody at Port Louis* David Tatham 1993 p.17. In full in Pascoe 2022 vol.2 p390. So proficient was Roxa, that within a few years she owned a large herd. To some consternation among members of the Colonial Office, and one Luis Vernet in Buenos Aires. cf. 1832

111 Martínez, who, having not been present at Port Louis during the murderous riot in August 1833, was eventually put ashore at Rio de Janeiro. His only crime, if it was one, was to have lent Luciano Flores his sword.

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

Lieut. Henry Smith pens a letter for the Rear-Admiral at the Rio de Janeiro station, noting that remaining at the settlement are; “... *my own four men, two Englishmen, a Black cook, a German, 3 Gauchos, a Montevidean, three women and two children.*”<sup>113</sup>

**April 17<sup>th</sup>**, HMS *Conway* sails for Valparaiso.

**April 22<sup>nd</sup>**, Britain takes formal possession of St. Helena.

**April 18<sup>th</sup>**, at Port Louis, Lieut. Henry Smith issues a warning to Captain Ferguson of *Susannah Anne*.

*“The North and South Rocks at the entrance of the Bay (Berkeley Sound) I consider as the Fisheries directly belonging to the Colony as it is all the support that several persons have who now reside at the Settlement and as these Islands abound in Fur Seal Rookeries it is my direction to all Sealers and Whalers they do not interfere with these privileges.”*<sup>114</sup>

Ferguson does not protest. *Susannah Anne* sails for Brazil.

**April 25<sup>th</sup>**, the French whaler *Polletais* arrives in Montevideo.<sup>115</sup>

**April 26<sup>th</sup>**, news of the August, 1833 revolt at Port Louis is published in *The British Packet & Argentine News*.

*“Accounts received yesterday from the Falkland Islands, via Montevideo... It is said that captain Brisbane, and three others, were killed: that the massacre arose from a quarrel; and that the seven Gachos implicated in the murders were seized; two of them, as being the ringleaders, were placed in irons on board HMB's barge Beagle and the other five were on shore in confinement...”*

*“... in two brief and contradictory articles... Those two accounts give no names of victims apart from Brisbane;...”*<sup>116</sup>

In Buenos Aires, Luis Vernet receives the letter from Thomas Helsby penned at Valparaiso on February 17<sup>th</sup>. This provides a fuller account of the events of August 26<sup>th</sup>, 1833.<sup>117</sup>

**April 30<sup>th</sup>**, in Buenos Aires, the *Gaceta Mercantil*, reports on the “vile” murders of Vernet's employees.<sup>118</sup>

*“... the seamen being occupied at some distance fishing, and three of the gauchos hunting rabbits in the camp, since they had no work on horseback in winter, three of the gauchos conspired with the five Charrúas to perpetrate the following murders:- one of them killed the capataz with a shot when he was busy salting meat; two others entered the room of the main house where Captain Brisbane was reading next to the stove, and fired a shot at him from behind, finishing killing him by stabbing him; then they went to another room where they did the same to a South American; from there they went to the house of the storekeeper, and killed him in the same way... It is believed that the object of the crime committed was the theft and possession of the horses, of the use of which the Indians had been deprived during the three years in which they had been in the islands, it being considered dangerous to entrust them...”*<sup>119</sup>

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113 *Smith to Seymour April 13, 1834* in *ADM 1/42 No. 11*. Letter in full in Pascoe 2022 vol.2 p.388

114 *Ferguson to Lord Glenelg (undated) 1835* in *CO 78/2 fols. 104-105*. Smith would issue a second warning to the *Susannah Anne* in January, 1835. See below.

115 *Polletais* had visited Port Louis on March 25, 1834. The news of the August, 1833 murders, albeit inaccurate, most likely first reached Buenos Aires from this source.

116 Pascoe 2022 vol.2 p.392

117 Vernet drafted a response, but there is no information as to whether it was ever sent. The draft dismissed Helsby's request for payment partly by suggesting that Helsby's wife would better appreciate the money, as she was being lodged at Luis Vernet's house.

118 Almost certainly authored by Luis Vernet, on the basis of the account provided by Helsby.

119 In full in both the original Spanish, and an English translation, in Pascoe 2022 vol.2 pp.394-395



*“Now the truth was known in Buenos Aires in all its awful detail. It is noteworthy that there is not the slightest suggestion that the murders had any anti-British purpose – Vernet's article speaks only of "vile murders".* <sup>120</sup>

**May 7<sup>th</sup>**, Buenos Airean Governor, Juan José Viamonte, sends a message to the Legislature of the Province.

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

**May 8<sup>th</sup>**, in Montevideo, a friend, Edward Lumb, writes to Charles Darwin with regard to news of the murders.

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

**May 13<sup>th</sup>**, at Valparaiso, HMS Conway anchors near HMSs Challenger, Samarang (Paget) and Dublin (Townsend). <sup>121</sup>

*“His Britannic Majesty's ship Conway arrived at Valparaiso on the 13<sup>th</sup> May, having on board the following prisoners, who were connected with the late murders at the Falkland Islands, viz., Luciano Flores, Felipe Manuel Godoy, Manuel Gonzales, Latorre, F. Martinez, D. McKay, J. Stokes, G. Hopkins, and P. Kerwin. The five first mentioned are Charruas Indians; the four latter are Englishmen, and formerly belonged to the schooner Unicorn, Captain William Low. Those who are stated to be most implicated in the horrid transaction are in custody on board his Britannic Majesty's surveying bark Beagle, Captain Fitzroy, viz., Henry Chanmer (an Englishman), Antonio Rivero, and Jose Maria Luna. ... The whole are to be tried in England, and if found guilty, it is thought that one or two of the Gaucho prisoners will be transmitted to the Falklands, in order to be executed, as an example. It was generally supposed that it would go hard with the Englishmen, particularly Chanmer (sic) and Hopkins, as they are reported to have been acquainted with the intention to commit the murders, and to have supplied the murderers with powder and ball the night previous to the deed. They, it is said, surrendered themselves to the Governor on condition that he would intercede for their lives.”* <sup>122</sup>

**May 15<sup>th</sup>**, Conway hands over its detainees to HMS Dublin for transportation to Rio. <sup>123</sup>

**May 23<sup>rd</sup>**, the Hobart Town Courier, Tasmania, reports:

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

**May 31<sup>st</sup>**, from Buenos Aires, Luis Vernet agrees to the reassignment of Langdon's 1831 grant to George Whittington. <sup>124</sup>

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120 Pascoe 2022 vol.2 p.395

121 Lord James Townsend was the senior officer present, but due to return to the UK.

122 *The Globe* Monday September 29 1834

123 *Log of HMS Dublin* in ADM 51/3140. See also *Hamond to Eliot* October 10, 1834 in ADM 1/42

124 *Vernet to Whittington* May 31, 1834 in AGN VII 132 doc.188. cf. October, 1831 & December, 1833. Langdon accepted £500 from Whittington despite having been previously informed by the British Government that Buenos Aires had had no right to grant land to Vernet; nor Vernet to assign it. Not actually very clear whether Langdon had paid Vernet for it.

*“... for the present it may suffice to state that I confirm on you your heirs or assigns, all the grants, rights, privileges, and authorisations which I have conferred on William Landon Esq<sup>r</sup> and which were by him endorsed to you. I shall be very happy to see your endeavours for the speedy colonisation of the Falklands be crowned with complete success, to which I will contribute as much as lays within my power...”*<sup>125</sup>

*“... (Whittington) caused me a great deal of useless loss of time and trouble with his correspondence, until I discontinued it in consequence of his not contenting himself with my confirming the document he obtained from Lieut Langdon but requesting me also to make over to him all my title deeds, originals and copies, as if sold to him in consideration of a sum of money, ... he promising on his part, to claim from the British government or from Parliament in his own name, the acknowledgment of my rights of property; and also assuring me that he, as a British subject, would readily obtain an acknowledgment of the title, whereas I as a foreigner would not have the slightest chance of obtaining justice ... These irregularities and unjustifiable assertions of Mr. Whittington having induced me to discontinue all correspondence with him... he finding he could not obtain from me what he wanted, he published in one of his pamphlets that I was dead!!”*<sup>126</sup>

*“On the other hand, Vernet was not deterred by the change of flag, because, in his opinion, whoever the owner was had to respect his rights; "they would take nothing from me, on the contrary they would protect my property”.*<sup>127</sup>

In **June**, in London, the Colonial Department's R. W. Hay suggests that before any colonization of the Falklands can take place, it is essential that Britain publicises; *“... the measures that have been taken by the Admiralty in affirmation of our rights, and especially if only a small British force is to stay there.”*<sup>128</sup>

**June 5<sup>th</sup>**, in Buenos Aires, the House of Representatives meet to consider Lord Palmerston's response.

*“It regretted that England had not given a decisive answer as to the Falkland Islands, but it relied on her justice.”*<sup>129</sup>

*“For his part, (charge d'affaires) Gore, wishing to neutralize the legion of "unfounded" documents scattered widely in "these imperfectly illustrated republics", qualified his time by giving confidential reading to some of the foreign agents in Buenos Aires, as well as to the more "enlightened and upright of the natives", of the response given by Viscount Palmerston to Moreno's note.”*<sup>130</sup>

From Valparaiso, on the same day, HMS *Dublin* (Townsend) sails for Rio de Janeiro.

*“He had been recalled to Britain, but before he left, he ordered Thomas Helsby to return to Britain, as Helsby had agreed to do when he landed from the Challenger in February; Townsend would presumably have taken Helsby aboard the Dublin for passage to Britain, but Helsby refused to go and was left at Valparaiso.”*<sup>131</sup>

**June 12<sup>th</sup>**, in Madrid, Spanish Secretary of State, Martinez de la Rosa, announces publicly that the Queen Regent is willing to reach a 'just and honorable arrangement' with any Spanish-American representatives that arrive before her Ministers in Paris or London; *“.. the intention is to recognise unconditionally the independence of the new states,....”*<sup>132</sup>

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125 Vernet to Whittington May 31, 1834 in AGN VII 132 doc.188.

126 Vernet letter to Britain's Colonial Secretary dated September 6, 1852 in AGN VII 2-3-7

127 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.379

128 *Ibid.* p. 392

129 *London Courier & Evening Gazette* Monday August 4, 1834

130 Caillet-Bois 1982 (6<sup>th</sup> ed.) pp.356-357

131 Pascoe 2022 vol.2 pp.399-400

132 *Van Ness to McLane August 6, 1834*. Following Ferdinand's intransigence, this was a big adjustment in State policy.

**June 16<sup>th</sup>**, from Buenos Aires, Minister Guido instructs Ambassador Manuel Moreno to go to Paris and open preliminary negotiations with the French Government for a treaty of friendship, commerce and navigation. Guido believes that this may bring pressure to bear on the British to negotiate over the Falklands. <sup>133</sup>

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

*“Urgent attentions in this city having prevented me from attending personally to the maintenance of my settlement at the Falkland islands, I had sent thither, an agent, Mr. Matthew Brisbane accompanied by several assistants to do the needful until such time as I might have it within my power to re-establish my colonial business on its former footing; but these unfortunate and faithful servants having been barbarously and wantonly assassinated, my affairs there were thrown into total confusion, without having it at present in power to remedy the evil. Under these circumstances, and presuming the welfare of these Islands to be under your special charge, I take the liberty of addressing you the present letter, with a view to claim your protection, by your giving the necessary orders for securing the remains of my property from further ruin. By so doing you will not only do me a great favor in my distress, but also do a public service, since by the preservation of the remains of my settlement the foundation of new ones will be exceedingly facilitated. I have accordingly taken the liberty to accompany herewith a letter to the Governor of the Falkland Islands, which may in a measure serve as an instruction, begging the favor of its being forwarded by first opportunity, with a recommendation by you for its observance. The late defenceless situation of the settlement, rendered it the prey of evil inclined dealers among which Capt. Ferguson of the Susana Ann of London particularly distinguished himself, by shooting a number of newly tamed native horses, which had been intended to replace the other horses that are growing old, ... Now that there is a garrison I no longer apprehend similar outrages;..”* <sup>134</sup>

*“Vernet followed the letter with four closely-written pages of copied extracts from seven texts, all describing the losses suffered by the settlement from captains Low and Ferguson.”* <sup>135</sup>

In an enclosed letter for Lieut Smith at Port Louis, Luis Vernet says;

*“...it being at present absolutely out of my power to send down another agent, I beg the favor of you to take charge of all my property, endeavouring to preserve it as much as lays in your power until I may be able to return to the Settlement,.. I beg leave to make some observations...”*

Vernet adds detailed instructions for the, “preservation of the horses,” and the, “maintenance of the gauchos.”

*“You will have observed that horses thrive outdoors, even in winter as long as they do not feel the back, in which case it will be convenient to heal said wounds. For this, it is better to trust Europeans than gauchos, people who are very used to the abundance of horses in their own land, to the point that they never see the need to take care of them. Although horses are resistant to the harsh weather, they are not resistant to fatigue like Europeans, which is undoubtedly due to their feeding on grass and not grain. Hence, the work of hunting cattle, very violent in itself, cannot be carried out with the same horse for a long time, which is why the gaucho changes his horse two or three times a day and does not ride the same horse for two days.”* <sup>136</sup>

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133 Caillet-Boise 1982 p.355

134 Luis Vernet to Sir Michael Seymour July 2, 1834 in ADM 1/43. Also *Archivo General de la Nacion, Sala VII, Legajo 132, Documento 198*. In full in Pascoe 2022 vol.2 p.402. Seymour died before the letter arrived in Rio de Janeiro. There is no evidence that it was ever answered or any of its enclosures passed on.

135 Pascoe 2022 vol.2 p.403

136 Vernet to Smith July 2, 1834 in ADM 1/43

Also enclosing a letter for the gauchos, Vernet recommends that they; “... keep the best friendship with the English, and respect their officers who you can be sure will not do any injustice to you.”<sup>137</sup>

“Showing interest in resuming his business in the islands —for which the crown's approval was required— he communicated to the officer a series of suggestions to replace the Creole workforce in the future by incorporating and training young British people. He (Vernet) proposed a division of tasks according to a progressive level of experience and proper care of the horses, the only ways in his opinion to ensure the validity of a technique of proven effectiveness.”<sup>138</sup>

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

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

*“The Snake sails for Bahia on the 20<sup>th</sup>. Sparrowhawk for the Falkland Islands, to relieve the Rapid, and the Satellite goes round the Horn..”*<sup>139</sup>

**July 16<sup>th</sup>**, at the Falklands, Commodore Francis Mason, aboard *HMS Blonde*, sails into Berkeley Sound.<sup>140</sup>

*“The coast of either island is described as wonderfully broken and indented, by which many eligible, and secure harbours are formed, settlements at each of which would rapidly rise in the event of the country becoming colonized. And if such ever does take place by the English nation, it is to be hoped that industrious, and well disposed persons only will be admitted, the introduction of any Buenos Ayrean Gauchos, or other vagabonds, would only poison the whole. But, if colonization is not contemplated, might not the right of sovereignty be maintained, and the islands offered in grants to those who choose to settle thereat, for the dog in the manger system renders the islands useless and unavailable to everyone.*

*As things stand at present it is doubtful to whom the country belongs. England long since has claimed it and has armed herself to assert that claim, the **Spanish government disputed the right and does still hold itself the lawful proprietor**; and the Buenos Ayrean government, highly indignant at the British assumption, claim the whole as naturally appertaining to their Republic. It is true the English flag is now flying here, and an officer established as Resident remains there, with four seamen attached to him; but this party is, at times (by being necessarily detached,) so completely in the power of the Buenos Ayrean and other strangers settled here, so inefficient to the protection of the cattle and other property, and so inadequate to curb the insolence and rapacity of the whalers, and other rabble that occasionally congregate here, that is it in reality unsafe for the parties themselves, and by no means creditable to the country, that its flag should be displayed over a territory where there is no power to maintain its respectability.”*<sup>141</sup>

*“.., Captain Mason wrote a private letter from Rio describing the Falklands in negative terms and arguing against any idea of sending settlers to the islands. Someone in Brazil saw Mason's letter and wrote about it to Captain Charles Hope, formerly of *HMS Tyne*, who on 17 November 1834 wrote from his private address to the Permanent Undersecretary at the Colonial Office, Robert William Hay, attacking Mason's views.”*<sup>142</sup>

137 All quotes from *L. Vernet a Santiago Lopez, Manuel Coronel y Pascual Diaz July 2, 1834 Buenos Aires*. Also Caillet-Bois 1982 (6<sup>th</sup> ed.) p.381

138 Jimenez, Alioto & Villar 2018 p.121

139 *Naval & Military Gazette & Weekly Chronicle of the United Service Saturday September 13, 1834*

140 *Blonde* sailed for Valparaiso on July 17, 1834.

141 *Voyage of HMS Blonde* Capt. F. Mason in *The Nautical Magazine* September 1845. My emphasis

142 Pascoe 2022 vol.2 p.409 fn.5 citing *CO 78/1 fols 379-380*. Capt. Mason never stepped foot ashore during the 24 hours he spent at the Falklands.

**July 18<sup>th</sup>**, in London, Rear-Admiral Seymour's package of information regarding the murders at Port Louis on August 26<sup>th</sup>, 1833, arrives at the Admiralty. <sup>143</sup>

**July 21<sup>st</sup>**, at Rio de Janeiro, HMS *Dublin* anchors in the port. <sup>144</sup>

**July 23<sup>rd</sup>**, the prisoners aboard *Dublin* are transferred to HMS *Spartiate*.

From Buenos Aires, Luis Vernet appeals to Woodbine Parish in England, reminding the ex-charge *d'affairs* that he had relied; "... much on the foundation of the opinion you (Parish) gave me several times ... That my individual rights and grants would be confirmed by H.B.M. in the case of taking possession of those islands. ..." <sup>145</sup> Vernet also outlines his position;

*"I have resigned my public function for some time now, I am not bound by any promise, duty or debt of gratitude (quite the contrary, I have serious grievances - as you will easily understand if you remember the little affection they have here for foreigners)... I would long since have returned to the Islands... had I possessed the means of doing it... without exposing myself to the displeasure of this Government, who then would certainly desist from her offers of supporting my private claims against the United States..."*

*"Now exempt from his official position, he was preparing to fight in defence of his private interests: "I do not see that I can do anything wrong if with my grain of sand I contribute to the prosperity of any establishment in the Falkland Islands... On the contrary, it is a duty that I have to myself, to my family and to my creditors." Vernet knew full well that Parish valued the merits of the destroyed company in its real value and that he would be a good defender of his person if given an opportunity. That is why he did not hesitate to communicate to him the most sensible plans and advice to face a new colonization that he had not tried until then so as not to incur the "displeasure" of the Government."* <sup>146</sup>

*"(Vernet) made several approaches to the British Government. In July 1834, writing via Woodbine Parish, he offered his services to the British Government, and asked for British support to re-establish his cattle business and for Britain to either pay for the damage to Port Louis, so his claim on the United States could be forgotten, or support his claim on the United States. Britain was unwilling to do either."* <sup>147</sup>

*"Initially Britain did nothing to prevent Vernet from returning to the Falklands. ... He could naturally expect no support from Buenos Aires against the United States for the losses caused by the Lexington if he cooperated with Britain in a territory claimed by Buenos Aires."* <sup>148</sup>

At Valparaiso, HMS *Beagle* anchors in the port. <sup>149</sup>

**August 5<sup>th</sup>**, in London, the new Colonial Secretary, Thomas Spring-Rice, considers what to do with Rivero and the other prisoners being held in Rio de Janeiro. Also what should be done about the Islands' administration. <sup>150</sup>

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<sup>143</sup> *Summary of the Information transmitted to the Admiralty by Rear Admiral Sir Michael Seymour, respecting the Massacre in the Falkland Islands which occurred on the 26<sup>th</sup> August 1833* in CO 78/1 fols.96-103. Despatched from Rio de Janeiro on May 6, 1834.

<sup>144</sup> ADM 51/3140. Also reported in the *Hampshire Telegraph* Monday September 15, 1834

<sup>145</sup> *Vernet to Parish July 23, 1834* in FO 6/501 fols.147-148. Undocumented conversations?

<sup>146</sup> Caillet-Bois 1982 (6<sup>th</sup> ed.) p.382

<sup>147</sup> Peter Pepper in *The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981* D. Tatham (ed.) 2008 p.545

<sup>148</sup> Pascoe 2020 p.280

<sup>149</sup> With its two prisoners and witness still on board. See Pascoe 2022 vol.2 p.410

<sup>150</sup> ADM 1/43. News of Seymour's death had not reached London when this letter was written.

“... as the Falkland Islands are an undoubted possession of Great Britain there can be no question as to the right which His Majesty possesses of ordering the Murderers to be sent home and to be submitted to the ordinary course of the law in this country. This is a measure, however, which should be avoided, if possible, and... the Admiral may be enabled to devise some other means for disposing of the Prisoners in the event of their apprehension. Mr. Spring Rice is desirous of taking this opportunity of conveying to the Lords Commissioners his opinion that, as the Rights of the British Crown to the possession & Sovereignty of the Falkland Islands have been fully asserted, & are incontestible, it is not necessary for the preservation of these rights that a Boat's Crew should be left ashore there at the risk of their lives, he therefore recommends that this small force should be altogether withdrawn.”<sup>151</sup>

“(Spring Rice) was alarmed for the safety of the boat's crew, which were clearly a dangerous place. A covering letter was duly prepared by the Permanent Undersecretary at the Colonial Office, Robert William Hay, to go with the documents when they returned to the Admiralty, recommending that instead of keeping a boat's crew at the islands it would be better to send a small force of Marines with a few convicts as labourers, and that the marines could be obtained from Ascension Island. ... but on 5 August he had second thoughts... Spring Rice resolved on a cheaper and safer policy: to withdraw the boat's crew entirely...”<sup>152</sup>

The transfer to England of the ‘witnesses’ to the Port Louis murders, including Henry Channon, is authorised, but not that of the accused.<sup>153</sup>

**August 7<sup>th</sup>**, at Valparaiso, with the arrival of HMS *Blonde*, the two prisoners and one witness aboard HMS *Beagle*, are transferred to Commodore Mason's ship.

**August 9<sup>th</sup>**, in London, George Whittington has a map of East Falkland Island printed, entitled *Plan of East Falkland Island 1831*, showing the Island divided into eleven sections (right). To accompany the prospectus for a, to be formed, *Falkland Islands Association*.<sup>154</sup>



*“This undertaking is founded upon incontrovertible facts, and recommended to the Public by its utility and perfect security for the beneficial employment of Capital; it also supplies an object of great national importance, namely, a safe and commodious Port of Rendezvous, &c. in the Southern Hemisphere, for Ships of War, and Commerce: the position and natural*

<sup>151</sup> Hay to Elliot August 5, 1834 in CO 78/1 fols.92-94. This draft letter was heavily amended. Considered in detail in Pascoe 2022 vol.2 pp.412-415. cf. December, 1834

<sup>152</sup> Pascoe 2022 vol.2 pp.412-413

<sup>153</sup> Mentioned in CO 78/2. Channon's status appears to have been revised at Rio de Janeiro. Also, Faustino Martinez disappears from the documentation after this date. As he had played no part in the murders, and had nothing to offer as a witness, it must be presumed that he was released.

<sup>154</sup> CO 78/2 fols.117-120. Based on Luis Vernet's map of 1831.



*resources of the Islands, command general resort, thereby very largely conducing to the prosperity of a Colony. It is intended immediately to form an Establishment in the Colony, for supplying both fresh and cured provisions, water, fuel, and other requisites, to all Vessels navigating in the South Seas...*

*“... Whittington's association failed to get off the ground and faded into oblivion; it never obtained a Royal Charter, it was not the progenitor of the Falkland Islands Company, nor is it linked in any way with today's Falkland Islands Association.”*<sup>155</sup>

In the Falklands, HMS *Sparrowhawk* (Pearson) arrives at Port Louis; anchoring near the settlement.<sup>156</sup>

*“During last winter she was stationed at the Falkland Islands, to protect and explore our lately acquired possession in that region.”*<sup>157</sup>

**August 20<sup>th</sup>**, from Rio de Janeiro, Capt. Robert Tait prepares a package of information for the Admiralty, including Vernet's letter and enclosures to Rear-Admiral Seymour. Tait notes that he is not forwarding Vernet's letter to Lieut. Smith unless instructed by the Admiralty to do so.<sup>158</sup>

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

**September 21<sup>st</sup>**, in the Falklands, the US schooner *Penguin* arrives in Salvador Bay.<sup>159</sup>

**September 29<sup>th</sup>**, at Valparaiso, Rivero, Luna and Channon are transferred from HMS *Blonde* to HMS *Samarang* for transport to Rio de Janeiro.

**October 10<sup>th</sup>**, from Rio de Janeiro, Capt. Tait writes to inform the Admiralty that ten of the Port Louis suspects remain on board HMS *Spartiate*. Also that Thomas Helsby - “*a material evidence*” - when asked to comply with his promise to go to England for a trial; “... *refused to do so, ..*” Tait adds that three others are expected by mid-November, including; “... *the King's evidence.*”<sup>160</sup>

**October 11<sup>th</sup>**, in Buenos Aires, the new British Minister Plenipotentiary to the Argentine Confederation, Hamilton Charles James Hamilton, finally arrives.

*“The irritable feeling produced against Great Britain in Buenos Ayres, by her recent occupation of the Falkland Islands, had so little subsided on the arrival of the North Star in the Plata, that the members of government actually were divided in opinion, as to the propriety of receiving Mr. Hamilton in the character of the king's representative. Luckily for the reputation of the Republic, this indiscreet folly evaporated, but the indignation which caused it has not been removed. The mode in which we reclaimed these possessions to which we have an undoubted right, though we discontinued the establishment we had made there after they were first ceded to us, is singular enough. Spain, after dispossessing us of Port Egmont by force, was obliged, by our menaces of war, to restore that settlement to us in 1770. But it appears that we did not then insist upon her evacuating the eastern and principal island. We replaced the British garrison at Port Egmont, where it continued some years,*

155 Pascoe 2022 vol.2 p.412

156 *Sparrowhawk* was subsequently involved in the search for survivors of *Mars* which had foundered at East Falkland Island in July. Some of its crew had managed to get ashore but then wandered for weeks before being found. Considered in depth in Pascoe 2022 vol.2 pp.418-419. The *Tasmanian* newspaper later reported; “*The mail was saved.*” Eventually, most of the cargo was retrieved, and the wreck was sold off on September 25, 1834.

157 *South America and the Pacific; comprising a journey across the pampas and the Andes, from Buenos Ayres to Valparaiso, Lima, and Panama; with remarks upon the isthmus* Peter Campbell Scarlett 1838 p.117

158 CO 78/2

159 *Lieutenant Smith's Journal* in ADM 1/43

160 *Tait to Eliot October 10, 1834* in ADM 1/42

but was afterwards withdrawn, the object not seeming to justify the expense. Signals were left, however, to record our right of sovereignty which we claimed to the whole by the title of original discovery and first occupation. ... Until the first dispute with England about the Falklands, in the year 1770, the Spaniards never thought of the country south of the Rio Negro. From that time they attempted to make settlements at various points beyond that river, all of which they afterwards abandoned. The people of the Plata can only have inherited from Spain, at most, the limits which the parent country really possessed previous to the revolution.<sup>161</sup>

**October 18<sup>th</sup>**, in Rio de Janeiro, one of the suspects, Charrúa Indian Felipe Salazar, dies whilst confined on HMS *Spartiate*.<sup>162</sup>

**October 21<sup>st</sup>**, a deserter from the American schooner *Eveline*, arrives at Port Louis from Fannings Harbour (San Carlos Water) after being induced to leave the ship by the crew of *Chaloupe*.<sup>163</sup>

**October 24<sup>th</sup>**, reported in the *London Courier & Evening Gazette*; “It was stated, on authority, that a British frigate is in future to be constantly stationed at the Falkland Islands.”

**November 3<sup>rd</sup>**, at Port Louis, Lieut. Henry Smith contracts with the American schooner *Eveline* to hunt seals in Berkeley Sound for the benefit of the settlement.<sup>164</sup>

**November 5<sup>th</sup>**, in England, the document package prepared by Capt. Tait arrives on HMS *Mutine*.

**November 10<sup>th</sup>**, at Port Louis, HMS *Snake* anchors after a voyage from Rio de Janeiro.<sup>165</sup>

**November 14<sup>th</sup>**, in London, Barrow writes to George Shee, with; “... the opinion of the Lords Commissioners of the Admiralty relative to a Claim on account of certain property in the Falkland Islands...”<sup>166</sup>

**November 20<sup>th</sup>**, at Rio de Janeiro, the prisoners Rivero and Channon, together with the 'King's evidence' Luna, are transferred to HMS *Spartiate*.

**December 2<sup>nd</sup>**, in Buenos Aires, learning of Rear Admiral Seymour's death and concerned that his July 2<sup>nd</sup> letter to the Rear Admiral may have been lost, Luis Vernet repeats its contents in a further letter addressed to Seymour's successor.

“... any private papers belonging to the unfortunate victims I would prefer to be kept back and to be held at the disposal of their nearest relatives, or to be sent to such. My late agent Capt. Matthew Brisbane left an aged mother and some sisters and brothers, one of which is William Brisbane whose address is No 61 High Street, Perth, North Britain. Mr William Dickson who had charge of my store on the Island, left a mother living in Dublin, Mrs Ellen Dickson and a stepfather Mr Thomas Dickson, Barrister at law in Dublin, No 10 Cuff Street, also a sister and a number of step brothers. Mr Ventura Paso, clerk of my late agency, and brother in law of mine, native of this place, both parents are living in this city, the father Don Yldefonso Paso. Any papers or things belonging to his late son, I would thank you to send to me, because the fatal event has not been made known to the family and will not be, as long as can be helped. Of the other two unfortunate men Jean Simon and Antony Wehinger, the former a Frenchman, the latter a German I know of no relatives, neither do I know how to trace them.”<sup>167</sup>

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161 Scarlett 1838 pp.124-130

162 Death reported in a letter to the Admiralty from Capt. Robert Tait (November 26, 1834) in *ADM 143*. cf. August, 1833.

163 *Lieutenant Smith's Journal* in *ADM 1/43*. For a history of the sealer *Chaloupe* (formerly *Eagle*), see December, 1831.

164 Pascoe 2022 vol.2 p.424

165 *Ibid*. *Snake* remained for two months.

166 *CO 78/2*. cf. February, 1835

167 *ADM 1/43* also *Archivo General de la Nacion, Sala VII, Legajo 132, Documento 198*. cf. February 9<sup>th</sup>, 1835

**December 4<sup>th</sup>**, Rear-Admiral Sir Graham Eden Hamond arrives at Rio de Janeiro to take over as Commander in Chief of Britain's South American Station; with HMS *Spartiate* as his flagship. <sup>168</sup>

**December 8<sup>th</sup>**, Hamond makes a note in his diary. <sup>169</sup>

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

**December 15<sup>th</sup>**, Hamond informs the Admiralty that he intends to sail for the Falklands on the 18<sup>th</sup>. <sup>170</sup>

*"With reference to your letter of the 6 August last, addressed to Rear Admiral Sir Michael Seymour, enclosing a copy of a letter from Mr. Secretary Spring Rice, on the subject of the persons implicated with Massacre at the Falkland Islands, and recommending that the small force there should be withdrawn; and signifying that their Lordships leave it to the discretion of the Commander in Chief to withdraw Lieutenant Smith's party from the Island when circumstances will admit stating also that the Commander in Chief is to judge whether there is sufficient Evidence to expect a Conviction before the persons concerned are sent to England; I ... feeling that I cannot come to a satisfactory decision on these points without visiting the Islands myself, I have determined on proceeding thither..."* <sup>171</sup>

**December 22<sup>nd</sup>**, from Buenos Aires, Luis Vernet writes again to the Commander at Rio de Janeiro.

*"I have long felt the necessity of re-establishing... business at the Islands, but the ruin of my affairs has left me without the necessary resources for such an undertaking. In vain have I waited here for the satisfaction of my claims, which when paid would furnish me more than sufficient means; but there is no more time to be lost, wherefore I shall have to seek assistance elsewhere. Under these circumstances, and persuaded that you will feel an interest in the prosperity of the Falkland Islands Establishment... I take the liberty of making you the following proposals. – If the Governor at Port Louis requires for the service of HM some of the houses which I built there he of course is and has been extremely welcome to the use of them, and I am also willing to sell any number of them that may be required, and at a fair valuation... To enable me without loss of time to transport myself to the Island with a Cargo or two of new horses... I would wish to receive an advance of about **two thousand pounds** Sterling on account of houses to be sold and cattle to be furnished... I shall be very grateful to hear your determination by first opportunity..."* <sup>172</sup>

Luis Vernet also writes to Minister Hamilton at the British Legation in Buenos Aires, to say that some English friends are willing to fund the despatch of two shipments of horses to the islands should the necessary approval be forthcoming. <sup>173</sup>

**December 27<sup>th</sup>**, an American Schooner, *China*, arrives in Berkeley Sound to recover; "... several casks of lime that he said he had left with Mr. Vernet's agent." <sup>174</sup>

168 One 'm' not two

169 Filed at the National Maritime Museum, Greenwich as *HAM/125*

170 *Hamond to Eliot December 15, 1834* in *ADM 1/43*. Hamond felt he needed to know more about the situation in the Islands before making a decision regarding the boat's crew. Sailing from Rio de Janeiro on December 18, 1834, HMS *Spartiate* met with unfavourable winds and was forced to turn back on January 1, 1835.

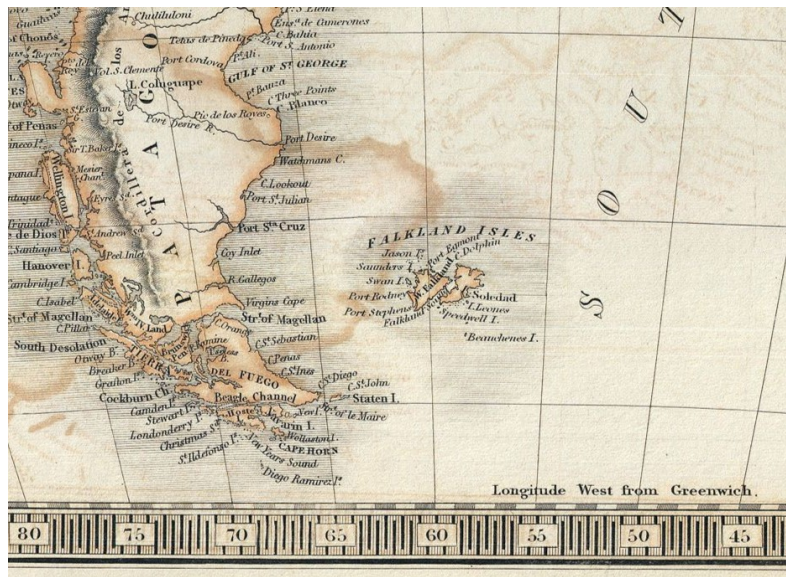
171 *Hamond to Eliot December 15, 1834* in *ADM 1/43*.

172 *ADM 1/43*. My emphasis. See <https://falklandstimeline.files.wordpress.com/2018/03/vernet-to-cic-south-atlantic-station-december-22-1834.pdf>

173 Caillet-Bois 1982 p.383. This does not entirely correspond with Vernet's letter of the same day to Hamond. *cf.* January 1835

174 *Lieutenant Smith's Journal ADM 1/43*. Sailed January 5, 1835.

December 29<sup>th</sup>, from Paris, Ambassador Moreno writes to the Duke of Wellington.<sup>175</sup>



“... If the expedition of the "Clio" had limited itself to West Island (port Egmont) it might be said that the Govt. of HBM had reinstated themselves in the status quo which the ancient Convention left. But the expedition of the Clio went to East Island (port Soledad), which never was English, requiring the island's evacuation of the garrison and citizens of another state, & possessed itself of properties & objects of value not belonging to subjects of H.M. This procedure overturns directly the principles recognized in 1771; it transfers to

the British flag a territory never before trod by an English foot, with buildings, stock, & (unreadable) which were the products of the industry of another nation – a nation of the American continent, which under the favour of Providence, that rules the destinies of mankind, has succeeded to the territorial rights of Spain in that jurisdiction & to which are infallibly due the consideration of justice claimed by every independent people. The United Provinces in the exposition and protest of their Minister in London of June 17, 1833, presented to the Govt. of H.M., irrefragable documents of their formal occupation & possession of the Falkland islands, & of the fact that the Island of Soledad having been bought from France for the sum of 618,108 francs, 13 sous, 11 cents, the Treasury of Buenos Aires had paid to the French Commissioner Mr. de Bougainville the sum of 65, 625 Dollars in part payment for the said territory.

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

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

The present Reclamation is founded on such evident rights that the Government of the United Provinces doubts not but that it will be admitted immediately by the Governnt. of His Britannic Majesty, in conformity with the principles of justice which characterize it. ...”<sup>176</sup>

“The demonstration documented was so conclusive that the Argentine Minister in London... simply asked for restitution of the Island of this (Solitude and Port Louis)...”<sup>177</sup>

175 Wellington acted as temporary Prime Minister for three weeks November/December, 1834, stepping down on the 10<sup>th</sup>.

176 FO6/501. Wellington forwarded the Minister's letter to the Foreign Office on February 2, 1835 where it would remain until 1837. Moreno wrote to friends to say that he felt “optimistic.” Caillet-Bois 1982 p.358 referred to a “conference” between Wellington and Moreno but I can find nothing to suggest that the two men met. cf. February, 1835

177 Bartolomé Mitre quoted in Rozas 1948. cf. 1884

*“Without dwelling on the "secret convention" which Moreno could not prove, he modified his views and limited the discussion to Puerto Soledad.”*<sup>178</sup>

*“On 8 January 1834 Foreign Secretary Lord Palmerston had replied to the letter of 17 June 1833 from Manuel Moreno, Argentine minister plenipotentiary (i.e. Ambassador) in London. Moreno then waited almost a year before replying on 29 December 1834, from Sablonnière's Hotel. By that time Palmerston had been succeeded as Foreign Secretary by the Duke of Wellington, to whom Masserano asserted that the rights of the United Provinces to the Malvinas were based on those of Spain... Moreno's interpretation of history is wide of the mark: Spain did not occupy the islands for a period of over half a century; Spain did not purchase them from France, and Spain's possession was not "notorious & tranquil" since all other countries denied its validity. ... Wellington did not reply; on 2 February 1835 Moreno's letter was sent from the Foreign Office to the Colonial Office, where it was considered (very slowly) in June 1836 and again in July 1837, after which the matter rested – for another four years.”*<sup>179</sup>

**1835 – January 2<sup>nd</sup>**, sealer *Susannah Anne* arrives back at East Falkland Island.

*“... returned to Port Louis in the Month of January 1835, after refitting at a great expense at St. Catherines and Rio de Janeiro in the Brazils, and after being informed by the British Consul at the latter place that, in his opinion, Lieut. Smith had no authority to prevent your Memorialists from sealing in any part of Falkland Islands. That on intimating to Lieut. Smith the Governor their intention to seal the said North and South rocks at the entrance to the Bay, they were again forbidden by him to attempt it, and upon your memorialist Samuel Thompson insisting on his right to take seals wherever he could find them, the Governor threatened to make him Prisoner, and said that he would shoot any him or any man that would dare to land on those rocks...”*<sup>180</sup>

*“During a vessel refit in Rio de Janeiro the British consul reportedly told them that Smith did not have the authority to prohibit sealing. On returning to Port Louis in January 1835 Samuel Thompson, the mate of *Susannah Ann*, went ashore to insist that the crew be allowed to hunt. The unrepentant Smith threatened to either go or shoot Thompson if he persisted in his demands and warned him that the crew of a local vessel sealing on the Volunteer Rocks had also been told to shoot unauthorized visitors.”*<sup>181</sup>

*“Ferguson returned to Port Louis in January 1835 and Smith warned him again, but this time Ferguson sailed to London and started proceedings against Smith.”*<sup>182</sup>

# Researcher's Comment: When Luis Vernet attempted to impose restriction on sealing operations it led to the Lexington Raid of December, 1831 and the breaking off of diplomatic relations between Argentina and the USA. Lieut. Smith's restriction was more localised and he appears to have been successful at maintaining it for a number of years; despite the disapproval of his Admiral who, it will be seen, he was quite prepared to argue

178 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.357

179 Pascoe 2022 vol.2 pp.425-427. Moreno's use of the name 'United Provinces' is interesting as that grouping of provinces had collapsed in 1827, although it was with the United Provinces that Britain had signed a treaty in 1825. What followed was the 'Confederation', which did not include all the same provinces. Argentina remained in turmoil and flux. It would be another two decades before the situation settled.

180 *Ferguson to Lord Glenelg (undated) 1835* in *CO 78/2 fols. 104-105*. The complainants requested that Smith be returned to the courts' jurisdiction in England, arguing that they were entitled to £1000 in compensation. As Smith remained where he was for some time, it would seem that Ferguson and his partner were unsuccessful in their appeal.

181 *Seal Fisheries of the Falkland Islands & Dependencies: A Historical Review* A. B. Dickinson 2007 p.4. See December, 1835

182 Pascoe 2022 vol.2 p.392 fn.1.



with. The question of regulation would continue to be controversial for another 30 years, before opposition from the Americans finally died out. See 1854 below.

**January 3<sup>rd</sup>**, at Port Louis, *Ontario*, an American corvette, arrives seeking a supply of beef. <sup>183</sup>

From Buenos Aires, Luis Vernet agrees that Lieut. Smith's son may act as his agent on East Falkland Island. <sup>184</sup>

**January 5<sup>th</sup>**, returning to Brazil, Hamond decides to unshackle the five British (ex-*Unicorn*) suspects.

*"...I directed Captain Tait to release all the Englishmen who have been suspected of being accessories to the Murders at the Falklands, being quite sure they are free from any participation in that horrible affair:- But I obliged the Men that I should be obliged to send them to England as Evidence against the Murderers..."* <sup>185</sup>

**January 6<sup>th</sup>**, in Buenos Aires, Minister Hamilton responds to Vernet's request for approval to send horses to the archipelago saying, simply, that he does not know whether it will be possible. <sup>186</sup>

*"... Mr. Hamilton, H. B. M. Minister, who succeeded Sir Woodbine Parish, wrote to me in January 1835 (two years after the British Government had taken possession) mentioning his approval of my proceedings."* <sup>187</sup>



**January 12<sup>th</sup>**, HMS *Spartiate* arrives back in Rio de Janeiro (right). <sup>188</sup>

**January 16<sup>th</sup>**, at Port Louis, Smith notes in his journal the arrival of *Chaloupe* (William Smyley). <sup>189</sup>

Lieut. Smith writes to his Commander at Rio de Janeiro; reporting that the gauchos on the island wished to return to their own countries; *"... having been induced to leave by (Vernet) holding out high wages, which were never formerly fulfilled:..."* Smith suggests the gauchos fear that if he goes they will be at the mercy of the sealers; *"... who are only one step removed from pirates."* He also requests that the seal skins he and the boat's crew have accumulated, be transported out of the Islands. <sup>190</sup>

**January 17<sup>th</sup>**, HMS *Snake* departs Port Louis; as does the sealer *Eveline*.

183 Sailed again on January 15, 1835

184 See July 31, 1835, below.

185 *Hamond's diary* in HAM/125 p.52

186 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.383 citing *Hamilton Hamilton a L. Vernet, Buenos Aires, 6 de enero de 1835*

187 *Vernet to Labouchere December 1856* in CO 78/43. Vernet was always inclined to find the positive in any response by a British authority

188 HMS *Spartiate* (1835) painted by Emeric Essex Vidal, Secretary to Rear-Admiral Hamond. Within a few months, Rear-Admiral Hamond had transferred his flag to HMS *Dublin*.

189 *ADM 1/43*. Hero and rogue. Various spellings, including Smiley. *Chaloupe* had previously been called *Eagle*. cf. 1831

190 Letter in full in Pascoe 2022 vol.2 p.429

From Buenos Aires, Eben Ritchie Door, the newly appointed US Consul, reports that the Confederation's appointed envoy to Washington, General Don Carlos Alvear, is delayed.<sup>191</sup>

*“... the want of funds for this purpose, although doubtless one of the causes of his delay, is not the most influential. This, perhaps, may be found in the fact that the Government is awaiting, with some hope of a favorable result, the progress of the negotiation, which its Minister in London has instituted upon the subject of the occupation of the Malvinas. The last letters of this Minister, Dr Moreno, to his friends in this City, ..., state, that he has hopes to make the desired impression upon the Government of Great Britain, even if the present Ministry should not listen favorably to his remonstrances...”*<sup>192</sup>

**January 29<sup>th</sup>**, in England, George Whittington writes to the Colonial Office to argue a case for the colonization of the Falklands based upon the success (?) of Vernet's original settlement.

**February 2<sup>nd</sup>**, a copy of Moreno's protest is sent to the Colonial Office for their consideration; where it sits.

*“Manuel Moreno's Protest of December 1834 was never answered. The Colonial Office took the view (July 1837) that it was inexpedient to discuss further with the Argentine Government British rights to the Falkland Islands. The Colonial Office considered that unless the ancient pretensions of Spain – never admitted by Britain – to the exclusive possession of the Magellanic regions had been invested in the Argentine Republic by the facts of its transformation from a dependency of the Spanish monarchy into an Independent State, it might be with the Court of Madrid alone that Her Majesty's Government could properly consent to discuss the question of the sovereignty of the Islands.”*<sup>193</sup>

**February 8<sup>th</sup>**, at Rio de Janeiro, HMS *Snake* anchors in the port after a voyage of 22 days from the archipelago. Rear-Admiral Hamond requests a report from Capt. Robertson with regard to what he found at Port Louis.<sup>194</sup>

**February 9<sup>th</sup>**, Hamond receives Luis Vernet's letter of December 22<sup>nd</sup>.

**February 10<sup>th</sup>**, Rear-Admiral Graham Hamond pens a letter to the Admiralty in London.<sup>195</sup>

*“I have to acquaint you ... that H. M. Sloop *Snake* arrived at Rio de Janeiro on the 8<sup>th</sup> Ins<sup>t</sup> from the Falkland Islands which she left on the 17<sup>th</sup> Ultimo. At that time nothing new had occurred at the Settlement which is in a miserable state. The only residents are Lieut Smith and 4 men of the Spartiate 3 Gauchos with their 3 women, 1 Englishman and one German. The Sealing Vessels English, French and American which frequent the Islands have been so long used to act without any regard to law or property ... that it is impossible to preserve order amongst them.*

*It appears that some of these Vessels make a profitable Trade in catching the Wild Cattle and supplying the Whalers on their stations so that the settlement of Port Louis is scarcely visited at all.*

*I enclose Lieut Smith's Journal... and a letter also from him, requesting to have seal Skins his property and Hides removed in any Ship of War that may be ordered to bring him away. This request I shall refuse, informing him that I cannot countenance any trading on the part of the Officer and Men placed there on full pay without special permission from their lordships.*<sup>196</sup>

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191 Eben Ritchie Dorr to John Forsyth, Buenos Aires, January 17, 1835

192 Manning 1932 p.187

193 Memorandum on the Falkland Islands 1947 in LCO 2/490 citing Stephen to Strangeways, 28, July, 1837 in FO 6/501.

194 Remarks upon the present state of the Falklands by Commander Robertson of His Majesty's Sloop *Snake* in ADM 1/43

195 Hamond to Eliot (Admiralty) February 10, 1835 in AD 1/43. Letter in full in Pascoe 2022 vol.2 pp.430-431

196 See May 4, 1835 below.



*No attempt has been made by the former settler M<sup>r</sup> Louis Vernet to reestablish himself at the Islands, ... I have a letter from him, making proposals to His Majesty's Government which I transmit for their Lordship's consideration, ... I shall inform Mr. Vernet that I have so forwarded his letter, at the same time remarking to him that he is in the position of a man having built upon Ground to which he has no title, and that the difficulties under which the settlement has been labouring in consequence of the massacre, are attributable entirely to his or his agents misconduct and breach of faith towards the Gauchos, in paying them with Paper instead of Silver Money. ... With regard to his proposal for an advance of £2000 I am of opinion that all the property on the Island (except the Wild Cattle) even if admitted to be his, would be overvalued at half this sum. There has been no attempt at Agriculture, nor is there even a garden deserving the name, as I am informed by the Commander of the Snake, although Lieut Smith's Journal would lead to a different conclusion.*

*It appears to me that if it be intended to retain the Islands as a possession, it will be necessary to hold several points, and each with a respectable force. If they are to be abandoned, I shall be glad to know what I am to do with regard to M<sup>r</sup> Vernet and his claims.”*<sup>197</sup>

**February 12<sup>th</sup>**, in London, the Foreign Office write to the Colonial Office.<sup>198</sup>

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

**February 14<sup>th</sup>**, the Admiralty writes to Robert William Hay at the Colonial Office.<sup>199</sup>

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

**February 17<sup>th</sup>**, from Buenos Aires, Luis Vernet writes again to the Rear-Admiral at Rio de Janeiro.

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

*“... he continued to bombard British officials with long, elaborate letters full of advice, well-meant but irrelevant – Henry Smith was managing well enough despite all his troubles.”*<sup>200</sup>

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

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197 Original emphasis.

198 Mahon to Barrow February 12, 1835 in CO 78/2

199 CO 78/2

200 Pascoe 2022 vol.2 p433

*“The Foreign Office suggest that the Admiralty should take the opinions of the Col: Dep<sup>t</sup> as to any questions relating to the internal management of the Falkland Islands, but as (it is conceived) there is **at present no intention of maintaining a Settlement there** & as directions have already been given for removing the small Naval Force – which was stationed on one of the Islands – it will perhaps be thought sufficient to express L<sup>d</sup> Aberdeen’s concurrence in the few steps which have been taken for returning to M<sup>r</sup> Vernet any private property belonging to him... - the Admiral commanding at the Station, taking especial care, however; not to admit any Rights which M<sup>r</sup> Vernet may allege as derived from the Buenos Aires Government.”*<sup>201</sup>

**March 7<sup>th</sup>**, in Argentina, Juan Manuel Rosas returns as Governor for Buenos Aires Province.

*“He returned to power with the memory of the rape committed against the rights of the Republic and the desire for satisfaction at the first opportunity.”*<sup>202</sup>

*“Caillet-Bois proposes that when Rosas took over the government of the Province of Buenos Aires, he intended to take revenge for what he considered a violation of the rights of the Republic in Malvinas. No grounds for such interpretation exist. On the contrary, Rosas saw in the Malvinas an item to be bartered ...”*<sup>203</sup>

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

*“... our government,.. treated this right as a subject for negotiation between the two governments, and does not undertake to affirm such seizure to be a piratical act. And under this view of the case, I cannot consider the retaking by Captain Duncan a lawful act; and unless it was so, the claim of the libellant to compensation as for salvage services, in a court of admiralty, cannot be sustained.”*<sup>204</sup>

*“Mr Burrows claimed them, and having obtained from me proofs that they had belonged to the Superior, he gained the suit. After this, Davison claimed half of the skins as salvage, for having rescued them as he said out of the hands of a pirate as he termed me. Mr. Burrows then produced proofs before the court that my conduct at those Islands had been in every respect just and legal, and that the vessels and their cargoes had been very justly seized for breaking the laws of Buenos Ayres.”*<sup>205</sup>

**March 16<sup>th</sup>**, in Buenos Aires, Vernet submits a petition to the Government requesting that he be paid 31,666 pesos from the monies owed by the Government to Jorge Pacheco.<sup>206</sup>

*“... being half of the 63,333 pesos in public funds Pacheco had held.”*<sup>207</sup>

**March 23<sup>rd</sup>**, from Buenos Aires, Luis Vernet writes once again to Woodbine Parish in England, complaining of his lack of funds and poor relationship with the Government.

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201 CO 78/2. No signature. My emphasis.

202 Caillet-Bois 1982 p.358. The only relevant action by Rosas between 1837 and 1849, was that the claim of a right to the sovereignty of the Falklands was repeated annually at the opening of Congress. *cf.* 1838

203 Peña & Peña 2018

204 *Davison v Seal-Skins*, Case No. 3661, Circuit Court, D. Connecticut 1835. *cf.* 1839 See also <https://falklandstimeline.files.wordpress.com/2012/02/davison-v-seal-skins-18352.pdf>

205 Luis Vernet in *British Packet & Argentine News* October 14, 1837 in FO 6/501/254.

206 Pacheco had died in January 5, 1833; still owing Vernet, according to Pacheco's last will and testament, some 7,000 silver pesos. *cf.* 1820, 1823, 1824 & 1833

207 Pascoe 2020 p.78 citing *AGN X, 16-6-5 Justicia*. A judicial note of July 2, 1835 noted no objections to the payment.

*“The expenses in the arrest and prosecution of the fishing vessels (mainly as a result of orders of government) totaling eleven thousand pesos silver have never been reimbursed, nor have I ever claimed the same, all I did was submit the expense account of one of the ships, which I brought here, riding about three thousand Spanish pesos... My claims against the US and this Government remain completely in suspense, having not taken a single step... my affairs at the settlement fall daily more into decay and I have not the means of preventing it. The bad consequences of such decay if not put a stop to are incalculable... The consequences may be that all attempts at colonization will prove abortive for a considerable time to come, that great capital will therefore be wasted, that the Islands will fall into disrepute... On the other hand, if I could but succeed to get the means of re-establishing on the Island ... then with proper management a very flourishing colony highly useful to the commerce round Cape Horn may soon be formed... alone, I can do nothing because I have nothing left. Even some little produce which my late agent had collected for me is detained by the Admiral until he receives orders from his Govt.,...”*<sup>208</sup>

*“Another trial is with the same lawyer [Alsina], who separately opposes the wishes of all my creditors, who have given me time to pay after the recovery of my different claims. His opposition hurts me a lot, because through his great influence he prevents the Commercial Court from putting the seal to said amicable arrangement, since the judges fear incurring the displeasure of the government (of) Maza. Thus, having the law on my side and all my creditors, I (cannot) obtain from the Court what the law orders in such cases, a public recognition that assures me of my credit and good name, and all this for the evil of a man who is not my creditor. The expenses in which in the detention and trial of the fishing vessels that add up to eleven thousand silver pesos have never been reimbursed to me, nor have I ever claimed the same, all I have done has been to present the expense account of one of the vessels, and the one I brought here, which was worth around three thousand Spanish pesos. The Government ordered me to present it, in order to be examined and paid if it was found to be correct; the expenses include the rental of an anchor and chain that I sent on board, once she was in the port as a prey; which account had not been paid and is mentioned as unpaid in my account. It was examined and found perfectly correct for more than a year, but instead of paying it to me, the Govt. Maza also ordered the owner of the chain to claim the rent from me which he did, and this forms another lawsuit, ([and]) meanwhile the Government has sold the ship and keeps the entire product, without pay me any of the expenses ... Some public funds worth twenty thousand pesos paper, owned by me and produced by transactions made with a private individual, were also withheld by order of Maza, under the pretext of recovering ten thousand pesos paper provided once to send necessities to the Falkland Islands, items that have remained there after the destruction of the colony, and were under embargo; and what is worse the Government (of) Maza has recently sold all the funds, including mine...”*<sup>209</sup>

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

From Rio de Janeiro, on the same day, Hamond writes to the Admiralty with regard to the Port Louis prisoners he has incarcerated aboard his flag ship.

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208 CO 78/2. The file contains only an extract of this letter; the extract running to 12 pages.

209 Version in Caillet-Bois 1982 (6<sup>th</sup> ed.) pp.383-384 citing *L Vernet a W. Parish, 23 de marzo de 1835*. Alsina was reputedly the Government lawyer that had assisted Vernet in writing up his ‘Report’ for US Envoy Baylies in 1832. Clearly, Vernet’s relationship with the Government of Buenos Aires had deteriorated dramatically following the events of January, 1833. cf. 1832 & 1833.

*“... that having carefully examined the evidence adduced by the Witnesses now aboard the Spartiate, I am decidedly of opinion that there is sufficient evidence to convict the murderers, and I therefore feel it my duty to send them to England for trial, as there are no other means by which I can deal with them according to law, so far as I can learn from the Admiralty Statutes... the act 46 Geo.3 directing that offences in places under British dominion shall be tried in England.”*<sup>210</sup>

“He concluded that the boat's crew (Unicorn) were innocent of any complicity in the murders... but decided there was a prima facie case against the murderers themselves and resolved to send them to England for trial.”<sup>211</sup>

**March 25<sup>th</sup>**, from Rio de Janeiro, HM brig-sloop *Snake* sails for Sheerness taking - Antonio Rivero, Manuel Gonzales, Luciano Flores, Latorre, Manuel Godoy and the King's witness, Jose Luna. Also, as witnesses, – Daniel McKay, Henry Channon, George Hopkins, John Stokes and Patrick Kirwan.

**April 3<sup>rd</sup>**, Tasmania's *Hobart Town Courier* reports; “An association has recently been formed in London, under the patronage of Lords Falkland and Dundonald, for the colonization of these (Falkland) islands.”

**April 5<sup>th</sup>**, from Buenos Aires, US Consul Door reports to Washington.

*“Gen. Alvear, the minister appointed to proceed to the United States, is slowly recovering from a tedious sickness, which without other causes, would have prevented his undertaking the voyage. His recovery, however, is not likely to lead to his undertaking the mission. I am satisfied that there is no present intention to send a minister to the United States.”*<sup>212</sup>

**April 21<sup>st</sup>**, in London, Hamond's February 10<sup>th</sup> letter is forwarded from the Admiralty to the Foreign Office; “... I am to request that you will ... move his Lordship to communicate to my Lords and observations he may have to make respecting the retention or possession of these Islands.”<sup>213</sup>

**April 30<sup>th</sup>**, Hamond's February 10<sup>th</sup> letter is forwarded from the Foreign Office to the Colonial Office; “... particularly with regard to the instructions which it may be proper to send to the Admiral on the South American Station as to the expediency of retaining or abandoning the possession of these Islands.”<sup>214</sup>

**May 2<sup>nd</sup>**, receipt of Hamond's February 10<sup>th</sup> letter is noted by the Colonial Office;

*“The question put by the Foreign Office in this letter is one which belongs to the Cabinet to settle... For some years past there has been a strong desire manifested by some mercantile men in the City, to prevail upon the Government to encourage colonization to the Falkland Islands, but although the occupation of one portion of them by the State of Buenos Ayres, has formed the subject of representation to that Government, no step has been taken by this Departm<sup>t</sup> which could lead to the expectation that any sanction would be given by the Government to the formation of a Settlement in that quarter...”*<sup>215</sup>

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210 *Hamond to Dawson (Admiralty) March 23, 1835 in ADM 1/43*. Original emphasis. Letter in full in Pascoe 2022 vol.2 p.434. Enclosed was a 14-page report by the Rear-Admiral summarising the statements he had taken during January, 1835. The statements by Channon, Hopkins (both dined with the murders the night before and were implicated in the selling of ammunition) and Stokes were headed 'Circumstantial Evidence'. Those from McKay (saw Dickson and Wagner/Vehingar killed) and Luna 'Direct Evidence'. The statement from Kirwan (who had only seen the Indians pointing a gun at Helsby) had no heading.

211 Pascoe 2022 vol.2 pp.433-434

212 *Diplomatic Correspondence of the United State, Inter-American Affairs: vol.1 Argentina 1831-1860* W. R. Manning 1932 p.189

213 *Barrow to Backhouse April 21, 1835 in CO 78/2 fol.66*

214 *Backhouse to Hay April 30, 1835 in CO 78/2 fol.60*

215 *CO 78/2 fol.62*. A decision would be a long time coming.

**May 4<sup>th</sup>**, from Port Louis, Lieut. Henry Smith writes to Rear-Admiral Hamond.

*“I beg leave to acknowledge the receipt of your Letter in answer to my application that the Boats Crew and myself might be permitted to embark Seal Skins our private property, in which you tell me "you cannot countenance any Trading on the part of the Officer and Men placed there on full pay of His Majesty's Navy. The accompanying account of my situation on this Island will show you what I imagined everyone knew. I am in fact with regard to the few Inhabitants every thing. I have to supply them with all the necessities of life from a Real's worth of pins to a poncho. When I volunteered for the place it was under very different circumstances in my mind. I found it a Waste and Wilderness, and the recent scene of horrid massacre and instead of making or finding difficulties I hope I did as became me, I surmounted three I omit; Ambition had some share in it, but the gard (sic) of my Country was the main spring, for should it ever be the fate of England to be at war with the whole Continent of America, here is the Key to the whole Pacific, as well as a nursery for making a hardy race of sailors. My conduct with respect to the Settlement had been guided throughout as if M<sup>r</sup> M<sup>r</sup> Brisbane had been living; forced from necessity to take upon myself the charge of all property belonging to M<sup>r</sup> Vernet which had been in the hands of M<sup>r</sup> M<sup>r</sup> Brisbane, all I claim is the same salary. I am too poor and have too large a family to throw my time and money away in recovering the property of another and I have no other way of remunerating myself than taking my proportion of Seal skins. After 25 years Service I have only a Lieutenant's Commission a few honorable scars and I hope an untarnished Name. I beg that this letter may be forwarded to their Lordships to do away with any unfavorable impressions that may arise from the idea of my trading. My employing my Men sealing for the Remainder as long as it did not interfere with the rights of the Inhabitants, I regard as a duty on the same footing as captains allowing their Men to be employed on Merchants account being paid. I have know a Carpenter in the Pacific earn three Dollars a day. Sealing men have shares and are not paid in money.”*<sup>216</sup>

In England, Woodbine Parish writes to Lord Palmerston, who is, yet again, Foreign Secretary. Parish suggests that Vernet be allowed to colonise the Falkland Islands as; “... Vernet was the first who showed that (these) islands could be inhabited and could be converted into a valuable possession.”<sup>217</sup>

**May 10<sup>th</sup>**, at Spithead, HMS Snake anchors. Latorre, the detained Charrúa Indian, is transferred to the Royal Naval Hospital at Portsmouth.<sup>218</sup> The package of documents from the Rear-Admiral in Rio de Janeiro is despatched to London.

*“We understand that the persons implicated in the massacre which took place at the Falkland Islands in August, 1833, have been brought to England for trial in HMS Snake.”*<sup>219</sup>

**May 11<sup>th</sup>**, from Rio de Janeiro, Rear-Admiral Hamond pens an order for Lieut. Smith.

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216 *Smith to Hamond May 4, 1835* in CO 78/2 fols.28-29. Original emphasis. On February 10, 1835, Rear-Admiral Hamond had written to the Admiralty in London saying that he would refuse Smith's request. He clearly did so, although I can find no copy of that particular letter or identify how it was delivered. Smith is clearly annoyed, so it may be reasonable to assume that Hamond's letter had arrived at Port Louis just prior to May 4, 1835. Smith's letter was eventually forwarded to the Admiralty in London where the implication that Mathew Brisbane had been paid was picked up and researched. It seems that someone asked how much Brisbane had received in remuneration, to which a note dated August 22, 1835 stated that “as no payment was made by this Department to Mr Brisbane, they have no means of furnishing the information requested”. Either Smith misunderstood Brisbane's position, or his method of writing without much in the way of punctuation caused confusion. See Pacsoe 2022 vol.2 p.436 fn.3

217 Parish quoted in Cailliet-Bois 1982 (6<sup>th</sup> ed.) pp.384-385 citing *W. Parish to Viscount Palmerston, 4 May 1835. Copy to L. Vernet, May 4, 1835*

218 The nature of the illness or injury is not stated, but Latorre would seem to have died at Portsmouth shortly thereafter.

219 *Naval & Military Gazette & Weekly Chronicle of the United Service* Saturday May 16 1835

*“It is my direction that you deliver to Mr. Lewis Vernet, or his Agent properly authorised, all Hides, Skins, and Money, which you hold on his account, upon his settling the Claims of the Men upon the Island who have been employed in their acquisitions so as to prevent any Complaint from them against the British Authority.”*<sup>220</sup>

*“Admiral Sir Graham Eden Hamond sanctioned these proceedings by directing Lieut. Smith... to hold said property, and the money arising from sales of Beef, at the disposal of your Memorialist; all of which belonged to your Memorialist as a private individual. That after this reestablishment of your Memorialists affairs on the Island by the British Lieut: in Charge, there was nothing wanting again to replace your Memorialist’s cattle business on its former efficient footing and to re-establish his Colony (now under British Protection).”*<sup>221</sup>

**May 12<sup>th</sup>**, HMS *Snake* arrives at Sheerness in the mouth of the River Medway. The remaining prisoners are placed in irons aboard the flagship HMS *Ocean* to await a decision as to their fate.<sup>222</sup>

*“Eight prisoners, lately brought to Portsmouth in his Majesty’s sloop Snake, from South America, have been conveyed to London for trial in the Admiralty Court. It will be remembered, that in the month of August, 1833, a dreadful massacre took place at the Falkland Islands, in which these fellows were the chief actors.”*<sup>223</sup>

In London, at the Home Office, a file of evidence is prepared for the Law Officers who are being asked to consider the case against the Port Louis accused.<sup>224</sup> Specifically, the Law Officers are asked to consider three questions - a) whether the prisoners are liable to prosecution under the provisions of the *Offences against the Person Act 1828*, or by any other means, for the murder of all or any of the deceased; b) whether the evidence is sufficient to lead to their conviction; and c) whether, under the circumstances, and with reference to whether it might be fit to execute judgement upon them in case of a conviction, they would recommend a prosecution?<sup>225</sup>

**May 18<sup>th</sup>**, in London, Lord Glenelg, Secretary of State for War and the Colonies, proposes that Lieut. Smith be removed from Port Louis; the islands to be merely visited regularly by a vessel of “*His Majesty*”.

*“Lord Glenelg has directed me to request you to state to Lord Palmerston, that he does not consider that it would be desirable to abandon the rights of Great Britain to the Falkland Islands, but that he is not prepared to think that it would be convenient to have recourse to the measure of occupying these islands with a military force, as is suggested by Rear Admiral Sir Graham Eden Hamond... his Lordship would propose, as has been already recommended that the Naval officer and his boat’s Crew should be withdrawn from Berkeley Sound, but that the Rear Admiral commanding on the South American Station should be instructed to order his Squadron to pay frequent visits to the Falkland islands, for the purpose of preventing their occupation by another Power”*<sup>226</sup>

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220 *Hamond to Smith May 11, 1835* in *ADM 1/49*. Pascoe (2022 vol.2 p.435) citing a later copy in *AGN VII, 132*, gives the date as May 1, 1835.

221 *Vernet’s Memorandum Presented 7 May, 1852* in *CO 78/43*. Writing 17 years later, Vernet appears to have assumed that these instructions amounted to a reinstatement of his rights and titles. Not merely the handover of whatever personal effects/monies still remained - subject to any debts. *cf.* August, 1839

222 A letter of May 12, 1835 from the Admiralty to the Colonial Office stated tersely; “... *as the subject does not in any way relate to the Naval Department, their Lordships request that Lord Glenelg will give directions as to their future disposal*” (*CO 78/2 fol.11*). The witnesses were allowed ashore - see Pascoe 2022 vol.2 p.442 fn.1.

223 *Naval & Military Gazette & Weekly Chronicle of the United Service* Saturday, June 6, 1835

224 *Case Respecting certain Prisoners lately brought from the Falkland Islands charged with murder* in *HO 48/30 Case 5, folio 22*. Also *TS 25/2047/27*. Law Officers were Sir John Dodson (Advocate-General), Sir John Campbell (Attorney-General) and Sir Robert Rolf (Solicitor-General).

225 *TS 25/2047/27*

226 *Hay to Backhouse May 18, 1835* in *FO 6/501 f.149*. This was about costs, not sovereignty.

**May 19<sup>th</sup>**, Glenelg's letter arrives at the Foreign Office, where a note is attached; *"Should this decision respecting the Falkland Islands be communicated to Mr Moreno in answer to his note of December 29<sup>th</sup> 1834?"*<sup>227</sup>

**May 26<sup>th</sup>**, Lord Palmerston attaches his own note to the Colonial Office letter asking for information.

*"What was Mr Moreno's note of Decr 1834? I don't understand what the objection is to continuing the present State of occupation by a Lieut & Boats Crew, & why two or three Families of Fishermen from Shetland or Orkneys might not be sent there as suggested."*

*"He knew nothing about the note from Argentine Ambassador Manuel Moreno, since it had arrived during the five months in which he had been replaced as Foreign Secretary by the Duke of Wellington (15 November 1834 to 18 April 1835), so he needed to catch up with Falklands affairs."*<sup>228</sup>

**May 29<sup>th</sup>**, Lord Palmerston pens a further note to the Colonial Office letter, asking Lord Glenelg; *"... whether in the present state of our discussion with Buenos Ayres respecting the Sovereignty of the Falkland Islands, the entire withdrawal of the occupying detachment might not wear the appearance of an abandonment of our claims."*<sup>229</sup>

**May 30<sup>th</sup>**, Robert Hay of the Colonial Department, comments;

*"In reply to the questions put by F.O. I should be disposed to state – That the withdrawing of all our force from these islands would have the appearance of abandoning our claims, but would not bar our right to remonstrate against their occupation by the Buenos Ayres government or any other Gov<sup>t</sup>. 2<sup>dly</sup> that if any Settlers are to be sent out from this Country, the proposals made by Parties, who have speculated in Land in the F. Islands, & are willing to send out Emigrants & Stores to that quarter ought in preference to be accepted."*<sup>230</sup>

*"Britain's lack of interest in actually occupying the Falklands is shown by the fact that in May 1835 the Colonial Office suggested to the Foreign Office that "the Naval officer and his boat's Crew should be withdrawn from Berkeley Sound". The Colonial Office thought there should be no permanent British presence but merely regular visits to the islands by British warships, to trigger a British reaction to any moves by any other power. Nothing came of that proposal, but it demonstrates the falsity of all assertions or implications that in the 1830s Britain was keen to occupy the Falklands."*<sup>231</sup>

**June 2<sup>nd</sup>**, the Colonial Office also provides an opinion for the Law Officers; *"It is alleged that they were all harshly treated by Brisbane and Dickson who refused to pay them according to agreement for a pen which they had erected for the retention of the Wild Cattle in the catching and slaying of which they were chiefly employed. ..."*<sup>232</sup>

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

*"By Stat: 9 G. 4 C.31 s.7 If any of His Majesty's Subjects shall be charged in England with any murder or manslaughter or with being accessory before the fact to any murder or after the fact to any murder or manslaughter the same being respectively committed on Land out of the United Kingdom whether within the King's Domains or without it shall be lawful for any Justice of the Peace of the County or*

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227 FO 6/501 fol.153. And a butterfly flaps its wings?

228 Pascoe 2022 vol.

229 CO 78/02

230 CO 78/2 fols.74-75

231 Pascoe 2020 pp.157-158

232 Home Office memorandum 2 June 1835 H.O. 48/30 case 5, p.22 in *Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands* J. Muffty 1986.



*Place where the person so charged shall be to take recognizance of the offence so charged and to proceed therein as if the same had been committed within the limits of his ordinary jurisdiction and if any persons so charged shall be committed for Trial or admitted to Rivil (?) to answer such charge – a Commission of Oyer and Terminer under the Great Seal shall be directed to such persons and into such County or Place as shall be appointed by the Lord Chancellor or Lord Keeper or Lords (...?) of the Great Seal for the speedy trial of any such offender and such persons shall have full power to enquire or hear & determine all such offences with the County or Place limited in their Commission to such good and lawful men of the said County or Place as shall be returned before them for that purpose in the same manner as if the offences had been actually committed in the said County or Place.*

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

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

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

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

*1<sup>st</sup> Whether these Prisoners are liable to be prosecuted under the provisions of the Act 99.4.C.31.S.7 or by any other means for the murder of all or any and which of the Individuals above stated?*

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

*2<sup>nd</sup> Whether the evidence will be sufficient to lead to their Conviction?*

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

*3<sup>rd</sup> Whether under the circumstances, and with reference to whether it might be fit to execute judgement upon them in case of a Conviction they would recommend a prosecution?*

***But under all the circumstances it appears to us that in the case of a conviction the sentence could not fitly be carried into execution & (therefore) we cannot recommend a Prosecution.*** ” <sup>233</sup>

# Researcher's Comment: This legal opinion has created plenty of discussion in recent decades; much of it convoluted; much of it nonsense. To my mind the problem is clear; as was the Law Officers' response. The only independent witness able to give direct evidence of murder was McKay. He had seen Dickson and Wagner killed

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

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

*“The capture of those responsible,..., presented the British with a strange problem, namely of deciding by what law they should be judged. There was no British law applicable to a territory acquired by force. The law officers of the Crown stated that they could not recommend that proceedings be instituted.”* <sup>234</sup>

*“... in order to avoid an annoying and cumbersome process, from which consequences not favorable to English interests could undoubtedly arise, four terrible criminals did not receive the deserved punishment that corresponded to them for the treacherous murder of which they were perpetrators.”* <sup>235</sup>

*“... they were tried and absolved due to the lack of British jurisdiction over the Falkland Island(s).”* <sup>236</sup>

**June 4<sup>th</sup>**, without a prosecution, the question of what to do next is passed to the Colonial Office.

*“I am directed by Lord John Russell to acquaint you, for the information of Lord Glenelg,... that a case, relating to the individuals brought to this country upon a charge of Murder, committed at the Falkland Islands in the month of August 1833, has been prepared and laid before the King's Advocate and Attorney and Solicitor General who have reported their opinion that the Evidence might be sufficient to warrant a conviction under 9<sup>th</sup> Geo. 4 C.31 – But that under all the peculiar circumstances of the case it would scarcely be justiciable if there should be a conviction, to carry the (unreadable) execution... (unreadable)... Lord John Russell therefore desires that Lord Glenelg's attention should be called to the subject in order that arrangements may be made in concert with the Board of Admiralty, for the disposal of the individuals alluded to who are now detained on board the Flag ship at Sheerness.”* <sup>237</sup>

**June 16<sup>th</sup>**, the Admiralty is asked to repatriate the remaining detainees and witnesses to South America. <sup>238</sup>

**June 18<sup>th</sup>**, in England, George Whittington writes to Lord Glenelg to argue for Falklands colonization. <sup>239</sup>

**June 24<sup>th</sup>**, from the Admiralty, orders are sent to Rear-Admiral Hamond at Rio de Janeiro to inform him that he is to repatriate the detainees, once they have been returned to him <sup>240</sup>

<sup>234</sup> *Ambassador Bonifacio del Carril to the Fourth Committee of the United Nations on November 9, 1965 in CO 1024//438.* This is nonsense. There was a law (9 Geo. 4C.31 of 1828) which was clearly stated to be applicable.

<sup>235</sup> Caillet-Bois 1982 (6<sup>th</sup> ed.) p.379 fn.6

<sup>236</sup> *Falklands or Malvinas?* Conrado E. Bullrich 2000 p.106. Also nonsense, as clearly identified by the Law Officers.

<sup>237</sup> *Phillips (Home Office) to Hay (Colonial Office) June 4, 1835 in CO 78/2.* Unfortunately, some other hand has written a note across one corner of the second page obscuring part of its contents. For some unstated reason this letter was 'recalled', possibly for amendment, and did not reach the Colonial Office until June 16<sup>th</sup>, 1835.

<sup>238</sup> The witnesses initially opted to return to Brazil.

<sup>239</sup> Caillet-Bois 1982 (6<sup>th</sup> ed.) p.395

<sup>240</sup> *Wood to Hamond June 24, 1835 in FO 6/501*

**June 27<sup>th</sup>**, at the Medway, Rivero, González, Godoy, Flores and Luna are transferred to HMS *Messenger*. Also embarked are Channon, Hopkins, Kirwan, McKay and Stokes.

**June 30<sup>th</sup>**, in Plymouth, all the ex-Port Louis residents are placed aboard HMS *San Josef* to await a ship bound for Rio de Janeiro. Godoy, however, is almost immediately transferred to the Naval Hospital. <sup>241</sup>

**July 1<sup>st</sup>**, from his home in England, Woodbine Parish again writes to Lord Palmerston enclosing Luis Vernet's most recent communication.

*“I received by the last Packet another letter from Mr. Vernet relative to the Falkland Islands... The Residence there of M<sup>r</sup> Vernet & his People for several years has proved that they are not the barren and inhospitable Region they were long supposed to be:- The Establishment of M<sup>r</sup> Vernet was visited in the course of 4 or 5 years by no less than a hundred Vessels of all nations, and I feel persuaded if it had gone on as it began, without any absurd assumption of Authority, or Right to interfere with foreign ships, that it would have become by this time a thriving and useful Colony.- ... It would seem that Mr. Vernet's most anxious wish is,- to be permitted to re-establish his Settlement;... To agreeing to so much of Mr. Vernets Propositions HM Govt., might make these possessions certainly of some utility – and perhaps eventually of some importance.”* <sup>242</sup>

**July 4<sup>th</sup>**, the ex-Port Louis residents (ex-prisoners and witnesses) are taken by HMS *Netley* to Falmouth, from where Channon, Hopkins, Kirwan, McKay and Stokes decide to return to London to seek compensation. <sup>243</sup>

**July 10<sup>th</sup>**, at Falmouth, Rivero, González, Flores and Luna go aboard HMS *Swallow* for a voyage to Brazil. <sup>244</sup>

**July 28<sup>th</sup>**, the Colonial Office, having considered Ambassador Moreno's letter of December, 1834, responds to Lord Palmerston; “... (They) were inclined to think that **unless** the ancient pretensions of Spain – never admitted by this country – to the exclusive possession of the Magellanic regions, had become invested in the Argentine Republic by the fact of its transformation from a Dependency of the Spanish Monarchy into an independent State, it might be with the Court of Madrid **alone** that Her Majesty's Government could properly consent to discuss the question of the sovereignty of the Falkland Islands.” <sup>245</sup> Palmerston notes; “Perhaps it may be best to let the matter drop.” <sup>246</sup>

“Senor Moreno's protest of the 29<sup>th</sup> December, 1834, was, therefore, never answered.” <sup>247</sup>

# Researcher's Comment: Palmerston's simple comment is often taken out of its context. The Minister's concern was to avoid an awkward conversation with Spain – not a conversation with Buenos Aires. Following the death of Ferdinand in 1833, Spain had been slowly moving towards accepting the status quo in the Americas and formally recognising its revolted colonies as new nations. A policy that Britain favoured. Spain had not protested Onslow's action of January 1833, and Palmerston had no wish to remind them of it. Nor of the long-standing Anglo-Spanish dispute over the archipelago which had resulted in an uneasy compromise in 1771.

<sup>241</sup> Godoy died July 5, 1835. The nature of his illness was not recorded

<sup>242</sup> *Parish to Palmerston, July 1, 1835* in *CO 78/2*. Letter in full in Pascoe 2022 vol.2 pp.453-454

<sup>243</sup> Eventually, in September, 1835, Henry Channon, received a sum of £100 to cover his, “wages and costs” while £36 was paid to each of the others. Channon's larger compensation reflected his work as a carpenter on board the various ships he found himself upon during the voyage from Port Louis, via Valparaiso and Rio de Janeiro, to London. *CO 78/2 fol.98*

<sup>244</sup> *Admiralty to Grey August 5, 1835* in *CO 78/2*

<sup>245</sup> *CO 78/2*. My emphasis.

<sup>246</sup> See 1836

<sup>247</sup> *Memorandum Respecting the Falkland Islands* G. de Bernhardt 1911

**July 31<sup>st</sup>**, at Port Louis, Lieut. Smith welcomes the arrival of his 18-year old son, Hugh. Henry Smith hands to his son, responsibility for Luis Vernet's cattle business; so necessary to maintain the settlement as a viable entity.

*“This officer (with the permission of the Admiral) delivered my property, which he found there (all my Agents having been killed) into the charge of his son, W. Smith, by whom it was collected, and who continued to carry on the cattle and sealing operations, as my Agent, till 1838...”*<sup>248</sup>

*“Lieutenant Henry Smith had been forbidden by Rear Admiral Hamond to engage in trade, but he was at least permitted to arrange for his son Hugh, then aged about 18, to join him in the islands. Henry Smith had responded conscientiously to Luis Vernet's attempts to recover his property in the islands, but on being forbidden to trade he put the entire cattle business in Hugh's hands and appointed him as Vernet's agent. ... four days after his arrival, he began bookkeeping and started to keep accounts of the work done by the gauchos...”*<sup>249</sup>

**August 10<sup>th</sup>**, in London, the Admiralty are notified of the Government's decisions with regard to Smith.

*“... Lord Glenelg having communicated with Viscount Palmerston upon this subject, is of opinion, that while no necessity exists for occupying the islands with a military force, as suggested by Sir Graham Eden Hammond, yet that in the present state of the discussion of this Government with Buenos Aires respecting the sovereignty of the Islands, it would be inexpedient to do any act which might wear the appearance of an abandonment of His Majesty's claims, and that in Lord Glenelg's judgement the proposed withdrawal of the Boats crew might have that appearance. Under such circumstances Lord Glenelg considers that for the present, the Detachment of seamen should not only not be withdrawn, but that it should be reinforced to the extent which may be requisite for enabling the party to provide in the most effective manner for their protection and safety, and that they should be placed under the command of an experienced officer with instructions to prevent the settlement of foreign intruders, to guard as far as possible against the wanton destruction of wild cattle, and generally for preserving the Falkland Islands as possessions of the British Crown...”*<sup>250</sup>

**September 3<sup>rd</sup>**, at Rio de Janeiro, Rear-Admiral Hamond notes the arrival of Antonio Rivero, Manuel Gonzales, Luciano Flores and Jose Luna aboard HMS Swallow.

*“Nothing whatever is come in shape of instructions relating to the Falkland Islands, - but they have sent me back four of the murderers of 1833, stating that the Law Officers did not think there was sufficient evidence to prosecute them. - It is a very slovenly way of doing business, thus throwing the onus of letting these rascals escape upon my shoulders, if I chuse to let them go.”*<sup>251</sup>

**September 5<sup>th</sup>**, Rivero, Gonzales, Flores and Luna are placed aboard HMS Cockatrice bound for the Rio de la Plata. Rear-Admiral Hamond writes to the British Ministers in Buenos Aires and Montevideo requesting that permission be gained; *“... from the Government of Buenos Ayres and the Oriental Republic, that the 4 individuals implicated in the massacre of the Falkland Islands, may be landed where they were embarked for those Islands; that having been bought back to S. America from England in consequence of the Law Officers of the Crown not recommending their prosecution...”*<sup>252</sup>

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248 Vernet to Labouchere December 1856 in CO 78/43. cf. 1836

249 Pascoe 2022 vol.2 p.454

250 Hay to Wood August 10, 1835 in FO 6/501

251 HAM/125 pp.195-196 NMM

252 Hamilton to Palmerston September 19, 1835 in FO 6/501. Luna was from Buenos Aires; the others from Montevideo.

Minister Hamilton in Buenos Aires declined to seek permission in order to avoid a “lengthy correspondence.” No response from Montevideo is recorded, although it appears to have been there that they went ashore. See below.

**September 16<sup>th</sup>**, HMS *Cockatrice* anchors at Montevideo.

**September 17<sup>th</sup>**, *Cockatrice* arrives at Buenos Aires, where Rivero, Gonzales, Flores and Luna are handed over to Capt. Pennell, commanding HMS *Talbot*.

**September 19<sup>th</sup>**, from Buenos Aires, Minister Hamilton writes to Admiral Hamond, reluctant to inform the Confederation Government that those seized at Port Louis were now in their port.

*"... though it does not appear to me advisable to make any official application for permission to disembark these men in these Territories, I am not aware that any difficulty would arise in allowing them to land, on their own responsibility, whenever an opportunity may offer;.. and I have ventured to state as much to the Captain of the 'Talbot'."* <sup>253</sup>

**September 22<sup>nd</sup>**, in London, from the Admiralty, Barrow writes to Lord Glenelg.

*"Having laid before my Lords Commissioners of the Admiralty your letter of the 10<sup>th</sup> instant, with its inclosures, respecting the reoccupation of the Falkland Islands; I am commanded by their Lordships to acquaint You, for the information of Lord Glenelg, that my Lords have no means of effectually keeping possession of the interior of the Falkland Islands and of preserving Property, but that the Admiral on the South American Station may be directed from time to time to station a small Vessel, with a few supernumerary Marines on board, for the purpose of giving assistance to British Traders and Settlers in case of necessity, and it is proposed to give order to the Admiral on that Station to this effect: if however it appears desirable to take measures for more absolutely retaining possession of these Islands, their Lordships would request more specific information as to the force of Marines which it might be thought proper to station there, and to the manner in which the expenses are to be defrayed as no funds have been provided for this purpose."* <sup>254</sup>



**September 24<sup>th</sup>**, *Talbot* sails to Montevideo. <sup>255</sup>

**October 28<sup>th</sup>**, Rivero, Gonzales, Flores and Luna are put ashore near Montevideo, by HMS *Talbot*. <sup>256</sup>

253 Hamilton to Hamond September 19, 1835 in FO 6/501 fols.176-177

254 Barrow to Stephen September 22, 1835 CO 78/2

255 With the British Minister in Buenos Aires unwilling to follow Rear Admiral Hamond's request that permission be sought to put the Port Louis killers ashore, Capt. Pennell may have hoped for a more compliant attitude from the Minister in Montevideo.

256 Hamilton to Palmerston November 13, 1835 in FO 6/501. Why it took a month, is unknown. No record, if anything was recorded, survives cf. 1956 & August, 2012



“... on their fate history is silent, in contrast to pseudo-history, in which Antonio Rivero plays a heroic but entirely fictional part...”<sup>257</sup>

**November 26<sup>th</sup>**, from Buenos Aires, the French *charge d'affaires*, de Vins de Peysac, writes to his Foreign Ministry in Paris.

“... I still do not hesitate to believe that the Falklands, as a port of call, would offer more advantages in their (Argentine) hands than in the hands of the British ....”<sup>258</sup>

**December 2<sup>nd</sup>**, American sealer, *Eveline* (Storer), returns to Port Louis. Lieut. Smith reminds Captain Storer that he is forbidden to take seals from either shore of Berkeley Sound.

“(Smith) informed me that the Rocks were prohibited; that his son and Boats Crew had the management of them, and unless I could make some arrangement with them I must not attempt to take seals on there.– He then gave me his circular...”<sup>259</sup>

**December 16<sup>th</sup>**, from Port Louis, Lieut. Henry Smith writes to Luis Vernet in Buenos Aires.

“On my arrival here in Jan<sup>y</sup> 1834 for the protection of the settlers I found the settlement and your property in utter ruin; however by dint of perseverance and with my own funds, I recovered the horses from the camp and reestablished the whole of your concerns. On the arrival of my son here, last July, I put your affairs in his hands, giving him the surplus of monies for the sale of beef. ...”<sup>260</sup>

**December 17<sup>th</sup>**, Lieut. Smith’s son, Hugh Smith, also writes to Vernet enclosing an account. He complains that there are no profits due to Vernet’s arrangements with his gauchos.

“... We are most in want of Gauchos; but I think the way they are paid is exorbitant (sic), which is according to your contract; in fact it eats up all the sales of beef...”<sup>261</sup>

“... your Memorialist having confirmed Lieut. Smith’s son in his agency, your Memorialist in January, 1835, received another letter from Lieut. Smith and one from his son, covering account sales of Cattle for the use of H.B.M.’s Shipping and Garrison, accompanied by a statement of the number of Ox hides and Seal skins they had found upon the Island, and also of those they had accumulated since, holding all this property at the disposal of your Memorialist and promising to continue his affairs on the Island,..”<sup>262</sup>

“The final sums represent a deficit: 400 pesos 7 reales had been paid out but only 299 pesos 4 reales received, leaving the establishment "In debt to me 101.3" as Hugh Smith wrote. ... So, over four years after Vernet left the islands in November 1831, his establishment was still being run on his behalf and on the lines he laid down,...”<sup>263</sup>

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257 Pascoe 2020 p.171. cf. 1956, 1966 & 2015

258 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.358

259 *James B. Storer to Admiral Hamond February 23, 1836* in FO 97/35 at 455. cf. November 1834, January, 1835, March, 1836, January, 1835 & 1854

260 *Smith to Vernet December 16, 1835* in AGN VII 130, doc.109. In full in Pascoe 2022 vol.2 p.466

261 *Smith to Vernet December 17, 1835* in AGN VII 132, doc. 223. In full in Pascoe 2022 vol.2 pp.466-467. The gaucho’s contracts stated they should be paid one peso a day for herding cattle, plus one per night out in the Camp, plus further payments for the hides obtained.

262 *Vernet’s Memorandum Presented 7 May, 1852* in CO 78/43

263 Pascoe 2022 vol.2 p.464

**1836 – February 12<sup>th</sup>**, in Buenos Aires, Luis Vernet writes to Britain’s Minister, Hamilton Hamilton.

*“Having it now in my power to obtain assistance from friends to enable me to furnish the necessary supplies of cattle to HM Ships of war & to the settlers who might come from England to the Falkland Islands, provided I can shew to said friends that in your Excellency’s opinion no opposition is to be anticipated on the side of the British Government...”* <sup>264</sup>

**February 14<sup>th</sup>**, Hamilton responds to Vernet.

*“... I cannot hesitate to repeat now what I said in a former letter, that though it is not in my power to speak positively as to the existence of any difficulties in the way of your landing there as much horses as you may think it advisable to send; yet, so far as the probabilities go, I cannot anticipate any opposition whatever on the side of my Gov<sup>t</sup>. At the same time, this is only my private opinion, & must be taken for no more than it is worth.”* <sup>265</sup>

**February 22<sup>nd</sup>**, frustrated at the perceived lack of enthusiasm from the British, Luis Vernet organises an expedition to Soledad Island to re-found his cattle business. Two ships, supplies and men, to be led by General Juan Antonio Lavalleja. <sup>266</sup>

*“I Lately made a contract with General Lavallega (sic), in which he obligates himself to undertake at his sole expence the domestication of all the wild Cattle **I possess** on the East Falkland Islands; the cows & calves of which he is to deliver to me at the end of 4 years in Estancias, at the price of one Spanish Dollar for each head, for his trouble & Expences, and to kill during the 4 years all the Oxen in a Saladero, he being entitled for Expences and trouble to ½ the Ox hides & ¾ of the yerk (jerked) beef Tallow & horns during said four years - ...”* <sup>267</sup>

*“... your Memorialist, after many fruitless efforts to obtain assistance from his own friends, succeeded at last in 1836, in making an arrangement with General Lavalleja for the domestication of all the wild Cattle at his expense, for which your Memorialist was to pay him so much per head; ...”* <sup>268</sup>

*“... on February 22, 1836 he celebrated a contract with General Juan Antonio Lavalleja, with whom he had been linked for many years. ... Vernet placed great hopes on the benefits of the agreement with Lavalleja.”* <sup>269</sup>

*“The real problem was something Vernet never grasped: at that time the British government were not interested in the Falklands at all, not even as a naval base, and would not allow them to be made into a settlement, not even a British one. That would have required expenditure which no British government would contemplate...”* <sup>270</sup>

**February 23<sup>rd</sup>**, Captain Storer (Eveline) writes a letter of complaint to Rear-Admiral Hamond at Rio.

*“... upon landing I found a Boats Crew of six men and among them were two more belonging to His Majesty’s service (under the direction of Mr. Smith) who informed me that they had instructions from the Governor at Port Louis not to permit any vessel to Seal the Rocks...”* <sup>271</sup>

264 Vernet to Hamilton February 12, 1836 in AGN VII 132 doc.228.

265 Hamilton to Vernet February 14, 1836 in AGN VII 127 doc.45.

266 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.386

267 Vernet to Messrs Dicksons March 22, 1836 in AGN VII, 130, doc.111 My emphasis. Wild cattle on British islands belonged to the British government. Something Vernet repeatedly failed to understand. He had obtained a *usufruct* (licence) from Buenos Aires in 1824. Vernet had not obtained any such licence from the British.

268 Vernet’s Memorandum Presented 7 May, 1852 in CO 78/43

269 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.386

270 Pascoe 2020 p.281

271 James B. Storer to Admiral Hamond February 23, 1836 in FO 97/35 at 455. cf. 1854



**March 10<sup>th</sup>**, Luis Vernet writes to his old patron Lewis Krumbhaar, in Philadelphia, to tell him of the plan. <sup>272</sup>

*“In March he estimated that, after about five or six weeks, the expedition would be able to set sail. He didn't know at the time if Lavallega himself would accompany him on the journey.”* <sup>273</sup>

**March 20<sup>th</sup>**, from Rio de Janeiro, Rear-Admiral Hamond sends instructions to Lieut. Smith at Port Louis.

*“... you will be courteous to all, but on no account to suffer money to be taken except for the Wild Cattle, that may be furnished to shipping or others, which you will henceforth place to the account of the British Government till further orders...”* <sup>274</sup>

*“When I was ordered to place the account of the sales of Beef etc., to the British Government, the whole of the sales from my appointment (in 1834) to my being superseded, were remitted to the Commander in Chief...”* <sup>275</sup>

**March 21<sup>st</sup>**, Hamond responds to the complaint from James Storer.

*“... I have to inform you that I have given directions to Lieutenant Smith, not to interfere in the fishing of such vessels as may be peaceably carrying on their business in any part round the Falkland Islands...”* <sup>276</sup>

**March 22<sup>nd</sup>**, in Buenos Aires, Vernet writes to Messrs. Dickson & Co seeking a loan.

*“I wish to obtain a loan from your house, which if you will grant it, I shall in return for such service rendered me, engage to consign to your house during a fixed number of years, all the produce coming from the said (Lavallega) speculation, including the produce from the cattle business – And for the security of the loan I will mortgage all the property of every description whatever I possess on the Island ...”* <sup>277</sup>

*“The Dicksons were the first people to be told of Vernet's agreement with Lavallega, and he still did not tell the British government. ... He also requested an unspecified loan, and as security he offered cattle, horses, cattle hides and sealskins, and "a few houses", which he said he owned at Port Louis. That too was absurd – those houses had been wrecked by the Port Louis murderers in 1833 and knocked about by the weather, and had been uninhabitable till Henry Smith repaired them. Vernet could not claim that any of the value of those houses belonged to him.”* <sup>278</sup>

**May 7<sup>th</sup>**, from Port Louis, Lieut. Henry Smith sends Rear-Admiral Hamond a full account regarding beef sales and monies paid out in wages. <sup>279</sup>

**May 8<sup>th</sup>**, from Buenos Aires, Luis Vernet again writes to Rear-Admiral Hamond.

*“I confirm all I have said in my former letters, including the one addressed to the late Sir Michael Seymour, dated July 2<sup>nd</sup>, 1834 endeavoring to explain how I conceived the establishment of the cattle business at the Falkland Islands on a proper footing, not only to be a matter of private interest, but also*

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272 AGN VII 130 doc.111

273 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.386

274 Quoted in *Vernet to Labouchere December 1856* in CO 78/43. Having objected to Smith trading in seal skins, Hamond now instructed him to trade in cattle.

275 *Smith to Vernet, November 5, 1852* quoted in *Vernet to Labouchere December 1856* in CO 78/43

276 *Hamond to Storer March 21, 1836* in FO 97/35/461. Directions that Lieut. Smith appears to have ignored.

277 *Vernet to Messrs Dicksons March 22, 1836* in AGN VII 130 doc.111

278 Pascoe 2020 pp.281-282

279 ADM 1/46

*of public interest, in as far as it regards the supplying His Britannic Majesty's Ships and others, with refreshment on their voyages round Cape Horn; and also as being a very important preparatory step for future settlements; and that the longer this matter lays neglected, the more difficult will be the re-establishment, because the yet remaining useful elements cannot but fall gradually into total decay.*"<sup>280</sup>

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

*"By perseverance however, I have succeeded to make some arrangements, which probably enable me to send to the Island, towards the 1<sup>st</sup> July next, a hundred new horses and about 20 gauchos; but the means are rather scanty, and therefore... many cows will have to be killed to pay the expenses of the outfit of the present undertaking, unless you would think fit to determine upon affording me some immediate assistance, if it were but one thousand or eight hundred pounds Sterling..."*<sup>281</sup>

*"Vernet did not inform Rear Admiral Hamond of the Lavalleja connection..."*<sup>282</sup>

**May 20<sup>th</sup>**, from Rio de Janeiro, Rear-Admiral Hamond answers Vernet's most recent letter.<sup>283</sup>

*"... I have to acquaint you that your claims and requests have long since been forwarded to the Lords Commissioners of the Admiralty for the Consideration of His Majesty's Government; and on the 11<sup>th</sup> of May of last year; I informed you of their Lordships direction to me to allow you to remove any of your private property from the Falkland Islands; and I sent you an order for the delivery of such property, on your settlement of any demands upon it by the persons employed in its acquisition, so that they should have no Claim on the British Government.*

*Since that time I have not received any direction on the subject, and it is entirely out of my power to afford you assistance in the way of loan or advance as you desire; for, you will observe, that, whatever may be your Claims or rights, it being notorious that the wild Cattle existed in the Island long before your settlement there, you can have no title to them as a property, on which to offer security for the repayment of Loans or advances. And with regard to your proposed reformation of an establishment there, I am by no means sure that such a measure will be approved of by His Majesty's Government, whose permission extends only to the removal of any private property you might possess there."*<sup>284</sup>

*"The permission you fancy he gave to continue your speculation you will observe was an answer to an application from Mess<sup>rs</sup> Rostron for the proceeds of Seal Skins your property and related to your returning to the settlement & continuing any Mercantile speculation which is the only speculation mentioned in his letter."*<sup>285</sup>

**May 21<sup>st</sup>**, Rear-Admiral Hamond informs the Admiralty of his reply to Vernet, adding; *"I trust I shall soon receive instructions in regard to these Islands; the occupation of which, as at present organised, is neither efficient nor respected."*<sup>286</sup>

**May 31<sup>st</sup>**, from Rio de Janeiro, HMS Actaeon sails with instructions to call in at the Falklands.

In Buenos Aires, Minister Hamilton, hearing rumour of General Lavajella's involvement in the proposed expedition, contacts Luis Vernet.

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280 Vernet to Hamond May 8, 1836 in ADM 1/46

281 ADM 1/46

282 Pascoe 2020 p.282

283 Delivered to Buenos Aires by the packet-boat HMS Hornet.

284 Hamond to Vernet May 20, 1836 in ADM 1/46. Vernet's copy in AGN VII 132 doc.234. See also Mandeville to Palmerston July 14, 1836 in FO 6/501. Original emphasis.

285 Vidal to Vernet June 21, 1836 in AGN VII 132 doc.235. Original emphasis. Vidal was Hamond's secretary. See below.

286 Hamond to Wood May 21, 1836 in ADM 1/46

*"Hamilton Hamilton, the English diplomat, warned him to be careful with Lavalleja, as the latter with the pretext of going to the Falklands ([islands]) as my foreman could have some sinister intention on the islands in combination with Gov. Rosas...", which would put Vernet in a very bad situation before the British Ministry.*" <sup>287</sup>

**June 3<sup>rd</sup>**, from Buenos Aires, Luis Vernet writes a letter addressed to Rear-Admiral Hamond's Secretary, Emeric Essex Vidal, aboard the flagship HMS *Dublin*; outlining his plans to send General Lavajella to the Falklands to hunt cattle. <sup>288</sup>

*"Vernet, suspecting that one of his enemies was the author of the distrust evidenced by Hamilton, tried to counteract it,..."* <sup>289</sup>

**June 16<sup>th</sup>**, Vernet writes once again to Woodbine Parish in England; "... saying he was planning to send to the islands "a cargo of horses and some twenty gauchos", and mentioning incidentally that General Lavalleja had proposed such a scheme as far back as 1830..." <sup>290</sup>

**June 19<sup>th</sup>**, the *Launceston Advertiser*, Tasmania, reports:

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

**June 21<sup>st</sup>**, on receiving Vernet's letter of June 3<sup>rd</sup>, Purser Vidal promptly shows it to the Rear-Admiral.

*"I have received your letter of the 3<sup>rd</sup> instant on the subject of Gen<sup>l</sup> Lavalleja's intended undertaking at the East Falkland and I hope the letter I sent you by the Hornet will have opened your Eyes to the Admiral's view of your position – I have of course made this letter known to him as I can have no secrets from him in any Correspondence relating to Public Business – and he concludes that his official letter sent you at the same time by the Hornet will have put an end to this Scheme - ...*

*Nothing has been said to him of General Lavalleja and he was astonished when he read your letter.*

*I am very sorry for your misfortunes, but I assure you it is out of my power to assist you, the more so as the Admiral has desired me to tell you that he does not wish me to hold any private Correspondence on this matter which might lead to misapprehension and misunderstanding. I repeat to you that if you write at once to the British Secretary of State for the Colonies and ask permission to follow up any plans you may state to him, you will adopt the only likely means of Success."* <sup>291</sup>

*"... the British authorities were aghast when they found out. Lavalleja was a famous and disruptive figure who had fought for Uruguayan independence in 1825 and aspired to be president, but was defeated in 1830 by*

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287 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.387 citing *L. Vernet to E. E. Vidal Buenos Aires, June 3, 1836*

288 Vidal held the rank of Purser (Warrant Officer) and is known to have complained that Admiral's secretaries received no pension. Why Vernet chose this route is not clear, although it may have been recommended to him by General Rondeau. Perhaps as a means of informing the British as regards General Lavalleja but without directly telling the Admiral. The letter clearly implies some link between Vernet and Vidal, regarding which no documentation survives. In any event, the approach clearly backfired. A noted artist, Emeric Vidal had visited Buenos Aires in 1816 aboard HMS *Hyacinth*.

289 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.387

290 Pascoe 2022 vol.2 p.470

291 *Vidal to Vernet June 21, 1836* in *AGN VII 132 doc.235*. Original emphasis.

*Fructuoso Rivera, ... Most people would have read that as discouraging, but Vernet felt his plans were going well – he had no conception of the horror Lavallega’s colourful reputation would arouse in London.”*<sup>292</sup>

**June 29<sup>th</sup>**, in England, the Committee of Privy Council for Trade inform the Board of Customs that they are; “... of opinion, that seal skins imported from the Falkland Islands must be deemed to be imported from a British possession, according to the legal construction of that term.”<sup>293</sup>

*“Those taken by settlers were now also allowed into Britain at the lower rate by an Order-in-Council of 29 June 1836.”*<sup>294</sup>

**July 4<sup>th</sup>**, the *Hampshire Telegraph* reports the arrival in the UK of HM bark *Rapid*.

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

In Buenos Aires, Luis Vernet meets with the new British Minister, John Henry Mandeville.<sup>295</sup>

*“Sometime in early July 1836, (Vernet) called in person on the British Minister in Buenos Aires, ... and described his scheme, including the proposed involvement of General Lavallega... Vernet also showed Mandeville various papers, evidently including his correspondence with Rear Admiral Hamond; Mandeville’s reaction was distinctly negative, and he warned Vernet not to proceed without the express authority of the British government.. But Vernet was not to be put off ...”*<sup>296</sup>

**July 6<sup>th</sup>**, in a letter, the Lords Commissioners of the Admiralty require Rear-Admiral Hamond to provide information regarding the Falklands. In particular a description of the British establishment there and the nature and extent of the presence of American ships.<sup>297</sup>

**July 9<sup>th</sup>**, undeterred, Vernet writes to Minister Mandeville enclosing papers that the British Minister had declined to accept at their meeting.

*“... I now send the papers I offered some days ago to Your Excellency for perusal ... These papers contain all the grounds on which I have founded the opinion, that the projected undertaking of sending hence to the East Falkland Island a cargo of horses and some Gauchos, for the purpose of putting my cattle business there on a good train again, will not be opposed by any British authority;.. Your excellency will observe that the said business was suffered to continue without interruption after His Britannick Majesty’s ship *Clio* took possession of the island in January 1833, that after this period it received a deadly blow by the assassination of my Agent Matthew Brisbane, his assistants and the headman of the Gauchos /Juan Simon/ from which it is impossible it can recover except for sending to the Island a new supply of horses and Gauchos, hence it follows that I do not pretend to establish a new business, but to place the one actually existing there in an efficient state which otherwise will dwindle away to nothing. In fact it is already so much reduced, that only with great difficulty can the small garrison and the few ships which touch there be supplied with the necessary fresh beef ...*

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292 Pascoe 2020 pp.281-282

293 *Steel’s Ship-Master’s Assistant & Owners Manual; containing Information Necessary for Persons connected with Mercantile Affairs...* I. Stikeman 1839 p.16

294 Dickinson 2007 p.49

295 Exact date unknown, but before July 9, 1836. Mandeville had been appointed in September 25, 1835 but his date of arrival in Buenos Aires currently eludes me.

296 Pascoe 2022 vol.2 p.470

297 *Hamond to Charles Wood Esq. Admiralty September 5, 1836 in ADM 1/46.* See below.

*As for the lands and other privileges obtained from the Government of Buenos Ayres, I have long since been well aware of the necessity of petitioning the British Government for a confirmation of the same,...* <sup>298</sup>

**July 12<sup>th</sup>**, Mandeville responds to Vernet by repeating his earlier caution.

*"... I find in these documents nothing to prevent my adhering to the opinion I expressed to you, ... namely that under no circumstances could you receive my sanction for such an undertaking, and that I should protest against the measure until you had permission from my Government to prosecute it; ... I strongly recommend to you under these circumstances, that you should give up the business, until you receive an answer to the memorial which you tell me you are about to draw up for the purposes of being submitted to His majesty's Government, respecting your return to the Falkland Islands,..."* <sup>299</sup>

**July 14<sup>th</sup>**, Minister Mandeville writes to inform the British Foreign Secretary, Lord Palmerston, of Vernet's plan to send supplies to East Falkland Island.

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

*I enquired of M<sup>r</sup> Vernet if he had permission from His Majesty's Government or from the Admiral commanding on the South American Station to go there... because without such permission, I strongly advised him to give up the undertaking, telling him distinctly that I should not sanction it, and should protest against it until I knew that he was authorised to embark upon it. ..."* <sup>300</sup>

**July 16<sup>th</sup>**, Luis Vernet informs Mandeville that he has decided to abandon the venture with Lavalleja. <sup>301</sup>

*"... Mr. Hamilton, then British Minister at Buenos Ayres, having roused some objection to this connection (probably from being unacquainted with the usage of those countries, where all persons of every class, high and low, engage in Cattle business) your Memorialist then immediately relinquished the advantage of this affair and declined the connection."* <sup>302</sup>

*"In 1836 Luis Vernet, the last Argentine governor in Malvinas, who for a few years tried to defend his interests after the British occupation, proposed to associate himself, for the exploitation of cattle in the islands, to General Juan Antonio Lavalleja. The initiative reported by Argentine historian Ricardo Caillet Bois based on his work on Vernet's correspondence was eventually frustrated, but it included a detail of interest: the English minister in Buenos Aires H. Ch. James Hamilton warned Vernet to be careful with Lavalleja, because he could have some "sinister intention" on the islands, in combination with Governor Rosas ..."* <sup>303</sup>

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298 Vernet to Mandeville July 9, 1836 in FO 6/501 fols.187-188. In full in Pascoe 2022 vol.2 p.471

299 Mandeville to Vernet July 12, 1836 in AGN VII 130 doc.121

300 Mandeville to Palmerston July 14, 1836 in FO 6/501 fols.182-185. In full in Pascoe 2022 vol.2 pp.472-473

301 Vernet to Mandeville July 16, 1836 in AGN VII 132 doc.237. In full in Pascoe 2022 vol.2 p.473

302 Vernet's Memorandum Presented 7 May, 1852 in CO 78/43. There is little doubt that from this time on, the Colonial Office viewed Vernet's interference with increasing annoyance, if not outright alarm.

303 Podetti 2013

*“It might have been different if he had solemnly declared that all rights and concessions granted to him by Buenos Aires had been invalid, and that he had operated purely as a private individual on British territory. That might have made him less suspect in British eyes, but it would not have moved the British government any closer to undertaking, or permitting, any involvement in the islands.”*<sup>304</sup>

**July 31<sup>st</sup>**, Minister Mandeville informs Lord Palmerston that Vernet has; “... given up his project of returning to the Falkland Islands...”<sup>305</sup>

**August 5<sup>th</sup>**, Vernet asks Mandeville to forward to London a proposal for a colonial establishment at Port Louis.

*“The Undersigned respectfully begs leave to draw the attention of the right honorable Lord Viscount Palmerston to the subject not only vitally interesting to himself, but he confidently believes, of some importance to the British nation.*

*Although fully aware that the private grants of lands which the undersigned held under the Argentine Republic, as well as the privileges of the fisheries, and the exemption from taxation granted the Colonists must remain uncertain until HBM<sup>s</sup> Government may be pleased to resolve finally upon the subject: the undersigned trusting implicitly to its equity and generosity has not hesitated to incur new and considerable expense to maintain his private possessions on the East Falkland Island; Establishments which in their nature are intimately connected with public utility and in the maintenance of which, he has met with a series of misfortunes, and has exhausted not only his own means, but considerable portions of the fortunes of his friends.*

*The object of the present communication ... is to solicit the aid and protection of the British Government in promoting the private interests of the undersigned at the Falkland Islands, whilst at the same time it will insure the future prosperity and utility of these now valuable Islands, rendered so by the good fortune, personal exhortations, patience, experience and capital of the undersigned...”*<sup>306</sup>

*“... he pressed on, and on 5 August he wrote his elaborately obsequious "memorial" to Lord Palmerston asking for British aid and protection for his possessions in the Falklands. ... It appealed for "two to three thousand pounds" (a large sum) to be paid to Vernet himself...”*<sup>307</sup>

**August 13<sup>th</sup>**, Minister Felipe Arana writes to US Secretary of State John Forsyth with a list of reasons as to why the Confederation's Envoy, promised in 1832, has yet to leave Buenos Aires.<sup>308</sup>

**August 27<sup>th</sup>**, from Rio de Janeiro, Rear-Admiral Hamond writes to Luis Vernet.

*“I have to acquaint you that I have received from the Lords Commissioners of the Admiralty a dispatch relative to the occupation of the Falkland islands, wherein the following observations concerning you occur: "With regard to Mr Vernet's claims, as His Majesty's Government consider these Islands to be part of the Dominions of the British Crown, no claim of Property on his part must be admitted, arising from a Grant real or supposed of the Buenos Ayres Government to him of the islands, or any Claim of Fishing or other Seigniorial Rights or to the possession of wild Cattle or any other production of the Islands”.*<sup>309</sup>

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304 Pascoe 2020 p.282

305 Mandeville to Palmerston July 31, 1836 in FO 6/501. In full in Pascoe 2022 vol.2 p.473

306 Mandeville to Palmerston August 5, 1836 in AGN VII 130 doc.122. Vernet's memorial in full in Pascoe 2022 vol.2 pp.474-475

307 Pascoe 2020 p.283

308 Fite 1966 pp.400-401

309 Hamond to Vernet August 27, 1836 in AGN VII 130, doc.123. Also Caillet-Bois (6<sup>th</sup> ed.) 1982 p.388

**September 5<sup>th</sup>**, Hamond sends a detailed response to the Admiralty letter of July 6<sup>th</sup>.<sup>310</sup>

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

*Paragraph 3. Mr Vernet has been informed of the decision of His Majesty’s Government. He was preparing to send a person in his name to recommence the establishment and to kill Cattle &c., but upon the statement of my views ... he abandoned his project. The account of Mr Vernet’s private property found at Port Louis on its occupation by Lieut. Smith and his party, consisting of a few hides and seal skins, has been already reported ... Mr Vernet has never submitted any Claim to me except by supposing His Majesty’s Government would recognise him as the owner of the Buildings, on which he requested an advance of money... I believe there is no other property whatever of Mr. Vernet on the Island. ... Mr Vernet has long since been informed that he was at liberty to remove any private property... belonging to him, on his satisfying such Claims as the Gauchos might have on it... but he has not made any attempt of the kind that I am aware of.”<sup>311</sup>*

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

*“... and if a surveying ship is employed, she might answer the double purpose of protector and investigator, for 2 or 3 years, in the course of which ... more valuable knowledge of these Islands might be obtained... She could visit all the various points and warn off all improper occupants ... and if His Majesty’s Government thought proper, her Captain might, for the time, be invested with the Title of Governor, and the powers also... subject to such instructions as their Lordships might see fit... as to the extent of license for foreigners to fish for Seals or to form establishments for the boiling the produce of their Whale fishery; for, there is reason to believe that long usage has, in a degree, made the Americans familiar with these Islands and, doubtless, unwilling to abandon the ground as a fishing station, which may be inferred from their rough treatment of the Buenos Ayres party at Berkeley Sound, by whom their fishing vessels had been molested.”<sup>312</sup>*

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310 Hamond to Admiralty August 27, 1836 in ADM 1/46

311 Ibid. Also FO 6/501/213

312 Ibid. Original emphasis.



He notes that the alternative would be to break up the settlement, ship all the gauchos to the mainland, and return to a system of regular visits by a ship-of-war; “... *for asserting the Sovereignty.*” Finally, Hamond encloses a copy of a booklet, published by the Provincial Government of Buenos Aires in December 1832, and sent to the US Government. This records the exchanges between the Confederation and US officials over fishing rights. <sup>313</sup>

**October 6<sup>th</sup>**, in London, Lord Palmerston (Foreign Office) writes to Glenelg (Colonial Office).

*“... an acknowledgement of this claim of Mr. Vernet would be a tacit admission of the right of the Govt. of Buenos Ayres, by whom the grant to Mr. Vernet was made, to the sovereignty of the Falkland Islands; & it appears therefore to his Lordship that it would be inexpedient to permit Mr. Vernet to carry his scheme into execution.”* <sup>314</sup>

The Colonial Office, confirming that Lord Glenelg concurs, suggests that Luis Vernet should be told to; “... *desist from violating the property of the British Crown.*” <sup>315</sup>

**October 20<sup>th</sup>**, from Buenos Aires, Luis Vernet writes to Rear-Admiral Hamond. <sup>316</sup>

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

*“... praying foreigners may be prohibited from fishing off the Rocks at the Entrance of that Sound.”* <sup>317</sup>

On the same day, Luis Vernet writes to Hugh Smith to express his satisfaction that the Lieutenant's son had been put in charge of what remains of the cattle business. <sup>318</sup>

**October 25<sup>th</sup>**, from Buenos Aires, Vernet writes yet again to the Rear-Admiral in Rio de Janeiro. <sup>319</sup>

*“... he wrote another long, rambling letter to Sir Graham Hamond on 25 October 1835, expounding his intention to send a cargo of horses and continue his cattle business...”* <sup>320</sup>

**October 27<sup>th</sup>**, Vernet writes to Hugh Smith; informing his 'agent' of the Rear-Admiral's letter of August 27<sup>th</sup>. <sup>321</sup>

*“...I conceive that this will greatly perplex you as my representative, in your future proceedings, especially in as much as on the one hand you can not continue the catching of cattle without a special permission, and on the other hand, who shall catch the necessary cattle for the consumption of the inhabitants & the Garrison and HM's shipping? ... I do not impart instructions, because under my present circumstances it is impossible for me to foresee what will be or is my real position, and I am certain it is by far too intricate a one for you to act without instructions, as you might innocently and unnecessarily compromise my claims, whatever they may be, and which I am confident will be ultimately settled equitably by the British Gov<sup>t</sup> -...”*

*“In that letter as in others, Vernet continued to believe that there was a garrison in the islands, but his statement that “you can not continue the catching of cattle without a special permission” was plain silly if he*

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313 *Papers relative to the Origin and Present State of the Questions pending with the United States of America on the subject of the Malvinas (Falkland Islands) laid before the Legislature of Buenos-Ayres by the Government of the Province charged with the direction of the Foreign Relations of the Argentine Republic in Gaceta Mercantil 1832. cf. December 1831 and 1832*

314 Draft in FO 6/501. cf. December, 1836, January, 1837 & October, 1838.

315 *Stephen to Stangways October 6, 1836*

316 This letter does not survive, but see November 5, 1836 below.

317 *Smith to Hamond October 23, 1836 in FO 97/35/64. cf. 1831 & 1837*

318 *Vernet to Hugh Smith October 27, 1836 in AGN VII, 130, doc.128.*

319 *Vernet to Hamond October 25, 1836 in AGN VII, 132, doc.244*

320 Pascoe 2022 vol.2 p.478

321 *Vernet to Hugh Smith October 27, 1836 in AGN VII, 130, doc.130. In full in Pascoe 2022 vol.2 pp.477-478*

really thought Hugh Smith needed permission from Vernet himself (Smith naturally had permission from the British government).”<sup>322</sup>

**October 30<sup>th</sup>**, from Montevideo, HMS *Cleopatra* (Grey) sails for the Falklands; ordered to conduct a survey.

**November 2<sup>nd</sup>**, Britain’s Colonial Office inform Minister Mandeville in Buenos Aires that Luis Vernet will not be permitted to resume his beef business or return to the archipelago.

“... from the Permanent Undersecretary of State for War and the Colonies, James Stephen, to the British ambassador in Buenos Aires, John Henry Mandeville, in which Stephen informs Mandeville that any attempt by Vernet "to carry into execution the intention announced by you of **returning** to the Falklands Islands" would not be permitted.”<sup>323</sup>

**November 5<sup>th</sup>**, Hamond responds to Vernet's letter of October 25<sup>th</sup>, referring him to the British Government; “In reply to your letter of the 20 Ult ... you will perceive I am not at liberty to grant you permission to appropriate to your purposes either the Wild Cattle or any other production of the said islands.”<sup>324</sup>

**November 7<sup>th</sup>**, in Madrid, the Cortes Generales is consulted over recognition of the new American States. Secretary Calatrava tells Spain's Parliament that the revolted colonies wish to be considered independent, and that they desire Spain to renounce; “all territorial or sovereign right” over them. Contrary to Spain's existing constitution, the *Cortes* is asked to give its authority. Nine members of the legislature meet to consider the question.<sup>325</sup>

**November 9<sup>th</sup>**, at Berkeley Sound, Captain George Grey anchors HMS *Cleopatra* near the entrance to Johnson's Harbour.

“... Governor Smith came on board with his whole garrison, a jolly-boat's crew... I found him a man of about 45, active, and from his appearance giving one a good idea of the healthiness of the climate.”<sup>326</sup>

“On East Falkland, Grey learned that sealers frequented remote shores in search of beef. Near Fannings Harbour, he found a quantity of buried salt and some salt beef, and in many places there were heads of bullocks which had been shot. In sum, the illicit activities which had occurred under Vernet continued under British rule.”<sup>327</sup>

From London, unwell, Manuel Moreno returns to Argentina; leaving behind George F. Dickson as *charge d'affaires ad interim*.<sup>328</sup>

**November 10<sup>th</sup>**, *Cleopatra* anchors at Port Louis.

“I landed in Company with the Governor to inspect the state of his little Colony, which is situated overlooking a small basin or inner harbour; the principle house or cottage is that inhabited by Lieut. Smith and among the miserable huts by which it is surrounded looks respectable by comparison; it is white-washed, has a flag staff before it, and looks like some preventive station on the coast of Northumberland. A second cottage also cleanly white-washed is inhabited by the boat's crew ... The actual number of inhabitants is, at this moment eighteen and consists of Lieut. Smith, his son (an

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322 Pascoe 2022 vol.2 p.478. Lieut. Smith had the permission from the Admiralty, not his son.

323 Pascoe 2020 p.280 citing *FO 6/502 fs.205-6*. My emphasis. An unequivocal ban on Vernet's return.

324 Hamond to Vernet November 5, 1836 in *AGN VII, 132, doc.247*

325 *Diario de las Sesiones de Cortes, estamento de ilustres proceres, legislatura de 1835 a 1836* Robertson 1918. A new Constitution was enacted in 1837.

326 Grey's Journal quoted in Pascoe 2022 vol.2 p.480 citing the Falkland Islands Journal 1969 pp.54-68

327 Bernhardson 1989 p.216

328 It would be 2 years before Moreno returned.

*unpolished cub of eighteen) four of the boat's crew, an old Spanish Gaucho, a French boy of sixteen... an American and three English deserters from Merchant Vessels, and old German, ... and three women who have been for some years on the Island. One of them is a Monte Videan, half Indian and is married to the American sailor, the other two are Negroes...*" <sup>329</sup>

**November 14<sup>th</sup>**, from Rio de Janeiro, Rear-Admiral Hamond answers Vernet's letter of October 25<sup>th</sup>. <sup>330</sup>

*"In reply to your letter of the 25 Ult<sup>o</sup> I have to acquaint you that I have not authority to grant you permission for importing into the East Falkland a cargo of horses and some English Gauchos as you request; for, I consider that consistently with the orders I have received no Settlers can be admitted there without the express permission of His majesty's Government. With regard to your property at the Settlement, I informed you more than a year ago that you were at liberty to remove any which belonged to you at the time of Lieutenant Smith's arrival there, on your settling any claims which the gauchos residing there might have on it up to that time. All property acquired there since that Date Lieutenant Smith will have to account for to HM Government. The Horses introduced by you and remaining on the Island at the time of Lieutenant Smith's occupation are of course to be considered as your property, and you may remove them: but, if you prefer it, you may state, for the consideration of HM Government, what you estimate as their value then, so that you may be paid for them; or, what you consider to be a fair remuneration for the use of them in order that HM Government may decide thereon."*

Hamond includes an extract from correspondence received from the Admiralty in London.

*"M<sup>r</sup> Vernet can have no claim to the proceeds of wild Cattle in which he had no property: and his utmost claim must be the value of his private property whatever that may have been when it was taken possession of by Lieutenant Smith, or an allowance for the use of it, if returned to him."*

*"Hamond was becoming irritated by Vernet's constant importunity and his ever-changing projects, but he made him a perfectly reasonable offer, that he could remove his horses, or else state his price for the government's use of them."* <sup>331</sup>

**November 20<sup>th</sup>**, Cleopatra departs Berkeley Sound for the western islands.

*"... I was not able to find a person qualified as Pilot, I therefore took John Dowdle, one of Lieut. Smith's boat's crew, and have found him of great use, in regard to his knowledge of these Islands and Ports..."* <sup>332</sup>

**November 23<sup>rd</sup>**, Captain Grey visits the harbour of Port Egmont.

*"At the old English Settlement which stood here, nothing now remains beyond the foundations of a few straggling houses, ... The walls of the two small houses which are standing appear of more recent construction, and have probably served as a temporary abode for the crew of some Sealing Vessel, or Whaler. The spot was badly chosen for a Settlement, having a southern aspect, and at the distance of three miles from the Main land of West Falkland; This anchorage is still much frequented by American Vessels. I found marks of the ruins having been recently occupied."* <sup>333</sup>

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329 Grey's Journal quoted in Pascoe 2022 vol.2 pp.480-481

330 Hammond to Vernet November 14, 1836 in AGN VII, 127, doc.46

331 Pascoe 2022 vol.2 p.479

332 Grey's Report to Hammond in ADM 1/43 (Enclosure to despatch no.25)

333 ADM 1/43.

“... before eleven o'clock the ship was moored in ten fathoms of water and short half mile from the shore. It is impossible to imagine a finer harbour than this, land locked on every side, easy of approach and capable of holding the whole English Navy. I landed at the head of the creek where there is a most convenient watering place to examine what remained of the old English Settlement.... Of the old Settlement we could discover foundations of what appeared to be a row of barracks and houses built with some regularity of plan, but the Spanish Authorities had endeavoured to destroy all trace of habitations and had not left even the remnant of a wall standing. On a mound covered with a heap of large stones where a small English fort is supposed to have stood, I caused a flag-staff to be raised and a Union Jack to be hoisted with a salute of twenty-one guns which must have astonished the seals and penguins, these being the principal inhabitants.”<sup>334</sup>

**November 27<sup>th</sup>**, in Madrid, the Committee Concerning Treaties with the New States of America, reports to Spain's Cortes Generales:

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

*The general Cortes of the Kingdom authorizes the government of her Majesty that – notwithstanding articles 10, 172 and 173 of the political constitution of the monarchy promulgated at Cadiz in the year 1812 – it may conclude treaties of peace and amity with the new states of Spanish America upon the basis of the recognition of their independence and the renunciation of all territorial or sovereign rights on the part of the motherland.”*<sup>335</sup>

Badajoz's Deputy declares; *“The emancipation of the Americans is de facto accomplished; nations, like individuals, have their periods of vigor and strength; at present the Americans are in that stage. On our part we should give to their separation a legal character; in order to legitimize what they now possess,..”*<sup>336</sup>

**December 1<sup>st</sup>**, while debating the Cortes committee's conclusions, Miguel Cabrera de Nevarés declares that the Spanish-American states are; *“de facto independent”*, but, *“to be independent de jure they will owe us.”*<sup>337</sup>

# Researcher's Comment: Worthy of note as George Canning, with the treaty of 1825, had also only recognised the United Provinces as *de facto* separated from Spain, rather than legally - *de jure* - independent.

**December 3<sup>rd</sup>**, approving the committee's work, Spain's Cortes allows for recognition of a Spanish-American colony as independent upon an application and successful negotiation of a *Treaty of Recognition* in each, and every, case.<sup>338</sup>

**December 5<sup>th</sup>**, in the Falklands, Capt. Grey continues his tour of the western islands

*“New Island, revealed the greatest evidence of human activity. There, a dismantled American whaler served as a depot, with a mate in charge of eight men. Several whale boats and barrels of oil were on shore. ...”*<sup>339</sup>

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334 Quoted in *Extracts from the diary of Admiral the Honourable George Grey* W. H. Thompson 1969. cf. 1780

335 *Diario de las Sesiones de Cortes, 1836 a 1837, I. Apendice al Numero 40, 1, 2.* Robertson 1918

336 *Ibid.*

337 *Ibid.*

338 Spain still hoped to exchange recognition for favourable trade agreements.

339 Bernhardson 1989 p.216

**December 7<sup>th</sup>**, in London, the Colonial Office writes to Lord Palmerston at the Foreign Office.

*“Lord Glenelg ... begs leave to suggest... whether it would not be proper to instruct Mr. Mandeville to intimate to Mr. Vernet, that although the British Government will not object to the removal of his private property from the Falkland Islands, yet that any steps which he may take beyond that object, will be considered as amounting to a trespass on His Majesty's Rights, and will make it incumbent on His Majesty's naval Officers to treat his as an intruder on the property of the Crown.”*<sup>340</sup>

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

**December 11<sup>th</sup>**, Capt. Grey sees the American Schooner, *Eveline* (Storer), at anchor in Ship Harbour.

*“I gained all the information I could from Mr. Stoeer (sic), the Master of this vessel, who appears an intelligent man; he told me that during last year, fifteen American Whalers, came to New Island, many of them having small tenders, and that he has seen as many as ten there at a time, occasionally they go to West Point, Bense Harbour, and the Arch Islands, but that is not often. Ship Harbour being, he considered, their Rendevous. Their Crews vary according to the size of the Vessels, having as many as thirty or thirty-five Men. ... he informed me that the Common Whale was in great abundance, in the bays, and they nearly all completed their cargoes: I have since heard that some of these Vessels get as much as four thousand barrels of oil...”*<sup>341</sup>

**December 16<sup>th</sup>**, in Spain, a decree authorises; *“... the Government of Her Majesty,... to conclude treaties of peace and friendship with the new states of Spanish America on the basis of recognition of independence, and the resignation of all territorial or sovereignty right...”*<sup>342</sup>

**December 17<sup>th</sup>**, Captain Grey arrives at Port Edgar, which he notes; *“... has seldom been visited.”*<sup>343</sup>

**December 26<sup>th</sup>**, in London, Argentina's *charge d'affaires ad interim*, George Dickson, requests information from lord Palmerston concerning rumours that Britain intends to send a 'Governor' to the Falklands.

**December 31<sup>st</sup>**, Lord Palmerston responds curtly to *charge d'affaires ad interim* George Dickson.

*“... the Falkland islands being a Possession of the British Crown, his Lordship does not consider it necessary to give to the Agent of a Foreign State, any information or explanation as to the measures which H.M. Govt. may think fit from time to time to adopt with respect to those Islands.”*<sup>344</sup>

# Researcher's Comment: A 'possession,' not a colony; which would require legislative approval by Parliament. The difference is poorly understood in Argentina, even today.

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340 *Stephen to Backhouse December 7, 1836 in FO 6/501* Lord Glenelg also suggested that correspondence with Luis Vernet should cease.

341 Grey's Report to Hammond in *ADM 1/43 (Enclosure to despatch no.25)*

342 Pereira 2004

343 Grey's Report to Hammond in *ADM 1/43 (Enclosure to despatch no.25)*

344 *FO 6/501*

**1837 – January 1<sup>st</sup>**, in Buenos Aires, addressing the opening session of the *Legislatura de la Provincia*, Governor Rosas speaks of the province's claim to the Falklands. He tells Representatives that it has not been possible to pursue the claim with London.<sup>345</sup>

On the same day Capt. Grey discovers a small, dismantled, schooner in the San Carlos River.

*“I had heard before of this vessel as being owned by an American of bad character who went about the Island ostensibly only to kill seals but who also destroyed great numbers of the wild cattle. The vessel was not worth much, but manned by runaway seamen and without any regular papers, I ha determined to seize her whenever I might find her and therefore sent a party to break her up next day as we were in want of firewood...”*<sup>346</sup>

*“Some remarks by William Smyley in a letter to Louis Vernet on 24 March 1838 reveal that the "small schooner" broken up by the crew of the Cleopatra in the San Carlos River on 2 January 1837 was none other than Chaloupe, alias Eagle, the shallop built by the Belleville men in 1831 out of the wreckage of their boat Black Prince on Eagle (now Speedwell) Island.”*<sup>347</sup>

**January 4<sup>th</sup>**, Lord Palmerston writes to Mandeville in Buenos Aires. The Foreign Secretary informs the British Minister that Luis Vernet is allowed travel to Port Louis for the sole purpose of removing his private property.

*“... H.M. Govt. are disposed to grant this indulgence to Mr. Vernet, on condition that he shall engage not to remove, at the same time, any native cattle from the Islands.”*<sup>348</sup>

**January 28<sup>th</sup>**, after ten weeks of touring and surveying the Falklands' archipelago, Capt. Grey of *Cleopatra* finalises his report.<sup>349</sup> Grey also presents Lieut. Smith with written instructions.

*“Should Mr. Vernet return to the island, you will explain to him, that no person can reside there without the permission of the British Government, which, moreover, recognises in him no right or title whatever to the Wild Cattle, the Fisheries, or to any grant, or concession, purporting to have been made by any Foreign State in his favour, not to privileges of any kind whatever, according to him solely the power to take away moveable property that belonged to him, at the time of your arrival.”*<sup>350</sup>

*“He (Capt. George Grey) thinks that Lieutenant Smith's conduct, considering all the difficulties he has had to struggle with, has not been derogatory to the Character of an officer;...”*<sup>351</sup>

**January 31<sup>st</sup>**, from Port Louis, HMS *Cleopatra* sails for Rio de Janeiro.

*“It is presided over by Lieut. Smith R.N. who has with him four men as a boat crew, the male settlers are in number eighteen, one Spanish woman, two negresses, and two white-brown children... The Spanish woman's first husband was a soldier, he was concerned in a murder and executed at Buenos Aires, her second was murdered on the Island, her third is an American, apparently a decent man.”*<sup>352</sup>

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345 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* vol.1 p.309

346 Grey's Journal quoted in Pascoe 2022 vol.2 p.484. The American of bad character being William Horton Smyley. cf. 1831 & 1832

347 Pascoe 2022 vol.2 p.484

348 *Palmerston to Mandeville (draft) January 4, 1837* in FO 6/501

349 *ADM 1/43 (Enclosure to despatch no.25)*

350 *Grey to Smith January 28, 1837* in ADM 1/49

351 *Hamond to Wood March 9, 1837* in ADM 1/49

352 Letter from *Cleopatra's* Purser, Mr. Harger dated February 28, 1837 in CO 78/3. The Spanish woman was Antonina Roxa. The Negresses, Gregoria and Carmelita; and her two children.

**March 9<sup>th</sup>**, from HMS *Dublin* in Rio harbour, Rear-Admiral Hamond writes to inform London that, following receipt of Capt. Grey's report; "... it appears, he considers that the Islands are likely to form a very useful Station, as regards communication with the Pacific,.."<sup>353</sup> He adds that; "... the Settlement at Berkeley Sound, is by no means the most desirable station, either as a Port or as affording advantages for settlers, which are much greater at Fanning's Harbour on East Falkland and in other ports on all the Islands."<sup>354</sup> Hamond recommends that Lieut. Smith, who he accepts has done well in difficult circumstances, should be removed as his maintenance of the settlement does not command sufficient respect.

"... any officer sent to replace Lieutenant Smith, could not act otherwise than He has been acting in regard to supplying the wants of his men;.."

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

"I have given orders to Lieutenant Smith, not to grant permission for any foreigner to reside on the Islands other than those already there; and to warn all those now resident, as well as any British Subject to whom he may henceforward allow a temporary residence, that they must not expect thereby to acquire any permanent right or privilege on the islands." <sup>355</sup>

**March 11<sup>th</sup>**, in England, with HMS *Sparrow* ready to sail to the Falklands, the Lords Commissioners of the Admiralty request instructions from Lord Palmerston and Lord Glenelg.

"The commander of the *Sparrow* might be furnished with this Vol of State Papers (1832-1833), and also with the inclosed copy of our correspondence with M. Moreno in 1833, and he might be instructed to let the seal Fishery be carried on as it has been hitherto by foreign nations, but to do what he can to maintain order and to prevent the wanton destruction of Seals." <sup>356</sup>

**March 24<sup>th</sup>**, in Montevideo, Luis Vernet attempts to prevent an American ship, *Elizabeth*, from leaving the port.<sup>357</sup>

"... in March 1837 Vernet heard that the New York shipowner Silas Burrows was at Montevideo; Vernet went there at once hoping to have Burrows's ship seized, since he still believed Burrows owed him money from the voyage of the *Superior* (which Burrows owned) back in 1831." <sup>358</sup>

*Elizabeth*, offered protection by HMS *Fly*, sails, but without retrieving it's *Register*; held by the port authority. <sup>359</sup>

"When I first heard of Mr. Burrows' arrival at Montevideo, I heard also of his late failure in the United States, and of course considering him therefore a poor man I was in no hurry to go there and prosecute him; but hearing afterwards that the *Elizabeth* and her cargo were his property, I hastened thither; and knowing the slippery personage I had to deal with, I immediately got himself and the vessel detained;

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353 Hamond to Wood March 9, 1837 in ADM 1/49

354 *Ibid.* cf. 1843

355 *Ibid.* Original emphasis

356 Draft letter (unsigned) in FO 95/35/46

357 Silas Burrows had been a part-owner of a sealing ship, *Superior*; in 1831, when Vernet had seized the vessel accusing its captain of illegal sealing. That captain, Stephen Congar, was coerced into signing a contract and then sealing on Vernet's behalf. However, by the time *Superior* returned to Port Louis, Vernet had gone; so *Superior* returned to its owners in the USA. Despite the contract having been signed under duress, Vernet continued to believe that he had a claim against both *Superior* and its owners. cf. 1831 & 1832.

358 Pascoe 2020 p.277. See 1846.

359 *Army & Navy Chronicle* vol.4 p.325.



*and in order not to expose him to unnecessary delays, I proposed to leave the decision of my claim to two respectable merchants whom we might think proper to appoint as arbitrators. Unfortunately however, the Captain of the Port at Montevideo, had not such an unfavourable opinion of Mr. Burrows as I had, and therefore thought it superfluous to take any effective measures for the detention of his vessel, of which has been seen Mr. Burrows took advantage,... However, I shall sooner or later prosecute Mr. Burrows before his own country's courts, provided he will stand trial there and does not adopt some other clandestine measure to evade it.”*<sup>360</sup>

“On 24 March 1837 he (Vernet) wrote to the US Consul in Montevideo, John Patrick, saying that if his claims could not be settled "man to man", they would have to be settled by court arbitration. But Burrows did a "moonlight flit": on the night of 24-25 March he left Montevideo in the *Elizabeth* and thus escaped any court action.”<sup>361</sup>

**March 25<sup>th</sup>**, on seeing that *Elizabeth* has sailed, Luis Vernet pens a letter to the Hamburg Consul-General at Rio de Janeiro; asking him to watch for the arrival of the American ship.<sup>362</sup>

*“Mr Silas Burrows owner, and, as it is said, Captain of the Barque Elisabeth (sic) of New York, ran away last night from this port, with the barque, after having been judicially detained for the purpose of answering a claim which I instituted against him for breach of an agreement on the part of the master of the schooner Superior of New York, Stephen Congar, said Burrows being owner, who in consequence of this breach of agreement, got possession, ever since the year 1832, of property to a considerable amount, which by right belonged to me, and as I am a native of Hamburg ... I ask for your assistance in case said Burrows should appear at Rio de Janeiro... My claim without interest of damages amounts to 27000 Dollars, as the approximate equivalent compensation for nonfulfilment of agreement...”*<sup>363</sup>

In Buenos Aires, Minister John Henry Mandeville writes to Vernet.<sup>364</sup>

*“I have received instructions from Viscount Palmerston to acquaint you, that His Majesty's Government do not object to Your proceeding to the Falkland Islands for the purpose of taking away the private property which you may originally have deposited in those islands, upon condition, that you do not remove at the same time any of the native cattle from the islands.- and I am further instructed to inform you that any steps which you may take beyond the removal of your private property will be considered as amounting to a trespass on His Majesty's rights, and will make it incumbent on His majesty's Naval Officers to treat you as an intruder on the property of the Crown.”*<sup>365</sup>

**April 4<sup>th</sup>**, Rear-Admiral Hamond writes to London from Rio de Janeiro, enclosing the settler's petition from October, 1836 requesting a prohibition of fishing in Berkeley Sound.

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360 *British Packet & Argentine News* October 14, 1837 in FO 6/501/254. Vernet's letter to the *British Packet & Argentine News* followed that from Burrows in the *New York Times* on May 26, 1837, in which he detailed the event surrounding *Elizabeth's* flight from Montevideo. Vernet never attempted to prosecute Burrows in the USA, but contracted with his son to do so before he died. I can find no subsequent action by Vernet's heir. cf. 1831, 1832, 1835, 1839 & 1869.

361 Pascoe 2022 vol.2 p.486

362 Luis Vernet was originally of Hamburg stock, although he variously claimed many allegiances. Hence his tendency to use Luis, Lewis, Louis or Ludwig as the need arose.

363 *Vernet to Biesterfeld March 25, 1837* in AGN VII, 132, doc.256 fols.1-2. Spanish Dollars not \$.

364 In pursuing Burrows, Vernet had missed a meeting with Minister Mandeville. Vernet wrote apologising that same day.

365 *Mandeville to Vernet March 25, 1837* in FO 6/501. Also Vernet's copy in AGN VII, 130 doc.143

*"I have to acquaint you, for their Lordships information, that, in the present state of the Settlement, I do not consider a prohibition of the fishing those Rocks, can lead to any thing but disputes and complaints, as there is not either force or means to make such prohibition respected by the Sealers frequenting the place; and the few persons who now reside at the Settlement, are there only by permission of Lieutenant Smith, and, I have reason to believe, are chiefly foreigners calling themselves Englishmen, just as long only as it may suit their convenience, in order to enjoy the advantages of fishing..."*<sup>366</sup>

**April 9<sup>th</sup>**, following an initial meeting in Montevideo, the indefatigable Luis Vernet writes to Samuel Fisher Lafone setting out a proposal to capture wild cattle on East Falkland Island.<sup>367</sup>

**April 11<sup>th</sup>**, Lafone receives a draft contract from Luis Vernet detailing a cattle business "speculation" in the Falkland Islands. To be negotiated, finalised and signed within a month.<sup>368</sup>

*"It proposed the foundation of an "Association" in England by Lafone: Vernet and Lafone were each to pay one third of all remuneration, commissions, etc., to the other party, and all profits were to be shared equally, one third for Lafone, one third for Vernet, and one third for "M<sup>r</sup> Lafone's friends in England", with the important proviso that this was not to affect Vernet's rights to the wild cattle."*<sup>369</sup>

**April 25<sup>th</sup>**, from Montevideo, Luis Vernet writes a long letter for the attention of the, newly promoted, Vice-Admiral Hamond.

*"With regard to my stating for the consideration of H.B.M's Government what I consider a fair compensation for the value of or for the use of my horses during my absence, I had it not in my power to avail myself of your kind indication to that effect while any of my said applications were pending; but now, that this is no longer the case, I shall forthwith avail myself thereof. ... Taking all the expences together, the surviving horses existing on the Island when my agent (capt. Brisbane) was assassinated, sixty five in number; cost me nearly One hundred pounds sterling each – When Lieut Smith took possession of my horses in Jan<sup>y</sup> 1834, their number, according to a letter I have received of him, amounted to from fifty to sixty, say sixty five."*<sup>370</sup>

*"In other word he would accept £5,500 as a purchase price for the horses. As regards the government's request that he should put a figure on what he considered "a fair remuneration for the use of them" as an alternative mode of payment, he said the only precedent for the hire of horses in the islands, as far as he knew, was the fee of one Spanish dollar per day which (he says) Lieutenant Smith had charged during the search for Lieutenant Harmer in October 1834. He did not work out how much that would come to, but it would have been about £14,300 ... He still did not express his claims in a single clear figure, which puzzled Lord Glenelg when the letter arrived in Britain in August."*<sup>371</sup>

**May 19<sup>th</sup>**, at Spithead, HM ketch Sparrow, destined for the Falkland Islands, is delayed, awaiting; "... despatches from the Colonial Office relative to the future government of the Falkland Islands."<sup>372</sup>

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366 Hamond to Charles Wood (Admiralty) April 4, 1837 in FO 97/35/64. Original emphasis

367 Lafone, a previous resident of Buenos Aires 1825-1832 (born Liverpool), had moved to Uruguay following a problem with the Buenos Airean legal system (see June 28, 1832). It is not clear whether Vernet had known Lafone before April, 1837, but it would seem likely as both were cattle ranchers, and both were of French Huguenot stock.

368 CO 78/43

369 Pascoe 2022 vol.2 p.488.

370 Vernet to Hamond April 25, 1837 in AGN VII, 132, doc.258. Original emphasis.

371 Pascoe 2022 vol.2 p.491

372 Salisbury & Winchester Journal Monday May 22, 1837

**May 20<sup>th</sup>**, in Buenos Aires, Vernet receives a copy of the draft contract from Lafone; changed to give the Uruguayan businessman 50% of the profits. <sup>373</sup>

*“... new Draft of contract altered so much in his own favor that Your Memorialist could not reasonably consent to it.”* <sup>374</sup>

*“... in the end the partnership idea came to nothing, ... Lafone no doubt found it hard to see any advantage in a partnership, since Vernet had no rights in the Falklands that were recognised outside Argentina (nor even in Uruguay)...”* <sup>375</sup>

**May 22<sup>nd</sup>**, in Argentina, General Carlos María de Alvear is re-appointed as the Confederation’s Minister to the USA. His instructions are specific:

*“(1) to promote the most satisfactory reparation for the insults inflicted upon Argentine sovereignty by Duncan's destruction of Vernet's colony, by his capture of innocent persons and their removal to foreign lands, and by Slacum's lack of respect for Argentine authority; (2) to promote reparation to the Argentine Republic, Vernet, and the colonists for all damages caused by Duncan's aggression; and (3) to clarify and defend Argentine rights to the Falklands and to fisheries along their coasts.”* <sup>376</sup>

*“He was urged that the claims related to the first of the specified matters should be sustained "with all firmness and dignity." In such a way that if he did not obtain "sufficient satisfaction", he would refrain from considering the other questions, returning to Buenos Aires.”* <sup>377</sup>

Luis Vernet provides General de Alvear with a report on the events of 1831. <sup>378</sup>

**June 6<sup>th</sup>**, Lord Palmerston sends instructions for HMS Sparrow, which is still waiting to sail for the Falklands.

*“... the commander of the "Sparrow" should be informed, that the Falkland Islands being a possession of H.M. Crown, he is to prevent, as far as the force under his command will enable him to do so, all encroachments on those Islands, on the part of the subjects or citizens of any foreign State, and that in case of need, he should apply for additional aid to the naval Officer commanding on the South American station, who should be instructed to afford such aid when applied for. Lord Palmerston would further suggest, that the officer in command of the "Sparrow" should be instructed to encourage British Subjects to settle in the Falkland Islands, and that he should be desired to protect the wild Cattle, and to introduce useful vegetables,...”* <sup>379</sup>

**June 9<sup>th</sup>**, from Port Louis, Lieut. Smith makes a list of foreign vessels hunting in the bays around the archipelago. The list notes that at New Island are American ships – *Medena, Shebboleth, Friends, General William, Mercury, Iris, Forahontas, Hisper, Columbus, Henry, Magellan, Howard, Montgomery* and *Pacific*. Elsewhere around the islands, 15 other American ships are recorded together with 2 French and one unknown. <sup>380</sup>

Smith complains that the crews of certain American ships – *Eveline* (Storer), *Sailors Return* (Smyley) and *Pacific* – have killed bullocks for their hides; contrary to the prohibition notices previously given them.

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373 Lafone to Vernet May 20, 1837 in AGN VII, 132, doc.253. In full in Pascoe 2022 vol.2 pp.488-489

374 Memorial 2 September 6, 1852. Written when Vernet was seeking compensation in London. cf. 1852

375 Pascoe 2020 p.277. cf. 1843, 1844 & 1846

376 AGN, BA, SI-A1-A1- num 5. Quoted in *Argentina and the United States, 1810 – 1960* Harold F. Peterson 1964

377 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.371. Alvear still did not depart Buenos Aires until May, 1838.

378 *Breves observaciones sobre los daños y perjuicios ocasionados por la destruccion de la colonia en las Islas Malvinas por el Comandante de la Corveta de los Estados Unidos Lexington en 31 de Diciembre de 1831.*

379 FO 97/35/56

380 Smith to Hamond June 9, 1837 in FO 97/35/76

**June 20<sup>th</sup>**, Britain's King William IV dies at Windsor. Victoria ascends the throne.

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

*“At 1851 census is apprenticed. He had a position equivalent to that of chief of police and when he died he was a jailer and a vigilante of the court, drowning in a naval accident...”*<sup>381</sup>

**July 5<sup>th</sup>**, in London, the petition from the Port Louis settlers praying for a prohibition of fishing by foreign vessels having been laid before Lord Palmerston, it is noted:

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

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

*The most prudent course therefore would seem to be that the Officer in command should warn foreign Sealers who come to fish within the territorial limits that they are Trespassers, and that he may have instructions to prevent them from returning thither another Season; But that he should be desired not to take any forcible measures against such fishermen, and not even desire them at once to depart, until he shall have received specific instructions to the contrary.”*<sup>382</sup>

**July 28<sup>th</sup>**, the Colonial Office writes to the Foreign Office.

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

*The explanations which have already been tendered by the British Government of the grounds on which the rights in question are grounded, were undoubtedly due to the Republic, as the Party more immediately affected by the measures which have been pursued for asserting the Sovereignty of the Crown to the Falkland Islands –*

*But Lord Glenelg is inclined to think, that unless the ancient pretensions of Spain, never admitted by this Country, to the exclusive possession of the Magellanic Regions, have become vested in Republic by the facts of its transformation from a dependency of the Spanish Monarchy into an Independent State, **it might be with the court of Madrid alone** that the British Government could properly consent to discuss the question of the Sovereignty of the Falkland Islands.”*<sup>383</sup>

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381 *Tras su manto de neblinas... Presencia de afroargentinos del tronco colonial en las Islas Malvinas en el siglo XIX* Norberto Pablo Cirio 2019 p.9

382 *W. Fox-Strangeways to Admiralty (draft) July 5, 1837 in FO 97/35/66*

383 *Stephen to Strangeways July 28, 1837 in FO 6/501/238. My emphasis.*

**July 29<sup>th</sup>**, William Hunter, US *charge d'affaires* in Rio de Janeiro, writes to US Secretary of State, John Forsyth, regarding the new Argentine Minister - General Carlos María de Alvear.

*"The mission to the United States from Buenos Ayres is doubtless for the purpose of reviving the old affair of the Falkland Islands, .... In connection with this case that of the Pantheon has come to my notice. The Captain Adams was obliged to leave Monte Video without his papers, being pursued by Vernet for sealing on 'one of his' islands..."*<sup>384</sup>

**August 4<sup>th</sup>**, in London, Palmerston forwards to Glenelg; *"... an application from Mr. Vernet for compensation for the loss which he has sustained by the removal of his settlement from the East Falkland island."*<sup>385</sup>

*"Vernet's letter to Vice-Admiral Sir Graham Hamond of 25 April 1837, plus copies of the relevant correspondence from the Admiralty and the Foreign Office, were laid by James Stephen, Undersecretary of State at the Colonial Office, before Colonial Secretary Lord Glenelg in early August 1837. However, Glenelg did not find Vernet's letter illuminating..."*<sup>386</sup>

**August 10<sup>th</sup>**, the Colonial Office responds to the Foreign Office.

*"On this application Lord Glenelg has directed me to request you state to Viscount Palmerston that his Lordship has not been able to ascertain from a perusal of Mr. Vernet's letter, either that this gentleman has sustained any loss in respect of which he has a valid claim to compensation from His Majesty's Government, or what is the nature and amount of the loss for which he seeks to be compensated."*<sup>387</sup>

A copy of this letter is sent to Hamond, for onward transmission to Luis Vernet.<sup>388</sup>

**October 6<sup>th</sup>**, in Buenos Aires, on receipt of the news of William IV's death, Governor Rosas orders three days of mourning. Minister Mandeville delivers a letter from Queen Victoria and refers to; *"... the friendly relations and good understanding which so happily subsist between the two countries;..."* The official response from 'the Government charged with the Foreign Affairs of the Argentine Confederation' announces; *"I rejoice likewise that Your Excellency has obtained from the said august Queen, the honorable confidence of drawing closer the ties of friendship and good understanding which so happily exist between both nations."*<sup>389</sup>

**October 13<sup>th</sup>**, Hamond sends Smith's record of foreign ships at the Falklands, to the Admiralty.<sup>390</sup>

**October 29<sup>th</sup>**, at Rio de Janeiro, Vice-Admiral Hamond formulates very specific orders for Lieut. Lowcay.<sup>391</sup>

*"1. On your arrival at Berkeley Sound, you are to lose no time in communicating with Lieutenant Smith, and ascertaining the State of the Settlement there.*

*2. You will endeavour to find a person properly qualified as a pilot for the Falklands generally..."*<sup>392</sup>

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384 As yet I can find no more information about Capt. Adams or the *Pantheon*. However, see March 24, 1837, above

385 *FO 6/501 fol.245*

386 Pascoe 2022 vol.2 p.493

387 *Stephen to Strangeways August 10, 1837 in FO 6/501 fol.238*

388 Vernet responded on November 28, 1837 with another long, rambling letter, that provided no more information on what he was claiming than that submitted in April, 1837. The British Government wanted an overall, final, figure. Luis Vernet was either unwilling, or unable, to provide one.

389 *British Packet & Argentine News* October 14, 1837

390 *Hamond to Wood October 13, 1837 in FO 97/35 fol.72*

391 Copy in *ADM 1/50*. In full in Pascoe 2022 vol.2 pp.496-498. Hamond's letter to the Admiralty of October 30, 1837

(below) implies that instructions had been received from the Lords Commissioners for a full survey and report regarding the state of the Falkland Islands. The letter from the Admiralty does not appear to have survived.

392 Detailed instructions followed as regarded remuneration.

3. You will proceed with the Pilot as your guide ... and examine the different points of this Group of Islands, which are the resort of Sealers and Whalers, visiting each ... Leaving Lieutenant Smith directions to superintend the Settlement during your absence.

4. During this examination you will make notes on the following points. 1<sup>st</sup> The best harbours, and the most noted fishing Stations... 2<sup>nd</sup> The means of establishment offered at these several harbours or Stations... 3<sup>rd</sup> The produce of these Ports and Stations, as regards the fisheries, the Wild Cattle, the plants or other productions of the Soil.

5. During your visit to any of these Ports or Stations you are to hoist, while you remain at anchor, on a Flag Staff on the Shore, the English Union Jack, and are to warn all persons you may find there, that no establishment on shore can be allowed without the sanction of Her Majesty's Government but you are not to remove by force any persons who may be located there, nor to offer them any violence or offence beyond the warning above mentioned, with the admonition that their stay there, is only by sufferance... Should the flag of any other Power be hoisted on the Shore you are to require in writing that the person in charge of it shall haul it down, and you are to hoist the British Flag... deeming it proper to assert in the strongest manner the Sovereign right of Her Majesty to these Islands... Should such however, be refused, it will become your duty to give the person in charge of the Foreign Flag a notice in writing, that you will be compelled by his refusal, to strike that flag yourself, and you are hereby authorised to do so...

6. You are to take careful note of the nature and extent of any establishment you may find on shore, and to make as full a report thereon as possible.

7. You will endeavour to ascertain the number of Vessels and their Crews resorting annually to the islands, and at what particular seasons, distinguishing the Nations they belong to, and the Rendezvous they generally adopt, as well as their employment whether as Sealers or Whalers.

8. There being reason to believe that the United States Whalers frequent the Islands at the West end of the Group, particularly Swan Island, New Island, Hope Harbour, &<sup>c</sup>, these Islands &<sup>c</sup>, should be thoroughly examined and the above directions with regard to warning Settlers &<sup>c</sup> are to be carefully attended to ...informing them that you do not wish to obstruct their fishing, but simply to assert the rights of Her Majesty over these Islands, and to require that these Rights be respected, ... suffering however, no Foreign Flag to fly on shore there during your presence.

9. The 2<sup>d</sup> Master is at all times to do his best to take Surveys...

10. You will at all times keep your Vessel and Boats as complete and ready for Sea Service, as circumstances will permit ...

11. ...<sup>393</sup>

12. You will give warning to the different Vessels you meet, that the British Government have given positive orders, that the Cattle, horses, and wild animals on the Islands, be protected by every means, stating also to them, that, upon application to the Resident at Berkeley Sound, Fresh Beef and Bullocks will be supplied at reasonable prices, but, that all trespassers will be proceeded against in a summary manner; on proof shewn that they have acted in violation of the said Government Orders."

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393 Returns to the question of remuneration for a pilot or other person.

**October 30<sup>th</sup>**, Vice-Admiral Hamond informs the Admiralty of his instructions to Lowcay. <sup>394</sup>

*“ ... I have given the additional Instructions, of which I inclose a Copy for their Lordships' information; directing him when the Sparrow's Bread shall be reduced to three Weeks, to return here in her, for fresh Supplies; - this appearing to me, both the readiest and best mode of obtaining from him the Report ordered by their Lordships, on which I am to decide on the removal of Lieutenant Smith; and the most desirable in many points of view, with regard to ascertaining and providing for the wants of the Settlement, when Lieutenant Lowcay shall finally take charge of it.*

*On the subject of their Lordship's Orders to him, I deem it my duty, with reference to the paragraph directing him to warn off foreign Sealers and forbid their return another Season, to call their Lordship's particular attention to the Claims put forth by the United States Government through their Charge d'Affairs<sup>395</sup> at Buenos Ayres to an Absolute Right to fish within the territorial Limits of the unsettled parts of these Islands, as well as to the use of the Shore; and even to such right, although the parts may subsequently become settled, - on the ground of more than half a century of undisputed practices. ... <sup>396</sup>*

*Now, as it is certain, that the American Sealers, will under these circumstances, disregard such warning as is contemplated by their Lordships' Orders, and the Commander of the Sparrow, will, as therein directed, then look to the Commander in Chief for orders how to act; I request their Lordships will be pleased to take this matter into consideration and inform me what orders I am to give on this subject: for, in the face of the authorities cited by the American Minister, and on view of the claim asserted by him, as with the authority of his Government, it appears to me the Commander in Chief would hardly be justified in resorting to force to protect the territorial Limits of the unsettled Shores themselves, without formal authority to that effect:- and if he be no so empowered, the reference of the Lieutenant to him, can be productive of nothing, but increased contempt on the part of the offenders, for the authority intended to be established.” <sup>397</sup>*

Hamond refers to the booklet he forwarded with his report of September 5<sup>th</sup>, 1836 – specifically highlighting the express argument that; “... warnings to individuals is considered of no weight or avail unless notice be first given directly to the Government of the States whose subjects or Citizens it is intended to interdict from their accustomed practices by the Government desiring to prevent its continuance.” <sup>398</sup>

**November 3<sup>rd</sup>**, from Rio de Janeiro, HMS Sparrow sails for Port Louis.

Hamond's letter of October 13<sup>th</sup> arrives in London. The Lords Commissioners of the Admiralty seek the opinion of the Foreign Office. <sup>399</sup>

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<sup>394</sup> Hamond to Wood October 30, 1837 in ADM 1/50. Also Caillet-Boise (6<sup>th</sup> ed.) 1982 p.397. In full in Pasce 2022 vol.2 p.498.

<sup>395</sup> A reference to US *charge d'affairs* Francis Baylies, whose bitter exchanges with the Buenos Airean Foreign Ministry I have detailed in their proper place (1832).

<sup>396</sup> In September, 1836, Hamond had sent a copy of the exchanges between Baylies and the Confederation's Foreign Ministry (as published by Buenos Aires in December of 1832) to the Lords Commissioners of the Admiralty. Here, Hamond indicated which pages of that document required the Admiralty's attention.

<sup>397</sup> Original emphasis.

<sup>398</sup> ADM 1/50. cf. 1832 & September, 1836

<sup>399</sup> Date unknown but presumably during the last week of November, 1837. The referring letter to Lord Palmerston at the Foreign Office does not appear to have survived. Hamond's letter of October 30, 1837 was still on its way. See below.



**November 30<sup>th</sup>**, Lieut. Robert Lowcay arrives at the Falklands settlement of Port Louis; “... after a long and tedious passage, accomplished with heavy gales and winds...”<sup>400</sup>

*“Landed at the Settlement, found Lieut<sup>t</sup> Smith, one seaman of his Boat's crew, a German tailor, French gardener, three women and three children at the Settlement, the others being absent sealing the rocks to the Southward. Received from Lieut<sup>t</sup> Smith Copies of the public orders and letters, under which he at present acts; communicated to him my orders, and that he was to place himself with his boat's crew under my command.”*<sup>401</sup>

“Lowcay does not record Smith's reaction, but he must have felt he was being sacked from a job he had carried out with energy and committeemen. ... Thanks to Smith's energetic leadership, the buildings at Port Louis were now habitable and weatherproof; peace and order prevailed, there were 350 head of tame cattle, and 850 cattle-hides had been sold.”<sup>402</sup>

**December 1<sup>st</sup>**, in London, the Foreign Office respond to the Admiralty request for an opinion as regards foreign vessels taking seals at the Falkland Islands.

*“Lord Palmerston directs me to acquaint you, ... that he is of opinion that when there is a force at the Falkland Islands adequate to prevent the Depredations complained of, the Americans should be requested to desist, and if they persevere in such Practices they should be prevented. But his Lordship thinks that it would not be proper or expedient to interfere with them so long as they only resort to the Islands for Shelter and refreshment.”*<sup>403</sup>

**December 5<sup>th</sup>**, in Berkeley Sound, Lowcay speaks to the captain of an arriving French whaler, *Le Perseverance*.

*“Her Britannic Majesty's Government, deeming it proper to assert in the strongest manner the Sovereign right of Her Britannic Majesty to the Falkland Islands, and every State having the right to prevent the Vessels of Foreign Nations from fishing within three miles of the shore of any Territory, which belongs to it de jure, and which it occupies de facto; I have received orders to acquaint the Commanders of all Foreign Vessels, found sealing or fishing within three miles of the shore of these said Islands, that they are Trespassers, and that they will not be permitted to return to the Falklands next season. I do not, however, wish to obstruct your fishing at present, but simply to assert the right of Her Majesty over these Islands; and I have requested that these rights be not infringed by yourself or any of the Crew under your command.*

*I have also to acquaint you that the British Government have given positive orders that the Cattle, Horses and Wild Animals on these Islands are protected by every means. Should you require Fresh Beef, Bullocks, etc., they can be obtained on application to the Resident at Port Louis, Berkeley Sound, at reasonable prices; but that all trespassers will be proceeded against in the most summary manner on proof shown that they have acted in violation of the said Government orders.”*<sup>404</sup>

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400 Lowcay to Hamond February 4, 1838 in ADM 1/51

401 Lowcay's Journal in ADM 1/51. Pascoe (2022 vol.2 p.499 fn.1) notes that much of the journal was published, by Andrew David in the *Falkland Islands Journal* 1977 pp.10-20

402 Pascoe 2022 vol.2 pp.499-500. Henry Smith reached the rank of Captain in 1846.

403 *Fox-Strangways to Barrow December 1, 1837* in FO 957/35/80. cf. 1854

404 Lowcay's Journal in ADM 1/51. For fishing, read 'whaling'.

**December 7<sup>th</sup>**, at Port Louis, Lowcay gathers the male settlers together for an oath.

*“We, the undersigned, being settlers at Port Louis, Berkeley Sound, East Falkland Island, are willing to conform to all such orders and directions, as may from time to time be promulgated by the Government of Great Britain, the Comm in Chief or the Station or by the Officer in Charge of the Settlement for the better regulation thereof, and the Islands generally.”*<sup>405</sup>

The *undersigned*, are: Charles Melville, Joseph Lee, Richard Penny, Carl Kussler, Thomas Brown, Sidney Gough Patrick Kyle, Domink Moffitt, Charles Ringbach, Charles Frisch, Joaquim Manoel, Manuel Coronel.

*“By that time Pascuel Diez and Santiago López, two of the three gauchos from Louis Vernet's establishment, had left the islands; exactly when is not recorded... There were several women at Port Louis: Carmalita Parry, Gregoria Madrid (who had both been in the islands in Vernet's time) and Antonina Roxa, and also Carmelita's three young children... but like Onslow in 1833, Lowcay did not list them – women and children were not "settlers", and nor were Henry Smith, Smith's son Hugh and Lowcay himself, so Lowcay did not list them either.”*<sup>406</sup>

**December 9<sup>th</sup>**, with Charles Melville employed as Pilot, Lowcay sails from Berkeley Sound in HMS *Sparrow* - bound for the western islands.<sup>407</sup>

**December 10<sup>th</sup>**, at Fannings Harbour (San Carlos Water), Lowcay comes across a brigantine, *Eagle*, tender to a whaler *Richard*. Complying with his orders, Lowcay gives the warnings as regards sealing around the Islands and 'fishing' (whaling) within three miles.

**December 16<sup>th</sup>**, HMS *Sparrow* arrives in the harbour of Port Egmont; *“In the afternoon I proceeded to visit the remains of the old English Settlement, the houses (of which the ruins of the walls are only at present visible) were fourteen in number, with a basin, intended apparently for securing their boats.”*<sup>408</sup>

**December 18<sup>th</sup>**, Lieut. Lowcay anchors his ship in the harbour at New Island.

*“...found lying here an American Schooner, tender to the General Williams, (absent whaling) with two men onboard, and an old American Barque, the Hesper, in Charge of a Mate and Boy.”*<sup>409</sup>

**December 19<sup>th</sup>**, Lowcay speaks to those aboard *Hesper* providing them with the British warning regarding sealing and fishing within three miles. He also leaves similar information for the *General Williams* when she returns.<sup>410</sup> Lowcay notes that *Hesper* (“*this old vessel*”) has been moored at New Island for 3 years acting as a depot and supply ship for those whalers belong to “*a M<sup>r</sup> Burrows*”.<sup>411</sup> However, there is nothing resembling an 'establishment' despite New Island being the favoured resort of American ships.

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405 In full in Pascoe 2022 vol.2 Appendix B.3 p.756. Kohen & Rodriguez (2016) suggest that the gauchos were forced to swear an oath of allegiance by the threat of being expelled from the islands; but offer no evidence in support of this. *cf.* 1841

406 Pascoe 2022 vol.2 p.501

407 Melville had been Coxswain of Lieut. Henry Smith's original Boats Crew in 1834.

408 Lowcay's Journal in *ADM 1/51*. All buildings had, supposedly, been levelled by the Spanish in 1780.

409 *Ibid.*

410 *General Williams* was listed as an off-shore whaling ship under the command of John Holdridge out of New London; returning to its home port in August, 1838, following a 2 year voyage hunting for Sperm Whale.

411 *Lowcay's Journal in ADM 1/51*. The way the entry is worded almost suggests that it was the *General Williams* that had been moored up for three years. However, the *General Williams* was an active whaler, while *Hesper* was a rather worn out supply ship. See also *The British Reoccupation and Colonization of the Falkland Islands, or Malvinas 1832 – 1843* B. Gough 1990

**December 21<sup>st</sup>**, HMS *Sparrow* moves on to Beaver Island.

**December 27<sup>th</sup>**, in Buenos Aires, Governor Rosas addresses the opening of the *Legislatura de la Provencia*.

*“The question with Great Britain, regarding the unexpected occupation of the Malvinas Islands, remains in the same state that was announced to you last year. The justice of the Confederation's claims impose a strict duty not to abandon them. Negotiation will continue its course when there is an opportunity...”*<sup>412</sup>

Rosas also announces the naming of a Minister Extraordinary for Washington, obliged; *“... to fulfil the sacred duty energetically remonstrated against the violent and atrocious conduct of the sloop of war Lexington at the Falkland Islands,...”*<sup>413</sup>

**December 30<sup>th</sup>**, arriving in Berkeley Sound, Lieut. Lowcay speaks to the commander of a whaling ship, *John Cockrill* (Walsh), whose crew are suffering from scurvy; *“... communicated to him the orders of the Government.”*<sup>414</sup>

**December 31<sup>st</sup>**, Lieut. Lowcay returns to Port Louis.

*“... are now estimated, the Cattle from 15 to 20,000, the horses from 5 to 10,000 Head... The Settlers this season have been very successful, having taken about 500 skins. The number of Settlers at present at Port Louis, consists of 18 men, 3 women and 3 children; L' Smith, his son and Boat's Crew.*

*The Gauchos at present employed in catching the Wild Cattle are a French Boy, Lieut<sup>t</sup> Smith's son, and one of the Boat's crew, but these are not sufficient, and it is probable will quit the Island with Lieut<sup>t</sup> Smith; it will therefore be requisite to obtain others from Monte Video. I fancy however, it will be difficult to induce them to come unless the Officer in charge of the Settlement will guarantee their being found in provisions, Necessaries &<sup>c</sup>. The Gardens planted by Lieut<sup>t</sup> Smith are in a flourishing state, and I have no doubt, will furnish a fine crop of Potatoes, Onions, &<sup>c</sup>, &<sup>c</sup>, the lettuces were abundant, and very fine, but sufficient vegetables are not grown to supply Ships in any quantities.*

*Settlers, who would at first make up their minds to suffer a little hardship, would, in a few years, make money; for instance, the present settlers, who have all come here, since Lieut<sup>t</sup> Smith's arrival without a sixpence in their pocket, now possess two fine Schooners, and are making money rapidly.*

*There are at present, 260 Head of Tame Cattle at the Settlement, 54 wild for present use, and between 7 and 800 dry and salted Hides.”*<sup>415</sup>



412 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* vol.1 p.346. Reported in London's *Evening Chronicle* April 9, 1838

413 *Evening Mail* Wednesday April 25 1838

414 Lowcay's Journal in *ADM 1/51*. Identified as French, but given the ship's, and captain's name, this may not be accurate.

415 *Ibid*. Painting by Lieut. Lowcay circa 1837

**1838 – January 3<sup>rd</sup>**, from Buenos Aires, Minister John Mandeville writes to Lord Palmerston with regard to Rosas' message to the *Legislatura*.

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

**January 11<sup>th</sup>**, in England, the *London Evening Standard* reports:

*“We perceive by a requisition lately prepared, signed by many influential merchants and shipowners of London and other ports, that a public meeting is shortly to be called for the purpose of taking steps to colonise these islands. We are glad that public enterprise has been at last directed towards those valuable and long neglected islands. We regard their colonisation as an object of great importance. ...”*<sup>416</sup>

**January 17<sup>th</sup>**, at Port Louis, a French settler – Isidore Carvenceque – commits suicide by a shot to the head.

*“We found the deceased lying on his back, with the top part of his head from under the lip, blown to atoms, with the Gun resting on his breast. He had been convicted of petty theft the evening before by Lieutenant Smith, and was not seen from that time until the body was found by the gauchos on their way out to the Camp.”*<sup>417</sup>

**January 24<sup>th</sup>**, French whaler, *Perseverance*, is wrecked at New Island.

**January 26<sup>th</sup>**, aware that HMS *Sparrow* is due to return to Rio de Janeiro, Henry Smith hands a letter to Lieut. Lowcay, for delivery to Admiral Hamond. Smith requests a court-martial with regard to the suggestion that he had brought disgrace to the flag by “*trading*.” Letters from settlers petition for the right to fly the British ensign from the schooner *Montgomery* when sailing to foreign ports such as Rio de Janeiro, Buenos Aires and Montevideo.<sup>418</sup>

*“I would certainly suggest that Licenses may be granted to enable these Vessels to sail under English colours between the Falkland Islands and the Ports mentioned, provided that they shall be owned and navigated entirely by British subjects.”*<sup>419</sup>

There is also a request for a quantity of salt, sufficient to preserve 800 hides.

**January 31<sup>st</sup>**, further settlers gather to sign the oath prepared by Lieut. Lowcay.

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

Signing are: John Barnes, Henry Amott, John Campbell, Louis Despreaux, Alexander Rosignol, Francis Parry and John Hancock.

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416 *London Evening Standard* Thursday January 11, 1838 citing *The Times*

417 Lowcay's Journal in *ADM 1/51*

418 The petition listed John Barnes, Richard Penny, Francis Henry Penny and Achille Guillagme Gillerac as owning the schooner.

419 *Hamond to Charles Wood (Admiralty) February 24, 1838* in *ADM 1/51*

**February 2<sup>nd</sup>**, in receipt of Vice-Admiral's letter of November 30<sup>th</sup>, 1837, the Admiralty writes to the Foreign Office seeking clarification regarding sealing and fishing operations in the Falklands. <sup>420</sup>

At Port Louis, another settler signs the oath prepared by Lieut. Lowcay; - Pierre Gillerack.

*"In February 1838 there were around 30 people residing at Port Louis."* <sup>421</sup>

**February 4<sup>th</sup>**, HMS Sparrow sails from Berkeley Sound, in accordance with Vice-Admiral Hamond's orders; "... there being only three weeks bread on board."

An American sealer, *Sailor's Return* (Smyley) also leaves the archipelago, sailing for Montevideo. <sup>422</sup>

*"... before I left, the boat's crew that formily (sic) belonged to Mr Smith came on board of me and brought some clothes they told me that the Admiral had wrote to Mr Smith that he was agent for the British Government & not for Mr Vernet but I understood from Mr Smith himself that all that was taken either seal or hides was credited to you. There is been a great many cattle Killed and the beef sold by himself and his son..."* <sup>423</sup>

**February 19<sup>th</sup>**, Lieut. Lowcay arrives back at the British Station at Rio de Janeiro. <sup>424</sup>

*"The present inhabitants will not remain, unless they have some encouragement in grants of land, etc., nor is there at present any inducement for others to come, as, even the houses they live in, are not their own; this is, I believe, a principle reason why there has been no cultivation of the ground, in gardens, etc., as they are liable to be ejected at a moment. I would strongly suggest the propriety of the Government ordering small grants of land to each Settler with permission to catch and tame a certain number of Wild Cattle for their own use, as, in a place like the Falklands, every encouragement should be given to Settlers."* <sup>425</sup>

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

*"I have ordered Lieutenant Smith to deliver up, and Lieutenant Lowcay to take charge of the settlement at Port Louis on the 31<sup>st</sup> March next..."* <sup>426</sup>

**February 20<sup>th</sup>**, from Buenos Aires, hearing that William Smyley is at Montevideo, Luis Vernet pens a letter.

*"... I wish you would have the kindness to communicate to me any thing you may know or have heard regarding the quantity and condition of the ox hides and fur seal skins which the son of the Lieu' has in his possession for my account as my agent. I wish to know this in order to judge whether it is worth the expence (sic) of freighting a vessel for the purpose of bringing this property to Montevideo... No vessel having come direct from the Settlement I have not had any letters from the Lieu' nor from his son this very long time. ..."* <sup>427</sup>

**February 23<sup>rd</sup>**, from Rio de Janeiro, Vice-Admiral Hamond writes to the Admiralty in London to inform them that he has declined Lieut. Henry Smith's request for a disciplinary hearing.

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

421 Pascoe 2022 vol.2 p.501

422 The movements of this vessel around the Islands are little known. Smyley, being Smyley, probably preferred to keep a low profile.

423 Smyley to Vernet February 24, 1838 in AGN VII, 132, doc.281. In full in Pascoe 2022 vol.2 p.508.

424 ADM 1/51. The return passage of only 16 days was notable. It had taken Lowcay nearly a month to get to the Islands.

425 Ibid

426 Ibid

427 Vernet to Smyley February 20, 1838 in AGN VII, 132, doc.269. In full in Pascoe 2022 vol.2 p.507. For the relationship between Vernet and Smyley, see 1831.

**February 24<sup>th</sup>**, from Montevideo, William Smyley responds to Vernet's letter.

*“ Sir – as I have not been at the settlement lately I cannot say what amount of property they have at present... Mr Smith's son acted as your agent when he came there first & I cannot say but he does yet by Mr Smith is to be called home in 2 or 3 months from this and a Lieutenant by the name of Loucay is to take his place so I would advise you to see into your affaires as soon as possible. ... ”*<sup>428</sup>

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

**February 28<sup>th</sup>**, in London, Lord Palmerston responds to the Lords Commissioners of the Admiralty:

*“His Lordship directs me to state in reply, ... that an ambiguity of expression in my letter of 5<sup>th</sup> July 1837, seems to have occasioned on the part of the Board of Admiralty a misconception of the meaning it was intended to convey.-*

*Lord Palmerston meant that the Lieu<sup>t</sup> commanding at the Falkland Islands should inform the Foreign Fishermen that they are trespassers, and that he should also tell them that it is possible that he may at a future time receive instructions to prevent them from returning; but Lord Palmerston did not intend that such instructions should at present be given to that Officer.-*

*Lord Palmerston directs me to add that, on the whole, considering the state of our relations with the United States, and the inexpediency of starting unnecessarily any topic of discussion between the two Gov<sup>ts</sup>, considering that American Sealers have for some years past habitually resorted to those Islands in considerable numbers, and considering also that our present occupation of those Islands is extremely limited in extent, and is made more for the purpose of asserting our Right of Sovereignty than with any immediate view to an effective & complete settlement, the best course to be pursued seems to be, to instruct the Lieu<sup>t</sup> not to go out of his way in search of Sealers, and not to consider it part of his duty to keep them off, but in any intercourse he may have with any of them, to take an opportunity of stating to them, that though G<sup>t</sup> Britain for her own convenience has for some time past, withdrawn her garrison from those Islands, She has now determined to occupy them again, and that her reoccupation of them will of course be attended with the full assertion of all the rights which by the Law of Nations attach to Sovereignty, and among those rights must be considered the exclusive use of the Shores and of the Waters within the limits of territorial jurisdiction.- But the Officer should state that he has hitherto not received any instructions, to make to Foreign Fishers, any communication on that head, except to remind them as above stated, and to remark to them, that their resort to the Falklands is permissive and not of right.”*<sup>429</sup>

*“Palmerston's desire for a kid-glove approach to the American sealers led to an absurd expectation – he expected the Lieutenant in charge to say to the hard-bitten American sealers something along the lines of: "I have not received any instructions to make any communication except to remark to you that your resort to the Falklands is permissive and not of right"... Palmerston's policy was to let sleeping dogs lie and to leave the Americans in peace. Such a policy would have stood Louis Vernet in good stead.”*<sup>430</sup>

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428 Smyley to Vernet February 24, 1838 in AGN VII, 132, doc.281. In full in Pascoe 2022 vol.2 p.508

429 Fox-Strangeways to Wood February 28, 1838 in FO 6/501 fols 290-293

430 Pascoe 2022 vol.2 p.506

**March 1<sup>st</sup>**, from Buenos Aires, Luis Vernet writes to William Smyley in Montevideo expressing his surprise at the nature of Smyley's letter of February 20<sup>th</sup>, noting that; *“it has been said I treated you and your countrymen very ill at the Falklands”*.<sup>431</sup>

**March 2<sup>nd</sup>**, at Port Louis, another settler signs the oath prepared by Lieut. Lowcay; - Frederick Pearce.

**March 4<sup>th</sup>**, from Montevideo, William Smyley writes to Luis Vernet, informing him, among other things, of the death of Capt. Congar in Fannings Harbour whilst commanding a schooner, *Alonzo*. Also; *“... Capt Davison is Second Mate of a Ship Capt Carews Ship took fire with Seven hundredd barrels of oil and burnt Intirely up in port Egmont Last June he saild for home in July and I have Received news of his Death”*.<sup>432</sup>

HMS *Sparrow* arrives at Montevideo. Lieut. Lowcay is seeking three gauchos for employment at Port Louis.

**March 14<sup>th</sup>**, hearing that Lowcay is at Montevideo, Luis Vernet writes to him to ask what, if any, of his property survives at the Port Louis settlement and whether the rumour that Henry Smith is to depart the Islands is true.<sup>433</sup>

**March 15<sup>th</sup>**, from Montevideo, Lieut. Lowcay immediately responds to Vernet's letter.

*“... I beg to acquaint you that upon my arrival at the Falklands Lieut. Smith will return to England.. I do not know what you mean about Property of yours upon the Islands, I know of none,- nor do I believe there is any but I know however that there are in the hands of Settlers a large Amount of Promissory Notes in your hand, for Which no Value can be rec'd – but Sir, if you think you have any claim for the recovery of moveable Property, you must apply in the proper quarter.”*<sup>434</sup>

*“... on this occasion your Memorialist wrote to Lieut: Lowcay to request the particulars of his property then existing on the Island, to which Lieut: Lowcay, to the surprise of your Memorialist, answered that he did not know of any property of your Memorialist being on the Island;...”*<sup>435</sup>

**March 30<sup>th</sup>**, at Port Louis, Pascuel Recano, James McGuire and Jose Espino sign the loyal oath.

**March 31<sup>st</sup>**, Lieut. Lowcay takes over as *Resident Naval Officer* for the Falkland Islands.

*“... Smith, and his son later, kept Vernet's cattle business going. This lasted until Lieut. Lowcay took over ... It is from then that Vernet dated the final loss of his business and property in the Falklands.”*<sup>436</sup>

**April 15<sup>th</sup>**, American sealer *Derby* is wrecked at the Falklands.

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

*“The British government having taken possession of the whole of these islands, it is their direction that all foreign vessels are not to fish or seal around or near. You are hearby (sic) warned to leave the coast as soon as possible. After the 1st day of June 1838, all vessels found here or at any other part will be proceeded against, being regarded as trespassers.”*<sup>437</sup>

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431 Vernet to Smyley March 1, 1838 in AGN VII, 132, doc.272. Smyley would, eventually, attempt to take Vernet to court regarding the treatment meted out to him in 1831.

432 Smyley to Vernet March 4, 1838 in AGN VII, 132, doc.273. In full in Pascoe 2022 vol.2 pp.509-510. All those named had been commanding the American vessels that Vernet seized in July and August, 1831; which led to the *Lexington* Raid of December, 1831.

433 Vernet to Lowcay March 14, 1838 in the Jane Cameron National Archive at Port Stanley. In full in Pascoe 2022 vol.2 p.510

434 Lowcay to Vernet March 15, 1838 in AGN VII, 130, doc.139

435 Vernet's Memorandum Presented 7 May, 1852 in CO 78/43

436 Peter J. Pepper in Tatham (ed.) 2008 p.545

437 Quoted in Dickinson 2007 p.50 citing *Shipping and Commercial List and New York Price Current (1838)*



*“As with previous orders, this one was also ignored. One vessel Charles Adams (Capt. Carew) from Stonington, was wrecked when defying the order and Corvo (Capt. Beck), also of Stonington, succeeded in obtaining 1200 barrels of Elephant seal oil”* <sup>438</sup>

**April 21<sup>st</sup>**, from Buenos Aires, the US Consul notifies Washington that the envoy, General Alvear, is finally ready to depart for the USA. <sup>439</sup>

**May 9<sup>th</sup>**, at Port Louis, Lieut. Lowcay divorces Antonina Roxa from the American sailor, Kenny. The first divorce in the Falklands. <sup>440</sup>

**May 31<sup>st</sup>**, William Shute signs the oath of loyalty.

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

*“The objects contemplated by this association... are, to form a colony on the most easterly of the islands, the unusual facilities and advantages of which are demonstrated... to create in the magnificent and secure harbours of Berkeley Sound and Fort William that important national object - a naval and commercial depot for the shelter and repair of the numerous vessels now navigating the South Seas; to erect an establishment for supplying fresh and cured provisions, naval stores, water, fuel, and other requisites; to select parties properly qualified for carrying into effect extensive and most valuable fisheries, cattle farms, &c., for all of which nature has here prepared everything ready for the industry of man, with the superiority of important adjacent markets.”* <sup>441</sup>

*“It is clear, that, if the Falkland Islands are ever to be colonized, it can only be successfully done by a public company, under a royal charter,... an association was formed, to which one hundred gentlemen subscribed their names and money, entered into correspondence with the Colonial Office,.. Although amongst the subscribers were some professional gentlemen, yet, the drafting of the proposed charter was confined to the joint-solicitors and counsel, which led us to the conviction, that no such powers could be legally delegated without previous authority, duly sanctioned and conferred by special act of parliament; the Colonial Office then possessing no jurisdiction whatsoever, the crown-occupation of the islands being a coup-d'état, worked under the Foreign Office and the Admiralty...”* <sup>442</sup>

**July 9<sup>th</sup>**, *Arrow* sails from Falmouth Harbour with seeds, agricultural implements and 2 bloodhounds. <sup>443</sup>

**July 11<sup>th</sup>**, following inquiries made by Luis Vernet through contacts in Rio de Janeiro, a response is sent from Lieut. Smith, who has returned to that station.

*“... his answer communicated to me by my said correspondents, under date of 11<sup>th</sup> July, 1838... was, that there was not at present the slightest probability of anything being restored to me, in consequence of the British Govt. having taken entire possession of the Islands that he had been at an immense expense in making improvements there. That he was on his way to England, in order to make a report to the Admiralty and that he proposed returning as soon as he conveniently could.”* <sup>444</sup>

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438 *Ibid.*

439 Alvear's mission had originally been promised in 1832. Delayed by a lack of funds, followed by illness, Alvear was reappointed in 1837. The reason for this final delay is not known.

440 Pascoe 2022 vol.2 p.481 fn.1. Kenny was, apparently, unwilling as he refused to sign the Deed of Separation.

441 *The Colonist (Sydney)* July 21, 1838 citing *The Morning Herald*

442 George Whittington in *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845* vol.2 p.307

443 *Some Account of the Falkland Islands, from a six month residence 1838* Laughlan Bellingham Mackinnon 1839

444 Vernet to Sullivan August 29, 1839 in CO 78/43

**July 30<sup>th</sup>**, at Port Louis, a daughter, Angela Antonina, is born to José and Natividad Espino.

**August 15<sup>th</sup>**, from London, instructions are despatched to the Navy commander at Rio de Janeiro station.

*“... intimate in the most distinct manner to Mr. Vernet that if he should persist in declining to remove his moveable property from the Falkland Islands, he must impute to himself any deterioration which that property may sustain and that under no circumstances will HM's Govt. consent to become responsible for the preservation of such Property or for any damage which may be done to it.”*<sup>445</sup>

**August 26<sup>th</sup>**, news reports circulate in the USA:

*“We find reported in the New York Papers of the 26<sup>th</sup> ult.:-*

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

*On the other hand the American government insists that the claim of Buenos Ayres is not good, and that the seal fishery at the Falklands is a trade free and lawful to the citizens of the United States. The controversy was still undisposed of by the two governments, each maintaining its own claims. In the state of diplomacy between the two countries, it was not in his opinion, competent for this court to examine and decide the question, but we must take the claim insisted on by our government as correct.*

*Now, before the revolution in South America, the Falkland Islands were, if they were under the positive dominion of any power, a dependency of Spain under the vice-royalty of La Plata. When Buenos Ayres separated from Spain, its government was recognised by the United States, but not its title to these islands, and the court must still consider them as belonging to Spain. If, then, Buenos Ayres had no title to these islands, the seizure of this vessel was a gross usurpation – the judgment of its tribunal a mere nullity – and therefore the plaintiff was entitled to recover for a total loss in the case of the Harriet. If the American government insists that the seal fishery at the Falkland Islands is a free trade against the pretensions of Buenos Ayres, what ground must it take against the grasping monopoly of Great Britain?”*<sup>446</sup>

**September 12<sup>th</sup>**, the London Evening Standard reports:

*“The New London Gazette contains a copy of a letter addressed to the master of the ship General Williams, of (New York), by Captain W. J. Scott, master of HBM ketch Sparrow, and Governor of the Malvenas (sic), stating that the British government has taken possession of the whole of the Falkland Islands, and that all foreign vessels are prohibited fishing or sealing round or near them. The General*

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445 CO 78/43

446 The Shipping & Mercantile Gazette Saturday September 15, 1838

*Williams and her tender were warned to leave the coast as soon as possible, and informed that all foreign vessels found at any of the ports of the island after the 1<sup>st</sup> of June, 1838, would be proceeded against as trespassers.”*<sup>447</sup>

**September 13<sup>th</sup>**, at Port Louis, Joseph Addyman signs the oath prepared by Lieut. Lowcay.

**September 18<sup>th</sup>**, Frederick Pearce marries Petrona Gonzales.

**September 23<sup>rd</sup>**, a daughter, Matilda Amelia, is born to newly-weds Frederick and Petrona Pearce.<sup>448</sup>

**October 14<sup>th</sup>**, HM ketch *Arrow* (Bartholomew James Sullivan) arrives at Port Louis; “... *it only consisted of two small houses, in one of which lived the governor, Lieut. Lowcay, and three or four mud huts, occupied by three gauchos and their families.*”<sup>449</sup>

**October 24<sup>th</sup>**, in New York, General de Alvear requests an interview with the US Government.

**October 27<sup>th</sup>**, from Rio de Janeiro, Commodore Thomas Ball Sullivan writes to Luis Vernet:

*“I am directed by my Lords commissioners of the admiralty. To inform you in the most distinct manner that if you should persist in declining to remove your moveable property from the Falkland Islands, you must impute to yourself any deterioration which that property may sustain, and that under no circumstances will Her Majesty's Govt consent to become responsible for the preservation of such property, or for any damage which may be done to it.”*<sup>450</sup>

In Washington DC, on the same day, General Alvear has an interview with Acting Secretary of State Aaron Vail. Presenting his his credentials, Alvear makes no mention of the *Lexington* raid of December, 1831.<sup>451</sup>

**November 9<sup>th</sup>**, at Port Louis, Lieut. Lowcay gives permission for Gibraltarians Pascual and Angela Recano, together with Andrez Pitaluga, to live in one of the houses at the settlement.

*“As a young man Andrez migrated down through South America, via Montevideo, with fellow Gibraltarians Pascal and Angela Recano, arriving for the first time in the Islands in November 1838. (Port Louis records show Lt Lowcay of HM Ketch Sparrow giving them permission to rebuild an old ruined house in the settlement.)”*<sup>452</sup>

**November 21<sup>st</sup>**, in Buenos Aires, due to return to London after recovering from his illness, Manuel Moreno is instructed by General Rosas to; “*insist on the claim whenever there is an opportunity.*” However, Moreno should also subtly inquire whether the British Government would be disposed to cancel the Barings' Bank debt in exchange for the Argentine Confederation dropping its claim to the archipelago.

*“... the offering of Las Malvinas in return for the loan of 1824 and interest was a proposal made exclusively to the representative of the bankers and never, neither in 1838 nor in 1842 was such a proposal made to the British government;...”*<sup>453</sup>

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447 *London Evening Standard* Wednesday September 12, 1838. The date of this letter was not given.

448 Matilda Pearce died October 15, 1838 aged three weeks and two days.

449 *Some Account of the Falkland Islands, from a six month residence* 1838 L. B. Mackinnon 1839, p.17. At this time, Sullivan's father, Thomas Ball Sullivan, commanded the British station at Rio de Janeiro in HMS *Stag*.

450 *Sullivan to Vernet October 27, 1838* in Pascoe 2022 vol.2 p.515 citing the Jane Cameron Archive at Stanley.

451 Cailliet-Bois 1982 (6<sup>th</sup> ed.) p.371

452 *The first Pitaluga to arrive in the Falklands:1838* in *MercoPress* February 1, 2012 citing an original article by Nicholas Pitaluga. Pascoe (2022 vol.2 pp.515-516) suggests that the 16 year-old Pitaluga had arrived earlier in 1838. Andrez Pitaluga would sire 10 children during his life in the Falkland islands.

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

*“The instruction ... was purely informative, but there is no sign that Moreno addressed the issue. Professor Ferns says that there is no(thing) in the archives of the Foreign Office indicating that someone had proposed to the British government a swap of the Falklands, in exchange for outstanding debt.”*<sup>454</sup>

*“The indisputable sovereignty of the islands became a mere marketable article in the hands of the Dictator.”*<sup>455</sup>

**November 25<sup>th</sup>**, *Wave*, commanded by Capt. Edward Goldsmith, anchors in Berkeley Sound.<sup>456</sup>

*Mary Ann*, out of Rhode Island, hunts seals at South Georgia. Mate John Anderson is buried in Prince Olav Harbour. *Medina* (Capt. Elijah Hallett) out of New York also hunts at South Georgia.<sup>457</sup>

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

*“It is not clear quite what enquiries Moreno made to the British Government. But Moreno reported that the main problem was that Britain simply did not accept the Argentine sovereignty claim;...”*<sup>458</sup>

**December 26<sup>th</sup>**, from Buenos Aires, Minister Arana writes to historians in Europe in an attempt to discover more regarding the Anglo-Spanish dispute of 1770 and 1771.

*“Minister Arana, interpreting Rosas ' wishes, began an active and secret correspondence with several correspondents in Europe in order to obtain from the Spanish archives the necessary documentation to continue the discussion. Thus arises, from the aforementioned correspondence, the name of Andrés María O'Brien, to whom Francisco C. Belaustegui asked extracts of official documentation changed between English and Spanish during the reign of George III and related to the possession of the Falkland islands.”*<sup>459</sup>

On the same day, in Rio de Janeiro, Commodore Sullivan pens another letter to Luis Verne, that a request for compensation by Vernet for the use of his horses on East Falkland Island; *“... cannot be complied with.”*<sup>460</sup>

**December 27<sup>th</sup>**, in Buenos Aires, Governor Rosas addresses the opening of *Legislatura de la Provincia*.

*“There has been no circumstance worthy of your knowledge on the question with Great Britain on the occupation of the Malvinas Islands. The Government will insist upon the rights of the Republic to this territory, with the just titles upon which this claim is based.”*<sup>461</sup>

*“In the message to the Legislature of 1839 it was reported that Manuel Moreno had been received in London with kindness and honor, and added: “The government, did not abandon their just rights to the territory of the Falkland Islands, or desist from claiming them”...”*<sup>462</sup>

General Williams returns to the Falklands to hunt Sperm Whale.

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

455 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.361

456 Departed Holbart on October 18, 1838.

457 Dickinson 2007 p.67

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

459 Caillet-Bois 1982 (6<sup>th</sup> ed.) pp.361-362

460 Sullivan to Vernet December 26, 1838 in *AGN VII, 132, doc.284*

461 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* vol.1 p.378

462 *Historia de la Argentina: Gobierno de Rosas – Su Caida Hacia Un Nuevo Regimen (1840-1852)* V. Sierra 1978 vol.1

**1839 – January 14<sup>th</sup>**, in Washington, Carlos Alvear speaks to Secretary Forsyth regarding the events of 1831.

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

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

*Gen. Alvear – No Sir, I did not know.*

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

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

*Mr. Forsyth – I will tell you: the Commander saw that the American ships were captured and detained in the Falkland Islands: he saw that Vernet had committed the most heinous acts of piracy: he knew that the Argentine Government had no means to quickly avoid this evil; and then he prevented it, destroying the place where these events were committed; and you see, General, that in this was done what is done when a house is burning, whose owner is not in it, and that it is necessary to put out the fire, so that it does not communicate to the other (houses); in which case the door is knocked down without asking permission, to cut the fire; without insult, because I can prove to you that the Government of the United States, in approving the conduct of the Commander, has not even remotely intended to do any kind of wrong to the Argentine Government.*

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

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

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

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

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

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

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

*Mr. Forsyth – Good General; I will tell the President of everything you have said to me, and I will let you know whatever we decide... ”*<sup>463</sup>

*“Alvear made it clear that the friendly relations that the United States wanted to see restored had been disrupted and replaced by an annoying estrangement thanks to the highly effective work of Slacum, Duncan, and Baylies. ... The conference ended with a promise made by Forsyth that he would report everything to the President, whose resolution would be made known to him as soon as possible.”*<sup>464</sup>

A court case concerning the loss of the *Harriet*, following its seizure by Vernet in 1831, finally reaches the US Supreme Court on appeal. The insurers contend that Vernet had acted legally and that therefore they had no duty to compensate. In its decision however, the court accepts the right of the US Government to decide the nation's position in matters concerning foreign relations, and finds for the *Harriet's* owners.<sup>465</sup>

*“It was the duty of the master to prosecute his voyage, and attain the objects of it, for the benefit of his owners: and, in doing this, he was not bound to abandon the voyage by any threat of illegal seizure. We think, therefore, that the underwriters are not discharged from liability ... it is the opinion of this Court,... That, inasmuch as the American government has insisted and still does insist, through its regular executive authority, that the Falkland islands do not constitute any part of the dominions within the sovereignty of the government of Buenos Ayres, the action of the American government on this subject is binding on the said Circuit Court.. ”*<sup>466</sup>

*“The Supreme Court upheld the authority of the US government to decide questions of territorial recognition, and therefore held that in US law the Falklands were not part of the "dominions within the sovereignty of Buenos Aires"; Buenos Aires had no "competency to regulate, prohibit, or punish" any activities in the islands, so Davison was not bound to respect Vernet's warnings. The Supreme Court thus ruled that in US law Vernet's actions had been illegal; he had seized US ships on the high seas and had taken some of the *Harriet's* cargo for himself, so in US law he had operated as a pirate, for which statutes of 1790 and 1820 had imposed the death penalty. But by 1839 the case had become irrelevant, so nothing came of it.”*<sup>467</sup>

*“The Supreme Court thus upheld the shipowners' claim and ruled that in US law all the actions of Vernet and the Buenos Aires government in the Falklands throughout the five years from 1826 to 1831 had been illegal, since Buenos Aires possessed no sovereignty in the islands.”*<sup>468</sup>

**February 1<sup>st</sup>**, *The Sydney Herald* reports.

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

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463 Abridged. For a full account see Fitte 1966 pp.407-410. There is no record of this in Manning 1832.

464 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.372 citing *C. de Alvear a Felipe Arana, Washington, 4 de febrero de 1839*.

465 See August 1838

466 *Charles L. Williams v The Suffolk Insurance Company* 38 US 13 Pet. 415 415 (1839)

467 Pascoe 2020 p.125

468 Pascoe 2022 vol.2 p.34

**February 4<sup>th</sup>**, from Washington, Gen. Carlos Alvear writes to General Rosas in Buenos Aires.

*“I hereby inform you that my commission in this country has concluded, and that the conduct of Commander Silas Duncan had previously been approved by this Government, and (they are) therefore refusing to give due satisfaction for the attacks committed by said commander in the Falkland Islands.”*<sup>469</sup>

**February 7<sup>th</sup>**, sixty-six head of cattle are landed on West Falkland Island on the orders of Lieut Robert Lowcay.

**March 21<sup>st</sup>**, in New York, General Alvear formally submits a written claim for compensation to the State Department in Washington DC.

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

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

*The Malvinas Islands had always been an integral part of that territory or Vice Royalty, and as such they became a part of the property and dominion of the new American Republic. ...*

*This unexpected event which has outraged the dignity of the Argentine nation, places the undersigned in the painful though absolute necessity; compliance with the express order of his Government, of exacting as he now does, by this note, from the United States of North America, the most solemn and complete reparation of a grievance, which affects the honour and dignity of the nation, wounded by the aggression committed at the Malvinas, by Silas Duncan the Commander of the United States Sloop of War Lexington...”*<sup>470</sup>

On the same day, the Falkland Islands Commercial Fishery and Agricultural Association is founded to promote colonisation of the Falkland Islands.

*“We the undersigned original subscribers to the Colonization of the Falkland Islands, believing Mr. G. T. W. to be the most competent part to guide the successful operations of this undertaking, do hereby empower him, so far as our names and subscriptions avail, to adopt those measures which he may deem requisite for the efficient carrying out of this great national object.”*<sup>471</sup>

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469 Fitte 1966 pp.410-411

470 Carlos Maria de Alvear to John Forsyth March 21, 1839 in Manning 1932 pp.210-222

471 Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845 vol.2 p.308



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

At Port Louis, Charles Melville constructs Preston Villa.

*"... built of stone and clay; consists of four rooms..."*<sup>472</sup>

In England, ex-charge d'affaires in Buenos Aires, Sir Woodbine Parish, publishes a book – *Buenos Ayres and the Provinces of the Rio de la Plata: their present state, trade and debt: with some account from original documents of the progress of discoveries in those parts of South America during the last sixty years.*<sup>473</sup>

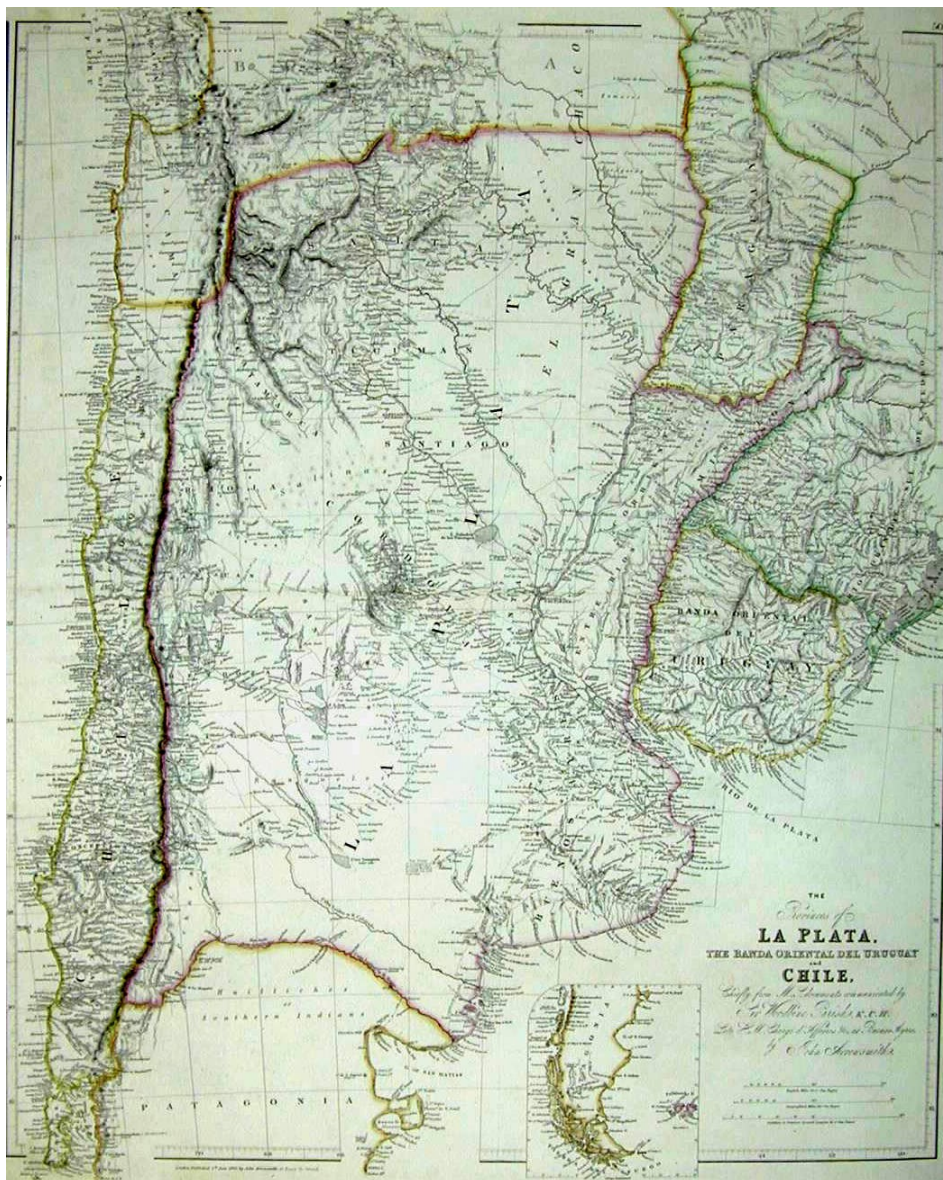
The work contains a chart of *La Plata, The Banda Oriental del Uruguay and Chile.*<sup>474</sup>

**March 25<sup>th</sup>**, Wave's captain, Edward Goldsmith, writes to the *Falkland Islands Commercial Fishery and Agricultural Association* supporting their proposals to colonise the Falklands.

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

**March 28<sup>th</sup>**, George Whittington responds to Capt. Goldsmith.

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



472 Lieut. Governor Moody to Lord Stanley June 6, 1842 in *Accounts and Papers 1843* vol.4

473 Parish had been knighted in 1837.

474 Created and published by John Arrowsmith of London, for Woodbine Parish. Patagonia was clearly not included in the La Plata Provinces.

*“A Mr. Whittington claims for himself and Lieut. Langdon, R.N., now in Van Dieman's Land, the credit of having been the first to direct the attention of the Government and of the public to the eligibility of the Falkland islands for a Penal Settlement....”*<sup>475</sup>

*“Mr. Whittington says a “matured” plan of colonization for these important 44 islands will very shortly appear, supported by merchants and shipowners of eminence, (to) insure the confidence of the public.”*<sup>476</sup>

**April 6<sup>th</sup>**, in Washington, US Secretary Forsyth requests from Alvear; *“... a copy of the laws that govern in the Argentine Confederation, relating to the fishing grounds, to which General Alvear refers in his official note of the 21<sup>st</sup> last.”*<sup>477</sup>

**April 8<sup>th</sup>**, General Alvear responds to Secretary Forsyth:

*“... (being) very sensitive (to) not to be able to satisfy the Secretary of State in that point, for not having (them) at the moment in this place; so that he would take the liberty of indicating to (the Secretary) that the laws that are observed on fishing in the Argentine Confederation are the same as they were in the Viceroyalty of Buenos Aires at the time of the Spanish Government and to which he referred in his note of last March.”*<sup>478</sup>

*“... Mr. Forsyth requested from the Minister of the Republic the laws on the fisheries, by virtue of which Commander Vernet had proceeded as he did; the General could not give them.”*<sup>479</sup>

**April 12<sup>th</sup>**, in England, Whittington writes to Lord Palmerston extolling the advantages of the Falklands.<sup>480</sup>

**April 14<sup>th</sup>**, a gathering in London is attended by the press.

*“The members of the Falkland Islands Association held a meeting at their offices in Moorgate Street on Monday. It was most respectably attended; and resolutions were passed in favour of the immediate colonization of these islands.”*<sup>481</sup>

**June 27<sup>th</sup>**, at Port Louis, a daughter, Caroline, is born to Charlotte Bayze and Charles Melville.<sup>482</sup>

**July 22<sup>nd</sup>**, Lieut. Lowcay reports a reconnaissance.

*“... principally with the Intention of observing the cattle put last Summer on West Falkland, and to look after the American Vessels generally cruising here... During the cruise no American or other Vessels were seen, nor have I heard of any Outrages having been committed by them.”*<sup>483</sup>

**August 22<sup>nd</sup>**, from Buenos Aires, Luis Vernet writes to Lieut, Lowcay asking as to the whereabouts of his property, which he had left at the settlement in 1831. Referring to Lowcay's letter of March 15<sup>th</sup>, 1838, Vernet addresses the question of outstanding promissory notes.

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475 *The Colonial Gazette* April 6, 1839. Goldsmith and Langdon were acquainted.

476 *Sydney Gazette and New South Wales Advertiser*, July 27, 1839

477 *La agresión norteamericana a las Islas Malvinas* E. Fitte 1966 p.417

478 Alvear quoted in Fitte 1966. This was not true. Vernet's authority to prevent sealing around the Falkland Islands was based on a Buenos Aires decree of 1821. Alvear wrote to Felipe Arana on May 1, 1839, presumably to obtain a copy of the relevant regulation. With no answer, Alvear wrote again on October 30, 1839. However, the letter of April 8, 1839, appears to have been the last written correspondence between Alvear and the Secretary of State until December 1841. *cf.* 1821, 1828, 1829, 1841 & 1882.

479 *Dominguez a Ortiz 25 de abril, 1884* in Fitte 1966 p.459

480 *FO 6/501/298*

481 *The Spectator* April 14<sup>th</sup>, 1839

482 Pascoe 2022 vol.2 p.521

483 *Sessional Papers Printed by Order of the House of Lords 1841*

*“There were formerly some paper token in circulation at the Colony, as the current money of the Country, which I was informed by my agents that they had been redeemed, whether some of these papers still exist I know not.”*<sup>484</sup>

*“... the fact that he had still not taken any concrete steps towards recovering his property almost eight years after leaving the islands made it look as if he was "declining to remove" it, and his dilatoriness and importunity were beginning to irritate the British authorities.”*<sup>485</sup>

**August 29<sup>th</sup>**, Luis Vernet writes to Commodore Sulivan at Rio de Janeiro regarding his property; claiming that he had attempted to collect following Sulivan's letter of August, 1838.

*“Lieut: Henry Smith had been ordered by letter of 11<sup>th</sup> May, 1835, from V. Admiral Sir Graham E, Hamond to deliver to me, & which he, the Lieut: having also written me he would hold at my disposal, I had requested him to send by first opportunity per Merchant Vessel, which might be bound either for London, or Liverpool, Rio Janeiro, Monte Video or Buenos Ayres which request was never complied with, and I do not know to this day how this property has been disposed of.”*<sup>486</sup>

*“In August 1839 Vernet wrote to Hamond's successor, Captain Thomas Ball Sulivan, asking for "one thousand pounds sterling, which I consider the value of said property and with which this matter will be fully settled." The British government would have done well to pay him the £1,000, since in the end, after long delays, they paid him over twice as much:..”*<sup>487</sup>

HMS *Grecian* (William Smyth) arrives at Port Louis, accompanied by HM ketch *Arrow* (William Robinson).<sup>488</sup>

**September 18<sup>th</sup>**, at Port Louis, Lowcay notes the presence of 43 settlers; who have experienced a bad winter.<sup>489</sup>

**September 19<sup>th</sup>**, Capt. Smyth of HMS *Grecian*, sets out a report for the information of Commodore Sulivan.

*“... in Lowcay's Report you will observe that the wild Cattle have not been disturbed, and also that no Encroachments have been attempted by the Subjects or Citizens of any Foreign State. You will also see that he reports the Death of Seven Horses, and that there are only Twelve lassoing Horses remaining. ... I have also enclosed, for your Consideration, a Certificate given by Lieutenant Lowcay to a Woman by the Name of Mrs. Antonina Kenney<sup>490</sup>, who came to me to request that I would order her to be put in possession of Fourteen Head of Cattle that were given to her by Lieutenant Smith for Work done upon the Island. On inquiring of Lieutenant Lowcay upon this Case, he informed me that they were unquestionably her Property, and he spoke also very highly of the Woman, stating that she was of a humane Disposition, and made herself very useful on the Island when any of the Settlers were sick, and particularly in Midwifery Cases, and that she had some Time back saved the Life of a young Gentleman of the *Cleopatra*, when that Ship was at the Islands.*

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484 Vernet to Lowcay August 22, 1839 in the Jane Cameron National Archive in Stanley. Very much a repeat of Vernet's letter to Lowcay of March 14, 1838. Disingenuous. Vernet had failed to pay the gauchos in silver as per their original contracts but had instead introduced a 'truck system' where his 'tokens' could only be exchanged at the company store for goods at high prices. Vernet was a fraud. His system led directly to the killing of his managers in August 1833. He even had the temerity to complain when the British Government addressed his outstanding debts and paid off his creditors from compensation for the use of his horses. See below.

485 Pascoe 2022 vol.2 p.520

486 CO 78/43

487 Pascoe 2020 p.283. See 1858

488 Exact date of arrival unrecorded but the vessel had been at Montevideo in the last week of August, 1839.

489 *The Sessional Papers of the House of Lords: Session 4 & 5 Victoriae* 1841.

490 Formerly Antonina Roxa

*I conceive it my Duty to state that Lieutenant Lowcay has mentioned to me the Case of a French Settler having been detected committing an unnatural Crime, and that he had sent him off the Islands: the Excuse he made was that there were no Women.”*<sup>491</sup>

*“I hereby certify that Lieutenant Henry Smith gave to Antonina Kenny, for work performed at the settlement, 14 animals, but which she has not been as yet permitted to make use of (awaiting the orders of Government).”*<sup>492</sup>

Lieut. Lowcay sails for Rio de Janeiro in HMS *Sparrow*, leaving Lieut William Robinson in charge of the settlement until a successor arrives.

**October 16<sup>th</sup>**, Alonzo takes seals in Berkeley Sound.<sup>493</sup>

**October 30<sup>th</sup>**, from Washington, General Alvear writes the Argentine Foreign Minister, Felipe Arana, reviewing his work in the USA. He affirms that he has taken every opportunity to press the case regarding the *Lexington* incident a Puerto Louis of 1831.<sup>494</sup>

**November 8<sup>th</sup>**, at Port Louis, a son is born to Frederick and Petrona Pearce. Named after his father.<sup>495</sup>

**November 21<sup>st</sup>**, from Buenos Aires, Minister Arana sends instructions to Manuel Moreno in London.

*“You will take the opportunity when a chance arises in the claim regarding the occupation of the Malvinas Islands to explore with sagacity, without leaking it to be idea of this government, if there was (willingness) in His British Majesty to make room for a pecuniary transaction, which would be to cancel the pending debt of the Argentine Business.”*<sup>496</sup>

On the same day, *Montgomery* takes seals in Berkeley Sound.<sup>497</sup>

From the Argentine Confederation, General Rosas, Governor of Buenos Aires, bestows upon Woodbine Parish the title of ‘honorary citizen’ and gives Parish the rank of honorary Colonel of Cavalry; “... *and the use in his shield of nobility of the arms of the Argentine Republic.*”<sup>498</sup>

**December 8<sup>th</sup>**, Lieut. Robinson issues a warning regarding restrictions as to fishing (whaling), sealing and killing cattle, to the commander of American sealer the *Benjamin de Wolf* – one William Smyley.<sup>499</sup>

**December 19<sup>th</sup>**, at Port Louis, Lieut. John Tyssen arrives in *Sparrow* to take command of the settlement.<sup>500</sup>

**December 23<sup>rd</sup>**, Lieut. Robinson reports.

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491 *The Sessional Papers of the House of Lords: Session 4 & 5 Victoriae 1841*

492 Dated September 20, 1839 in *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) 27 August 1840* p.3

493 Dickinson 2007 p.50 citing PRO ADM 51/3052

494 Fitte 1966 pp.418-420. More research needed here.

495 Pascoe 2022 vol.2 p.521

496 Rosas, *Las Malvinas y Nuestras Desmembraciones Territoriales* in *Revista del Instituto Rosas no.13 1948*. This paper links ‘Argentine Business’ to the outstanding debt owed by Argentina to the Baring Brothers Bank. *cf.* 1842, 1843 & 1844

497 Dickinson 2007 p.50 citing PRO ADM 51/3052

498 Fitte 1966 p.83. See 1824-1832

499 Smyley’s previous vessel, the *Sailor’s Return*, had, apparently, been wrecked on the coast of Patagonia in 1838. Regarding Smyley *cf.* 1830, 1831, 1845, 1849, 1853 & 1854

500 Taking formal command on December 24, 1839. See *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840* p.6

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

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

*He also took from the Settlement, without my Permission, during the Night, Two of the Settlers, one of whom has left a Wife and Children unprovided for; and, being totally unable to procure Subsistence, I have been obliged to victual her from the Vessel until she is conveyed to Monte Video, her native Place, where she wishes to return. The Gauchos, during my Stay, have caught Forty-nine Head of Cattle; and the Horses are getting so bad, that only Six will be able to get another Trip.”*<sup>501</sup>

*“... the master of [HMS] Sparrow (sic) whilst on a voyage round the islands to warn foreign vessels not to seal within three miles of the island discovered a depot of skins covered in Bullocks hide in Robinson Bay, West Falkland and brought them back... Smyley later arrived in his schooner Sandy Wolf [Benjamin de Wolf] dressed in an American Lieutenant's uniform and went on to the Sparrow... told Lieut. Robinson [Commander] that although he received the warning not to seal, he would seal where and when he wanted. He demanded return of the skins, and took them away in defiance of Robinson.”*<sup>502</sup>

**December 27<sup>th</sup>**, in Buenos Aires, Governor Rosas, addresses the opening of *Legislatura de la Provencia*.

*“The Government will not abandon its just rights to the territory of the Malvinas Islands, nor desist claiming them...”*<sup>503</sup>

*“The Colonial Office, being aware of the difficulty arising under the disputed sovereignty, and of the disposition of certain parties to occupy and avail themselves of certain grants and powers, acquired prior to the assumption of the sovereignty .., was not indisposed to sanction and to adopt the necessary steps for obtaining powers from parliament; and, in 1839-40, Lord John Russell, carrying on the official preliminary negotiations with the treasury and other offices, and supported by active and actual operations of expeditions for settlement, &c., inserted a small sum of 2,000l for the Falklands in the miscellaneous estimates,.. for drafting the expenses of the requisite establishment for the government and administration of justice in those islands”*<sup>504</sup>

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501 Robinson to Sullivan December 23, 1839.

502 Dickinson 2007 p.56 citing PRO CO78/14 Moore to Gladstone July 10, 1840

503 *Los Mensajes: Historia del desenvolvimiento de la nacion Argentina redacta cronologicament por sus Gobernantes 1810 – 1910* vol.1 p.406

504 George Whittington in *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845* vol.2 p.309



**1840 – January 14<sup>th</sup>**, in London, a Colonial Land and Emigration Commission is created.

*“The Commission performed a number of functions until it was disbanded in 1878. It was responsible for the publication and supervision of emigration to British settlement colonies. This involved the preparation of reports and organization of the subsidized and safe transportation of emigrants. These activities were financed by the Commission's sale of colonial Crown Lands to settlers. In 1840 the Commission's main guideline was to serve as, “... the connecting link between the disposal of Crown Lands and the conveyance of immigrants.”...*”<sup>505</sup>

**January 20<sup>th</sup>**, at Port Louis, Lieut. Tyssen renews the gauchos' contract which stipulates that they are to be paid two silver pesos for each head of wild cattle over two years of age, two pesos for each horse caught plus five pesos for each horse broken and trained. One peso per day to be paid for other labour.<sup>506</sup>

**February 20<sup>th</sup>**, in London, George Whittington, representing (?) the *Falkland Islands Association* writes to the new Colonial Land and Emigration Commission.

*“I send herewith an abstract of a Grant of Land made to Lieutenant Langdon RN & myself by Mr. Louis Vernet, who derived his title under & was appointed Governor and took possession in 1826 of the Falklands by the Republic of Buenos Ayres, which was confirmed by Decree of legislation in 1828.”*<sup>507</sup>

Whittington adds that; *“... it must be admitted the right of sovereignty claimed and acted upon by the Argentine Republic, was apparently confirmed and assented to by Great Britain;..”*<sup>508</sup> In recognition of his work towards the colonization of the Islands over the years, Whittington proposes that he, personally, should be granted lands on East Falkland under more favourable terms than will be offered to others and on an understanding that the; *“... whole of the remainder of East Falkland shall be granted to my Association...”*

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

*“We have received a communication from Mr. Whittington informing us that he, together with an association of his friends, is successfully pursuing the object of colonising one of the Falkland Islands, and requesting us to bestow official advantages upon him in return for his exertions in the cause. Not having been instructed that these Islands fall within the scope of our duties, we have the honour to request to be informed whether it is intended to form a settlement upon them, within which it will be in our province to dispose of public lands, as is assumed to be the case in W. Whittington's application...”*<sup>509</sup>

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

*“I beg leave to call your Lordships attention to a subject of much importance, to the interests of myself & the influential parties with whom I am associated, for the purpose of Colonizing the Falkland Islands; a subject which has occupied my best consideration for many years, without regarding either trouble or expense.... I respectfully submit, that, our Association is justly entitled to the favorable consideration of Government...”*<sup>510</sup>

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505 *British Interests in the Falkland Islands: Economic Development, the Falkland Lobby and the Sovereignty Dispute, 1945 to 1989* Ellerby C. R. 1990 p.10 citing *The Colonial Land and Emigration Commission* F. H. Hitchins 1931

506 Pascoe 2022 vol.2 p.524 citing the Jane Cameron National Archive in Stanley.

507 *CO 78/4*. Vernet led an expedition to East Falkland in 1826; was given a grant of lands by Buenos Aires in 1828; but was only given a title (de facto) in the Buenos Airean decree of 1829 (not formally gazetted). George Whittington was somewhat inclined to 'over-egg the pudding'. cf. 1828, November, 1830, January & February, 1832 & May, 1834.

508 *Ibid*. Not the case. Whittington was apparently unaware of the 1829/1832 protests by the British Government.

509 *Villiers to Stephen February 28, 1840 in CO 78/4*

510 *CO 78/4*

Whittington asks after the veracity of a newspaper report suggesting that West Falkland Island will be colonised by convicts; "... such an arrangement would affect the intentions of our Association, who are now in treaty with the Colonial Land and Emigration Board for the Grant of East Falkland Island, to commence the immediate & adequate Colonization of those Islands..."<sup>511</sup>

**February 29<sup>th</sup>**, from Port Louis, Tyssen reports the presence of 25 settlers on the Islands, including children.

*"The ship's company of the Sparrow have been employed in roofing a storehouse, making and repairing different corals, one person gardening, and various other jobs beneficial to the island. There has been little or nothing done towards the cultivation yet by any of the inhabitants. I have endeavoured to persuade them to build houses, make gardens &c., but only one person at present has a garden (Mr. Addyman, an Englishman). ... Mr Goldsmith, the master of the Wave, has just given me 100 different sorts of tree-seeds which I intend to sow at a favourable season: ... The wild cattle of the island are getting more difficult to catch every year. The capitaz, ... informs me he thinks that there are about 40,000 head of cattle and 4,000 horses upon this island, and about 100 cattle upon the west island. There are 14 milch cows, and now about 190 head of tame cattle, including milch cows and calves."*<sup>512</sup>

**March 7<sup>th</sup>**, in England, Commander Onslow<sup>513</sup> writes to George Whittington about his colonization proposals.

*"I am astonished the Government do not colonise them, and make them a great naval depot. My despatches clearly pointed out their importance and advantage as a station and place of refuge."*<sup>514</sup>

*"A Mr. Whittington, who was, we believe a lieutenant in the navy, has been using very strenuous exertions for the last two or three years, to form a British settlement at the Falkland Isles, but received no encouragement from the government."*<sup>515</sup>

**March 9<sup>th</sup>**, in London, the Foreign Office respond to the Commission of Colonial Lands.

*"Having laid before Lord John Russel your letter of the 28 ultimo... the Falkland Islands are part of the dominions of the British Crown, but that HM Govt. do not at present contemplate making any settlement there. ... person(s) desirous of settling these Islands may be permitted to proceed thither, but ... they must not expect more naval, or military protection than can be afforded by Her Majesty's Cutter now stationed there..."*<sup>516</sup>

A note in the margin of the draft message states; *"... I am aware that the vessel of War stationed at the Falkland Islands was sent there by Lord Palmerston's direction, as is understood here, for the purpose of asserting our right of occupation..."*<sup>517</sup>

**March 21<sup>st</sup>**, confused by the latter part of the response of March 9<sup>th</sup>, the Commissioners seek clarification.

*"... we feel ourselves placed in some difficulty in respect to the communications which it may be right for us to make to parties who contemplate the settlement of those islands. If the proprietors of the scheme should be enabled to state to the Public upon our authority that the Falkland Islands are part of*

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511 *Ibid.*

512 Tyssen to Wood February 29, 1840 in *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command)* 27 August 1840 p.6

513 See 1832 & 1833

514 Quoted in Gough 1992

515 *The Colonial Magazine & Commercial-maritime Journal* vol.1 Aug-Dec, 1842 p.303

516 *CO 78/4*. The draft of this letter appears to have dated from March 2, 1840.

517 *Ibid.* Unsigned. Presumably a reference to HMS *Sparrow*. Palmerston held the office of Foreign Secretary on three occasions; the second between April, 1835 and September, 1841.



*the dominions of the British Crown, and that permission is given to British Subjects to settle there, we are apprehensive that the limited extent of the force at present stationed there will be overlooked, and that an expectation will be created that persons actually proceeding thither will receive that amount of protection to their persons & property (including the Establishment of a regular Civil Government) which has generally been accorded to British Subjects under similar circumstances. We would further observe that if permission to settle upon these Islands were conveyed in the general terms of the present communication, parties would expect to be informed whether they would have the means of acquiring a title to the lands they may occupy, ... On the whole we would submit the Question whether it might not be most Convenient that we should be enabled to answer Mr. Whittington by conveying a definitive intimation whether or not Her Majesty's Government is prepared to establish a regular colony in the Falkland Islands.”*<sup>518</sup>

**March 27<sup>th</sup>**, Lord John Russell responds to the Commission, that they should tell would-be settlers of the Falklands; “... that HM Government do not intend to establish a colony there.”<sup>519</sup>

**March 28<sup>th</sup>**, the Commissioners write to inform George Whittington.

*“... having applied to the Colonial Department, for information as to the intentions of Government, they are apprised that Her Majesty's Government do not intend to establish a Colony at the Falkland Islands; and under these circumstances the Commissioners are of course unable, to enter into any question respecting the disposal of Land there.”*<sup>520</sup>

**April 6<sup>th</sup>**, *The Globe* reports:

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

**April 20<sup>th</sup>**, George Whittington writes directly to Lord John Russell. He refuses to recognise the response from the Land Commissioners, and claims that the decision to colonize the Falklands had already been taken by a previous administration. He then sets out a proposal whereby the; “... Falklands shall be vested in the Association in trust for the purposes of Colonization (and) that the Land shall be disposed of by them to the public at £1 per Acre...”<sup>521</sup>

**May 18<sup>th</sup>**, from London, permission is granted by the Admiralty for a sealing contract between Lieut. Tyssen, representing the British Government, and Charles Melville, of the schooner, *Montgomery*. There is a condition that no hunting should take place every second year to allow for the recovery of seal numbers.

*“In 1840 the administration extended its attempts to develop sustainable sealing by requiring that local sealers be licensed. Governor (sic) Lieut. Tyssen issued the first to Charles Melville, master of the vessel Montgomery, giving him exclusive sealing rights to the Volunteer Rocks for three years at £100 per annum. ... Local merchants objected that they were now banned from the most productive fur sealing site. Their request for a concession to the rest of the islands at £200 per year was rejected ...”*<sup>522</sup>

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518 CO 78/4

519 *Ibid*. The next document in the file is dated August, 1840 and appears to run contrary to this response. See below.

520 Whittington to Russel April 20, 1840 in CO 78/4

521 CO 78/4. Notes written onto this letter indicate that no such decision had been made by Lord Glenelg during his tenure at the Colonial Office, and that Whittington had misunderstood the correspondence dating from that time.

522 Dickinson 2007 p.52. No source or citation offered.

In **June**, ignoring all negative messages, George Whittington pursues his plans for colonisation.

*“Government some time ago publicly announced that they had no intention of colonizing the Falkland Islands at present, although they had a resident there ... to protect them as British possessions. Some enterprising individuals have, however, we are informed, determined to attempt the colonization of these valuable islands and a vessel is now being loaded by them in the Thames, to proceed thither.”*<sup>523</sup>

**July 3<sup>rd</sup>**, at Port Louis, more of the settlers gather to sign the oath originally set out by Lieut. Lowcay.

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

Signing are: Rufus Briggs, John Hill, John Scully, Henry Mitchell, Andrei Petaluga, Thomas Parker, Antonina Roza and Marianne Costello.

**August 15<sup>th</sup>**, in London, the Colonial Land and Emigration Commission apologises to the Colonial Office for a delay in their consideration of the question of colonizing the Falkland Islands.<sup>524</sup>

**August 21<sup>st</sup>**, from Rio de Janeiro, *charge d'affaires* Ousley writes to Lord Palmerston at the Foreign Office, giving his view of; *“... the present state of the colony if it deserves that name, of the Falkland Islands...”*<sup>525</sup>

*“The extreme importance of these islands is only becoming apparent as their resources are gradually explored. In case of difference with any South American power, or the prohibition or exclusion by heavy duties of English merchandize, on the approaching expiration of existing treaties, these islands would form an admirable depot and free port from which foreign vessels could convey goods to any part of South America.”*<sup>526</sup>

**August 22<sup>nd</sup>**, in London, the Colonial Land and Emigration Commission reports on the Falklands archipelago:

*“There appear to be Four Grounds upon which the Establishment of a regular Colony at these Islands has been urged upon the Government. 1) The usefulness of affording to the Merchant Vessels which sail round Cape Horn a Port for Refit and Refreshment. 2) The Expediency of having a British Port placed as it were between the Atlantic and the Pacific Oceans, to which our naval Force on the South American Station could resort. 3) The Peculiar Advantages which the Islands afford for the Establishment of a Penal Colony. 4) their Fitness generally as a Settlement for agricultural and commercial purposes. On the Three first Grounds above stated, we entirely agree as to the Value and Importance of these Islands. On the Fourth, we think that considerable Doubt still rests.”*<sup>527</sup>

*“The Commissioners also proposed that East Falkland become a free colony and the West a penal settlement. The benefits included the difficulty of escape, the absence of settlers or aborigines who might be "contaminated or offended," peat for fuel, the capacity for self-sufficiency in food, lower convict transport costs compared with Australia, and convict labour to construct the naval base. The plan was made while Saint Helena, Corfu*

523 *Hull Advertiser & Exchange Gazette Friday July 3, 1840* citing the *Journal of Commerce*

524 *Elliot & Villiers to Stephen August 15, 1840* in CO 78/4. This refers to a letter dated August 14<sup>th</sup>, apparently asking for an explanation regarding the delay. There is no indication in this file as to quite when, between March and August, 1840, the official attitude towards colonization had changed..

525 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command) 27 August 1840* p.14

526 *Ibid* p.15

527 *Sessional Papers of the House of Lords 1841*

and Cape Town were also being considered as destinations for the 4,000 convicts annually sentenced to transportation. It cost £120,000 to keep 4,000 convicts in the hulks for four years, £360,000 in a penitentiary and £60,000 to transport them to Australia.”<sup>528</sup>

**September 4<sup>th</sup>**, Lord John Russell signals his agreement to the recommendations of the *Colonial Land and Emigration* officers; “... excepting as they relate to the establishment of a penal colony on those islands.”<sup>529</sup>

A copy of this endorsement is sent to the Admiralty.

“... It appears to his Lordship that the Government of the Settlement to be formed there should be supported by Vote of Parliament, but that it should be framed upon the most economical Scale, not, perhaps, to exceed 2,000l per Annum; and that the Lands should be disposed of by Sale, under the Management of the Commissioners, upon this Basis: that Fifty per Cent, should be devoted to the Object of sending out Labourers, Twenty-five per Cent, to Surveys, and Twenty-five per Cent, to general Expenses. His Lordship will be glad to be apprized whether the Lords Commissioners of the Admiralty concur in these proposed Arrangements.”<sup>530</sup>

**August 27<sup>th</sup>**, in an attempt to further pressure the Government, George Whittington publishes a booklet entitled *The Falkland Islands: Compiled from Ten Years Investigation of the Subject*.<sup>531</sup>

“This Work gives the early history of the Falklands: it details the different contests for their sovereignty, which is now vested in the British Crown; it comprises the personal examinations and general observations of Don Louis VERNET, the Spanish Governor, and his people, who resided on the Falklands from 1826 until 1833, as also of Captain J. J. ONSLOW, R.N., who, took possession and hoisted there the British Flag in 1833, together with that of Lieutenants HENRY SMITH, R.N., Resident Governor during four years, from 1834 to 1838, ROBERT LOWCAY, R.N., Resident Governor for 1838 and 1839, WILLIAM LANGDON, R.N., HENRY REA, R.N., and other indisputable authorities... In calling the consideration of the public to the subject of the Falkland Islands, I am actuated with sincere desire to promote the naval, commercial, and general prosperity of my country, by pointing out most important objects, which appear to me to have been too long overlooked, and even now to be very imperfectly understood or appreciated.”<sup>532</sup>

“The writer of this, and his brother, had, at considerable expense, trouble, and anxiety, embarked their time and capital in the preliminary colonization &c. of these Islands: ...”<sup>533</sup>

**October 3<sup>rd</sup>**, the Admiralty respond to Lord John Russell’s September letter in the affirmative.

Without informing the British Government, George Whittington sends two vessels to the Islands, *Mary Ann* and *Susan*, under the direction of his brother, John Bull Whittington. Aboard the ships there are 16 colonists, 2 children, stores, 12 sheep and a 2 pigs. The “*clerk and foreman*” is John Markham Dean while James and Mary Watson are among the settlers.<sup>534</sup>

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528 Ellerby 1990 p.11

529 *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840* p.12

530 *Sessional Papers of the House of Lords 1841. No.8.*

531 Published by Smith, Elder & Co., 65, Cornhill; and J. Ridgway, 169, Piccadilly. Reported in *Bells Weekly Register Sunday October 4, 1840*

532 Whittington 1840. Vernet was not a ‘Spanish’ governor and left East Falkland in 1831, while Smith and Lowcay may have been residents, they were not governors. Containing useful information, sadly, the work was also riddled with inaccuracies. See also *CO 78/43*

533 *Fisher’s Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845 vol.2. p.152*

534 Their descendants can still be found in the islands today

*“... two vessels loaded with materials, and people to settle there, without one shilling charge upon the public purse of this country, or of allowance in Colonial land.”*<sup>535</sup>

At the Falkland Islands, American schooners *Plutarch* and *Penguin* put men ashore to hunt wild cattle.<sup>536</sup>

**October 17<sup>th</sup>**, in London, Lord John Russell writes to the Lord Commissioners of the Treasury, asking: *“... whether they are prepared to sanction the arrangements proposed, with a view to the colonization of these islands.”*<sup>537</sup>

**October 30<sup>th</sup>**, Britain’s Treasury approve the proposals for the Falklands.

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

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

*I have further to request you will state to Lord John Russell that my Lords are disposed to concur in the Views submitted by the Land and Emigration Commissioners, in regard to the Feasibility of levying a light Duty on Shipping resorting to the Islands for Refreshment or to refit.”*<sup>538</sup>

**November 21<sup>st</sup>**, Britain’s Colonial Land and Emigration Commissioners are asked for an opinion on the possible take-up of land in the Falklands, by would-be colonists and whether; *“... those colonists would be governed by a charter of justice, or whether it would be expedient to apply to Parliament for authority to create a legislative council and a court of justice.”*<sup>539</sup>

*“What settlers are to be sent out, does not appear to have been decided, but we apprehend that the treasury will advance a loan to be repaid out of the sale of land, for the transmission of distressed Highlanders and Islanders of Scotland, and that a penal settlement will be formed at once, the convicts to be employed in forming a dockyard and other government works.”*<sup>540</sup>

**December 3<sup>rd</sup>**, the Colonial Land and Emigration Commission writes regarding George Whittington.

*“... we have on former occasions received several letters from Mr. Whittington (sic), and that it appears in his own words that his object is to obtain a Grant of Lands to himself upon more favourable terms than will be required from other applicants, in order that he may be indemnified for his Costs and remunerated for his services. We have not, however, thought that this request should be granted,*

535 Fisher’s Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845 vol.2. p.152

536 Extract of a Letter from Lieutenant John Tyssen ... December 15, 1840 in Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.16

537 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.13

538 Sessional Papers of the House of Lords 1841

539 Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) August 27, 1840 p.14

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

*for we believe that we are correct in opining that whatever services may have been rendered by Mr. Whittington they have been entirely voluntary and that no ground for expecting remunerated for them was ever held out by the Government. And further, that the sum of more than £5000 which Mr. Whittington states that he has expended in promoting the Colonisation of the Falkland Islands since the year 1829, in addition to a further sum of £10,000 recently spent in the same cause, must have been an Expenditure made in a private capacity for private objects and constitutes no ground for the indemnity at the Public Expense which he claims.”*<sup>541</sup>

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

*“They have erected a large house and stores, and had a number of fine English long-wooled sheep, poultry and pigs, with some superior dogs. They were daily expecting the arrival of a second vessel from London, with further stores and immigrants. ... Amongst his people was a party of Scotchmen...”*<sup>542</sup>

*“Falkland House: built of wood brought from England; consists of one large store and nine rooms with various useful domestic offices.”*<sup>543</sup>

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

*“From information I have received I firmly believe that American Vessels visit this Island to the Westward solely for the Purpose of killing wild Cattle, and from the Difficulty in detecting them in the Act they pursue this Robbery with Impunity... settlers justly complain that while they, on their cruises round the islands, are obliged to pay for all cattle killed for their crews of their vessels, foreigners pay nothing. ... the Benjamin de Wolff, American schooner, William Symlie (sic) master, had again made her appearance on the coasts of these islands, having been last year warned off by Lieutenant William Robinson, of Her Majesty’s ketch Arrow.”*<sup>544</sup>

An American brigantine, *Enterprise*, under the command of John Green, anchors at West Falkland Island.<sup>545</sup>

**December 27<sup>th</sup>**, in Buenos Aires, Felipe Arana and Manuel Insiarte, in the annual message at the opening of the *Legislatura de la Provencia*, mention the islands; *“The Government perseveres in its claims and supports the rights of the Republic to the Malvinas Islands...”*<sup>546</sup>

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541 Villiers to Smith December 3, 1840 in CO 78/4

542 Southern Australian Adelaide, September 14, 1841

543 Lieut. Governor Moody to Lord Stanley June 6, 1842 in *Accounts and Papers 1843* vol.4

544 In *Accounts & Papers: Thirty Two Volumes 1843*. Also *Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty’s Command) 27 August 1840* p.16. For Symlie, read Smyley. cf. 1830, 1831, 1832, 1835, 1845, 1849, 1850, 1851, 1853 & 1854

545 See February, 1842

546 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.2

**1841 – January 1<sup>st</sup>**, at Port Louis, Antonina Roxa, Leergen Christian Dettleff, Thomas Rolon and James Anderson swear an oath of allegiance to the British Crown. <sup>547</sup>

*“... in 1841, she (Roxa) was compelled, just like her other compatriots, to swear an oath of loyalty to the British crown, imposed by the occupation authorities. Everything indicates that those who did not swear it had to leave the islands and lose their home and other goods.”* <sup>548</sup>

*“... there were only 31 grants of British nationality in the Falklands in the entire 19th century.”* <sup>549</sup>

Mary Ann arrives with the rest of the Whitington brother’s settlers. After disembarking his passengers, Capt. John Hartnall sails away with the stores. <sup>550</sup>

*“... (Whitington)... despatched two ships with settlers, stores and other requisites, for founding a settlement, and that he was about sending a third, and that he has expended £15,000, which he hoped the government would repay him;..”* <sup>551</sup>

*“... as this expense was not authorised by the Government, the Government would have nothing to do with it.”* <sup>552</sup>

**January 16<sup>th</sup>**, John Bull Whitington presents Lieut. Tyssen with a claim for 10 square miles of land which he asserts is the property of his brother, George Whitington.

*“I beg to inform you, that I am duly authorized by George Thomas Whitington, esq. of 20, Adam Street, Adelphi, London, to take possession of certain lands, cattle &c. on the East Falkland Islands, comprising 10 square miles, in Section No.3, with other rights and privileges appertaining thereto, as fully specified in the documents which I am prepared to show, and I have now to request your Excellency will think proper to put me into quiet possession of the said property on behalf and for the account of the said George Thomas Whitington.”* <sup>553</sup>

**January 18<sup>th</sup>**, Lieut. Tyssen responds to John Bull Whitington.

*“I beg leave to inform you that I have no authority whatever from Her Majesty's Government to place you in possession of such lands.”* <sup>554</sup>

**February 10<sup>th</sup>**, in London, the Foreign Office writes to the Colonial Office.

*“... measures are about to be taken for colonizing those (Falkland) islands, and that application will be made to Parliament in the course of the present Session, for a small sum as the means of defraying the expenses of the government to be instituted there.”* <sup>555</sup>

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547 Tatham (ed.) 2008 p.470. cf. 1837

548 *Malvinas: lo que no cuentan los ingleses (1833-1982)* Hipolito Solari Yrigoyen 1988. There was no requirement to take the oath, and the majority of settlers/residents did not do so.

549 Pascoe 2020 p. 175

550 Hartnall, would eventually be convicted of stealing the ship, which belonged to George Whitington. cf. April, 1842

551 *Geelong Advertiser* Victoria April 25<sup>th</sup> 1842

552 *The Colonial Magazine & Commercial-maritime Journal* vol.1 Aug-Dec, 1842

553 This land had been reassigned by Vernet to Whitington in 1834 at the request of Langdon. Caillet-Bois (6<sup>th</sup> ed.) 1982 p.389 (fn.33) claims that in 1841 Vernet; “.. sent a new shipment of 20 horses to the islands..” This is inaccurate.

554 *Accounts & Papers: Thirty Two Volumes 2 February – 24 August 1843 Vol.33 p.3.* John Bull Whitington eventually established himself on land at Port Louis, purchased from the British Government. He remained until 1853.

555 *Stephen to Backhouse, February 10, 1841 in Papers relative to the Falkland Islands: (presented to Parliament by Her Majesty's Command) 27 August 1840 p.15*

**March 3<sup>rd</sup>**, in Buenos Aires, Britain's Minister is notified as to the intention to form a colony in the Islands. <sup>556</sup>

*“In a radical change from previous British policy, the government decided to colonise the islands, and on 3 March 1841 the decision was communicated to the British Minister in Buenos Aires.”* <sup>557</sup>

**March 5<sup>th</sup>**, in England, Capt. John James Onslow writes to both Parliament and the Admiralty; *“The consideration of the distressed state of the Scotch islanders being now before you I respectfully suggest, in the event of emigration being recommended, that they be removed to the Falkland Islands... Since I retook them, whilst in command of Her Majesty’s ship Clio, I have been in constant communication on the subject of their colonization... Mr. Geo. Whittington ... has published a pamphlet...”* <sup>558</sup>

*“At this stage of the proceedings, Captain Onslow, who formerly commanded the Clio sloop of war, suggested that a number of the distressed persons in the Hebrides and Orkneys should be sent to the Falklands; and the Commissioners stated, that if the islands were to be colonized, there "could be no better class of persons so eligible as early settlers in the colony, as the inhabitants of the Islands and Western coast of Scotland.”* <sup>559</sup>

**March 22<sup>nd</sup>**, George Whittington writes a letter of complaint to the Admiralty.

*“... that foreign vessels still come (to the Falklands) with impunity, and leave men for weeks at a time on the different islands, to hunt, whale and seal, destroying everything they can meet with during the breeding season, and annihilating the young, although then of little value. Lieutenant Tyssen, ... only possesses the power of warning them off civilly, which he has done so frequently, that they laugh at his warnings and set him at defiance. ... his orders and powers are insufficient to prevent it;.. in mere wantonness the crew of one American vessel killed 2,000 wild hogs merely for their skins; ... You will of course take the necessary steps to prevent the further continuance of these evils. ...”* <sup>560</sup>

**March 30<sup>th</sup>**, the Colonial Land and Emigration Commissioners make extensive recommendations regarding a formal colonisation of the Falklands. <sup>561</sup>

*“We would first venture to recommend that the attention of the Lords of the Admiralty should be directed to the selection of the Port which their Lordships may consider the most convenient for the Resort of Her Majesty’s Ships. Round that Port it would be desirable that the future Capital of the Settlement should be laid out. ... The Lords of the Admiralty will undoubtedly have before them sufficient information from the Reports of the different Officers who have visited or been stationed at these Islands, to enable them to form a decision on the Point... We think next that the proper Civil Officer for carrying on the Government and administering Justice provided that Parliament had granted the means of paying their Salaries, ought to be appointed, ... With regards to the Chief Town we should recommend that, in addition to the spots which may be reserved for Naval Purposes, and also exclusive of the portions set apart for Public Works, Streets and Squares, there should be laid out 500 acres in portions of half an acre each, and that they should be offered to the Public during the first year of the settlement at the rate of £50 each section...”* <sup>562</sup>

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556 FO 6/502/3

557 Pascoe 2022 vol.2 p.530

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

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

560 Papers relative to the Falkland Islands: 27 August 1840 pp.17 &18. George Whittington had, presumably, received a complaint from his brother.

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

562 CO 78/4



One of the suggestions with regard to the wild cattle is that; *“The entire right of Property in them, and management of them should be sold or leased to a Company.”*<sup>563</sup>

The Commissioners also suggest that marines should be posted to bring law and order to the Falklands.<sup>564</sup>

*“... as the Colony of the Falklands is acquired by discovery & occupation, we apprehend it will stand in the same relation to this Country as the settlement in New Holland, and that with respect to the formation of a local Government, the same course must be taken as has been pursued in the case of those Colonies. We understand that in Colonies so acquired, the Crown cannot exercise a legislative power over the British Subjects who may settle in them. They ... continue under the general law of England, and any Laws or Regulations specifically applicable to the Colony, can only be made by the Authority of Parliament. We therefore presume that this sanction is necessary in the present case, before the Crown can confer a power of local legislation, and institute a Court of Justice.”*<sup>565</sup>

**April 30<sup>th</sup>**, the Commission's proposals are submitted to the Treasury.

*“On the 30th April 1841 Lord John Russell caused certain proposals for forming an establishment at the Falklands, to be submitted to the Lords Commissioners of the Treasury, and informed their Lordships that, if those proposals were concurred in, it was his intention to propose to Parliament a Bill, giving legislative power to the governor for three years.”*<sup>566</sup>

**July 19<sup>th</sup>**, the Treasury agree with the suggestions; *“... the Lords of the Treasury expressed their concurrence in the suggestions thus made to them, which involved an annual expenditure of 3,750/., but we believe that at that late period of the session the Bill which had been contemplated was not brought before Parliament.”*<sup>567</sup>

**August 20<sup>th</sup>**, in London, Lieut. Richard Moody, an engineer, is appointed Lieutenant-Governor at the Falklands, with his instructions provided by Lord John Russell.<sup>568</sup>

*“... First, as to the definition of your powers. The difficulty here is, that as you are to preside over a settlement to which Her Majesty's title rests on the ground of prior occupation merely, the general rule is, that the colonists there carry with them the law of England, so far as it is applicable to their situation. Now the law of England supposes a legislature composed, in part at least, of the representatives of the people, and courts of justice formed on the model of those of England; but the Falkland Islands do not at present afford the means of representative institutions: courts of justice may before long be established; but we have not sufficient information to enable us to point out in what manner this can best be effected. Without the sanction of Parliament Her Majesty cannot, in the exercise of her prerogative, provide any substitutes either for a legislature or courts of justice. But you will turn your attention, immediately upon your arrival, to the means of administering law and justice within the colony. You will inform the inhabitants of the Falkland Islands, by proclamation, that the law of England is in force within the islands; you will ascertain whether there are any persons in the islands fit to be entrusted with the functions of judges or magistrates...”*<sup>569</sup>

*“This officer is one of the most talented of the very many that corps (Royal Engineers) can boast of.”*<sup>570</sup>

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563 See 1844 & 1846

564 *Sessional Papers of the House of Lords 1841*

565 CO 78/4. New Holland was then the name for Australia.

566 *Accounts and Papers 1843 vol.4 p.42*

567 *Ibid.*

568 *The Globe* Saturday August 21, 1841

569 *Accounts & Papers: Thirty Two Volumes 2 February – 24 August 1843*

570 *Naval & Military Gazette & Weekly Chronicle of the United Service* Saturday August 28, 1841

*“The Gazette... then proceeded to announce the appointment of two lieutenant-governors of British colonies – one of which is nothing less than the dreary Falkland Islands, which are claimed ... by the Republic of Buenos Ayres, and at all events for which a resident was previously deemed amply sufficient, he and his family constituting almost the only human beings permanently resident on the islands...”*<sup>571</sup>

**August 26<sup>th</sup>**, Moody is instructed to consider changing the location of the islands principle settlement.

*“... having consulted the Lords Commissioners of the Admiralty in regard to the selection which it might be proper to make a port in the Falkland Islands for the resort of Her Majesty's ships, the Lordships have appraised me that Port William is a safer and more convenient harbour than Berkeley Sound...”*<sup>572</sup>

**September 8<sup>th</sup>**, from London, Argentina's Minister Moreno writes to Buenos Aires, expressing the hope that a change in the English administration could lead to a solution of the dispute over the Falklands.<sup>573</sup>

**September 10<sup>th</sup>**, from Buenos Aires, Minister Mandeville reports to London.

*“I was apprehensive that some difficulty might be made on the part of the Government to allow the purchase of Horses for Exportation... but so far from any impediments being thrown in the way of executing the Admiral's orders, every facility has been granted for conveying them into effect:- and General Rosas sent me word soon after I had requested permission for the purchase of the horses and leave to embark them, that if there should be any difficulty in procuring horses... He would furnish me with the quantity required. Twenty horses and some sheep sailed from this Port for the Falkland Islands on the 7<sup>th</sup>...”*<sup>574</sup>

**September 11<sup>th</sup>**, Andrez Petaluga (Pitaluga) is appointed *capataz* (foreman) of the gauchos in the Falklands.<sup>575</sup>

On the same day in Buenos Aires, Luis Vernet is granted the patent for an invention that preserves hides; granted for an initial period of six years.<sup>576</sup>

**September 25<sup>th</sup>**, Argentina's Tomas Guido, reports a conversation with Brazil's representative in Uruguay.

*“Carlos Creus, chargé d'affaires to the Republic of Uruguay, in a conversation with Tomás Guido, made him understand, very clearly,- “that in any treaty by which Spain recognized the Independence of the Republic the territory of these Islands would be recognized as an integral part of it; since Spain, having possessed them with full right, was the only one that could renounce it”..”*<sup>577</sup>

**October 9<sup>th</sup>**, Spain recognises the Oriental Republic of Uruguay as a free, sovereign and independent nation.

*“No-one remembers an 1841 treaty signed between Spain and Uruguay. In that treaty Spain cedes the naval base's powers (to Uruguay)...”*<sup>578</sup>

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571 *Northern Standard* Saturday August 28, 1841. Moody's appointment was not actually gazetted until June, 1843.

572 Lord J. Russell to Lieut. Governor Moody Aug 26, 1841 in *Accounts and Papers 1843* vol.4

573 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.362 citing *M. Moreno to Felipe, September 8, 1841, in Archivo General de la Nación, Buenos Aires, División Nacional, Sección Gobierno, Inglaterra, Ministro y Consul*

574 Mandeville to Palmerston September 10, 1841 in FO 6/502/11. The purchase and export of horses was, at that time, restricted by law due to the demands of the Army.

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

576 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.191 fn.13. A further patent in 1850 allowed Vernet to rebuild his fortune.

577 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.341. Spanish recognition of the Argentine Republic would have to wait until 1863.

578 *Las Malvinas, ¿son uruguayas?* Juan Ackerman & Alfredo Villegas 2013. After 1806, Montevideo's naval base had administered the Spanish garrison on East Falkland (Soledad) Island. Montevideo was also the location of the last seat of Spain's Viceroyalty de la Rio de la Plata (1810 – 1814), not Buenos Aires. cf. 2013

**October 12<sup>th</sup>**, having departed Woolwich three days before, Lieut. Governor Moody, with a detachment of Royal Sappers and Miners (one Sergeant, two corporals and nine privates) and their families (three wives and seven children) sails from Gravesend in the brig, *Hebe*.<sup>579</sup>

*“His budget was insufficient to meet the expenses of the trip to the Falklands, so he had to borrow from relatives, but eventually the Hebe set sail...”*<sup>580</sup>

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

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

**October 27<sup>th</sup>**, for £80, a sealing licence covering Seal Rocks “*off the Volunteers*” is sold to Charles Melville.<sup>581</sup>

**October 30<sup>th</sup>**, in London, the Great Storehouse at the Tower is destroyed by fire. Lieut. Clayton's lead plate declaring British sovereignty - left at Port Egmont in 1774, removed to Buenos Aires by Juan Callejas in 1776 and returned to England by Beresford in 1806 - is lost with the building.<sup>582</sup>

**November 5<sup>th</sup>**, in the Falklands, Manuel Coronel - last of the gauchos taken out to East Falkland Island by Luis Vernet in 1826 - dies in an accident. He is buried at Port Louis three days later.<sup>583</sup>

**December 4<sup>th</sup>**, in Washington DC, the US Government finally replies to General Alvear's 1839 demand for compensation arising from the actions of the USS *Lexington* in 1831.

*“... it is notorious that Great Britain soon afterwards entered upon and has ever since continued in formal and actual possession of that territory, claiming under a previously existing right. The right of the Argentine Government, therefore, to jurisdiction over it being contested by another power; and upon grounds of claim long antecedent to the acts of Captain Duncan which General Alvear details, it is conceived that the United States ought not, until the controversy upon the subject between those two governments shall be settled, to give a final answer to General Alvear's note...”*<sup>584</sup>

*“The right of the Argentine Government to jurisdiction over it (the territory of the Falkland Islands), being contested by another power (Great Britain), and upon grounds of claim long antecedent to the acts of Captain Duncan which General Alvear details, it is conceived that the United States ought not, until the controversy upon the subject between those two Governments shall be settled, to give a final answer to General Alvear's note, involving, as that answer must, under existing circumstances, a departure from that which has hitherto been considered as the cardinal policy of this Government.”*<sup>585</sup>

*“... that the United States would not change its attitude until England returned the islands to the rightful owner. Otherwise it would have meant departing from what Webster deemed a "cardinal policy" of the United*

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579 CO 78/4. One Private James Briggs was among the detachment, with his wife Margaret. Their descendants can be found in the Islands today. As may the descendants of Thomas Yates, also a member of this platoon. By trades, the party had quarry men and miners, carpenters, builders, smiths and a mason.

580 Pascoe 2022 vol.2 p.531

581 FO 97/541. After arriving with Lieut Smith in 1834, Melville had elected to remain when his service was completed in 1838. Melville also held a licence to take seals from the Volunteer Rocks.

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

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

584 Quoted in Manning 1932. Also Fitte 1966 p.421. Webster had been appointed as US Secretary of State in March, 1841 following a change of Administration. Whether the Secretary's office had ever received a copy of the requested Buenos Airean fishing regulations is unclear. cf. 1839.

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

*States, referring in this way to the non-interventionist policy of that State. Without ignoring the skill of the position chosen by Webster, the attitude of the US Chancellery cannot fail to bewilder, (as it) exhibited arguments of a debatable nobility, thus avoiding facing the (question of) compensation and reparations justly due after the unjustified aggression of the Lexington. And as far as the application of the Monroe doctrine is concerned, it is no less true that the example given was, without doubt, instructive. He (the USA) had encouraged English diplomacy to take over the islands and then, when the occupation became effective, he folded his arms without raising his voice against what, without discussion, was an obvious usurpation. The United States, through the mouth of its leaders, thus took a step that was far from appearing clad in the nobility, disinterest and justice demanded by its prominent position in the concert of nations ...”*<sup>586</sup>

*“The American answer was absurd and only an artifice to delay the matter. The sovereignty dispute had no bearing on the obligation to repair damages to the party that suffered them. USS Lexington caused grievous material damage to buildings and goods built or provided by the Argentine government. It is the country that suffered the damages that has to be compensated for them, irrespective of the territory on which the damage took place.”*<sup>587</sup>

**December 18<sup>th</sup>**, in London, Argentina's Minister Moreno submits a further protest to the Foreign Secretary.

*“The Undersigned, Minister Plenipotentiary of the United Provinces of Rio de la Plata, has the honour to address his Excellency the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, with the view of calling to His Lordship's memory the discussion pending between the Govt. of the United Provinces, and that of Her Britannic Majesty respecting the sovereignty of the "Islas Malvinas" denominated by the English the Falkland Islands especially respecting the Island "del Este", or Soledad, and Port Luis (sic), of which the British Govt., took possession on the 5th of January, 1833, thereby despoiling the United Provinces of that ancient territory and legitimate possession of the Republic.*

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

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586 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.374. The Monroe Doctrine (see 1821) had not included the Falklands (see 1886).

587 Peña & Peña 2018. Erroneously dated to 1844. None of Vernet's funding came from public sources. His had been a purely private venture up until 1829, and was not supported financially by Buenos Aires between 1829 and 1831, when Vernet left. None of the building had been provided by Argentina. None of the buildings had been damaged. See 1831.

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

*The Undersigned having thus fulfilled the orders which he has received from his Government, deems it his duty to close this note in the words of his last communication; "This claim is founded on rights so evident, that the Government of the United Provinces does not doubt that it will be attended to without delay, by His Britannic Majesty's Government, acting in conformity with the principles of justice by which it is characterized." ...*"<sup>588</sup>

*".., Moreno took the view that the British note of 8<sup>th</sup> January, 1834, had mistaken the geography of the archipelago: it seemed to assume that East Falkland Island, which had always been Spanish, was a dependency of West Falkland Island (Port Egmont), whereas the former island was 130 miles long by 80 miles broad, and the latter only 100 miles long by 50 miles broad.."*<sup>589</sup>

*"In the years 1833 and 1834, the Argentine Confederation had made several diplomatic protests by letter against British possession of the Falklands. There were altogether three sets of diplomatic protest, in 1833-4, 1841-2, and in 1849, after which there were no more. During the seven years after Manuel Moreno's letter to the Duke of Wellington on 29 December 1834, Argentina did not raise the matter of the Falklands again formally to Britain,..."*<sup>590</sup>

**December 24<sup>th</sup>**, Moreno's protest is passed to the Colonial Office, accompanied by a map (next page).

*"As before, his history was faulty in that no one had ever possessed East Falkland for more than half a century, and Spain flatly denied having bought the islands from France."*<sup>591</sup>

**December 26<sup>th</sup>**, Ambassador Moreno informs Buenos Aires that he has asked Casimiro Rufino Ruiz to obtain a copy of the 'secret convention' that Moreno believes was agreed between England and Spain in 1771.

*"Another informant member was Casimiro Rufino Ruiz, who was given, among other things, the precise task of copying the "secret agreement"."*<sup>592</sup>

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588 See <https://falklandstimeline.files.wordpress.com/2012/02/1841-moreno-protest.pdf>

589 *Memorandum on the Falkland Islands* 1947 in *LCO* 2/490. The area of West Falkland is 1,170 square miles while that of East Falkland is 2,550 square miles. However, traditional cartography had generally depicted the western island as far larger than its eastern counterpart. See <https://falklandstimeline.wordpress.com/charts/> The relevance of size when it comes to dependency, is not immediately clear.

590 Pascoe 2022 vol.2 p.532

591 *Ibid.*

592 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.362 citing *Comisión al Sr. Don Casimiro Rufino Ruiz a su regreso a España*. Ruiz subsequently noted that his enquires ascertained that the documents for the period were concentrated at the Samancas archive, but that no 'secret agreement' existed. "A useless journey."

*“The unhappy Rufino set forth half-heartedly to look for a needle in a haystack, eventually returning empty-handed for his pains.”*<sup>593</sup>

# Researcher's Comment: There was nothing to find. Spain had expunged its 1771 diplomatic defeat from the record, and not just from the public record. Few private records survived.

In 1833, Spain's eminent historian, Martin Francisco de Navarrete, had been tasked by the Spanish Government to answer a question on the same issue for the USA. Navarrete was given access to the nation's archives. His response a few months later was - *“If in 1770 there was a secret agreement between our government and the English ... the same quality of secrecy will have caused that it has been hidden to the public and that, consequently, has not come to my notice; but if it really exists, it cannot but be found among the papers of the archives of the secretariat of state, if they were not transferred to the one of those Simancas of that time.”*

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

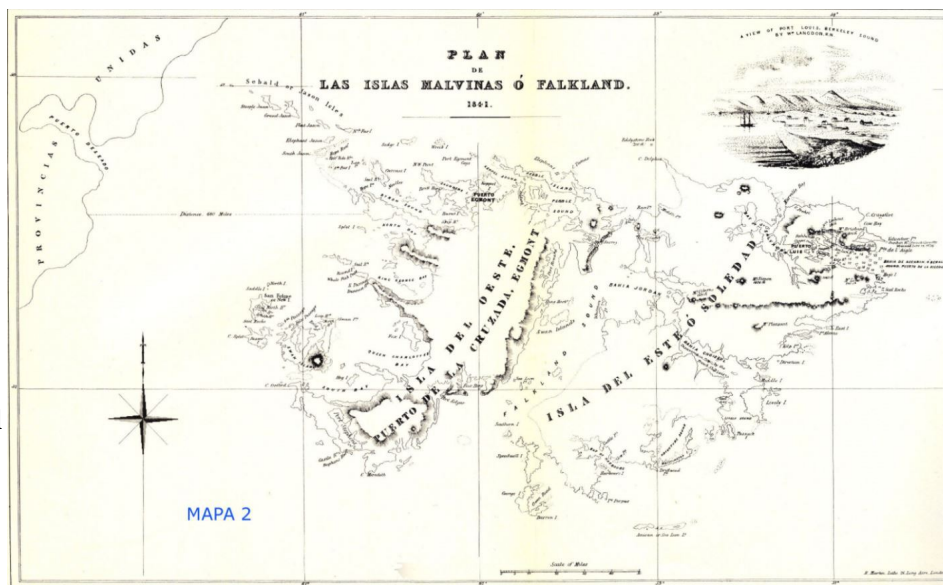
**December 27<sup>th</sup>**, in Buenos Aires, Felipe Arana and Manuel Insiarte send the Government's annual message to the *Legislatura de la Provencia*, at its opening ceremony.

*“The Government perseveres in its duty to uphold the just rights of the Republic to the territory of the Malvinas Islands...”*<sup>594</sup>

**December 29<sup>th</sup>**, in London, Lord Aberdeen acknowledges Minister Moreno's protest.

*“The Undersigned has the honour to acquaint M. Moreno that he has referred his note for the consideration of the proper Department of Her Majesty's Government.”*<sup>595</sup>

**December 30<sup>th</sup>**, Gen. Alvear, who is not in Washington, acknowledges Secretary Daniel Webster's letter of December 4<sup>th</sup>. Alvear requests an interview.<sup>596</sup>



593 Peña & Peña 2018

594 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.21

595 Quoted in *British & Foreign State Papers 1842-1843* vol.31 p.1005. For Britain's response see February, 1842. cf. 1885.

596 Manning 1932 p.228. Also Fitte 1966 p.423

**1842 – January 3<sup>rd</sup>**, in Washington, Minister Alvear and Secretary Webster meet.

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

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

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

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

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

*Answer: I would tell my Government ..; but that I should be allowed to observe one thing, and that (was that) Argentine Confederation did not recognize nor (would) recognize any right in any ship's commander, of any nation, to interfere in matters that should be vitiated by the Governments, regardless of that which they would actually decide... ”* <sup>597</sup>

**January 4<sup>th</sup>**, Gen. Alvear informs Foreign Minister Felipe Arana of his conversation with the US Secretary.

*“On reflection ... (there) is a desire on the part of the Government of the United States to let this matter sleep, perhaps also with the conviction that England will never depart from the Malvinas Islands, and that the proposal is to assist, both the Argentine and the American government, out of the embarrassing position in which they are (put in) by this business.”* <sup>598</sup>

*“... it was intended to wait for the outcome of the sovereignty of the Islands, occupied for eight years by England, and it seems that this suggestion was accepted by the Argentine Government, to whom General Alvear referred it in his note January 4, 1842,..”* <sup>599</sup>

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597 Quoted in Fitte 1966 (pp.424-426). *cf.* 1866

598 Fitte 1966 p.425. Alvear also reported that Silas Duncan had died. The issue was not raised again until 1866; however diplomatic relations were restored in 1845 and a treaty of friendship was concluded in 1853. The US Secretary's suggestion that the question of 1832 be set aside, appears to have been accepted. *cf.* 1866

599 *Dominguez a Ortiz 25 de abril, 1884* in Fitte 1966 p.459

**January 5<sup>th</sup>**, from London, Manuel Moreno informs Buenos Aires of the British Government's acknowledgement of his note. And that it is to be considered by the colonial authority.

**January 6<sup>th</sup>**, the Colonial Office circulates its findings with regard to Moreno's recent protest.

*"Lord Stanley fully concurred in the course which had hitherto been pursued by the Foreign Office in asserting and maintaining the rights of this country to the sovereignty of those islands, and that in view of the measures recently adopted by the Colonial Office for establishing a regular system of colonisation, he considered it absolutely necessary to insist most positively on the validity of those claims. His Lordship, therefore, suggested that such an answer should be returned to Senor Moreno as might point out to him the intention of Her Majesty's Government to continue to exercise the rights controverted by the Argentine Government. ..."*<sup>600</sup>

**January 15<sup>th</sup>**, Lieut. Governor Richard Clement Moody arrives in the Falklands.<sup>601</sup>

*"Now in establishing an administration Whitehall instructed Governor Moody that his government must be: "One of influence, persuasion and example, rather than direct authority; but in the exercise of moral rather than legal power, you must of course be guided by your own discretion, rather than by any precise instructions". These were pretty wishy-washy orders, but as he was only allocated £2,000 (of which £600 was his own salary) the Governor did not have funds to throw around but when he landed, the future of the Falklands was still far from clear."*<sup>602</sup>

*"The size of Moody's party, though it consisted of a mere 22 people, marked the acceptance by Britain for the first time of a definite commitment to the islands."*<sup>603</sup>

**January 17<sup>th</sup>**, Susan (Alley), which had brought Whitington's settlers from England, sails for Rio de Janeiro.

**January 19<sup>th</sup>**, Sparrow departs Port Louis for Port William.

*"(Moody) lost no time in setting off from Port Louis for Port William on horseback, with the senior naval officer Lt Tyssen. Meanwhile, Her Majesty's ketch Sparrow, sailed around from Berkeley Sound, carrying a detachmet of Royal Sappers and Miners."*<sup>604</sup>

**January 20<sup>th</sup>**, Tyssen and Moody inspect Port William.

*"Assisted by Lieutenant Tyssen, I continued my inspection of the port, landing at many points, and turning the ground to examine the nature of the soil and subsoil. While we were thus employed, Mr. Halloran, the master of HM ketch Sparrow, was engaged in sounding the harbour, and in particular the entrance and inner water of the lagoon. After a careful inspection of the port, and consideration of the subject on every point, I am of opinion that Port William is much better adapted as the site of the chief town than Port Louis, but I did not consider it advisable for me to act upon this conviction, and fix my residence there at once. From the lateness of the season, which would not afford me sufficient time to settle myself and party before the winter commenced. I was, moreover, desirous of availing myself of the short time which remained before it would become necessary for HM ketch Sparrow to sail for Rio de Janeiro to visit in her as much of the islands as possible. Lieutenant Tyssen being ready and obligingly anxious to afford me every assistance in his power."*<sup>605</sup>

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600 Bernhardt 1911. Original note in FO 6/502/24. Stanley (elevated 1844) was Secretary of State for War and Colonies

601 Lieut. Governor Moody to Lord Stanley Jan 16, 1842 in *Accounts and Papers 1843* vol.4. Also CO 78/5

602 *Wishy washy orders and £1,400 to spend* in *Penguin News* February 5, 1993

603 Pascoe 2020 p.176

604 *Penguin News* February 13, 1993

605 Lieut. Governor Moody to Lord Stanley February 21, 1842 quoted in *Penguin News* February 13, 1993



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

*“I formally landed, under a salute from Her Majesty's ketch Sparrow, was received at the beach with due honours by Lieutenant Tyssen, and proceeded to the Government-house, where the few residents being assembled, I addressed myself to them, explaining as much as I thought proper of the views of Her Majesty's government concerning these islands, in so far as I have had the honour to be informed. The only points upon which I deemed it necessary to lay any stress were, first, to remove the erroneous ideas that might still linger in the mind of any one concerning Mr. Vernet's fancied claims upon Great Britain; I have been given to understand that some of the residents have claims upon Mr. Vernet, many of his paper dollars being in their possession, and some even in the Government treasury of the colony, handed over to me by Lieutenant Tyssen. The 2<sup>nd</sup> point was to dispel the dread they appeared to entertain of my being sent to make great changes by which they would all become sufferers. I hope that their fear no longer exists, as I took some pains to explain to them that the views of government contemplated their welfare, peace and security.”*<sup>606</sup>

*“Most were from England and Scotland, including 17 who came with J. B. Whittington, but there were other individuals from the Cape Verde Islands, Ireland, Bermuda, Denmark, Germany, Gibraltar, France, Buenos Aires, as well as several children born locally.”*<sup>607</sup>

*“... Lt. Governor Richard Moody in 1842, noted five colonists born in Ireland.”*<sup>608</sup>

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

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

*“... payments had been suspended for fifteen years. The debt amounted to 1,900,000 pounds, or 9,500,000 pesos, which, at the time of the change, amounted to more than 200,000,000 pesos in common currency; That is to say, that the debt exceeded the total amount of the government budget by almost five times, since in 1842 it was 43,000,000 pesos common currency.”*<sup>609</sup>

*“General Rosas ordered Manuel Insiarte, the minister of finance, to convince Falconet of the desirability of dropping Argentina's claim to the Falklands in exchange for annulment of the debt, and to request that Falconet should assist Moreno in London to promote the idea to the British government. Accordingly, Insiarte attempted to prevail upon Falconet to carry out that request.”*<sup>610</sup>

**February 11<sup>th</sup>**, Lieut. Governor Moody visits West Falkland in H.M. Ketch *Sparrow*.

**February 12<sup>th</sup>**, at White Rock Harbour, Moody discovers two deserters from the brig *Enterprise*, Henry Whiteman, of Great Britain and Samuel Profit, an American. They have survived for fourteen months, having; *“... subsisted on the wild fowl of the Island, seals, roots of the Tussock (daily), and the ... heather ... they were healthy...”*<sup>611</sup>

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606 Lieut. Governor Moody to Lord Stanley March 5, 1842 in *Accounts and Papers 1843 vol.4*. Also CO 78/5. Of the 62 residents, only 10 had been present for the 1838 census, and the figure did not include 16 children. cf. Royle 1985. Bernhardson (1989) gives the total as 52.

607 Bernhardson 1989 p.262

608 *The Irish in Falkland/Malvinas Islands* Edmundo Murray in *Irish Migration Studies in Latin America* 2005 (updated June 2019)

609 Rosas, *Las Malvinas y Nuestras Desmembraciones Territoriales* in *Revista del Instituto Rosas no.13* 1948. Nothing had been paid since 1827.

610 Pascoe 2022 vol.2 p.552. See December, 1842 below.

611 CO 78/5

**February 13<sup>th</sup>**, Moody sails to Port San Carlos.

*“During these three days the weather was very fine, and I was enabled to inspect some portion of this part of East Falkland with great care. There were many cattle in the neighbourhood, and the land in many places is of excellent quality.”*<sup>612</sup>

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

**February 15<sup>th</sup>**, in London, Lord Aberdeen responds to the December, 1841 protest of Minister Moreno

*“Her Majesty's Government could not recognise in the Argentine Government any pretension to disturb a formal arrangement between Great Britain and Spain, an arrangement which had been concluded forty years before the period from which Buenos Ayres dated its separation from the mother country; and an arrangement which Great Britain had ever since regarded as definitive, upon the question of her right to exercise sovereignty over the Falkland Islands, which right Spain herself had never evinced a disposition to disturb or call into question; ...”*<sup>613</sup>

*“... Senor Moreno was thereupon informed that Her Majesty's Government had attentively considered the various documents which had emanated from the Governments of Great Britain and Buenos Ayres upon the subject of the Falkland Islands, and it appeared to Her Majesty's Government ... that consequently the right to the possession of the Falkland Islands which was confirmed by Spain to Great Britain in the Arrangement of 1771, remained unimpaired. ...”*<sup>614</sup>

*“Her Majesty's Government saw nothing to alter in their views. Senor Moreno was informed that a permanent system of British colonization was to be established in the Falkland Islands and that Her Majesty's Government were determined not to permit any infringement of the undoubted rights of Britain there.”*<sup>615</sup>

*“... facts that history documents extensively and irrefutably were silenced. It is hard to believe, however, that such a phrase was written by an English statesman of the magnitude of those who intervened in the discussion. So that, when he speaks of “formal settlement”, there is only the recourse to believe two things: either the signing Minister speaks of facts about which he does not have clear and precise information, or else – and this is most likely – to distort the issue with the deliberate purpose of putting an end to a discussion that was proving somewhat annoying to them...”*<sup>616</sup>

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

*“...the vessel on that night was making the said Island for the purposes of remaining and refreshing the crew. All the persons on board but one colored man who was unfortunately drowned, reached the land in safety.”*<sup>617</sup>

*“... 8 distressed seamen from a wrecked vessel of the United States reported themselves to me at the Government House, Port Louis...”*<sup>618</sup>

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612 Quoted in *Penguin News* February 20, 1993

613 From Bernhardt 1911. Also *Memorandum Respecting the Falkland Islands and Dependencies* J. W. Field 1928 para.135. Original draft in *FO 6/502/26. cf.* 1771

614 Bernhardt 1911.

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

616 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.363

617 Statement of Henry Holt in *FO 78/5*. See also *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

618 *Moody to Stanley March 17, 1842* in *FO 78/5*. These men had arrived at Port Louis on March 15<sup>th</sup>, while the vessel's captain remained at North Harbour aboard *White Oak*. Six members of the crew guarded the wreck site.

**February 16<sup>th</sup>**, in London, Minister Moreno requests an interview with Lord Aberdeen. However, before obtaining a response, he publishes his protests and the responses received since 1833 - for public consumption.

*“... he had no instructions to publish the correspondence between Your Lordship (Aberdeen) and this Gentleman (Moreno), which His Excellency (Rosas) informed me he had done, - that the Governor was extremely displeased with him for the publication of it, ...”*<sup>619</sup>

In the Islands, HMS Arrow sails into Berkeley Sound, Lieut. Robinson commanding.<sup>620</sup>

*“I feel greatly indebted to Lieutenant Robinson for the manner in which he took every pains to put me in possession of the local knowledge he has of these islands; and he has greater advantages in that respect than any one else, from being always on the move among them, carrying on the valuable nautical survey. From Mr. Bodie I also gained much information concerning the numbers of wild cattle, ... He thinks that the number of the wild cattle are about 30,000;...”*<sup>621</sup>

**February 17<sup>th</sup>**, Lieut. Governor Moody sails down the strait to Sussex Harbour near Mount Usborne.

**February 18<sup>th</sup>**, Moody climbs Mount Usborne.

*“The view from the summit being very extensive in every direction, and the day remarkably fine, I was enabled to obtain a good knowledge of the general features of the country. With my glass I also saw many herds of wild cattle; at one time during our ascent we were quite surrounded by them”*<sup>622</sup>

**February 19<sup>th</sup>**, Governor Moody moves on to Port Howard in West Falkland.

In London, Moreno writes to Aberdeen.

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

*“... in his note of the 29<sup>th</sup> December, 1834, he had stated in the most explicit manner that the arrangement between Great Britain and Spain of the 22<sup>nd</sup> January, 1771, demonstrated that the dispute did not turn on the sovereignty of East Falkland nor on the sovereignty of the whole group of the Falkland Islands, but solely on the possession of West Falkland Island or Port Egmont, whose garrison had been expelled by an expedition from Buenos Ayres on the 10<sup>th</sup> June, 1770. ... (which) left Spain in permanent dominion of East Falkland Island, which she had occupied for many years after the French, and to Great Britain it bestowed, for the sake of peace, the de facto possession of West Falkland Island or Port Egmont which she shortly after abandoned.”*<sup>623</sup>

*“He further urged that that arrangement also contained an express reservation of the sovereignty of the Falkland Islands on the part of Spain, to which reservation Great Britain had never replied, and which was distinctly made so that the special stipulations as to Port Egmont should not prejudice Spain's absolute rights to possession of those islands. Senor Moreno considered, therefore, that it was a mistake to appeal to the Arrangement of the 22<sup>nd</sup> January, 1771, in order to deduce from it the proof of the British sovereignty over the islands, as that document clearly impugned and destroyed it. It was the spoliation and capture of the Eastern Island by Great Britain in 1833, he maintained, that overturned the arrangement of 1771. With regard to the*

619 Mandeville to Aberdeen May 21<sup>st</sup>, 1842 in FO 6/502/106.

620 Lieut. Governor Moody to Lord Stanley March 5, 1842 in Accounts and Papers 1843 vol.4

621 Ibid

622 Quoted in Penguin News February 20, 1993

623 Quoted in Bernhardt 1911

*alleged Secret Agreement of 1771 concerning the total evacuation of the islands by Great Britain, which had been quoted by the Argentine Government in their protest of 1833 on the strength of an official despatch of the Spanish Minister Arriaga and of several English historical works, Senor Moreno expressed his willingness "to retract that quotation from motives of respect for Her Majesty's Government, seeing that after examining the British archives it was said that the allegation was **doubtful**". But the non-existence of this Secret Understanding, Senor Moreno contended, by no means affected the question of sovereignty, which rested on other titles and bases, nor the question of spoliation and plunder, of which his Government complained. On what grounds, Senor Moreno asked, did Great Britain found her pretensions to the sovereignty of the Falkland Islands? Assuredly, he went on to say, not on the right of conquest, which had never taken place, nor on Treaties with, or on acquisition from, other nations, which had no existence, nor on original occupation which was in favour of France and Spain, nor yet on priority of discovery, which remained ambiguous, and which would be of no moment if it could be proved, as of itself alone and without being accompanied by occupation it constituted no right. ... Senor Moreno therefore stated ... that they trusted that Her Majesty's Government would reconsider and revise that decision."*<sup>624</sup>

*"(Argentina's) titles to the sovereignty and dominion of the Falklands group, especially of East Falkland Island, were: first, occupation, by virtue of the purchase of the French settlement by Spain; secondly, creation of properties which were in existence at the period of the invasion and spoliation committed by HMS Clio. The Argentine Government therefore maintained their protests, claiming restitution and indemnification."*<sup>625</sup>

*"Moreno then tried to meet with the Undersecretary for Foreign Affairs, Mr. Stanley, but to no avail, as the request received a cold and categorical negative response. In view of this, on February 19, Moreno, not willing to remain silent, once again gave Count Aberdeen a new note in which, returning to his argument, he insisted that the discussion that had arisen in 1771 concerned only the possession of the West Island or Port Egmont. He argued, therefore, that the acts exercised by England in 1833 violated the 1771 agreement. (He) noted then the silence of the Instructions given to Onslow in regard to Puerto Soledad, and concluded ..; in effect, (that) not being able to prove the existence of the "secret promise" - denied by England - "The undersigned makes it his duty to withdraw this allegation out of respect for the Government of His Majesty"..."<sup>626</sup>*

**February 21<sup>st</sup>**, in London, Aberdeen and Moreno meet at the Foreign Office.

*"... the Buenos Aires representative repeated his arguments, highlighting the error by Lord Palmerston when he considered Egmont Harbour to constitute the East Island.... Aberdeen responded coldly, but skilfully, saying he "knew nothing about" the matter at issue during the previous administration, but that he would gladly examine the documents provided by the Argentine diplomat, to do justice to the claim presented."*<sup>627</sup>

*"Moreno had made a collection of relevant documents, which he handed over, and tried a new approach: he suspected that the error of taking the plural for the singular (Falkland Islands instead of West Falkland or Port Egmont) had led Lord Palmerston to make the error of dislodging and depriving the Republic of the eastern island, which had always been Spanish. ... but Lord Aberdeen, as a consummate politician, did not rise to the bait..."<sup>628</sup>*

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624 *Ibid.* Original in FO 6/502/74. My emphasis. See March, 1842

625 *Memorandum on the Falkland Islands* 1947 in LCO 2/490. Spain had not '*purchased*' anything from France in 1766; merely compensating the Frenchman who had created a settlement on East Falkland Island. Also there was no '*spoliation*' in 1833. Moreno seems to be conflating Silas Duncan's action of December, 1831, with that of the peaceful British ejection in January, 1833. *cf.* 1766, 1831 & 1833

626 Caillet-Boise (6<sup>th</sup> ed.) 1982 p.363

627 *Ibid.* p.364

628 Pascoe 2022 vol.2 p.543

**February 22<sup>nd</sup>**, in the Falklands, Governor Moody returns to Port San Carlos where he meets up with HM ketch *Arrow*, which had been looking for him.

**February 26<sup>th</sup>**, in London, Moreno submits documents to Aberdeen for, “*his inspection*,” including the works of Bougainville, Pernetty, Anson, Frezier and Johnson.<sup>629</sup>

*“Moreno would remain in an expectant mood, motivated by the hope that Rufino Ruiz would find the 'secret agreement' in the archives of the peninsula.”*<sup>630</sup>

**March 4<sup>th</sup>**, Governor Moody in *Sparrow*, accompanied by *Arrow*, returns to Port Louis.

**March 5<sup>th</sup>**, in London, Lord Aberdeen responds to Moreno's written note of February 19<sup>th</sup>.

*“The British Government cannot recognize in the United Provinces the right to alter an agreement concluded, forty years before the emancipation of it, between Great Britain and Spain. With regard to its sovereignty over the Malouines or Falkland Islands, Great Britain regards this arrangement as definitive;...”*<sup>631</sup>

Aberdeen refers Moreno to the British Government's written reply of February 15<sup>th</sup>, and reminds the Ambassador of the 1829 protest presented to Buenos Aires by Woodbine Parish.

*“... and His Lordship observed that the Argentine Government had full knowledge of that protest when they authorised M. Vernet to form the settlement at Port Soledad (or Port Louis), which was removed in 1833 by His Majesty's ship 'Clio.' Her Majesty's Government were therefore of the opinion that the Government of Buenos Aires was not justified in claiming indemnity from Great Britain for the removal of that settlement.”*<sup>632</sup>

*“The British Government saw no reason to acknowledge the continuity of Argentine rights, as inherited from Spain, to the Falkland Islands. ...”*<sup>633</sup>

From Port Louis, HM ketch *Sparrow* sails for Rio de Janeiro.

**March 10<sup>th</sup>**, in London, Moreno writes, once again, to Lord Aberdeen.

*“(Argentina's) possession of east Falkland Island did not begin with the establishment of M. Vernet in 1828, but dated from the preceding sixty years of formal Spanish occupation and possession, which could not possibly be invalidated by the unfounded protest of the 19<sup>th</sup> November, 1829, put forth by Mr. Parish in consequence of an administrative Decree. Senor Moreno, therefore, declared that lest the **silence** of the Argentine Government should be construed as implicit acquiescence they could not, either then or thereafter, concur in the resolution of Her Majesty's Government...”*<sup>634</sup>

*“The legal effect of this note is most uncertain; I do not know of any case which throws any light on the matter. On the one hand Argentina could argue that she was making clear that she did not acquiesce, and that Britain could therefore not acquire title by prescription: on the other hand Britain could argue that protests are the normal way of preserving rights to territory, and that a State which chooses not to protest chooses to deprive itself of the means of preserving its rights, and must therefore be regarded as losing its rights.”*<sup>635</sup>

629 See Bibliography <https://falklandstimeline.wordpress.com/bibliography/>

630 Caillet-Boise (6<sup>th</sup> ed.) 1982 p.365. From his own inquiries, Minister Arana was less confident. *cf.* December, 1838

631 Quoted in Groussac 1910 p.53

632 Original draft in FO 6/502/88

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

634 Original in FO 6/502/98. Translation at 6/502/100. My emphasis.

635 *Memorandum* submitted to the Parliamentary Foreign Affairs Committee in 1983 by Dr. M. Akehurst, Reader in Law, Keele University. *cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

“... the Earl of Aberdeen was once again warned that the establishment founded by Vernet had a more distant antecedent, since it was linked to "60 preceding years of occupation and formal Spanish habitation, which the unfounded Protest of November 19, 1829 made by Mr Parish on the occasion of an administrative Decree has not been able to invalidate". And, raising his voice somewhat, (Moreno) closed his note by saying that the Buenos Aires Government would never settle for the unjust English resolution that came to strip the country of a land for which it had titles in due form.”<sup>636</sup>

“Qui tacet consentire videtur, si loqui debuisset ac potuisset (or ... ubi loqui debuit ac potuit) [“He who is silent is seen to consent, if he should have spoken and could have done”], often summarised as “Silence gives consent”.”<sup>637</sup>

# Researcher's Comment: International law appears to view silence as acquiescence. A claim has to be maintained through protest. Moreno's denial of that recognised legal norm was not sufficient to overthrow it. No protest equals acquiescence. A lesson that Argentina learned eventually; making regular prtotests after 1945.

**March 21<sup>st</sup>**, the Foreign Office forward Ambassador Moreno's note of the 10<sup>th</sup> to the Colonial Office.

“I am to request that you will state to Ld. Stanley that it appears to Ld. Aberdeen that it will not be necessary to return any answer to this note from Mr. Moreno.”<sup>638</sup>

**March 31<sup>st</sup>**, from London, Lord Aberdeen informs Minister Mandeville, in Buenos Aires, that Great Britain considers the discussion over the Falkland Islands to be at an end.<sup>639</sup>

**April 6<sup>th</sup>**, *Terror* and *Erebus*, commanded by Capt. James Clark Ross, arrive at the Falklands for the winter.

“... for five or six months to repair the vessels and to make observations. Capt. Ross has erected an observatory at the old French fort, built by Bougainville.”<sup>640</sup>

**April 7<sup>th</sup>**, Capt. Ross visits Port Louis.

“... the condition of the settlement at the period of our arrival was anything but flourishing, indeed, from all accounts I heard, rather retrograding. The number of inhabitants had considerably diminished, and amounted, at this time, to only forty-six, independent of the lieutenant-governor and his party, consisting in all of about twenty...”<sup>641</sup>

**April 13<sup>th</sup>**, the *Wexford Conservative* reports:

“John Hartnall was indicted in the Irish Court of Admiralty, on the 24<sup>th</sup> ult., for piratically stealing and carrying away 100 pairs of blankets, and various other articles. He also stood charged with carrying away the *Mary Ann*, all property of George Thos. Whitington. ... The jury found the prisoner 'Guilty' on all counts but the last, which charged him with stealing the ship, and the prisoner was sentenced to be transported for seven years.”<sup>642</sup>

636 Caillet-Bois 1982 (6<sup>th</sup> ed.) pp.364-365 citing *M. Moreno a Aberdeen, Sablonière Hotel, 10 de marzo de 1842*

637 Pascoe 2020 p.216

638 FO 6/502/102

639 FO 6/502/104. Mandeville was sent copies of all the correspondence between Aberdeen and Moreno.

640 *Sydney Gazette and New South Wales Advertiser* October 6, 1842 and the *Australasian Chronicle* March 9, 1843

641 *A Voyage of Discovery and Research in the Southern and Antarctic Regions during the Years 1839-43* by Captain James Clark Ross R.N. Knt published London 1847 vol.2 p.261

642 Hartnall had captained the *Mary Ann* taking settlers down to the Falklands; sent by George Whitington. Having landed the people, Hartnall then sailed away with the stores. See January, 1841 above.



**April 14<sup>th</sup>**, from the Falklands, Lieut. Governor Moody, sends a comprehensive reports back to the Admiralty, describing in detail the various parts of the archipelago that he has been able to visit; the flora and fauna; geology and weather.

*“Vessels can at present obtain plenty of beef and water; the first very cheap (tuppence a pound) and the latter very expeditiously and readily. For further refreshment, fresh fish and wild fowl are in the greatest abundance, as well as many antiscorbutic plants ... wild celery, sorrel and an excellent spinach.”*<sup>643</sup>

Attached is a plan of Port Louis, surveyed and drawn by Murrell Robinson (right).



Moody also provides extensive recommendations for the development of the colony. As for the seals, he notes; *“The hair and fur seals which were formerly so abundant in these islands have decreased considerably in number, in consequence of the wanton destruction ... neither old seals nor pups are spared by the sealers.”*<sup>644</sup>

**April 16<sup>th</sup>**, the brig, *Alarm*, arrives at Port Louis; *“... came in from the River Plate. She brought one Family and a number of Sheep.”*<sup>645</sup>

*“... a Mr. Culey (a sheep farmer from Lincolnshire) with his wife, 3 children and a farm servant arrived at these Islands in the brig Alarm... with the intention of settling. Mr. Culey has brought with him 200 sheep...”*<sup>646</sup>

**May 27<sup>th</sup>**, Moody reports that the increase in the population, due to the extra settlers, distressed seamen and the crews of the Ross expedition, has caused him to; *“... address a letter to Her Britannic Majesty’s Consul at Buenos Ayres requesting his aid in forwarding from the Provinces of the La Plata 8 gauchos and 20 trained horses to this Colony to be employed in the service of Government for a limited time in capturing Wild Cattle. ... having only one gaucho and a few worn out horses my present means are wholly inadequate...”*<sup>647</sup>

643 Report quoted in *Penguin News* May 1, 1993

644 *Lieut. Governor Moody to Lord Stanley April 14, 1842 in Accounts and Papers 1843 vol.4.* The image, courtesy of Peter Pepper, contains a hyperlink to the chart.

645 *The Voyage of HMS Erebus and HMS Terror to the Southern and Antarctic Regions. Captain James Clark Ross, R.N. 1839–1843. The Journal of Sergeant William K. Cunningham, R.M. of HMS Terror.* Captain Richard Campbell (R.N.) April 2009 (Published in the Journal of the Hakluyt Society). Aboard was 16 year-old Jacob Napoleon Goss, whose family reside there still.

646 *Moody to Stanley April 18, 1842 in CO 78/5*

647 *Moody to Stanley April 27, 1842 in CO 78/5*

**June 1<sup>st</sup>**, from Port Louis, the Lieut. Governor writes to Capt. Ross on *Erebus*; “... requesting to know any opinion whether Port Louis or Port William is the best adapted to be the chief port of this Colony, in a Naval and Commercial point of view combined..”<sup>648</sup>

**June 6<sup>th</sup>**, in a further despatch to London, Lieut. Governor Moody presents additional information and ideas.

*“I have the honour of forwarding for your Lordship's information three statistical tables, showing the state of the colony on my arrival in January last. Occasionally there have been a few additional residents for a short time, chiefly seamen; but the persons enumerated in the table appear to have the intention of permanently residing at the Falkland Islands. Permission to erect houses was granted from time to time by the successive naval officers in charge, but it appears that upon no occasion has any grant of land, or "title" to such houses been made, directly or indirectly; and all the residents fully understand that they merely hold a temporary tenure. It is my intention immediately to put the settlers in full possession of the land upon which their houses stand, by the sale of allotments... My further acquaintance with the industry and steadfastness of the few Scotch settlers (Highlanders from Argyllshire, the last from Glasgow), at present in the colony, induce me again to take the liberty of drawing your Lordship's attention to the advantages of emigrants for these islands being selected from similar districts. The pastoral inhabitants of the hills and dales of the southern Scotch counties on the borders, would also be well adapted as settlers in the Falklands. ... I avail myself also of this opportunity to inform your Lordship that I have received private notifications of the desire entertained by some English residents in the provinces of La Plata, to send sheep in large numbers so soon as they can be assured of the intentions of Government concerning the colonization of these islands. I therefore venture to suggest for your Lordship's consideration, whether it may not be advisable that an official notification of the intentions of Government should be forwarded from the Colonial Land and Emigration Board through the proper channels to the British authorities at Buenos Ayres and Monte Video. An immense number of sheep could be imported from thence at a small expense, which, although of an indifferent breed would form a valuable stock upon which to improve...”*<sup>649</sup>

Among the 97 residents listed by Moody are Richard Penny (40yrs) and his wife Carmelita (40 yrs), together with Carmelita's sons, Richard Penny (3 yrs), Manuel Coronel (8 yrs) and José Simon (11 yrs).<sup>650</sup> Gregoria (28yrs) appears on the list as the wife of Francis Perry (30 yrs) while Antonina Roxa (35 yrs) is recorded as present.<sup>651</sup> Moody records that Government House, “... consisting of five rooms and two garrets in the roof..” was; “.. formerly the Roman-catholic chapel, supposed to have been built by Bougainville, in 1764.”<sup>652</sup>

**June 23<sup>rd</sup>**, at Port Louis, HMS *Carysfort*, commanded by Lord George Paulet, arrives with supplies.<sup>653</sup>

**July 11<sup>th</sup>**, from Buenos Aires, Foreign Minister Arana complains to Moreno in London, that Britain's Minister Mandeville appears to be slow in passing the Argentine government's correspondence on to London. Particularly that regarding the Falkland Islands.<sup>654</sup>

**July 14<sup>th</sup>**, US Consul to Buenos Aires, Amory Edwards, reports to US Secretary Daniel Webster.

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648 Ross to Moody August 24, 1842 in CO 78/5

649 Lieut. Governor Moody to Lord Stanley June 6, 1842 in *Accounts and Papers 1843* vol.4

650 Carmelita had a consistent approach to naming her children, with each carrying his father's name. cf. 1828, 1831 & 1833

651 *Ibid.* The adults had been resident since Luis Vernet's time on East Falkland.

652 *Ibid.* More likely that constructed by the Spanish after 1767. Moody also recorded the survival of a barracks and storehouse; the former certainly also dating from the Spanish occupation.

653 Departed July 7, 1842

654 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.365 fn.42



*“Lewis Vernet formerly Governor appointed by the Buenos Ayres Govern’t at the Falkland Islands, appeared at this Consulate, and obtained certificates of the genuineness of the signatures of several merchants and others, to the documents he produced – The documents relating to a claim he makes on the Government of the United States, amounting to Two Hundred and seven Thousand silver dollars – for damages sustained at the Falkland Islands – by the visit of the United States sloop of War Lexington, Commander Duncan in Jan’y 1832.”*<sup>655</sup>

**July 19<sup>th</sup>**, from Port Louis, Moody writes to London requesting that his powers be more clearly defined.

*“In the ‘instructions’ which I had the honour to receive from Lord John Russell, the causes which prevented his Lordship at that time from laying down any detailed instructions for my guidance as to the nature and extent of the powers I could exercise are fully pointed out, and his Lordship deemed it sufficient to direct me to govern by the force of moral influence and example, rather than by any direct exercise of legal power. Such has hitherto been the nature of my government, and fortunately no circumstance has yet occurred to oblige me to assume a responsibility of any weight; but it is my duty to inform your Lordship, that of the persons composing the small but constantly increasing society over which I am placed in control, many are men of reckless character; irregular passions unchecked by any moral impulses, far less discipline; and it is more than probable that the moral influence I exercise derives its force from the presence of the small guard selected from the corps to which I have the honour to belong, rather than from any example of industry and steadiness manifested by every individual of the party which accompanied me from England. ...*

*I am, therefore, not without feelings of anxiety to be armed with the fullest legal power at once to put down evil in any shape; and to be aided by the demonstration of physical strength which would be afforded by the presence of at least one small-class vessel of war, to be chiefly employed in cruising to protect Her Majesty’s property in cattle, &c. from wanton destruction by foreigners, as well as to prevent their systematically establishing themselves in any port for the purpose of fishing, sealing, and whaling, in the bays and creeks among the islands.*

*I hope that your Lordship, upon considering the position of affairs in the colony, may be of opinion that the time has now arrived when it becomes advisable to lay down more definite instructions for my guidance, and to establish a court of judicature, the power of which may extend to the trial and administering of justice for the gravest crimes that can be committed against the law, and also be an Admiralty court.”*<sup>656</sup>

**July 25<sup>th</sup>**, Captains Ross and Crozier, together with naturalist, Joseph Hooker, travel to Port William.

*“At the request of the Lieutenant-governor..., for the purpose of forming an opinion upon the relative merits of the two harbours, and whether Port Louis or Port William is the best adapted to be the chief port of the colony in a naval and commercial point of view combined. The result of the investigation, which, owing to unfavourable weather, occupied us nearly a week, was, that we agreed in considering Port William to possess so many advantages over Port Louis, that I recommended the settlement should be removed to the former place.”*<sup>657</sup>

655 Edwards to Webster July 14, 1842 No.16 in Manning 1932 p.228

656 Lieut. Governor Moody to Lord Stanley July 19, 1842 in FO 78/5. The notes appended to this letter are intriguing but sadly unsigned. One suggests that despite Moody having the title of ‘Governor’ his real purpose had only been to consider the practicalities of creating a naval port on the islands: to exploit their strategic potential, rather than the archipelago’s future as a colony. This confusion of purpose may help explain why an engineering officer had been chosen. A decision that had caused some consternation at the time.

657 *A Voyage of Discovery and Research in the Southern and Antarctic Regions during the years 1839-43* J. C. Ross 1847

**July 26<sup>th</sup>**, from Buenos Aires, Britain's Minister Mandeville reports that the Government of Montevideo is willing to supply horses for the Falklands, as requested by Lieut. Governor Moody, but that there may be problems in finding gauchos.

*“During the time that this part of South America was dependent upon Spain, the Falkland Islands were made a place of banishment for criminals, and the impression still remains so great in the minds of the lower class of the inhabitants of these countries, that it is almost impossible to engage a person of this country (Uruguay), voluntarily to establish himself in these islands.”*<sup>658</sup>

**August 20<sup>th</sup>**, at Port Louis, Capt. Ross sets his crews to work building a wall around the cemetery.

**August 24<sup>th</sup>**, Capt. Ross writes to Lieut. Governor Moody expressing his view that Port William would be a better location for a harbour and settlement than Port Louis, with better protection and a deeper anchorage.

*“Port William is much more easy to access from its situation near the extreme East point of the Island (Cape Pembroke) so that ships are almost immediately in harbor,..”*<sup>659</sup>

*“When Captain James Clark Ross gave his view on the question of where the chief port should be set up he was blunt and emphatic. ... Ross briskly listed his reasons: "First, Port William is much more easy of access from its situation near the extreme east point of the islands that ships are almost immediately in harbour after making the land... whereas to gain Port Louis they have usually to beat 12 or 14 miles against the prevailing wind... Secondly, Port William has two very secure outer anchorages (without the need to pass the Narrows). Thirdly, Vessels of large size may pass through the Narrows into the inner harbour of Port William (known as Jackson's Harbour) with any wind. Fourthly, there is sufficient depth of water for a first-rate [warship] in the inner harbour of Port William and ample room for 20 sail of the line ... Fifthly, ... a ship or squadron might be despatched to sea with the wind blowing from the eastward, which could not possibly be the case from Port Louis...”*<sup>660</sup>

*“Moody's first visit to Port William had been in January (midsummer), and a later visit sowed doubts in his mind – Ross and Crozier had so admired the harbour that they had overlooked the drawbacks of the land around it: it was poorly drained in winter, it had a steep slope, there were projecting rocks in many places which would impede building and at Port William in winter "the ground which I galloped over in summer was very wet and swampy". Bu contrast, the area of Port Louis was gently rolling land without a steep gradient, and it was "hard camp", with a good firm surface, not boggy or rocky.”*<sup>661</sup>

**August 25<sup>th</sup>**, the crews of *Erebus* and *Terror* locate the grave of Mathew Brisbane.<sup>662</sup> They move it to a new site and place a stone over the grave.

*“The refitment of the ships proceeded steadily and uninterruptedly; and by the end of the month of July they were again in perfect order and ready for sea. But as our magnetic experiments could not be completed until the end of August or beginning of September, and in order to give our people healthful exercise and useful occupation, I directed them to be employed building a wall seven feet thick, and as many high, round the spot which had been hitherto used as a burial-ground, but which was at present without any enclosure; and the remains of the ill-fated and barbarously murdered Brisbane, the companion of Weddell on his daring and*

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658 Quoted in *Memorandum on the Falkland Islands* 1947 in LCO 2/490 citing Mandeville to Aberdeen, no.65, Montevideo, 26, July, 1842 FO 6/502.

659 Ross to Moody August 24, 1842 in CO 78/5

660 Quoted in *Stanley: the sailors' choice* David Tatham in *Penguin News* June 26, 1993. Port William/Jackson's Harbour is the present Port Stanley.

661 Pascoe 2022 vol.2 pp.550-551

662 See 1833 and 1834

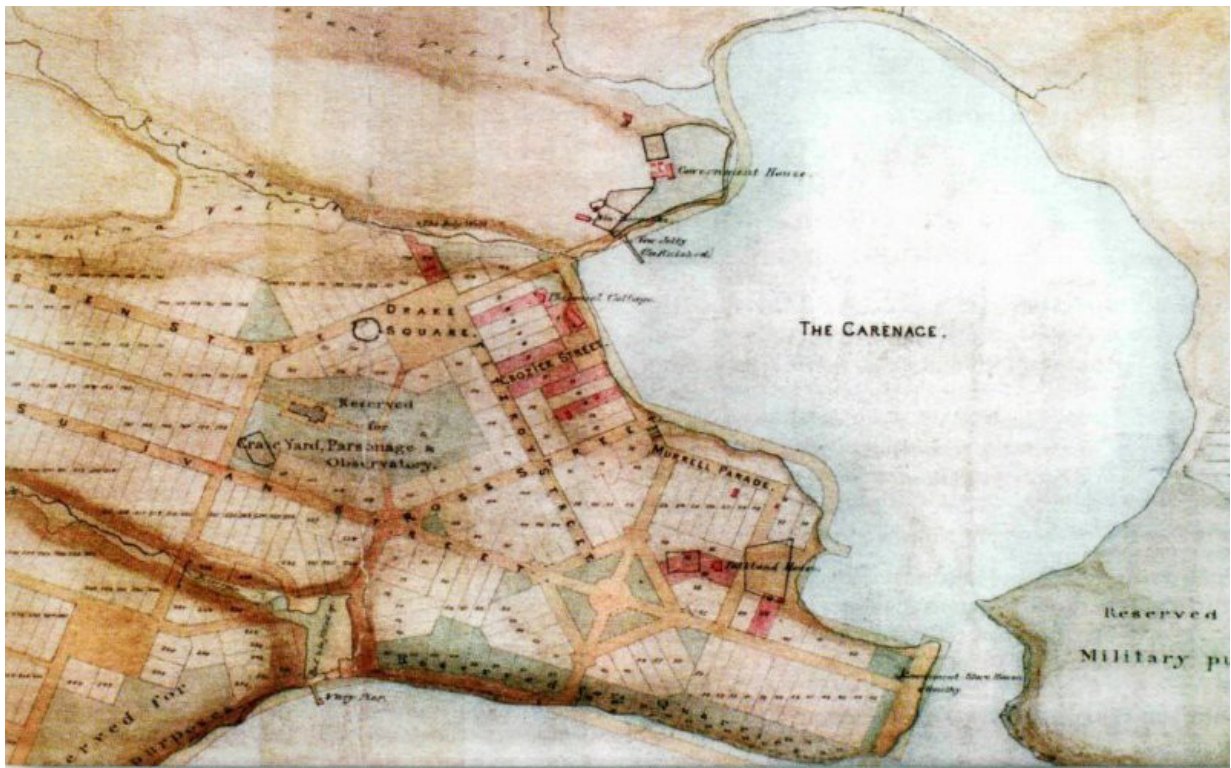
adventurous voyage to the highest southern latitudes, were removed from beneath a heap of stones, where the Gauchos had left them, into the burial ground, and a suitable inscription placed over them.”<sup>663</sup>

**September 1<sup>st</sup>**, from Port Louis, Moody forwards Ross' views to Lord Stanley.

“... by a which your Lordship will perceive that the advantages of Port William, as a chief port, in a maritime point of view, are greatly superior to those of Port Louis. With regard to the surrounding land, the balance is altogether in favour of Port Louis.”<sup>664</sup>

“... to the sailor Port William was clearly best. But to those who had to live ashore, the hard camp and gentle slopes of Port Louis were preferable to the boggy and rock scarred hills that fringed Port William. And so Moody told Lord Stanley when he forwarded Ross's trenchant letter.”<sup>665</sup>

**September 8<sup>th</sup>**, Capt. Ross sails for Patagonia, leaving 4 officers and 2 men behind to operate the observatory.



**October 1<sup>st</sup>**, Moody reports to London on what has been achieved.

“... I have laid out a large town at Port Louis, chiefly around the inner port called Carenage; and I beg respectfully to submit for your Lordship's approbation, that the said town be named "Anson" in honor of the celebrated circumnavigator, the first person, I believe, who brought before the notice of the Government the great value of this portion of the British dominions. ... I have sold six allotments, of half an acre each, in the said town, at £50 the allotment, and one country allotment at Port San Salvador, bounded by the irregular shore, consisting of 339 acres, at 12s the acre....”<sup>666</sup>

663 Ross 1847 vol.2 pp.257-258. See 1993

664 Lieut. Governor Moody to Lord Stanley September 1, 1842 in *Accounts and Papers 1843* vol.4.

665 Tatham in *Penguin News* June 26, 1993

666 Lieut. Governor Moody to Lord Stanley October 1, 1842 in *Accounts and Papers 1843* vol.4. Also *Geelong Advertiser* Victoria Oct 26, 1843. Approval for the name was given on February 23, 1843. See FO 78/5

“At Moody's instructions, Captain Robert Dawson, a fellow Royal Engineer, superimposed on the natural geography a plan of a capital city at Port Louis, to be named "Anson", with an ambitious layout of streets of narrow plots suitable for Victorian terraced houses.”<sup>667</sup>

**October 14<sup>th</sup>**, HMS *Philomel* (Commander Sullivan) arrives at Port Louis. Moody is informed that *Philomel* is to continue the work of surveying the archipelago, and will not be available for the settlement's use.

*“I deeply regret that I receive no information by Commander Sullivan of any intention on the part of the Lords Commissioners of the Admiralty to send any vessel of war to relieve HM Ketch Sparrow which left these Islands in the beginning of March last. Commanders Sullivan's duties in another part of the Islands during the whole period of the 7 months he may be at the Falkland Islands will render it impossible for him to offer any services to the Colony beyond the survey and serving a notice to any foreign trespassers he may chance to meet with in the act of taking seals from any island in the district he will be engaged in Surveying. ... If the exigencies of the "service" render it impracticable for such aid to be afforded by the Lords Commissioners of the Admiralty, I would most respectfully but urgently request that your Lordship be pleased to take into consideration the importance of an Armed Colonial vessel... being placed as early as possible under my orders and Commanded by a Master of the Royal Navy...”*<sup>668</sup>

**October 31<sup>st</sup>**, Lieut. Governor Moody reports that, owing to problems with drunkenness, he has imposed a 20 shillings per gallon duty on the importation of spirits. However, this does not extend to beer, wine or porter.

*“There is an abundant supply in the Colony of a light but sound & wholesome Catalonian wine which the settlers purchase at very moderate prices and I hear no dissatisfaction expressed by the "consumers" in the Colony at the exclusion of the Spirits.”*<sup>669</sup>

**November 8<sup>th</sup>**, HMS *Terror* returns to Port Louis with a cargo of timber and saplings.

*“... 700 young trees, chiefly winter barks, beeches, and holly-leaved berberries, all in excellent order. Captain Ross has also added a further valuable service to the colony, by bringing 400 or 500 pieces of timber of different sizes, several of them sufficiently good for the rafters of thatched roofs to small cottages. The trees were immediately planted, and, from the very careful manner in which they were brought over, I trust will succeed, although they were in leaf, the spring far advanced, and the ground here much parched for want of rain.”*<sup>670</sup>

**November 14<sup>th</sup>**, at Port Louis, merchant Barque, *Governor Halkett*, out of Sydney with a cargo of oil, arrives in a distressed condition.

**November 25<sup>th</sup>**, Paraguay officially declares its independence to the world.<sup>671</sup>

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667 Pascoe 2022 vol.2 p.551

668 *Moody to Stanley October 14, 1842* in FO 78/5. Notes written onto this letter complain that the demand by Moody is uncostered. Moody's request was passed on to the Admiralty on February 22, 1843, but Lord Stanley did not hold out any great hope that the Government would consider that the expense of a permanently stationed ship could be justified.

669 *Moody to Stanley, October 31, 1842* in FO 78/5. Moody was subsequently told that he was exceeding his authority. See March, 1843.

670 *Lieut. Governor Moody to Lord Stanley November 16, 1842* in *Accounts and Papers 1843* vol.4.

671 Paraguay had previously declared its independence in 1811, but had remained closed to the world under a dictator, Francia. Despite both these declarations of independence, Buenos Aires still regarded Paraguay as a province of Argentina and would do so until 1852. cf. 1811 & 1848

**November 28<sup>th</sup>**, writing from exile in Chile, a piece by Domingo Faustino Sarmiento appears in *El Progreso*.

*“England is becoming established in the Malvinas. Let us be frank: this invasion is useful for civilisation and progress.”*<sup>672</sup>

In London, on the same day, Lord Stanley reads out a report from Lieut-Governor Moody to the *Royal Geographical Society* - describing 'steams of stones,' flowing down the sides of hills.<sup>673</sup>

**December 10<sup>th</sup>**, the Colonial, Land and Emigration Commissioners, having considered Moody's report, provide their opinions to Lord Stanley.

*“It is not to be overlooked, that as the principal object of the settlement is to afford a port for refit and refreshment, with all the necessary accommodation, the number of ships which will in consequence resort to the colony will afford a ready means of supplying the settlers with the articles of import which they require, and furnish in turn an extensive market for the provisions which they will have to dispose of. Upon the whole, as has been before represented, there seems reason to expect that a small community of hardy and industrious settlers might prosper upon these islands... In conclusion, we would beg to recapitulate the suggestions we have made as to the first steps which have now to be taken in respect to the settlement of this colony.*

- 1. That a bill should be proposed to Parliament to provide for the government.*
- 2. That the protection of a small vessel of war, such as has hitherto been stationed there, should be continued.*
- 3. That a clerk and store-keeper, acting under the Lieutenant-governor, should be sent out to relieve the surveyor, who is at present performing the duties of those offices.*
- 4. That the charge for the surveyor and labourers taken together should remain the same in the future estimate as in the one printed in the papers laid before Parliament on the 27th.*
- 5. That Captain Dawson's report should be forwarded to Lieutenant-Governor Moody for his information.*
- 6. That the operations of the Lieutenant-governor, in respect to the wild cattle, should be confined as much as possible to the capture and delivery of such animals as may be required by the settlers and the crews of vessels; and that in any case care should be taken that no risk of loss to the public should be incurred by the management of them.”*<sup>674</sup>

*“Lord Stanley for his part had consulted the Colonial Land and Emigration Office. In their reply the Commissioners too plumped for Port William. They set out their reasons at length: "In the first place as the prosperity of the colony will depend upon ... shipping, the inhabitants should be placed in the neighbourhood of the port ... in order that they may be ready to supply passing vessels with the means to refit and refreshment. Secondly, whatever outlay may be sanctioned upon public buildings and works should be made at the spot where the government is to be permanently established. Thirdly, as the town lands in the port where the seat of government is fixed invariably fetch a higher price than any others, discontent would be caused among the purchasers at the early capital [Port Louis] when the government removed from it" ... Finally the*

672 Sarmineto was President of Argentina from 1868 to 1874; during which time his government made no claims to the Falkland Islands.

673 *Morning Post* Wednesday November 30, 1842

674 *Accounts and Papers 1843* vol.4 p.42

Commissioners dealt briskly with the doubts of Moody, who had actually seen – and been daunted by – the boggy land around Port William. They thought he exaggerated: "For it does not appear that the place is unhealthy, being in fact quite dry during the summer months; and the expense which parties might have to incur in drainage might not after all be greater than that in other colonies, by the necessity of clearing the land from the timber." So they too recommended Port William, airily noting that if all the land was swampy then more should be spent on drainage and public buildings."<sup>675</sup>

**December 17<sup>th</sup>**, *Terror* and *Erebus* sail for the South Shetland Islands and Antarctica.

*"The Inhabitants on shore out of respect to the expedition fired a Royal Salute at which I am sorry to say a serious accident occurred by one of the Guns being fired by some neglect - and by which a Captn of a Merchant Brig had his hand nearly blown off and a Man belonging to the Settlement had his right arm broke & both hands nearly blown off. We hove too and both came onboard of us to get dressed. After which we Stood away with Studding sails low & aloft to the SE. and bid adieu to the Falklands."*<sup>676</sup>

**December 19<sup>th</sup>**, in England, George Whittington writes to Lord Stanley complaining that his 'rights' on East Falkland Island are not being recognised; his brother there having been given a notice; "... of Trespass and Illegal Occupation, and also proscribing our Right of Fishery, or Killing Wild Cattle for sustenance..."<sup>677</sup>

**December 23<sup>rd</sup>**, from Buenos Aires, Minister Arana writes to Argentina's consul in London, George Dickson, suggesting that there was an; "... opportunity for Mr. Moreno, in accordance with his instructions, to sue HBM government (for) compensation for the right to the Falkland Islands..." Arana suggests that this could be tied to the outstanding Barings Bank loan.<sup>678</sup> Similar instructions are sent for Minister Manuel Moreno.<sup>679</sup>

**December 27<sup>th</sup>**, in Buenos Aires, Governor Rosas sends his annual message to the *Legislatura de la Provincia*.

*"Our Minister in the Court of London perseveres in claiming our rights to the Malvinas Islands... The Government expect an equitable and honourable end to this question..."*<sup>680</sup>

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675 Move to Port William is Ordered David Tatham in *Penguin News* July 3, 1993

676 Quoted in *The Voyage of HMS Erebus and HMS Terror to the Southern and Antarctic Regions. Captain James Clark Ross, R.N. 1839–1843. The Journal of Sergeant William K. Cunningham, R.M. of HMS Terror* R. Campbell 2009

677 FO 6/502/118. There is no indication that Whittington ever received a reply. George Whittington laid out many of his complaints, in particular against Lieut. Governor Moody and Lord Stanley, in *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series 1845 vols.1 & 2*

678 Sierra 1978 p.248. Also Caillet-Bois 1982 (6<sup>th</sup> ed.) p.365

679 Pascoe 2022 vol.2 p.552 citing Rozas, *el empréstito inglés de 1824 y las Islas Malvinas* Humbert F. Burzio 1944

680 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.21

**1843 – January 6<sup>th</sup>**, in the South Shetland Islands, Capt. John Ross lands on Cockburn Island; “... *and took formal possession of this and contiguous lands, ...*”<sup>681</sup>

From Port Louis, Murrell Robinson, the governor's secretary, is despatched to the Rio Negro (Carmen de Patagones) to purchase horses and hire gauchos.<sup>682</sup>

**January 25<sup>th</sup>**, from London, Lord Stanley writes to Lieut. Governor Moody.

*“I have had under my consideration your general Report on the present state of the Falkland Islands; and I have now to acquaint you that Her Majesty's Government propose to complete the measures in part carried into effect by my predecessor for the colonization of those islands. It is my intention to apply to Parliament, in the ensuing Session, for the requisite authority to establish a legislative power there; and I have recommended to the Lords Commissioners of the Treasury also to apply to Parliament for the means of maintaining an establishment of Government, ...”*<sup>683</sup>

An enclosed estimate of the sums required for maintaining a 'Government of the Falkland Islands' amounts to a first year total of £4,350, including wages for a Governor, a Magistrate, Chaplain, Surgeon, Surveyor and Clerk.

**February 15<sup>th</sup>**, Francis, of New London, Connecticut, founders on the north-west coast of New Island.<sup>684</sup>

**February 17<sup>th</sup>**, Argentina's Minister Insiarte, informs the *Baring Brothers Bank* representative Palcieu Falconet, that; “... *that the government ... have authorized the Argentine Minister in London to make to the government of his Britannic Majesty the proposition of yielding the Malvinas Islands in payment of the debt.*”<sup>685</sup>

*“This note abounds in considerations about the rights of the Republic to the islands, and the confidence that that they are recognized by the British government.”*<sup>686</sup>

**February 23<sup>rd</sup>**, in London, Lord Stanley approves Moody's letter of October 1<sup>st</sup>, 1842.

*“But if Moody thought this meant that he could remain in Port Louis, he was to be disappointed. For the bureaucrats of Whitehall had been doing their homework. The Admiralty had consulted their experts – a strong team. Ross had sent his report to Captain Beaufort, Hydrographer to the navy (and the man who devised the scale of wind force). Captain Fitzroy, formerly of the Beagle, and Commander Sullivan, later to settle in the Falklands, were also asked for their views. As one might expect they all agreed with Ross...”*<sup>687</sup>

**February 26<sup>th</sup>**, Lord Stanley writes to inform Moody of the proposals being put to Parliament.

*“I am happy to inform you, that all your demands have been anticipated by Her Majesty's Government. With my despatch of the 25th ultimo, you will receive a copy of the estimate which it is intended to propose to Parliament during the present session, and which includes the salaries of a magistrate, a chaplain, and a surgeon. I shall lose no time in selecting the fittest persons whom I can find to undertake these respective offices. With respect to your application for a vessel of war, I have the honour to inform you, that I have received a communication from the Lords Commissioners of the Admiralty, announcing their intention to station a small gunbrig at the Falkland Islands.”*<sup>688</sup>

681 Field 1928 paras.271 & 272. cf. 1829 & 1907

682 Pascoe 2022 vol.2 p.552

683 Lord Stanley to Lieut. Governor Moody January 25,1843 in *Accounts and Papers 1843* vol.4

684 CO 78/5. All but one of the crew made it ashore and, eventually, Port Louis.

685 Rosas, *Las Malvinas y Nuestras Desmembraciones Territoriales* in *Revista del Instituto Rosas* no.13 1948.

686 *Ibid.*

687 David Tatham in *Penguin News* July 3, 1993

688 Lord Stanley to Lieut. Governor Moody February 26,1843 in *Accounts and Papers 1843* vol.4. Also FO 78/5



**March 3<sup>rd</sup>**, the Lords Commissioners of the Admiralty write to Lord Stanley.

*“... relative to the permanent, employment of a gun-brig at the Falkland Islands, I am commanded by my Lords to acquaint you, for the information of Lord Stanley, that their Lordships cannot, without inconvenience, appropriate two vessels of war to relieve each other merely for guard duty at the Falkland Islands; that the Philomel sloop-of-war, surveying vessel, has been ordered there since the date of Lieutenant Moody's letter; and their Lordships will direct Commodore Purvis to send, for the duty pointed out by Lieutenant Moody, one of the small vessels under his command, and to cause this service to be attended to, and kept up, as far as may be in his power, and the means at his disposal will admit of, which their Lordships trust will sufficiently meet the object of his Lordship, and of the Lieutenant-governor.”* <sup>689</sup>

**March 16<sup>th</sup>**, the Colonial Office writes to Moody.

*“H.M. Govt., have applied to Parliament for the necessary powers to enable Her Majesty to empower (you) to make regulations for the Govt., of the Falkland Islands and leave has been obtained for the introduction into the House of Commons of a Bill for that purpose.”* <sup>690</sup>

In the same letter, Lord Stanley complains about the imposition of alcohol taxes by the Governor.

*“I have not the slightest doubts as to the motives by which you have been activated... But I fear that ... you have exceeded your authority. Neither Legislative nor Judicial functions have as yet been delegated to you by Her Majesty...”* <sup>691</sup>

In Washington DC, US Secretary of State, Abel Upshur, appoints Harvey M. Watterson to oversee a re-establishment of relations with Buenos Aires.

*“More than ten years have passed since we had a diplomatic agent accredited to that Government. It does not seem necessary at present to detail the causes which led to the interruption of the exchange between the two Governments. The right of (the) Government of Buenos Ayres to the jurisdiction of the Falkland Islands was the main question...”* <sup>692</sup>

**March 21<sup>st</sup>**, from Port Louis, Moody reports to Lord Stanley with regard to the difficulty he has in using paper money. Settlers distrust it and traders decline to accept it, preferring specie (coins). He also mentions the buildings that are under construction at Port Louis, including a barracks (below).

*“The small barracks and other necessary Government buildings and inclosures in progress of construction, I have disposed in a defensible form, with windows and doors inwards, and the exterior walls and bastions at the corners loopholed, so that when completed, if efficiently manned, they will be capable of offering a good resistance against anything except artillery.”* <sup>693</sup>



Murrell Robinson returns to Port Louis from Patagonia, with 36 horses and two gauchos. <sup>694</sup>

689 John Barrow to Lord Stanley March 3, 1843 in *Accounts and Papers 1843* vol.4

690 FO 78/5

691 Stanley to Moody March 16, 1843 in FO 78/5

692 Upshur to Watterson September 26, 1842 in Fitte 1966 pp.428-429

693 Moody to Stanley March 21, 1843 in *Accounts & Papers of the House of Commons* vol.31. The barrack building constructed in 1843 at Port Louis is often mistaken for Luis Vernet's house despite being some 150 yards away.

694 Pascoe 2022 vol.2 p552



**March 24<sup>th</sup>**, in London, following consultation with the Colonial, Land and Emigration Commissioners, Lord Stanley sends further instructions to Governor Moody regarding a principle town for the Colony.

*“I am compelled to concur in the opinions expressed by the Commissioners, and by the naval authorities, that the seat of government should be at once fixed at Port William. You will therefore take the necessary steps for removing to that place as early as possible; and you will take care that in any sales of land which may be made, no misunderstanding is allowed to occur on this point.”*<sup>695</sup>

*“In 1843 the British government decided – against the wishes of Moody and some of the leading residents – to move the seat of government from Port Louis,..”*<sup>696</sup>

**March 31<sup>st</sup>**, on East Falkland Island, the population comprises 77 men, 20 women and 14 children. Of these, 56 are recognised as settlers.<sup>697</sup>

*“The population included 4 survivors from Louis Vernet's establishment (Gregoria Perry, Carmelita Penny, and Carmelita's two elder children...”*<sup>698</sup>

**April 5<sup>th</sup>**, from London, Moreno responds to Buenos Aires regarding Minister Arana's December 23<sup>rd</sup> letter.

*“While th(is) government denies sovereignty of the islands (resting) in the Republic, as it has done so far, there is no way to induce it to compensate for the transfer of that domain.”*<sup>699</sup>

Moreno adds that he doubts that the British Government will accept that the archipelago is worth the outstanding £1,900,000 owed to Barings Brothers Bank.<sup>700</sup>

*“Rosas's proposition, nothing more than an exchange of notes between Arana, Moreno and Dickson without the official knowledge of the Foreign Office, constitutes a mistake by the government, ...”*<sup>701</sup>

*“Moreno thought the idea of the exchange would have to go before Parliament for approval, which was undoubtedly correct. However, the reactions of MPs to Britain's being asked to pay debts accrued by a foreign government to a private institution, in exchange for a territory that was British anyway, can be imagined – they would have laughed the idea out of court.”*<sup>702</sup>

**April 11<sup>th</sup>**, in London, a Colonial Office Bill receives Royal Assent.

*“Act of the British Parliament to enable Her Majesty to Provide for the Government of Her Settlements on the coast of Africa and in the Falkland Islands,”*

*Whereas divers of Her Majesty's subjects have resorted to and taken up their abode and may hereafter resort to and take up their abode at divers places on or adjacent to the coast of the Continent of Africa, and on the Falkland Islands: and whereas it is necessary that Her Majesty should be enabled to make further and better provision for the civil Government of the said settlements: be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for Her Majesty, by any order or orders to be by Her made, with the advice of Her Privy*

695 Lord Stanley to Lieut. Governor Moody March 24, 1843 in *Accounts and Papers* 1843 vol.4

696 Pascoe 2020 p.177

697 *Parl. Paper 1843 No.160* in *General Report of the Colonial Land and Emigration Commissioners* April 2, 1844

698 Pascoe 2022 vol. p.553

699 Sierra 1978 vol.1 p.248

700 Rosas, *Las Malvinas y Nuestras Desmembraciones Territoriales* in *Revista del Instituto Rosas* no.13 1948.

701 *Ibid.* There is no evidence that Moreno formally submitted the proposal to the British Government, although Pascoe (2022 vol.2 p.552) believes that the subject was raised with Lord Aberdeen. If so, there is no record.

702 Pascoe 2022 vol.2 p.552

*Council, to establish all such laws, institutions, and ordinances, and to constitute such courts and officers, and to make such provisions and regulations for the proceedings in such courts, and for the administration of justice, as may be necessary for the peace, order, and good governance of Her Majesty's subjects and others within the said present or future settlements respectively, or any of them; and law, statute, or usage to the contrary an anywise not withstanding.*

*II. And be it enacted, that it shall be lawful for Her majesty, by any commission or commissions under the Great Seal of the United Kingdom, or by any instruction under Her majesty's Signet and Sign manual, accompanying and referred to in any such commission or commissions, to delegate to any 3 or more persons within any of the settlement aforesaid respectively the powers and authorities so vested in Her majesty in Council as aforesaid, either in whole or in part, and upon, under, and subject to all such conditions, provisoes, and limitations as bu any such commission or commissions or instructions as aforesaid Her Majesty shall see fit to prescribe: provided always, that notwithstanding any such delegation of authority as aforesaid, it shall still be competent to Her Majesty in Council, in manner aforesaid, to exercise all the powers and authorities so vested as aforesaid in Her Majesty in Council: and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament so soon as conveniently may be after the making and enactment thereof respectively.*

*III. And be it enacted, that this Act may be amended or repealed by an Act to be passed in this Session of Parliament.*”<sup>703</sup>

**April 15<sup>th</sup>**, at Port Louis, an American vessel, *Sarah Ann* (William Smyley) arrives; “with government stores.”<sup>704</sup>

**June 2<sup>nd</sup>**, in England, with nothing to show for his efforts, George Whittington declares himself bankrupt.

*“My individual interests would be best promoted by the Sovereignty of the islands being confirmed to Buenos Ayres.”*<sup>705</sup>

*“... it will be seen that the official mismanagement, tyranny, and injustice, which have from first to last prevailed there, ..., creating hostility, jealousy, treachery, loss, and disaster, have established for the place the detractive and injurious designation of the "Isles of Misfortune"; whilst their position and resources should and might entitle them to the better cognomen of the "Isles of Relief". ... no doubt whatever exists that ere long the entire question in reference to those islands must become the subject of parliamentary investigation, ... and here I may observe, that assuredly as the chief functionary returns from his government, he will be made a personal defendant in a court of law for illegalities and injuries,...”*<sup>706</sup>

**June 23<sup>rd</sup>**, *The London Gazette* reports:<sup>707</sup>

*“Her Majesty has been pleased to appoint Richard Clement Moody, Esq. Lieutenant in the Corps of Royal Engineers, Lieutenant Governor of the Falkland Islands, to be Governor and Commander in Chief in and over the said islands.”*<sup>708</sup>

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703 6 Vict.c.13 in *The London Gazette* No. 20213

704 *Sarah Ann* must, presumably, have been the sister ship to *Ohio* which Smyley had commanded until just three weeks before, when it was wrecked at the Rio Negro. Smyley seems to have then assumed command of *Sarah Ann*.

705 Whittington quoted in Ellerby 1990 p,10 citing *Whittington to Secretary of State* May 30, 1834 in CO 78/1

706 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1844 vol.1 p.608. The “chief functionary” was a reference to Lieut. Governor Moody. The article was signed 'G.T.W.' (George T. Whittington).

707 Also reported in the *Naval & Military Gazette & Weekly Chronicle for the United Service* Saturday June 24, 1843.

708 *The London Gazette* No. 20236.

On the same day, *Letters Patent (Charter)* are issued.<sup>709</sup>

*“Falkland Islands*

*Charter for the Government of the Falkland Islands*

*Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to whom these presents shall come, Greetings:*

*Whereas by an act of Parliament made and passed in the sixth year of our Reign, intituled "An Act to enable Her Majesty to provide for the Government of Her Settlements on the coast of Africa and in the Falkland Islands", after reciting that divers of Our subjects have resorted to and taken up their abode, at divers places on the Falkland Islands, and that it is necessary that We should be enabled to make further and better provision for the Civil Government of the said Settlement; it is enacted that it shall be lawful for Us, by any Order or Orders to be by Us made with the advice of Our Privy Council, to establish all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, and to make such provisions and regulations for the proceedings in Such Courts and for the Administration of Justice as may be necessary for the peace, order and good government of Our subjects and others within the said present or future settlements respectively, or any of them, any law statute, or usage to the contrary, in any wise notwithstanding: ...”*

*“Royal Letters Patent were issued on June 23, 1843, making provision for the government of the "Settlements in the Falkland Islands and their Dependencies".”*<sup>710</sup>

*“Great Britain appointed a Governor for the islands, something it had never done before... the State that claims to be sovereign over the islands since 1765 only appointed a Governor once it had expelled Argentina, and nearly eight years after the supposed establishment of its sovereignty,..”*<sup>711</sup>

*“... the new Charter was in form and effect, if not in name, a constitution for the islands. The Legislative Council was to consist of the Governor and at least "two other persons", and was to "make and establish all such Laws, Institutions and Ordinances as may from time to time be necessary for the peace, order and good government of Our subjects...". Neither the membership nor the functions of the Executive Council were laid down in detail; the Governor was simply authorised "to summon as an Executive Council such persons as may, from time to time, be named or designated by Us in any Instructions under our Signet and Sign-Manual addressed to him in that behalf". That charter laid down the constitutional arrangements under which the Falklands were to be governed from then on.”*<sup>712</sup>

**June 27<sup>th</sup>**, the *Southern Australian* newspaper reports:

*“Colonization Commissioners advertise that they will sell land at the Falkland Is at 12s per acre.”*

In Uruguay, Samuel Lafone sets upon a plan to exploit the wild cattle still on East Falkland Island

*“I (had) thought no more about the Falklands until the year 1843 or 45, when Governor Moody wrote the British Consul in Montevideo, soliciting an undertaker to form a company in those Islands.”*<sup>713</sup>

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709 Patent Roll & Vict. Part 1, C66/4690. See - <https://falklandstimeline.files.wordpress.com/2023/01/letters-patent-charter-1843.pdf>

710 *International Court of Justice. Pleadings, Oral Arguments, Documents. Antarctica Cases (United Kingdom v. Argentina; United Kingdom v. Chile Orders of March 16, 1956: Removal from the list p.13*

711 *The Malvinas/Falklands Between History and Law* M. G. Kohen & F. D. Rodriguez 2017 p.145. Questions of sovereignty are entirely unrelated to the appointment of governors.

712 Pascoe 2022 vol.2 p.560

713 *Lafone a Vernet June 23, 1852 in AGN VII 2-3-7*

**July 19<sup>th</sup>**, Moody writes to the Colonial Office in London, to request a doctor, clergyman and magistrate. <sup>714</sup>

**August 18<sup>th</sup>**, at Port Louis, Governor Moody receives the decision of March 24<sup>th</sup>; announced to the people by Sergeant Robert Hearnden.

*“Transfer of the capital from Port Louis to Port William, ordered by London for the convenience of shipping, made Moody unpopular not only with Whittington, but much of the rest of the populace. Nevertheless his correspondence indicates his motivation by a sincere sense of duty and desire for the Islands’ welfare.”* <sup>715</sup>

*“When Moody received the final verdict from Lord Stanley it must have been a blow. ... The most prominent settler of the time, John Bull Whittingham (sic) had no doubt that the decision was wrong-headed and – rather unfairly – blamed the Lieutenant Governor: “Of all the miserable bogholes in the Falkland Islands, I believe Mr. Moody has selected one of the worst for the site of his town”. ...”* <sup>716</sup>

*“Moody was dismayed – he had got properly settled at Port Louis, had taken money from the settlers in payment for land, had had stone buildings built, and was proposing extensive development there, which the settlers were looking forward to. ... Perhaps that is why he got Sergeant Hearnden to read the proclamation to the inhabitants...”* <sup>717</sup>

In England, the *London Evening Standard* reports:

*“The Maitland, convict-ship, arrived yesterday at Spithead. Twenty-five convicts were embarked on Board this morning, in addition to those taken on board at Woolwich. They are destined for the Falkland Islands, where government works are about to be erected; the keepers go out in the same ship, being men selected from the military pensioners, and have salaries of 75l. per annum in addition to their pensions.”* <sup>718</sup>

**August 20<sup>th</sup>**, Governor Moody's detachment of Sappers decamp from Port Louis to Port William.

*“Moody wrote to Lord Stanley putting the settlers' case, warning that they might refuse to move to the new capital, and warning of the cost of the move. But he had no choice but to comply with his orders,...”* <sup>719</sup>

**September 21<sup>st</sup>**, in Spain, *Revista de Ambos Mundos* reports:

*“The establishment that the British Government intends to found in the Falkland Islands and whose budget has just been submitted to Parliament, indicates a new step on the path of colonial aggrandizement, which England continues incessantly over all parts of the globe - The importance of this Archipelago, it cannot be measured, neither by its distance, nor by its narrow proportions: ... Because of their geographical position and the infinite number of their ports, the Falkland Islands seem to have been destined by nature to serve as a stopover for ships that sail the Southern Seas or round Cape Horn — Such great advantages could not escape the penetration of the statesmen of England, and there is nothing strange that they have thought of ensuring their possession: on the contrary, it is to be admired that they have not verified it more before. ...*

*According to the latest communications made by Lord Stanley to the House of Commons, a large number of Englishmen established in the Provinces of the Plata, request to buy lands in the Falkland Islands, and await only an authorization to transport there their cattle and everything. they own. Some*

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714 Pascoe 2022 vol.2 p.560

715 Bernhardson 1989 p.266

716 David Tatham in *Penguin News* July 3, 1993

717 Pascoe 2022 vol.2 p.558

718 *London Evening Standard* Saturday August 12, 1843. *The Globe* reported an attempted escape on August 24, 1843.

719 Pascoe 2022 vol.2 p.558

*Scots and tenants from the northern counties of England arrive at Puerto Luis with rams of the most beautiful breed. The lands around the plotted precinct of the town of Anson, on the layout of the old Spanish settlement, have begun to be sold at the price of 8 shillings (10 francs) per acre. In the last months of the year that has just ended, a Royal Navy ship was busy transporting new trees and wood for carving from Cape Horn to Puerto Luis. Many layers of stone charcoal had been discovered on the surface of the soil. The analysis of the samples that had been sent to England they had yielded the most satisfactory results.*"<sup>720</sup>

**September 24<sup>th</sup>**, Bell's New Weekly Messenger reports:

*"It is said that our colonies are a benefit to the mother country. I can only wish that the colonies would prove and establish the assertion by paying their own expenses. Speaking in round numbers, we have a grant of about £5,000 for the Falkland Islands, and for the fee simple of which, no merchant or stock broker in London would give a quarter of that amount."*

In **November**, Moody receives the news of his promotion to Governor and Commander in Chief.

**November 25<sup>th</sup>**, a Colonial Surgeon, Dr. Henry Joseph Hamblin, arrives at Port Louis.

*"Hamblin bought one of the first plots of land allocated in Stanley, designated 'plot no,1', for which he paid the standard price of £50, and on it he placed a prefabricated house brought from Britain..."*<sup>721</sup>

**December 5<sup>th</sup>**, in the USA, President Tyler presents his annual address to Congress.

*"In consequence of a misunderstanding between this Government and that of Buenos Ayres, occurring several years ago, this Government has remained unrepresented at that Court, while a minister from it has been constantly resident here. The causes of irritation have in a great measure passed away, and it is in contemplation, in view of important interests which have grown up in that country, at some early period during the present session of Congress, with the concurrence of the Senate, to restore diplomatic relations between the two countries."*<sup>722</sup>

**December 27<sup>th</sup>**, in Buenos Aires, Governor Rosas addresses the *Legislatura de la Provincia*.

*"The Government trusts that the Government of H.B.M. By an honourable act of justice will hasten the moment of attending to the right possessed by the Republic to the territory of the Falkland Islands."*<sup>723</sup>

*"The Message then alludes to the Falkland Islands, to which it is hoped the British Government will acknowledge the right of the Argentine Republic."*<sup>724</sup>

**December 30<sup>th</sup>**, from Port Louis, Governor Moody reports that an estimated 300 million cubic feet of peat can be found on the Falkland Islands.<sup>725</sup>

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720 *Ylas Falkland or Malvinas* Paul Grimblot in *Revista de Ambos Mundo* September 21, 1843. First published as *Les Iles Falkland* in *Revue des Deux Mondes* September 4, 1843. Notable that the title was changed. A full and translatable transcription of the Spanish version can be found here – [https://es.wikisource.org/wiki/Yslas\\_Falkland\\_ó\\_Malvinas](https://es.wikisource.org/wiki/Yslas_Falkland_ó_Malvinas)

721 Pascoe 2022 vol.2 p.561

722 In 1884, Argentina's Minister Dominguez argued that Buenos Aires had accepted that the *Lexington* question be set aside. Until, at least, the sovereignty issue with Britain was decided. Dominguez used this passage of Tyler's speech to support his argument. *cf.* 1842 & 1884

723 *FO 6/502/284*. Also *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.54

724 *Morning Advertiser* Friday March 8, 1844

725 *Far from Moderate: An account and appraisal of some aspects of the human involvement with the natural environment of the Falkland Islands and South Georgia* by Stephen Palmer 2004

**1844 – January 8<sup>th</sup>**, William Fishbourne is appointed Magistrate for the Falkland Islands. <sup>726</sup>

At Port Louis, an agent of Samuel Lafone arrives to evaluate the potential for a cattle business.

*“Consequent on Moody’s proposals for land rent, Lafone sent Marcelino Martinez, an ‘estancia’ owner from Buenos Aires, to the Falklands to prospect the possibilities for livestock. Martinez estimated cattle numbers on East Falkland at 100,000 and reported favourably to Lafone.”* <sup>727</sup>

**January 23<sup>rd</sup>**, in Buenos Aires, US Consul Amory Edwards notes the arrival of special envoy Watterson in a letter to the US Secretary of States. Edwards laments the fact that Watterson has not been appointed *charge d'affairs*, and considers the challenges that the envoy will face.

*“Another difficulty presents itself to Mr Watterson's settlement of claims. When Capt Duncan visited the Falkland Islands in the sloop of war Lexington in 1831, some property was wantonly destroyed there belonging to Argentine Citizens. The amount of the claim for this, will be small but there will be a claim to which Watterson must answer that he has no instructions to treat on that subject. The consequence will be that the negociations (sic) must be stopped, and Argentine Gov't, will be sure to avail themselves of the pretext, to request further instructions from Washington.*

*The question of the Falkland Islands will be a most difficult and vexatious one. It is not for the Interest of the Government of the United States, that those Islands remain in hands of the English. The acts of Vernet when Govr. there were decide contrary to the laws of Nations and piratical, yet, the Argentine Government in avowing that he was their officer take(s) the responsibility. Comm. Duncan's mode of rooting them out and destroying their settlement was not very diplomatic.”* <sup>728</sup>

**February 16<sup>th</sup>**, in England, following a number of hearings, George T. Whittington's insolvency case comes before Commissioner Fonblanque, who grants a certificate of bankruptcy. *The Times* newspaper reports “*general hilarity*” when, during the proceedings, Whittington asserts that Argentina had granted him land on East Falkland to the value of £200,000.

*“The bankrupt was described as a merchant, carrying on business at Great St. Helen's, and also the projector of the Falkland Islands Emigration Association, ... His debts and liabilities ... were £22,931.19s, contracted between January, 1840 and June, 1843, while as yet little or no assets had been realised, and the only expectations of realising any would appear to be from the returns of certain consignments, and the produce of certain ships at sea, together with some compensation from government for 100 square miles of land, which he had obtained from the government of Buenos Ayres, but which our Colonial Secretary refused to ratify. The fiat was issued on the 7<sup>th</sup> of June last, and after repeated hearings and examinations, the bankrupt passed his final examination, and today appeared to apply for his certificate.”* <sup>729</sup>

*“The Judge felt,.. that he had been too sanguine in his expectations of bringing the Government to consider the hardship of his position, from difficulties, in which generosity and misplaced confidence had involved him .... he alleges, ... that the expenses he had incurred by sending ships out to the Islands with emigrants, was for the purpose of enabling the then-existing Government to lay claim to them as a Colony.”* <sup>730</sup>

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726 *The London Gazette* No. 20303

727 *From Feral to fully farmed: 250 years of Cattle on the Falkland Islands, 1763 to 2013* R. Trevor Wilson 2016 in *Journal of Agriculture and Environmental Sciences* June 2016 vol.5 no.1 pp.1-19

728 Manning 1932 pp.230-233. Also Fitte 1966 pp.430-432

729 *London Evening Standard* Wednesday January 17, 1843

730 *The Colonial Magazine* Wednesday January 17, 1843

**February 21<sup>st</sup>**, in Buenos Aires, Baring Brothers Bank representative Palicieu Falconet informs the Foreign Ministry that their suggestion that the Falkland Islands be exchanged for the outstanding debt is unacceptable; “... *Lord Aberdeen having rejected all claims in this regard.*”<sup>731</sup>

**March 16<sup>th</sup>**, from Montevideo, Samuel Lafone writes to the Colonial Office offering to lease all the land south of the Wickham Heights on East Falkland Island, with a right to slaughter wild cattle and to import migrants.<sup>732</sup>

**March 20<sup>th</sup>**, in Buenos Aires, Minister Insiarte repeats the offer to Falconet, based upon; “... *the legitimacy of the rights of the Republic to the territory.*”<sup>733</sup>

**March 23<sup>rd</sup>**, Lafone’s agent, Marcelino Martínez, returns to the Islands and is interviewed by the Governor.

*“When ... Moody asked Martinez what capital Lafone proposed to raise in England, and what elsewhere, the latter merely responded that "Nothing definite is resolved on this point." When asked what capital he thought necessary to the enterprise of establishing cattle farms, selling stock, and killing bulls, fat oxen, and older cows for hides and other products, Martínez replied that "A definite amount of capital is not to be come at, as in the case of carrying out with success the enterprize, the operations, for some time, will constantly (be) repeated, and mutipling of stock will represent both outlay and increase. ... All that can be said is, that the necessary amount will be found, and it is believed that the results, if it please God to prosper the undertaking, will surpass the expectations of the British Government..." Moody was concerned...”*<sup>734</sup>

Martínez assures Governor Moody that they will find willing emigrants from the Shetland Islands.

**April 19<sup>th</sup>**, in Buenos Aires, US agent Watterson's arrival is met with enthusiasm by President Rosas whose territorial ambitions are struggling in the face of an informal coalition of France, England, Brazil, Uruguay, Paraguay and Chile. No mention of the *Lexington* dispute is made by either side.

In London, on the same day, in the House of Commons.

*“£9812 were voted for the Falkland Islands. Mr. Roebuck expressed a wish to be informed whether we had any clear right to these islands. Lord Stanley declared that this could not be disputed; and the colony was useful for furnishing our ships with fresh meat &c.”*

**April 22<sup>nd</sup>**, Capt. John James Onslow re-visits the Falklands while in command of HMS *Daphne*.

*“... (he) expressed his extreme regret to find such little progress made since be planted here the British flag, as commander of H.M.S. ‘Clio.’ He says the place looks far more sad and miserable than it did then, and fewer persons resident; indeed, there will not shortly be a civil labourer left, for every ship putting in takes away two or three.”*<sup>735</sup>

In **May**, at Port Louis, Samuel Lafone's formal proposals arrive for the consideration of the Governor.

**May 17<sup>th</sup>**, the *Hull Advertiser* reports:

*“The population of the Falkland Islands, according to the last accounts, consisted of 111 individuals, including government officers, military, and seamen, but of permanent settlers there were only 56, of whom 31 were from the United Kingdom”*

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731 Rosas, *Las Malvinas y Nuestras Desmembraciones Territoriales* in *Revista del Instituto Rosas* no.13 1948.

732 Pascoe 2022 vol.2 p.574. See March, 1846 below.

733 Rosas, *Las Malvinas y Nuestras Desmembraciones Territoriales* in *Revista del Instituto Rosas* no.13 1948..

734 Bernhardson 1989 p.271

735 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1844 vol.1 p.614. To be taken with a pinch of salt as the author of this item was the bankrupt, George Whittington.



**May 30<sup>th</sup>**, from the Falklands, Governor Moody writes to London proposing that the new town be called Stanley, after Lord Stanley.

Sir William Gore Ousley travels to Buenos Aires, as British Minister.<sup>736</sup>

**June 14<sup>th</sup>**, formal diplomatic ties between Buenos Aires and Washington resume. William Brent is appointed US *charge d'affaires*.

*“... the suspension of the question in reference to the Falkland Islands, involves of course a suspension of the claims of the citizens of the United States, growing out of the seizure of their sealing vessels there, if indeed any claim could be preferred against that Govt. on their account, without implying that Vernet's authority was lawful. The obligation to make amends for an improper exercise of jurisdiction would seem to be inseparable from the right of jurisdiction itself.”*<sup>737</sup>



**July 12<sup>th</sup>**, American sealers *Pavilion* (Capt. Adams), *Richard Henry* (Capt. Beck) and *Sarah Louise* (Capt. Plaskett) are reported to be at the Falkland Islands.

*“As his predecessors had done, Moody also asked the Admiralty to station additional armed patrol vessels in the colony during the breeding season. Again the Admiralty refused, and illegal hunting continued...”*<sup>738</sup>

**August 12<sup>th</sup>**, the *Morning Post* announces:

*“Sir, I am directed by Lord Stanley to inform you, that in consequence of the superior advantages of Port William, in the Falkland islands, over Port Louis, the governor has been authorised to remove the site of the principle town, which had been originally fixed at the latter, to Port William.”*<sup>739</sup>

**October 7<sup>th</sup>**, from the Falklands, Governor Moody reports that he has issued inconvertible notes for 2s.2d. each; redeemable at will and not on demand, to be made legal tender; in order to cover a shortfall in the funds voted by Parliament.<sup>740</sup>

*'No. 159. Anson, Falkland Islands.*

*'I promise to pay the Bearer the sum of Two Shillings and Two Pence on the part of the Colonial Government.*

*(Signed) 'R. C. Moody, ' Lieutenant-Governor'*

<sup>736</sup> Diplomat and accomplished artist, Ousley's knowledge of Buenos Aires went back to 1826.

<sup>737</sup> *Secretary of State Calhoun to William Brent Jr. General Instructions No.1 July 15, 1844*

<sup>738</sup> Dickinson 2007 p.53

<sup>739</sup> *Downing Street to Lloyds in the Morning Post Monday August 12, 1844*

<sup>740</sup> *Sydney Morning Herald May 20, 1845.* Vernet's promissory notes could still be found on the Islands.



This motivates a letter to the press; *“By the way, Mr. J. B. W.– who has paid the government a deal of money one way and another; and what becomes of it I don’t know, for we are treated with government paper, of which I send you a specimen: ... Now, as it is here legal tender, and only redeemable at will, and not on demand, we must take it, and keep it.”*<sup>741</sup>

**November 22<sup>nd</sup>**, William Henry Moore, an Irishman, is appointed as Stipendiary Magistrate to the Islands.<sup>742</sup>

**November 30<sup>th</sup>**, *The Australian* reports.

*“It is a matter of infinite gratification to learn, that Her Majesty's ministers have at length become fully alive to the vital importance of the Falkland Islands, and have, (according to a generally accredited report) decided upon their immediate colonization and simultaneous formation of a strong naval depot. This is, indeed, an object of vast consequence to the nation, placing a new Gibraltar within her grasp – a haven of safe retreat to her friends...”*

Lord Stanley responds to the information regarding Moody's inconvertible currency notes.

*“Her Majesty's Government regrets that, even for a temporary purpose, you should have entertained such a project, ... The estimate about to be submitted to Parliament, will, if approved, afford the means of redeeming all this paper; and you will understand that you are not hereafter, on any consideration whatever, again resort to such an expedient.”*<sup>743</sup>

**December 4<sup>th</sup>**, from the new town site at Stanley, Governor Moody reports that those remaining at Port Louis are; *“Mr Whittington, two boys and an old black lady.”*

**December 27<sup>th</sup>**, in Buenos Aires, Governor Juan Manuel de Rosas speaks to the *Legislatura de la Provincia*.

*“The Government has not ceased to urge the perfect right of the Republic to the territory of the Falkland Islands.”*<sup>744</sup>

*“Papers from Buenos Ayres, reaching to the 25<sup>th</sup> January, afford further evidence of the unsettled state of the Argentine Confederation in its foreign relations,... It observes that Rosas whether in earnest, or with the view of amusing his own subjects, still asserts his right to the Falkland Islands.”*<sup>745</sup>

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741 *Fisher's Colonial Magazine and Journal of Trade, Commerce & Banking – New Series* 1844 vol.1 p.611. *J.B.W* is, presumably, John Bull Whittington. The letter undoubtedly from his brother, George.

742 Described as the caricature of a provincial lawyer, Moore was argumentative, self important, on the make and a heavy drinker. He is reputed to have argued often and violently with both of the Governors he served under.

743 *The Sydney Morning Herald* September 26, 1845

744 *FO 6/502/284*

745 *Morning Advertiser* Tuesday April 8, 1845

**1845 – January 17<sup>th</sup>**, *La Gaceta Mercantile de Buenos Ayres* reports:

*“The support of the perfect right of the Republic to the territory of the Falkland Islands that the government perseveres to is not contradicted by the fact that the British government has not settled so just a claim...”*

**January 28<sup>th</sup>**, from Buenos Aires, William Brent Jr., US *charge d'affairs*, writes to US Secretary Calhoun. He reports that he has informed Argentina's Foreign Ministry that Washington is not prepared to discuss any outstanding claims relative to the Falkland Islands <sup>746</sup>

*“I have had two interviews with the Ministers of Foreign Affairs, related to the settlement of the respective claims of each Government, and with the signing of a treaty between them. The result of these conversations is that the resolution of the complaints will be adjusted by the Minister of Foreign Affairs and myself, here, unless during the progress of the business, it is considered more advisable to entrust the task to a commission. I have informed the Minister that I have full power to reach an agreement, except in the case of the Falkland Islands, since the United States does not feel inclined to enter into a settlement until the question of jurisdiction is resolved.”* <sup>747</sup>

**April 2<sup>nd</sup>**, in the Falkland Islands, an Executive Council is appointed.

*“The lands in this colony are now open for sale. The mode of sale is the same as that adopted in the Australian colonies. The upset price of country lands is, for the present, 8s per acres. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at £50. Deposits of purchase-money may be made in this country, in the mode prescribed for the Australian colonies, but the depositors will be entitled to nominate for a free passage six, instead of four, adult labourers, for every £100 deposited.”* <sup>748</sup>

**April 16<sup>th</sup>**, HMS *Philomel* sails from the Falklands, taking away four of the original Sappers & Miners that had accompanied Moody. <sup>749</sup>

**May 6<sup>th</sup>**, near Port Louis, a longstanding resident, Richard Penny, is drowned in a boating accident.

**July 18<sup>th</sup>**, on East Falkland, the new capital is officially named after the Secretary of State for the Colonies.

**September 18<sup>th</sup>**, at the Rio de la Plata, a blockade is declared by French and British forces. <sup>750</sup>

**September 19<sup>th</sup>**, HMS *Herald* and HMS *Pandora* visit the Falklands during a circumnavigation.

**September 23<sup>rd</sup>**, in London, the Reverend James Moody is gazetted as Her Majesty's Colonial Chaplain at Stanley. <sup>751</sup>

**September 25<sup>th</sup>**, in Rio de Janeiro, Argentina's Minister Tomas Guido speaks to Uruguay's *charge d'affaires*, Carlos Creus; *“... any treaty in which Spain recognized the independence of Argentina, would recognize the (Falkland Islands) as an integral part of it, for Spain, with possession, was the only country that could renounce it.”* <sup>752</sup>

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746 Brent to Calhoun January 28, 1845 No.3 in Manning 1932 p.259

747 Quoted in Fitte 1966 pp.435-436

748 *Liverpool Mail* Saturday April 5, 1845

749 Having previously been locked up for insubordination. See Pascoe 2020 p.183 & Pascoe 2022 vol.2 p.565

750 Not directly relevant to the Falkland Islands. At least, not until this dispute was finally resolved. *cf.* 1849

751 *The London Gazette* No. 20511

752 Tomas Guido a F. Arana Sept 25, 1845 in *Archivo de Ministerio de Relaciones Exteriores, Buenos Aires*. The context of this conversation is not clear. Argentina established diplomatic relations with Spain in 1863, while Uruguay did so in 1870. However, Spain did not recognise the Falklands as Argentine territory with either treaty. *cf.* 1863

**October 20<sup>th</sup>**, from Stanley, Governor Moody writes with concerns that with Britain blockading the Rio de la Plata, General Rosas may be inclined to some adventure on the Falklands. Moody also raise his specific worries with regard to one member of the population.

*“... a native of the United States named Smyley... he has the character of being an active, bold adventurous man with very few scruples... I am inclined to think that if the slightest encouragement were given by the Argentine Government, he would not hesitate to undertake any daring exploit... You will perceive I solicit a Guard for the Colony consisting of a detachment of Marines...”*<sup>753</sup>

*“(Smyley) commanded and I have reason to believe commands, an armed schooner with a good compliment of men, sealers of all nations. He is ... better acquainted with every port creek and inlet of the Falkland Islands than any person existing, having sealed and whaled there for about fifteen years ... besides dwelling on shore for a few years in secluded parts which it is reported he made much money by slaughtering cattle and salting beef and hides, besides many other circumstances which induced Captain Grey in command of HMS Cleopatra to go in pursuit of him, but without any further success than destroying a shallop belonging to him found high up a creek near which spot he was at the time concealed. He is also known at Montevideo from having robbed the Lobos Islands.”*<sup>754</sup>

**October 27<sup>th</sup>**, grief stricken over the death of her third husband, Carmelita Penny (43 yrs) commits suicide.<sup>755</sup>

**November 13<sup>th</sup>**, the Legislative Council of the Falkland Islands is founded.

**November 20<sup>th</sup>**, following some months of dispute over access to the Paraná River, an Anglo-French force breaks the chains across the river at Obligado and forces a passage for merchant vessels.<sup>756</sup>

*“The Argentine defenders lost the battle, but the heroic fight against the European invaders inspired them with patriotism and united them behind Rosas, so the Battle of the Vuelta de Obligado became a defining symbol of Argentina’s rise to nationhood.”*<sup>757</sup>

**December 27<sup>th</sup>**, in Buenos Aires, Governor Rosas sends his annual message to the Legislatura on its opening.

*“The Government perseveres in remaining attentive to the incontestably perfect rights of the Republic to the territory of the Falkland Islands.”*<sup>758</sup>

*“The (Argentine) government continues to pay unremitting attention to the incontestable perfect rights of the republic to the territory of the Falkland Islands.”*<sup>759</sup>

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753 Moody quoted in FO 6/502/182.

754 Moody to Ousley October 20, 1845 in CO 78/12 quoted in Dickinson 2007 p.56. See footnote to December 31, 1831

755 One of Vernet's indentured slaves taken out to the Islands in 1828, she had avoided deportation by the USS *Lexington* in January, 1832, by hiding in Camp, and had survived the August, 1833 killings. Carmelita had borne three children to three different man (all carried their respective father's surname, and two, his first name) – Jose Simon, Manuel Coronel and Richard Penny. Juan Simon had been murdered in 1833 while Coronel had died in an accident in 1841. Penny's fatal accident a few months before must have been too much. Richard Penny (junior), is recorded as being on the islands in 1846 (aged 9) and again in 1851. cf. 1828, 1830, 1833 & 1842

756 Relevant to later events. See 1849.

757 Pascoe 2020 p.180

758 FO 6/502/284. Also *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.89

759 *London Evening Standard* Thursday April 16, 1846

**1846 – February 25<sup>th</sup>**, from Stanley, Governor Moody reports.

*“It is with pleasure I am enabled to inform your Lordship of the entire satisfaction with which the removal of the settlement from Anson to the present site is now regarded by, I believe, every individual in the colony. ... Three jetties have been constructed at an expense to government of (in all) £293 6s 7d; and now the expense in landing stores here is only about one-third the expense of landing them at Anson .... Seven town and four suburban allotments have already been purchased from the Crown, and these again subdivided among individuals; in addition to which one town allotment is rented by a Government officer, and five are occupied by settlers,....”* <sup>760</sup>

**March 16<sup>th</sup>**, Samuel Lafone contracts to hunt the wild cattle on East Falkland Island.

*“Her Majesty Queen Victoria sells to Lafone that part of East Falkland lying south of the isthmus in Choiseul Sound, Also the islands in Choiseul Sound, and all other islands adjacent to the coast purchased; also Beauchene Island; also one town allotment of half an acre, and one suburban allotment of twenty-five acres in the principal town. For six years and six months from this date, Lafone to have absolute dominion over all wild cattle, horses, sheep, goats, and swine on east Falkland. 3d. For the above advantages, Lafone is to pay her said Majesty Queen Victoria, £60,000 by instalments...”* <sup>761</sup>

In Buenos Aires, Luis Vernet is less than happy.

*“(The) Government has sold a part of my lands and all the wild cattle, estimated in the Parliamentary papers of 1841 and 1842 at 40,000 head,... and refuses to give me compensation for this property of mine, property which I have shown in my memorials, and will again show, is legitimately MINE.”* <sup>762</sup>

*“Lafone was awarded the contract – signed by his brother Alexander Ross Lafone – in March 1846. This dismayed Moody as it effectively prevented his allotting wild cattle to new settlers and made Stanley dependent on Lafone for beef...”* <sup>763</sup>

**April 6<sup>th</sup>**, in England, ex-Consul, Thomas Samuel Hood, writes to Foreign Secretary Lord Aberdeen, with suggestions on how to deal with the Rio de la Plata dispute. <sup>764</sup>

**May 5<sup>th</sup>**, Thomas Hood is appointed to negotiate a resolution of the dispute with the Argentine Confederation.

**July 2<sup>nd</sup>**, at Buenos Aires, Thomas Samuel Hood steps ashore.

*“He obtained Rosas's agreement, but his mission failed owing to strong disagreements between Hood and the British and French Commissioners (Gore Ousley and Deffaudis were both bitterly opposed to Hood), and between various factions among the French (who had several thousand troops and several thousand civilian settlers in Uruguay)... No agreement was reached; the Anglo-French blockade of Buenos Aires continued and Hood was recalled...”* <sup>765</sup>

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<sup>760</sup> Reported in *The Sydney Morning Herald*, New South Wales November 12, 1847

<sup>761</sup> CO 78/43. Lafone was the first of the absentee landowners, never visiting the Islands.

<sup>762</sup> Vernet 1858

<sup>763</sup> Wilson 2016

<sup>764</sup> Hood to Aberdeen April 6, 1846 in FO 6/129 fols.44-45. Hood had been British Consul to Uruguay 1824 to 1839 and seemingly knew both General Rosas (Buenos Aires) and General Oribe (Montevideo). Enclosed was a newspaper cutting of January, 1846, suggesting that Rosas could be appeased by an acknowledgment of his rights; returning the Island of Martin Garcia; returning a naval squadron seized from Argentina; together with a promise to assist in the disarming of foreigners at Montevideo. The source of the newspaper cutting is unclear.

<sup>765</sup> Pascoe 2022 vol.2 p/569. See 1848 & 1849 below.

**July 6<sup>th</sup>**, in England, Lord Palmerston returns to the office of Foreign Secretary.

**September 19<sup>th</sup>**, the *Trafalgar* sails from Berkeley Sound.

*“By the Trafalgar transport, arrived at Spithead, there is intelligence from these islands to the 19<sup>th</sup> of September. Its report of the state of affairs there is discouraging. There were about 100 inhabitants on the island. Most of the emigrants were employed by government making its roads, at 5s to 6s per day. The sheep had nearly all perished. No vegetables were reared on the settlement. General discontent pervaded the settlement and had turned itself against the governor.”* <sup>766</sup>

**October 12<sup>th</sup>**, in the Falklands, a census return records 145 inhabitants. Amongst those listed are Antonina Roxa and Gregoria Parry. Gregoria is the last survivor of the group of indentured slaves removed to the islands by Luis Vernet in 1828. <sup>767</sup>

**October 27<sup>th</sup>**, at Stanley, the Legislative Council enacts the *Constables Ordinance*, as the foundation of a local police presence.

**November 1<sup>st</sup>**, Francis Parry is appointed as Chief Constable of the Falklands Colony. <sup>768</sup>

**November 11<sup>th</sup>**, Catherine (Smyley) arrives at Port Stanley with horses and goods for sale.

*“Smyley saw at once that big changes were afoot in the Falklands; he left Stanley on 18 December and evidently sold the Catherine and obtained a much bigger ship to take advantage of the new boom.”* <sup>769</sup>

**November 20<sup>th</sup>**, from Montevideo, *Vigilante* (Coe) arrives with stores and passengers sent by Samuel Lafone.

**November 22<sup>nd</sup>**, at Stanley, *Paloma* (McCaul) also arrives from Montevideo with gauchos to hunt the wild cattle. <sup>770</sup> Farm manager, Richard Almond Williams, is with them.

**December 2<sup>nd</sup>**, HMS *Nautilus* arrives at Port Stanley; *“with Government stores, specie Provisions and Emigrants.”* <sup>771</sup>

**December 27<sup>th</sup>**, in his annual message to the Buenos Aires *Legislatura*, Governor Rosas asserts Argentina's position over the archipelago.

*“The Government perseveres in upholding the perfect rights of the Confederation to the territory of the Malvinas Islands.”* <sup>772</sup>

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<sup>766</sup> *London Daily News* Tuesday December 22, 1846

<sup>767</sup> Antonina Roxa was noted as aged 33, two years less than recorded in 1842. Gregoria had been referred to as Gregoria Madrid in 1833; her age given as 28 in both 1842 and 1846. Parry/ Perry appear interchangeable.

<sup>768</sup> *Constables Ordinance 1846*. The prefix 'Royal' would be added to the Falkland Islands Police Force in January, 1992. Parry was still working as goaler in Stanley at the age of 73 in 1883. See Pascoe 2022 vol.2 pp.573-574

<sup>769</sup> Pascoe 2022 vol.2 p.575

<sup>770</sup> *False Falklands History at the United Nations: How Argentina misled the UN in 1964 – and still does* G.Pascoe & P. Pepper 2012 p.6

<sup>771</sup> Pascoe 2022 vol.2 p.574 citing the *Falklands Shipping Register 1846*

<sup>772</sup> *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.111. Noted in the *Evening Chronicle* Friday April 9, 1847

**1847** – at Stanley, Governor Moody officially opens Government House.

**January 29<sup>th</sup>**, Richard Moody writes to the Colonial Office in London to tender his resignation.

In **May**, at Buenos Aires, a Frenchman, Count Walewski, and an Englishman, Lord Howden, arrive to mediate with Rosas; in an attempt to end hostilities and lift the Anglo-French blockade.

*“We have news from Buenos Ayres to the 26<sup>th</sup> inst., but nothing was known as to how the negociations (sic) were proceeding. ... The following additional intelligence appears in the (Times) for the correctness of which, however, it does not hold itself responsible:- "The Priscilla, arrived at Cork from Rio, brings advices that the Rattler had arrived there, and that nothing was done with Rosas, who demanded the cession of the Falkland Islands, and a payment of 4,000,000 dollars (...), as an indemnity for negotiating at all."... ”* <sup>773</sup>

*“... we learn that the hopes of a speedy termination of the long-continued and barbarous warfare by which the Argentine territories have been desolated, are likely to prove fallacious. It is stated that Rosas, encouraged by the recal (sic) of the former British Minister, Mr. Ousley, now insists upon a pecuniary indemnity of four million of dollars from the French and English Governments before he will treat with them; and some private accounts state, that to this insolent demand he has added an even more outrageous, namely, the cession of the Falkland islands by England!...”* <sup>774</sup>

**May 10<sup>th</sup>**, at Stanley, Napoleon (Backer) arrives with twelve gauchos, four wives and a child aboard, all from Argentina. Followed by Vigilante (Bennett), with fourteen gauchos and four boys. All employees of Samuel Lafone. The ships also carry 30 settlers from Spain, and 24 from Uruguay.

*“Moody's estimate of Lafonia's area was quickly discovered to be about twice the true extent. The implications for cattle numbers not only affected Lafonia but East Falkland as a whole because estimates were based on counts of sample square leagues extrapolated to the presumed area of the island. East Falkland is now known to cover 2,250 square miles. A total of 30,000 cattle would imply 13.33 cattle per square mile whereas 100,000 would equate to almost 45 per square mile. Lafone now started litigation with Moody that was to continue for years...”* <sup>775</sup>

*“... for the 350-ton Norwegian ship Napoleon, which reached Stanley from Montevideo on 10 May 1847 with a total of 117 people, there is a passenger list, which names 104 people with their countries of origin. There were 77 men, 18 women and 9 children, including 12 Argentine men, with 4 women and 1 child; there were 15 Uruguayan men, with 6 women and 3 children, and 24 "Spanish" men with 4 women and 2 children (some of whom may have been South Americans). Thus out of those 104 people, 71 were Spanish-speaking. There were also 16 French men, with 2 wives and 1 child; 3 Brazilian men; 1 German with his wife; and 6 British men with 1 wife and 2 children. Such details are not recorded for the other ships Lafone sent, so it is likely there were more Argentinians. Of those people, 78 were still there in 1851, including 17 Argentinians and 15 Uruguayans, which suggests that the original total had been more than 17 Argentinians. The documentation disproves assertions by Argentine authors (and speakers at the United Nations,) that Argentinians were not allowed to go to the islands.”* <sup>776</sup>

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<sup>773</sup> *The John Bull* Saturday August 14, 1847. In the *Manchester Courier & Lancashire General Advertiser* Wednesday August 18, 1847, the demand for a cession of the Falklands was described as “very modest.”

<sup>774</sup> *Perthshire Advertiser* Thursday August 19, 1847

<sup>775</sup> Wilson 2016

<sup>776</sup> Pascoe 2020 p.278. One of the Spaniards was Jose Llamosa who, in 1870, leased 12,000 acres of East Falkland.

Governor Moody introduces a grazing scheme to encourage small-scale farming.

**June 23<sup>rd</sup>**, in London, Secretary for War and the Colonies, Earl Grey, acknowledges and accepts Governor Moody's resignation. <sup>777</sup>

**July 15<sup>th</sup>**, in Buenos Aires, following differences between the French and British negotiators, and a failure to get any agreement in the river dispute, Lord Howdon instructs Commodore Sir Thomas Herbert to change tactics.

*"... the blockade, having entirely lost its original character of a coercive measure against General Rosas, has become exclusively a mode of supplying with money, partly the Government of Monte Video, and partly certain foreign individuals there, to the continued detriment of the extensive and valuable commerce of England in these waters; I hereby request you, Sir, to raise the blockade of both sides of the River Plate,..."* <sup>778</sup>

*"(Rosas) also insists on the right of the Falkland islands; so that, even if Lord Howden was ever so well disposed towards Rosas, he could not countenance such monstrous propositions, and the end of it will be, that England will withdraw herself... By the return to France of the Baron Desfandes,.. it would appear that France, as well as England will back out, and leave Monte Video to the cruel fate that awaits her."* <sup>779</sup>

*"The British forces withdrew from this intervention in mid-1847, probably because British merchants in Buenos Aires finally made their protests heard. Thereafter the French had but a single warship stationed off Buenos Aires, and this quasi-blockade ended in midwinter of 1848..."* <sup>780</sup>

**July 17<sup>th</sup>**, reported in Holbart's *The Courier*.

*"The lands in the Falkland Islands are now for sale... The price of country lands is, for the present, 8s per acre. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at £50..... depositors will be entitled to nominate for a free passage for six, instead of four, adult labourers for every £100 deposited."*

In **September**, a red and white triangular beacon is erected at Cape Pembroke. To attract ships passing to the east of the archipelago.

*"...from the few Vessels that come into this port, is attributed to the ignorance of most Merchant Captains that there is a British settlement here, where supplies can be obtained."* <sup>781</sup>

**October 15<sup>th</sup>**, at the port of Stanley, *Christiana* (Smyley) anchors with horses and cargo for Lafone's agents.

**November 6<sup>th</sup>**, the *London Daily News* notes:

*"It is reported that Mr. George Rennie, formerly MP for Ipswich, has been appointed governor of the Falkland Islands."*

**November 11<sup>th</sup>**, *Vigilante* (Bennett) arrives at Stanley with; "... *Emigrants for Mr. Lafone.*" <sup>782</sup>

**November 21<sup>st</sup>**, at Stanley, HMS *Nautilus* arrives with Stores for Lafone's managers.

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<sup>777</sup> See December, 1847 below

<sup>778</sup> Howden quoted in *Comercio del Plata* July 19, 1847

<sup>779</sup> *London Evening Standard* Wednesday September 8, 1847

<sup>780</sup> *Naval Warfare in the Rio de la Plata region, 1800 – 1861* C. B. Kroeber 1956

<sup>781</sup> *J. M. Dean to W. Dobson (Secretary, Lloyds) September 13, 1847* published in *Lloyds List* December 30, 1847.

<sup>782</sup> Pascoe 2020 p.277 fn.5

**November 30<sup>th</sup>**, in Peru, a conference is called by the Peruvian government to discuss Spanish attempts to recover some of its old colonial territory in South America.

*"In the instructions of the Peruvian Government of Nov. 30, 1847, to its plenipotentiary, we therefore find this paragraph: "There will be a stipulation made between the allied nations to preserve their territorial integrity: consequently, they will not permit any foreign power, under any pretext whatever, to occupy any part whatever, no matter how small it may be, of the territory of any of the allied States, who for fixing their limits will adhere to the rule of the uti possidetis of 1824, when the war of independence ended with the battle of Ayacucho"."*<sup>783</sup>

**December 11<sup>th</sup>**, at Lima, South American Ministers from Bolivia, Chile, Ecuador, New Granada and Peru meet in an attempt to revive the Bolivarian ideal of a united Latin America. Britain, the US and the Argentine Confederation send observers.<sup>784</sup> Spain is not invited.

*"It is sometimes stated that the uti possidetis of 1810 was proclaimed by the Congress at Lima in 1848, but the statement appears to be not altogether accurate. The assembling of this Congress, which met on Dec. 11, 1847, on the invitation of the Peruvian Government, and in which Bolivia, Chile, Ecuador, New Granada (Colombia), and Peru were represented, was due to the apprehension felt as to the expedition which General Flores was organizing in Spain to recover the government of Ecuador."*<sup>785</sup>

*"The norm cascade stage in the development of uti possidetis – when states that have accepted the norm attempt to socialize other states to accept it as well – began with the 1847-1848 Congress of Lima, which was the first multilateral effort that we are aware of that explicitly addresses the intraregional dimension of territorial integrity."*<sup>786</sup>

**December 15<sup>th</sup>**, Lieut. George Rennie is gazetted as Governor of the Falkland islands.<sup>787</sup>

*"The detachment of Sappers and Miners stationed at the Falkland Islands, under the command of Capt. R. C. Moody, the governor and commander-in-chief of those islands, is under orders to return home, Capt. Moody having been superseded in the governorship of that colony."*<sup>788</sup>

**December 16<sup>th</sup>**, at Lima, a draft treaty is submitted to the Congress.

*"By Art. VII of this project it was proposed that the Confederated Republics should "recognize as a principle founded in perfect right, for the fixing of their respective limits, the uti possidetis of 1810"; that, in order to mark such limits, when they were "not found in a natural and precise way" (donde no lo estuvieren de una manera natural y precisa), they should name commissioners, who, having met, and recognizing as far as possible the territory involved, should determine the dividing line."*<sup>789</sup>

**December 17<sup>th</sup>**, discussions at Lima continue.

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<sup>783</sup> *Memorandum on Uti Possidetis* J. B. Moore 1913. The Battle of Ayacucho was the deciding encounter in Peru's pursuit of independence, and marked the final retreat of Spain from South America.

<sup>784</sup> Rosas still held out hopes of regaining control over Uruguay and Paraguay and was unwilling to commit to a conference concerned with South American solidarity.

<sup>785</sup> Moore 1913

<sup>786</sup> *Territorial Integrity Treaties, Uti Possidetis, and Armed Conflict over Territory* Paul R. Hensel, Michael E. Allison & Ahmed Khanani 2006

<sup>787</sup> *The London Gazette* No. 20801

<sup>788</sup> *London Daily News* Monday December 27, 1847

<sup>789</sup> Moore 1913



*“When Art. VII was reached, Peru proposed to substitute the uti possidetis of 1824 for that of 1810. A majority of the Plenipotentiaries expressed the view that the battle of Ayacucho had nothing to do with the discussion, and had created no new right as to limits; that the Spanish-American Republics could found their territorial rights only on the dispositions of the Spanish Government, in force at the time of the declaration of independence, and on the treaties and conventions celebrated since that date, and this was what the article provided. ...”*<sup>790</sup>

**December 18<sup>th</sup>**, the *Hampshire Chronicle* reports:

*“Yesterday the Government transport Nautilus came up to Spithead, from South America, bringing news from the Falkland Islands to the 14<sup>th</sup> of August, at which time they were in the most abject state of distress. The Nautilus lay at the islands three weeks before she could get a bullock. All the improvements contemplated for giving character and employment to the place were stopped, the Government had not hands, or anything for them. The islands in short, were in a fair way of being deserted. The three roads laid out by the governor were not proceeded with.”*

**December 27<sup>th</sup>**, in England, responding to a letter from Lafone's brother in Liverpool, the British Government refutes the poor picture of the Falklands painted by the journals following the return of *Nautilus*.

*“I am desired by Earl Grey to state that he has much satisfaction in acquainting you that the unfavourable account of the state of the Falklands, contained in The Times of Saturday week, is not confirmed by the official despatches. ... They include the usual periodical returns of the progress of public works up to the middle of the year, and neither mention that they have been arrested, or that there has been any emigration of the small number of settlers hitherto located on these islands. They are about to be recruited, as you are aware, by some additional emigrants from this country. The returns from the Governor show that he had in his possession an ample store of provisions for the subsistence of the settlers, and active measures were in progress to tame and render available portions of the large herds of cattle belonging to the Crown in the Falkland Islands.”*<sup>791</sup>

In Buenos Aires, on the same day, Governor Juan Manuel de Rosas presents his annual message to the Legislatura of the Province.<sup>792</sup>

*“The justice of the claims of the republic over the unjust detention of the Malvinas Islands by the Government of His Majesty imposes on the Confederation a strict duty to sustain them, as it will always sustain them.”*<sup>793</sup>

**December 30<sup>th</sup>**, in the Falkland Islands, Governor Moody forms a militia with two platoons of infantry formed from the population.<sup>794</sup>

At Stanley, *Christiana* (Smyley) arrives with horses and cargo for Lafone's managers.

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790 *Ibid.*

791 *Hawes to Lafone December 27, 1847* published in the *Evening Mail* Monday January 3, 1848

792 In London, Rosas's address was reported in, *inter alia*, the *Evening Mail* Friday March 31, 1848

793 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.148

794 Probably no more than 16 men.

**1848 – January 13<sup>th</sup>**, from Buenos Aires, General Rosas protests to the Austrian Minister regarding Austria's recognition of Paraguay as a nation; “... acceding to undue solicitations made to it by that of the Province of Paraguay for the recognition of its pretended independence as a sovereign State...”<sup>795</sup>

**January 24<sup>th</sup>**, in California, gold is discovered sparking a dramatic increase in ships doubling Cape Horn.<sup>796</sup>

**January 29<sup>th</sup>**, reported in Perth, Australia.

*“The official and private accounts from Anson, the chief settlement of the Falkland Islands colony, have been so gloomy and discouraging for some time past, that many persons have doubted the probability of continued possession; and few persons have been found adventurous enough to enter personally upon the work of colonization there. We learn, however, that since the substitution of Stanley for Anson, as the chief settlement, some very marked alterations and improvements have become apparent in the position and prospect of the settlers;... The amount invested by the Government, and individual colonists at the new settlements is between £10,000 and £20,000; and..., we shall not be surprised to learn that a considerable increase of population has taken place.”*<sup>797</sup>

**February 8<sup>th</sup>**, the Lima Congress concludes with the *Treaty of Confederation* signed by Peru, Bolivia, Chile, Ecuador and New Granada.<sup>798</sup> It includes an agreement on borders.

*“Article VII. The Confederated Republics declare their right is perfect to keep the boundaries of their territories as they existed at the time of the independence from Spain of the respective Viceroyalties, Captaincies-general or Presidencies, into which Spanish America was divided; and in order to mark out said boundaries where they are not found in a natural and definite way, they agree that in such case the Governments of the Republics interested shall appoint commissioners, who having met and recognizing as far as may be possible the territory under consideration, shall determine the dividing line of the Republics, taking the summits that separate the waters and thalweg<sup>799</sup> of the rivers, or other natural lines, provided the localities permit it; to which end they shall be able to make the necessary and compensatory exchanges of land, in such manner as may best suit the reciprocal convenience of the Republics. If the respective Governments do not approve the demarcation made by the commissioners, or if the latter are not able to come to an agreement in order to make it, the matter shall be submitted to the arbitral decision of one of the Confederated Republics, or of some friendly Nation, or of the Congress of the Plenipotentiaries. The Republics which, having been parts of the same State at the proclamation of independence, were separated after 1810, shall be kept within the boundaries which they recognized for themselves, without prejudice to the Treaties they may have celebrated or shall celebrate in order to vary or perfect them in conformity with the present article. What is provided in this article shall in no way alter the Treaties or Conventions concerning boundaries celebrated between any of the Confederated Republics, nor constrain the liberty which these Republics may have to arrange among themselves their respective borders.”*<sup>800</sup>

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795 FO 6/145/136. Paraguay had declared itself independent in 1811. Argentina in 1816. In 1848, after 37 years, Buenos Aires still referred to Paraguay as one of its provinces - calling its President, 'Governor'. Austria's recognition brought the issue to the fore and may have been a prominent reason for Rosas, six months later, to settle with Britain and France. Rosas went to war with Paraguay shortly thereafter.

796 Within 2 years the number of ships stopping off at Stanley more than doubled. The population would grow in response

797 *The Perth Gazette and Independent Journal of Politics and News*

798 The Republic of New Granada was formed in 1831 and survived until 1856.

799 The line of lowest elevation within a valley or watercourse.

800 Quoted in Moore 1913 pp.37-38. There is no evidence that any of the five signatories actually ratified the agreement.

# Researcher's Comment: There had been previous agreements between some of the new nations to follow the boundaries as they had been generally recognised during the Spanish colonial period. Despite, in most cases, those lines not being accurately identified. The 1848 Lima Congress was the first time, however, that a majority agreed in principle to adopt the borders as they had stood during the last recognised year of Spanish dominance – 1810. This would become generally known as - '*uti possidetis juris of 1810.*' None of the nations that signed at Lima ratified the agreement however. Argentina refused to sign at all.

*"1847-1848. Congress of Lima (December 11 to July 8) to form an alliance of American republics. Five powers represented. A confederation agreed on, and a postal convention, but never ratified."*<sup>801</sup>

*"It thus appears that in the final treaty the specification of a date when the several viceroyalties, captaincies-general and presidencies became independent of Spain was omitted, the year 1810 being mentioned only in connection with States which split up after the movement for independence began."*<sup>802</sup>

*"The principle laid down the rule that the boundaries of the newly established republics would be the frontiers of the Spanish provinces which they were succeeding. ... To be sure, there were many regions that had not been occupied by the Spaniards and many regions that were unexplored or inhabited by uncivilised natives, but these sections were regarded as belonging in law to the respective republics which had succeeded the Spanish provinces... These territories, though not occupied in fact, were by common agreement considered as being occupied in law by the new republics from the very beginning."*<sup>803</sup>

*"... regarding state succession, the British Government have consistently denied the right whereby the insurgent South American republics accepted among themselves the territorial delimitation of the Spanish Viceroyalties. ..., His Majesty's Government recognized the succession of the new republics only in territories which had been effectively occupied."*<sup>804</sup>

*"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."*<sup>805</sup>

*"... 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."*<sup>806</sup>

*"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."*<sup>807</sup>

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801 *The International Congresses and Conferences of the Last Century as Forces Working Toward the Solidarity of the World: Appendix* Simeon E. Baldwin in *The American Journal of International Law*, Vol.1, No.3 (Jul, 1907), pp.808-829  
802 Moore 1913

803 Quote from the *dictum* of the Federal Council of Switzerland in the Colombia-Venezuela boundary dispute 1922. The '*common agreement*' being between those South American Republics that stood to gain; not any extra-continental nation.

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

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

806 *Falkland Title Deeds* Malcolm Deas 1982

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

*“This congress produced a Treaty of Confederation between New Granada, Ecuador, Peru, Bolivia, and Chile. Article 7 sought to prevent hemispheric solidarity from being disrupted by border issues between the Latin American states, leading to a declaration that (in the absence of special arrangements by the interested parties themselves) borders should be those that the respective countries had possessed at the time of their independence from Spain.”*<sup>808</sup>

*“Not a single arbitration tribunal has ever proprio motu, (on one’s own initiative) in the silence of the compromis, (formal agreement) taken a decision to apply the uti possidetis.”*<sup>809</sup>

*“... the Lima Conference instituted the uti possidetis iuris, a tool created by the new Latin American nations to resolve their territorial borders,..”*<sup>810</sup>

*“... adopted by Latin American countries in Article VII of the Treaty of Confederation signed at the Congress of Lima on 8 February 1848, in a complex form which gave a certain importance to the boundaries of earlier Spanish regions but also allowed the new republics to appoint commissioners to determine boundaries; it thus served only as a general guideline and was never a rigid principle, contrary to what is sometimes stated.”*<sup>811</sup>

In **March**, at Buenos Aires, Robert Gore arrives to renew, once again, Britain's negotiations with Rosas.<sup>812</sup>

In **May**, at Montevideo, General Manuel Oribe<sup>813</sup>, Rosas's ally, declares the any solution must be based upon the points negotiated in 1846 with Thomas Samuel Hood.

**June 15<sup>th</sup>**, at Stanley, *Christiana* (Smyley) anchors with horses for sale.

**June 27<sup>th</sup>**, at Stanley, the new Governor, George Rennie, arrives with his wife and three sons on *Nautilus*.

*“In 1848, when a new governor was appointed, sixty houses had been erected at Port Stanley, besides the establishment of Mr. Lafone in the southern peninsula, and a small farm of sheep and cattle, belonging to Mr. Whittington, at the old settlement of Port Louis. The entire population numbered from 300 to 400 souls.”*<sup>814</sup>

*“The passage took four months; in Montevideo he was met by Samuel Fisher Lafone, who asked for his contract to be cancelled, which Rennie refused.”*<sup>815</sup>

In **July**, following exploratory inquiries by Martin Tupper Hood<sup>816</sup>, Buenos Airean Governor Rosas signals that he is prepared consider an agreement with Britain to end hostilities.

*“... I am informed by persons who never fail to possess trust[w]orthy intelligence, that the Argentine Government will not be satisfied until the obtain the following Points which they will not bring forward simultaneously but which will be taken in turn in the order more or less as I shall now state them.  
Restitution of the Argentine Squadron in the State it was when Captured. Indemnification for its*

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808 Hensel P. R., Allison M. E. & Khanani A. 2006 p.10

809 *Territorial Integrity in a Globalizing World* Abdelhamid El Ouali in *International Law and States Quest for Survival* 2012 p.134, fn 98

810 Peña & Peña 2018

811 Pascoe 2020 p.49

812 Once again without result.

813 Oribe led one of the factions vying for control in Uruguay.

814 *British Packet & Argentine News* December 29, 1849

815 Pascoe 2022 vol.2 p.586

816 The son of Britain’s negotiator of 1846. Like his father before him, the younger Hood had been Britain's Consul in Montevideo, before being posted to the same role at Buenos Aires, where he arrived in July, 1848. However, Rosas refused to recognise him formally by refusing an *exequatur*, and so Hood returned to Montevideo. But not before obtaining this information. From who it was obtained is unclear, but most likely Rosas was the source, as only he could decide government policy.

*detention. Indemnification for all the acts arising from the Intervention. The Restitution of the Falkland Islands which **he** has never ceased to declare are usurped by Great Britain. And finally The Declaration that the Treaty of Commerce between Great Britain and **Buenos Ayres** no longer exists.”*<sup>817</sup>

*“It was said that Rosas would only agree to a settlement on condition that he received twenty millions of dollars as an indemnification for damages done to him during the war, and the English to return to him the Falkland Islands.”*<sup>818</sup>

*“It is said that Rosas comes out boldly with his demands from the English government – viz., modifications in the treaty; restitution of the Falkland Islands and Martin Garcia; indemnification for the seizure of his squadron, and the guano taken off the coast of Patagonia; recognition of his right of the navigation of the rivers, &c. ... It was affirmed that Rosas had declared, in a most formal and decisive manner, that he would receive no British agent so long as the government of Great Britain did not give him all the satisfaction he demanded.”*<sup>819</sup>

**July 15<sup>th</sup>**, from Stanley, Richard Moody sails in HMS *Nautilus*. Accompanying him are four of the original sappers and miners that arrived in 1842. Three remain. Eleven disillusioned colonists also leave.<sup>820</sup>

*“Three of them (James Biggs, Thomas Yates and John Herkes) purchased their discharge from the army and remained in the islands (where Biggs and Yates still have descendants), and the others left with Governor Richard Moody in HMS *Nautilus* on 15 July 1848.”*<sup>821</sup>

**July 25<sup>th</sup>**, in London, Sir William Molesworth, a colonial reformist and radical politician, delivers a long speech in the House of Commons on the subject of colonial expenditure. He details the monies spent on all the colonies and says of the Falkland Islands.

*“I will now conclude the catalogue of the military stations with the Falkland Islands. On that dreary, desolate, and windy spot, where neither corn nor trees can grow, long wisely abandoned by us, we have, since 1841, expended upwards of £35,000;... What I propose to the House is this.... acknowledge the claim of Buenos Ayres...”*<sup>822</sup>

*“Sir W. Molesworth submitted a resolution ... He proposed to withdraw our military establishments from the Ionian Isles, to dispense with maintaining a fleet on the coast of Africa, to give free institutions to the Cape of Good Hope and the Mauritius, to keep a sharp look-out at Hong Kong and Labuan, and to recognise the claim of Buenos Ayres to the Falkland Islands. He calculated all this would save a cost of £1,000,000.”*<sup>823</sup>

*“In the session of the British Parliament of the 25<sup>th</sup> July, 1848, in the House of Commons, Sir William Molesworth, a distinguished member of that House, treating of a motion for reducing expenditure, and arranging the administration of the British Colonies, referred to the Malvina Islands. He enumerated them*

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817 Hood to Palmerston July 21, 1848 FO 6/140 fols.177-181. My emphasis. Despite initially referring to the Argentine Government, the demand regarding the Falklands refers to 'he'. The **he** being Rosas, who was the Argentine government. The last demand clearly refers to the Anglo-United Provinces treaty of 1825. Interesting that Rosas only saw the involvement of Buenos Aires. cf. 1846 above

818 *Blackburn Standard* Wednesday August 9, 1848

819 *Shipping & Mercantile Gazette* Thursday October 5, 1848

820 Four of the Sappers had been sent back to the UK in 1845

821 Pascoe 2020 p.183

822 Hansard's parliamentary Debates July 25, 1848 cols.816-857. The speech was widely circulated at the time by the *Financial Reform Association*, and described as, 'a complete and searching exposure of colonial administration,' Molesworth's proposal was not taken up – either in 1848, or indeed, when he eventually became Secretary of State for the Colonies in July 1855.

823 *Devizes & Wiltshire Gazette* Thursday July 17, 1848

among the colonies that he considered burdensome, and said - "Here occur the miserable Malvina Islands that produce no wheat, and where trees do not grow, islands lashed by the winds, that since 1841, have cost us no less than 45,000 pounds sterling, without return of any kind, or any profit whatever. I am decidedly of opinion that this useless possession should be immediately restored to the Government of Buenos Ayres, that justly reclaims it." (From the Morning Chronicle and Daily News of London).<sup>824</sup>

"Sir William Molesworth, of the House of Commons, who, in a session of July 25, making a detailed and extensive analysis of the state, class and performance of each of the colonies, spoke very significant words. Here they are: "The miserable Malvinas Islands occur here, where there is no wheat, where no trees grow; Islands beaten by the winds, which since 1841 have cost us no less than 45,000, with no return of any kind, nor any benefit. It certainly seems that this useless possession is going back to the government of Buenos Ayres, and that it just claims them." After the first enthusiasm, the attention waned again. The English Admiralty, of course, held a very different view than the aforementioned member of the House of Commons, especially at a time when two powers were competing to occupy not only productive regions, but islands that could serve as naval bases."<sup>825</sup>

"... on the sidelines of discussion concerning the negotiations with the Argentine Government, Member of the House of Commons, William Molesworth had proposed to accept the Argentine claim..."<sup>826</sup>

"As a Liberal, Molesworth was anti-colonialist and in favour of free trade – to him, the possession of a territory that offered no trade was anathema.... At that time Molesworth was unaware that Buenos Aires was about to drop its claim to the Falkland Islands, which rendered his suggestion otiose. And he failed to obtain a vote – it was past midnight, the debate failed to retain a quorum of forty MPs and was adjourned without a division."<sup>827</sup>

Researcher's Comment: Molesworth's words were misreported in Argentina, with the implication that the claim of Buenos Aires to the Falklands had the support of influential men in Britain's Parliament. In reality, Molesworth did not recognise the Buenos Airean claim as 'just' and was only concerned with expenditure. As for being 'influential', when Molesworth gave his speech, there were less than 40 MPs in the chamber and no vote was taken. Molesworth repeated his speech in 1849, without mentioning the Falkland Islands.

A schooner, *John D. Davison*, arrives in the Falkland Islands under the command of Capt. William Smyley. One young member of the crew is a Luis Piedrabuena.<sup>828</sup>

**July 27<sup>th</sup>**, Molesworth's speech is reported in the *Morning Chronicle* newspaper.

**September 1<sup>st</sup>**, Ambassador Moreno enthusiastically reports Molesworth's speech to Buenos Aires, enclosing copies of the reports in British newspapers.

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824 *Archivo Americano Y Espiritu De La Prensa Del Mundo* 1849 Buenos Aires.

825 Caillet-Bois 1982 (6<sup>th</sup> ed.) p.366 citing *M. Moreno to Felipe Arana, London, September 1, 1848* in *Archive del Ministerio de Relaciones Exteriores, Buenos Aires, Division Politica, Islas Malvinas, 1842, Reclamacion Argentina (2 epoca), fs.105 and 105 vta; Archivo Americano y espiritu de la Prensa del mundo, Buenos Aires, n° 12, 2 de mayo de 1849, pp.100 y 101.*

826 Kohen & Rodríguez 2017 p.152. There were no - "... *sidelines of discussion concerning the negotiations..*"

Molesworth's comments were a statement to the British House of Commons regarding the costs of colonization and not in the least concerned with any negotiations.

827 Pascoe 2020 p.179

828 See 1868 and 1883. Revisionist Argentine histories credit Piedrabuena with maintaining Argentina's claim to Patagonia and Statenland (Isla de los Estados).

“... after the first enthusiasm, attention waned again. The English Admiralty certainly felt very different than that member of the House of Commons, especially so in a time when two powers competed to occupy not only productive regions but islands that could serve as naval bases.”<sup>829</sup>

**September 5<sup>th</sup>**, the *Morning Chronicle* reports:

“A lease of the Falkland Islands had been granted to that gentleman (Mr. Enderby), to carry on the whale fishery in that part of the world...”<sup>830</sup>

**September 23<sup>rd</sup>**, in the Falklands, an *Aliens Ordinance* is enacted. This requires employers bringing in non-British labour to the Falklands, accept the responsibility, and costs, of repatriation should they lose that employment.<sup>831</sup>

“... a bond of £10 (ten pounds) per person on anyone bringing “aliens” (non-British people) into the islands without the Governor’s permission, and also imposed the same bond on every “Foreigner” landing or settling in the islands without the Governor’s permission. The money was not to be paid on arrival but only if the regulations were infringed, and there seems to be not a single case in which it was actually paid.”<sup>832</sup>

**October 5<sup>th</sup>**, Henry Southern arrives at Buenos Aires with instructions to negotiate a peace treaty with Rosas.<sup>833</sup> The General welcomes Southern but makes it plain that this is on a personal level, and that he will not recognise Southern officially until their talks have resulted in a treaty.<sup>834</sup>

“The Government expressed to him its sincere sorrow, in its not being able to proceed to his reception, in the character in which he came accredited by H. M., without satisfaction and redress being previously given to these Republics, for the very grave offences that the Government of H. M. in union with that of France, had inferred upon them, during the Anglo French intervention...”<sup>835</sup>

“Mr. Southern's case remains as before. Rosas refuses to receive him officially, and it is generally understood that he will continue to do so until he is authorised to accede to the demands of Rosas, which are said to be the restoration of the Falkland Islands to the Argentine republic, and remuneration for the guano brought by English ships from Patagonia, as well as the damage caused by the British fleet in the Parana.”<sup>836</sup>

Henry Southern responds that he will inform the British Government as to the situation he has found himself in.

“The (Confederation) Government has the satisfaction of cherishing the hope, that that of H. M., informed of these unfortunate incidents, which that of the Confederation could not avoid, without violation of the national honour, and without disregarding the imperious exigencies of the independence of these Republics, will decide upon removing the actual inconveniences, for the re-establishment of the relations of friendship, between the

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829 Caillet-Boise 1982 p.366

830 *Morning Chronicle* Tuesday September 5, 1848. A lease supposedly granted by the Colonial Office.

831 Kohen & Rodriguez (2016) assert that the British authorities retained a portion of workers’ wages to pay for any repatriation. This was not the case, although their employers could be required to lodge £10 with the Governor for each worker to facilitate repatriation. A problem had arisen as a result of Lafone’s managers laying off staff in winter and then abandoning them in the Islands. There was only one management that this ordinance was aimed at.

832 Pascoe 2020 pp.183-184

833 Southern was an experienced diplomat who spoke fluent Spanish. He arrived with a personal message from Queen Victoria, specifically designed to sooth the ego of General Rosas. Britain had wanted a simple negotiation that merely addressed the outstanding issues identified by Hood in 1846 and others in 1847 and 1848; but Rosas wanted a flamboyant peace treaty to demonstrate that Argentina was an equal with France and Britain, and a new world power. Rosas got his way.

834 The Confederation’s Foreign Minister, Felipe Arana, addressed Southern as 'Minister Negotiator of the Peace'.

835 *Archivo Americano Y Espiritu De La Prensa Del Mundo 1849* Buenos Aires.

836 *Morning Post* Tuesday February 27, 1849

*Government of H. M. and those of these Republics, celebrating public Conventions of Peace, upon the Hood bases, and the modifications wherewith they were accepted by them. The Government, animated by ardent hopes for so plausible a result, is persuaded that those of that of H. M. are identical. ..., it tranquilly awaits a satisfactory solution of the unfortunate differences, that still keep altered the good harmony between the two Governments. That of the Confederation invariably sustains the unquestionable rights of the Republic to the territory of the Malvina Islands. Accordingly it will continue its serious attention to the attacks against the sovereignty of the Confederation, that merchant vessels, with the flags of friendly nations, especially with that of Great Britain, persist in committing upon the Guano Islands on the Patagonic coasts, and others of that littoral; as also to that of having established an English settlement in the Straits of Magellan.”*<sup>837</sup>

**October 11<sup>th</sup>**, Foreign Minister Felipe Arana, in a letter to Henry Southern, makes it clear that any resolution of the dispute has to be on the basis of the agreement reached with Thomas Samuel Hood in 1846.

*“The Hood Bases did not mention the Falkland Islands, but they did mention something which was to Rosas infinitely more important: the recognition of his belligerent rights – he now had an altogether more ambitious aim than simply sorting out individual complaints.”*<sup>838</sup>

**October 14<sup>th</sup>**, from Buenos Aires, Henry Southern reports to Lord Palmerston.<sup>839</sup>

*“(Rosas) is well aware of his own strength, has an immense idea of his own importance... (and) ... is resolved to be acknowledged for what HE is – the only real power in this quarter of the globe... He returned to His original argument: that it would be dishonorable for Him and to the Confederation, if after all that has passed, He did not terminate on a convention of peace...”*<sup>840</sup>

*“Britain would have preferred a less formal agreement that merely settled specific complaints, and would have liked to re-establish full diplomatic relations beforehand. Britain was unhappy with Rosas’s insistence that Britain should accept from the outset that there was first to be a peace treaty...”*<sup>841</sup>

**October 18<sup>th</sup>**, the *Worcestershire Chronicle* reports:

*“Government has made a grant to Mr. Charles Enderby, of Liverpool, of the Falkland Islands, for the formation of a colony for the re-establishment of the British Southern Whale Fishery. A Royal Charter of Incorporation is to be granted to a proposed company.”*

**November 3<sup>rd</sup>**, Capt. Hiram Clift in *Hudson*, sails from Mystic, Connecticut, to hunt whales at the Falklands.<sup>842</sup>

**November 22<sup>nd</sup>**, in Buenos Aires, *Gaceta Mercantil* reports Molesworth’s remarks of July 25<sup>th</sup>.

*This sensible motion, from so distinguished and influential a member of the House of Commons, as the Honourable Sir William Molesworth, is very important and significant. In it the justice wherewith the Argentine Government reclaims, from that of H. B. M., the devolution of the Malvina Islands, as an integral part of the Argentine territory, is recognised, and a provident policy and of great future importance to the true interests of England in South-America, is recommended. It is to be hoped that the British Government may participate in the elevated views, so worthily submitted, by Sir. William Molesworth, to the consideration of Parliament.*

*(Gaceta Mercantil.)*

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837 *Archivo Americano Y Espiritu De La Prensa Del Mundo* 1849 Buenos Aires. A government publication. The mention of an English settlement in the Strait of Magellan probably referred to the missionary post at what is now Ushuaia.

838 Pascoe 2022 vol.2 p.593

839 *FO* 6/139 f.64

840 *Southern to Palmerston* October 14, 1848 in *FO* 6/139.

841 Pascoe 2020 p.181

842 See 1854



**December 2<sup>nd</sup>**, HMS *Dido* (Maxwell) arrives off the Falkland Islands, having left Auckland on November 1<sup>st</sup>, and rounded the Cape on the 21<sup>st</sup>; “*Her run, it will be seen, was one of extraordinary speed.*”<sup>843</sup>

**December 11<sup>th</sup>**, the *London Evening Standard* reports:<sup>844</sup>

*“We stated some time since that, for the better protection of these islands, the Admiralty had ordered a man of war to visit the island occasionally. A body of military pensioners are about to be sent there to form the police of the island; but, in the meanwhile, it has been deemed advisable to order a man-of-war, with some marines from Commodore Sir Thomas Herbert's squadron at Monte Video, to take care of the island until their arrival. In such remote places as the Falklands, the absence of a British pendant is too often the excuse for the indulgence of lawless conduct on the part of the discontented and ill-disposed, as it affords also an opportunity for reckless and insolent merchantmen of all nations to break through the rules and regulations of the island with impunity. No islands of the extent of the Falkland Islands, in any part of the British dominions, should be without a man of war pendant occasionally flying in one or other of their ports.”*

**December 27<sup>th</sup>**, in Buenos Aires, Governor Rosas sends his annual message to the Legislatura.

*“... (the British) Government persists in the detention of the Malvinas Islands and of another portion of territory belonging to the Argentine Confederation, in all these in grave breaches by the Government of his Majesty, of the rules of international justice and the provisions of the treaty of February 2, 1825 between the Confederation and Great Britain...”*<sup>845</sup>

*“The speech or message of General Rosas on the opening of the National Congress has attracted much attention, because of the bold and independent tone assumed by the chief magistrate of the republic in treating of the conduct of those European Governments which have by their mischievous and inconclusive interference, retarded for so many years a settlement of affairs... Many persons here consider the highly triumphant tone adopted by Governor Rosas as fully justified... The claim for the Falkland Islands is again referred to, and little disposition is shown to relinquish it without some negotiation or pecuniary compensation on the part of this country. Whether the claim is question will ever be recognised and allowed is, nevertheless, uncertain. ...”*<sup>846</sup>

*“To raise the interdict, we will have to prove the fact of the dispossession and prove the will to preserve our right, through our protests of a century, and in collaboration with, as an appendix, a chronological synthesis of these protests. I exclude from it the simple manifestations consigned in messages, such as those made by Rosas annually before the Legislature, because **those are not protests**, properly speaking, within the norms of international law,..”*<sup>847</sup>

**December 28<sup>th</sup>**, from Stanley, Governor Rennie writes to Earl Grey complaining that Lafone's monopoly has; “... *unhinged the system commenced by Capt. Moody, without as yet proving a satisfactory and efficient substitute.*”<sup>848</sup>

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843 *South Australian Register*, Adelaide August 29, 1849. Sailed from Stanley December 5, 1848. Arrived Portsmouth January 23, 1849 after a voyage of 81 days from New Zealand. At that time, the quickest passage on record.

844 Citing the *United Services Gazette*

845 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.193

846 *Morning Post Monday April 2, 1849*

847 Rojas 1950 p.29. My emphasis.

848 Quoted in Wilson 2016

**1849 – January 27<sup>th</sup>**, from Stanley, Governor Rennie reports a population of 101 European males, 44 females, 56 ‘alien’ males and 25 females. Also five ‘coloured’ males and four females.

*“Any comment on so serious a disproportion is unnecessary; nor is there any probability of the evil being remedied by the desultory arrival of single men from the River Plate, or of sailors shipwrecked or leaving their ships ... this inequality prevents those of the population who are unmarried from identifying themselves with the Colony, and they no sooner realize a moderate sum of money that they go elsewhere.”*<sup>849</sup>

In Buenos Aires, negotiations between Rosas and Southern continue slowly. Southern is, however, successful at persuading Rosas to drop a demand that Uruguay be pulled into the Argentine Confederation against its will.

**February 18<sup>th</sup>**, following a stop-over at Stanley by HMS *Inconstant*, en-route from the River Plate to Valparaiso, its commander, Captain Shepherd, submits a report to the Admiralty.

*“Three persons holding Government Contracts employ all the labourers who chose to work. Mr. Phillips, with some labouring people, is employed by the Government, to search for minerals. Labourers under Mr. Goss and Mr. Murray are employed Road making, draining, and sinking a well. The mechanics, about 12 in all when they choose to work, several wasting three fourths of their time in a state of intoxication, are kept by Government in constant employment at 6/- and 6/6 per diem.”*<sup>850</sup>

**February 24<sup>th</sup>**, in England, a P. Simmonds writes to Lord Palmerston.

*“A large party of emigrants with their families, of whom I am the principal, propose forming a British settlement at New Bay on the North eastern coast of Patagonia, at our own risk. We understand that Gen. Rosas claims this country on behalf of the Argentine Republic, as he did the Falkland Islands, we therefore beg to enquire whether this claim is recognised by the English Government, as the Rio Negro, is usually considered the boundary of that country. Although we intend going in a body sufficiently armed & provisioned to defend ourselves, we would require before completing our arrangements, whether we may expect the protection of the British Government as Englishmen, should we be molested & attacked from Buenos Ayres...”*<sup>851</sup>

**March 3<sup>rd</sup>**, in Buenos Aires, Rosas, via Minister Arana, submits the terms under which he is prepared to resume diplomatic relations with Britain. Neither compensation, nor the Falkland Islands, are mentioned in the document.

**March 6<sup>th</sup>**, Henry Southern sends the document to London; *“... transmitting to the Government of H.B.M. the confidential draft of Convention, which this Republic presented to him.”*<sup>852</sup>

*“In terms of negotiating skill, Rosas met his match in the patient, unflappable Henry Southern.”*<sup>853</sup>

**March 8<sup>th</sup>**, from the Foreign Office in London, Palmerston's office respond to Simmonds.

*“Her Majesty's Govt., cannot interfere in any way in the matter to which (your) letter refers.”*<sup>854</sup>

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849 Rennie to Grey January 27, 1849 in Bernhardson 1989 p.

850 FO 78/22

851 FO 6/147/74. Poor timing in light of the state of negotiations between the British Government and General Rosas.

852 Felipe Arana to H.E. The Minister of Foreign Relations of the Oriental State of the Uruguay, Dr. Don Carlos G. Villademoros April 7, 1849.

853 Pascoe 2022 vol.2 p.594

854 FO 6/147/87

**March 10<sup>th</sup>**, Simmonds presses Palmerston.

*“(Does) the British Government recognise the claim of the Argentine Republic to Patagonia from the Rio Negro to Cape Horn...”*<sup>855</sup>

**March 16<sup>th</sup>**, the Foreign Office responds; “... *the Eastern Coast of Patagonia is claimed by the Argentine...*”<sup>856</sup>

**March 17<sup>th</sup>**, Simmonds, undeterred, writes once again for a clearer response.

*“I was quite aware as my letters will show that the Argentine Republic claimed Patagonia but the information I sought was whether the British Government admitted this claim as legal and valid. If your Lordship is not disposed to answer my enquiry... I should prefer being told so at once; as I would then elicit some information in Parliament through a member...”*<sup>857</sup>

**March 23<sup>rd</sup>**, in the USA, Isaac Waldron and William Smyley petition US Senator William Seward. Requesting US diplomatic assistance in the pursuit of a claim against Luis Vernet for compensation amounting to \$5000 regarding events at Port Louis in 1830 and 1831.<sup>858</sup>

*“William Smyley was now running a very profitable business bringing goods and settlers to the Falklands. It may have been his financial success, enabling him to contemplate paying legal fees, that impelled him to present a claim for compensation for losses suffered at the hands of Luis Vernet 18 years earlier... in the end nothing seems to have come of it.”*<sup>859</sup>

**March 28<sup>th</sup>**, in London, the Foreign Office respond to Simmond's persistent demands.

*“... the Question put by you in that letter is one that has not been mooted between the Governments of Buenos Ayres and of Great Britain and it is one therefore which Lord Palmerston does not feel himself called upon to give any answer.”*<sup>860</sup>

**April 9<sup>th</sup>**, from Montevideo, the *Alecto* steamer sails with mails and despatches.

*“This vessel was ordered to England by the British Minister at Buenos Ayres with important despatches to the Government, and she also brings the convention of peace with Rosas for the ratification of the French Government.”*<sup>861</sup>

Governor Rennie writes to Rio de Janeiro.

*“One (promissory) note of ten dollars was sent to the British Consul at Rio de Janeiro in 1849 with a view of reminding Mr. Vernet (at that time residing in Rio) of his obligations...”*<sup>862</sup>

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855 FO 6/147/93

856 FO 6/147/97. Interestingly, the response had been amended by Palmerston striking out the words “*but that H.M's Govt., are not aware whether the Govt., of Buenos Ayres have fulfilled all or any of those Conditions which the Law of Nations prescribes as necessary in order to establish a tenable Right to the soil.*” A footnote initialled by Palmerston adds; “*What are those Conditions? Would it not be better to stop at “claimed by the Argentine Govt.?”*”

857 FO 6/147/99. Simmond's persistence caused the Foreign Office to consider questions about the extent of the Spanish Viceroyalty and whether Britain had ever; “... *admitted or denied the Right of Buenos Ayres to the whole or to any part of the Eastern Coast of Patagonia?*” It was concluded that, as far as the UK was concerned, the question had not previously arisen. With a peace treaty being negotiated, Simmond's timing could hardly have been worse.

858 Waldron claimed that Luis Vernet had stolen seal skins from him in 1831 while Smyley complained that he had been ‘arrested’ by Vernet for “*illegal sealing*” in 1830. *cf.* 1831, November 1849 & 1856

859 Pascoe 2022 vol.1 p.595. See December 24, 1849 below

860 FO 6/147/9108. That appears to have been the end of the matter.

861 *Evening Mail* Friday June 15, 1849. The *Alecto* arrived at Falmouth on June 13, 1849. Clearly inaccurate.

862 CO 78/43. Noted in Governor Moore's report of December, 1858 and received by the Colonial Office on March 5, 1859. Sadly no day or month is provided.

**April 23<sup>rd</sup>**, in London, addressing the House of Lords, the Earl of Harrowby demands to know the present state of negotiations with Buenos Aires.

*“... It will not be enough for the noble Marquess opposite to tell us that this information cannot be given, ... Are we to agree to give a compensation of about three millions sterling for the very grave offences and the very serious damages which our Government, in concert with that of France, has inflicted on Buenos Ayres during the Anglo-French intervention? Are we prepared to give up the Falkland Isles? Or to make the whole settlement of affairs in that country dependent upon the good will of General Oribe? For these, it appears, are the only terms upon which President Rosas will deign to receive an accredited Minister from Her Majesty? In what position are our interests now?”*<sup>863</sup>

The Marquess of Lansdowne responds on behalf of the Government.

*“... negotiations are now pending, and proceeding upon terms contained not only in the instructions recently issued, but in the instructions issued by the noble Earl formerly at the head of the Foreign Department to Mr. Hood; ... and upon which it has recently assumed a very promising aspect, so far as it relates to the probability of the modifications founded upon the basis of Mr. Hood being agreed to. ... What those modifications are, the noble Earl cannot expect, nor can any one of your Lordships expect, that I should now state. I can only say that those modifications do not go at all to the extent that the noble Earl has assumed Rosas is likely to ask....*

*The noble Earl has referred to a speech lately made by General Rosas. I believe the noble Earl has overrated the importance of that address.<sup>864</sup> It is not from speeches made by General Rosas to his council or to his parliament, whatever the importance of that council or parliament may be, but it is from the direct communication of General Rosas himself, that his intentions are to be judged; and certainly from those communications I have recently received, I cannot but believe there is a desire – I had almost said, an intention – on the part of Rosas to come to a satisfactory arrangement with this country—an arrangement which, most undoubtedly, must include a due regard to the interests of persons on the other side of the river.”*<sup>865</sup>

**April 27<sup>th</sup>**, in London, the War Office sets out the conditions under which half a company of Pensioners are to be sent out to the Falklands; *“The description of candidates to whom a preference is to be given for this service is pointed out in the printed conditions. The following will also be required to proceed with the detachment:- viz., 1 baker, 1 butcher, 4 carpenters, 1 joiner, 2 masons, 1 shoemaker, 1 blacksmith, 1 tailor. ... You must forward your recommendation ... on or before the 8<sup>th</sup> of May next,..”*<sup>866</sup> Service is for seven years and the maximum age of a candidate is not to exceed 45; preference being given to married men under that age and with less than four children.

*“... in sending out this handful of men, the object is not to form a fortified post, but merely to obtain the presence of a few steady and loyal subjects trained to arms, who could suppress any sudden tumult or repel any insult from any wandering vessel.”*<sup>867</sup>

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863 This speech was reproduced in full in the *British Packet & Argentine News* on Saturday, July 21, 1849.

864 See December 27, 1848 above.

865 *HL Deb 23 April 1849 vol.104 cc602-17*. A clear indication that Rosas's messages to the Buenos Aires legislature were not official protests and carried no particular weight.

866 Letter from L. Sullivan of the War Office dated April 27, 1849, published in the *Globe Friday June 8, 1849*.

867 *Memorandum of Conditions on Which it is Proposed to Enrol Pensioners (sic) for Service in the Falkland Islands*. Thirty pensioners were duly recruited, for a minimum of 7 years, together with their families – a total of 120 people. ‘Pensioners’ is a relative terms as, despite the age condition, the oldest was 53, and the youngest, 26.

*“They will receive pay at the rate of 1s 3d per day for a private, 1s 6d for a corporal, and 1s 10d for a sergeant, in addition to pension, from the period they are called on to leave their home till embarkation; ... They will receive a free passage to the Falkland Islands, for themselves, their wives, and their families, with rations for the whole ... They will receive one quarter's pension, in advance, on embarkation, to be applied, under the direction of their officer, in purchasing the necessary outfit for the voyage. They will be provided at the Falkland Islands with a cottage of two rooms, for each family, so soon as the same can be erected after their arrival; the materials are to be taken out in frame-work, from this country, and put up by the pensioners on the ground allotted to them. Each pensioner will also receive a free grant of ten acres of land for cultivation... each family will also be provided with one cow and one sow...”*<sup>868</sup>

**May 4<sup>th</sup>**, from Stanley, Rennie complains to London about Lafone's failure to supply beef to the colony.

*“It is painful to think that an undertaking which seemed to promise so many important results to these Islands should dwindle into petty attempts on the part of Mr Lafone to evade his engagements ... With the exception of introducing 50 or 60 Spanish Indians with about as many horses for lassoing – the erection of a very few turf and wooden huts and the capture of perhaps 3 or 4,000 cattle, 2,000 of which are tamed – I am not aware of anything he has done ... in the meantime, Mr Lafone retains possession of all the rights and privileges he would be entitled to if he complied with his contracts.”*<sup>869</sup>

**May 12<sup>th</sup>**, Captain Maxwell (HMS *Dido*) writes to the Admiralty extolling the virtues of a stop at the Falkland Islands when using the Cape Horn route from New Zealand to England– claiming this shortens the journey by 20 days.<sup>870</sup>

**May 15<sup>th</sup>**, in London, Lord Palmerston receives the draft-treaty forwarded by Southern on March 6<sup>th</sup>.

*“The Penguin packet, which arrived at Falmouth on Sunday, from Rio de Janeiro, is bearer of a treaty from Rosas, the Dictator of Buenos Ayres, for the approbation of the British and French governments; it is suspected, not with the expectation of its being accepted, but merely to gain time until his further aggressive plans are matured.”*<sup>871</sup>

*“The basis on which this treaty is made is the same as that proposed by Mr. Hood, without the modifications hitherto insisted on by Buenos Ayres.”*<sup>872</sup>

*“From 15 May at the latest, when he received the draft "project of Treaty", Palmerston knew that Argentina had not inserted a mention of the Falklands and was thus consenting to Britain's possession of the islands. He confirmed that assessment in a statement in the House of Commons on 27 July.”*<sup>873</sup>

**May 17<sup>th</sup>**, estimates by the Colonial Land and Emigration Commission suggest that just 14 more settlers have departed for the Falklands during 1848.<sup>874</sup> *The Globe* of London reports:

*“Letters from Buenos Ayres of the 7th ult. state that treaties of peace were rumoured to have been agreed to, and that propositions to that effect had been forwarded to our government by Mr. SOUTHERN, her Majesty's Minister in that country.”*<sup>875</sup>

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868 *Ibid.*

869 Rennie to Grey, May 4, 1849 in Bernhardson 1989 p.290

870 *General Report of the Colonial Land and Emigration Commissioners 1850 Appendix 54*

871 *Manchester Courier and Lancashire General Advertiser* Wednesday May 16, 1849

872 *Banner of Ulster* Tuesday May 22, 1849

873 Pascoe 2022 vol.2 p.594. See below.

874 *The Perth Gazette and Independent Journal of Politics and News*

875 Repeated in *The Scotsman*, two days later.

**May 21<sup>st</sup>**, Edward Gennys Fanshawe sketches the *Settlement at Port Stanley*.<sup>876</sup>



**June 1<sup>st</sup>**, in London, during a Parliamentary debate on the costs of colonies, Mr. Cobden refers to the Falklands.

*“... There was a governor, 800l.; magistrate, 400l.; chaplain, 400l.; surgeon, 300l.; first clerk, 200l.; second clerk, 150l.; schoolmaster, 20l.; surveyor's department, 1,230l.; public works, 1,050l.; Gauchos, 300l.; purchase of stores, freight of vessels, and incidental expenses, 1,100l.; rations, 750l.—in all, 5,700l. Really, if this country had more money than it knew what to do with—if it were the most flourishing nation in the world, it would be impossible to throw away its money in a more wanton manner than they were doing.”*<sup>877</sup>

A Government spokesman responds; *“The Falkland Islands.... were not held simply for colonial or commercial purposes, but political considerations had been involved. It was thought a convenient station;..”*<sup>878</sup>

The 9<sup>th</sup> General Report of the Colonial Land and Emigration Commissioners is published.

*“In the course of the year we have received a remittance, amounting to £675 11s 6d from the colony for the value of land sold there up to the present time. A deposit of £100 has been made here for the purchase of land. These sums, in addition to a balance on Mr. Lafone's first instalment, will be available for the introduction of labour. Measures are in progress for settling in the islands a small body of military pensioners, with their families, who will be judiciously selected from districts in Scotland, where their present habits and mode of life are likely to make them a valuable acquisition in this colony. ...”*

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876 Edward Gennys Fanshawe RN, had arrived in HMS *Daphne*. He would return to the Islands in 1852.

877 HC Deb 01 June 1849 vol.105 cc1039-78

878 *Evening Mail* Monday June 4, 1849



In Buenos Aires, the *Gaceta Mercantil* journal rails against the introduction of more settlers to the Falklands, referring to the “*execrable*” Samuel Lafone.

**June 6<sup>th</sup>**, the *Derby Mercury* reports; “*It has been determined to extend military colonisation to Falkland Islands, Vancouver’s Island and other settlements.*”

**June 9<sup>th</sup>**, the *Illustrated London News* reports; “*Advices from Buenos Ayres state that Mr. Southern had despatched letters to the British Government with the result of his negotiations with the Republic, which it was understood were of a satisfactory tenor.*”

**June 13<sup>th</sup>**, from Buenos Aires, in a private letter, Southern sends assurances to Lord Palmerston with regard to the Falklands claims.

*“An angry paragraph has appeared in the Gazette on the subject of an expedition of colonists to the Falkland Islands led by an officer of the British Navy. The possession of these Islands by England is always maintained in public documents as an unjust aggression and in terms of indignation, whereas I believe General Rosas really attributes no importance to the question. It is a farce like so many others, which he thinks it wise to keep up. In none of the very many conversations we have had on all subjects has he ever alluded to the Falkland Islands.”* 879



1849 South America by John Tallis (New York) (detail)

*“.., throughout the negotiations, Rosas never once mentioned the Falklands,... That was most significant – Rosas was negotiating a final peace treaty with Britain, which would “reset the clock” in relations between the two countries, and if the Falklands were not mentioned at all, the treaty would enshrine Argentina’s acceptance of the islands as British.”* 880

879 Southern to Palmerston, June 13, 1849 in FO 6/502/266. Arrived in London on September 5, 1849. The ‘expedition’ appears to be a reference to the Chelsea Pensioners.

880 Pascoe 2022 vol.2 p.594

**June 26<sup>th</sup>**, in London, Sir William Molesworth again addresses the House of Commons on the subject of colonial expenditure, but, although his speech is similar to that given in 1848, he makes no mention of the Falklands.

*"He concluded by proposing a motion calling for a commission of inquiry "into the whole colonial policy of the British Empire", ... Molesworth's motion was put to a vote, but it was defeated by 163 votes to 89."* <sup>881</sup>

**July 27<sup>th</sup>**, in the House of Commons, a question is submitted by Mr. H. J. Baillie, enquiring; "... whether it was true that the government of Buenos Ayres had laid claim to the Falkland Islands, and, if so, what had been done upon the matter." <sup>882</sup> Lord Palmerston responds.

*"Viscount Palmerston said that there was a claim made some time ago, which had been resisted by the British Government. Great Britain had always denied the claim of Spain to the Falkland Islands, and the government was certainly not inclined to yield to Buenos Ayres what it had refused to Spain. The result was, some ten or twelve years ago the Falkland Islands were taken possession of and occupied by the British, and ever since that period there had been a settlement there. He thought, under these circumstances, the hon. Gentleman would see that there would be no great use in reviving the correspondence which had ceased with the **acquiescence** of both parties, the fact being that for the last 10 or 12 years we had occupied the Falkland Islands as a possession of the British crown."* <sup>883</sup>

*"... he thought it would be most inadvisable (sic) to revive a correspondence which had ceased by the **acquiescence** of one party and the maintenance of the other."* <sup>884</sup>

*"... at that time only full debates were taken down verbatim by shorthand writers employed by the firm of Gurney's, who supplied the shorthand writers for Hansard, so Palmerston's exact words were not recorded in Hansard. It was left to Parliamentary reporters to take notes for publication, so their reports of events differed."* <sup>885</sup>

The exchange is widely reported in Britain's newspapers and journals.

*"Lord Palmerston replied to a question put to him by Mr. H. Baillie, with reference to the claim of Buenos Ayres to the Falkland Islands, that those islands had been in the undisputed possession of this country for the last 12 or 15 years."* <sup>886</sup>

*"Lord Palmerston said it was true that our claim to the Falkland Islands had been disputed by the Spanish Government. Great Britain had now, however, undisputed possession; and he did not see any good to be derived from the revival of a correspondence which had ceased for the last twelve or fifteen years. ..."* <sup>887</sup>

*"Lord Palmerston said, that a claim had been made many years ago, on the part of Buenos Ayres, to the Falkland Islands, and had been resisted by the British Government. Great Britain had always disputed and denied the claim of Spain to the Falkland Islands, and she was not therefore willing to yield to Buenos Ayres what had been refused to Spain. 10 or 12 years ago (sic) the Falkland Islands, having been unoccupied for some time, were taken possession of by Great Britain, and a settlement had*

881 *Ibid.* p.596

882 *London Daily News* Saturday July 28, 1849 p.2

883 *Ibid.* p.2. This version also appeared in the *Shipping & Mercantile Gazette* Saturday July 28, 1849 p.4. My emphasis.

884 *The Times* July 27, 1849. My emphasis. There is no entry in Hansard. The word '*maintenance*' presumably refers to the occupation of the islands by Britain; but the suggestion of *acquiescence* was controversial.

885 Pascoe 2022 vol. p.597

886 *Bell's Weekly Messenger* Saturday July 28, 1849 p.5

887 *Morning Post* Saturday July 28, 1849 p.2



*ever since been maintained there; and he thought it would be most inadvisable (sic) to revive a correspondence which had ceased by the acquiescence of one party and the maintenance of the other.*"<sup>888</sup>

*"In the case of Argentina, acquiescence could only mean the acceptance of an originally undesired state of affairs (Britain's possession of the Falkland Islands), while in the case of Britain it meant merely an acceptance of the status quo."*<sup>889</sup>

**July 30<sup>th</sup>**, at Stanley, Governor Rennie ceases the practice of a monthly distribution of rations.<sup>890</sup>

**July 31<sup>st</sup>**, in London, noting the press reports of Palmerston's reply to Baillie, Argentina's Minister Manuel Moreno writes to protest on behalf of his Government.

*"... in order that the silence of this Embassy may not be at any time taken for a confirmation of the erroneous assertion attributed to Y.E. in case it has really occurred, I take the liberty of reminding Y.E. that the Government of Buenos Aires and Confederation of Argentina has never consented to the deprivation of its sovereignty over the Falkland Islands effected by the English Government in the year 1833; and that, far from withdrawing its protest of the 17<sup>th</sup> June of that year, repeated in that of the 29<sup>th</sup> December, 1834, it has maintained its indisputable rights to that possession by all the means in its power, and has constantly declared its just complaints that it has not received satisfaction. In its Messages to the legislative body, it has ever since, and year after year, entered a formal record of the question, and supported its claims..."*

Moreno encloses the statements of his Government made to the annual opening of the Legislature of Buenos Aires for the years 1843, 1844, 1845 and 1848.

*"... if for some time past the correspondence has not been so active, this is owing to the circumstance that the discussion is nearly exhausted, and to the state of relations since the intervention. But H.E. Viscount Palmerston, in his great wisdom, cannot confound the intermission of a correspondence with a consent tacit or expressed or with an acquiescence, which has never in any manner been shewn by the Argentine Government in the acts of H.B.M.'s Government in this affair."*<sup>891</sup>

*"Moreno complained that Palmerston's statement misrepresented the case, and stated that the Buenos Aires Government, far from acquiescing in British possession of the Falklands, had repeated its protests regularly since 1833, and had thus "maintained its indisputable rights" to that possession. ..."*<sup>892</sup>

**August 2<sup>nd</sup>**, from London, Moreno reports to Arana that he has "defended" Argentina's title to the Islands.

*"The Argentine Minister gave account of an extraordinary reply, of that of the Foreign Affairs of H.M., in the House of Commons, upon the question of the Falkland Islands,..."*<sup>893</sup>

*"But there was no reaction at all from Buenos Aires, since Argentina was in the process of dropping the Falklands dispute."*<sup>894</sup>

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888 *Evening Mail* Monday July 30, 1849 p.1

889 Pascoe 2022 vol.2 p.598

890 These had been a regular necessity since 1841. By 1849, however, the settlers were far better equipped and capable of producing their own food.

891 *FO 6/502/279*. Translation at 282

892 Pascoe 2022 vol.2 pp.598-599. It seems unlikely that the annual message (speech) to the Buenos Aires Legislature could be seen as an official protest which could only be made direct from government to government.

893 *Message of the Government of Buenos Ayres to the Twenty-Seventh Legislature 1849* in *FO 6/149*

894 Pascoe 2020 p.186

**August 3<sup>rd</sup>**, in England, the *Evening Mail* reports:

*“A late report from the Governor of the Falkland Islands, the possession of which formed one of the points of our dispute now in course of arrangement with Buenos Ayres, furnishes some interesting details of the capabilities and resources of these almost unknown settlements. Regarding their value to a naval and commercial nation, the Governor points out that their successive occupation by England, France, Spain, and Buenos Ayres at different periods since the year 1764 would seem to imply an early recognition of their geographical importance,..”*

**August 8<sup>th</sup>**, Palmerston responds to the Argentine Minister. <sup>895</sup>

*“I have the honour to acknowledge the receipt of your note of the 31<sup>st</sup> of July, stating that the Reply which I was reported by some of the London Newspapers to have made to a question put to me by Mr. Baillie in the House of Commons on the 27<sup>th</sup> of July, did not correctly describe the State of the question between the British Government and the Government of Buenos Aires respecting the Falkland Islands; and I have the honour to acquaint you that whatever the Newspapers may have represented me as having said on the occasion above referred to, I have always understood the matter in question to stand exactly in the way described by you in your letter.”*

*“Palmerston could not yet refer openly to the treaty since it was still a secret, but he was a shrewd politician, so he simply turned Moreno's own statement against him. Moreno had said many things that were true – he had stated that Argentina had made repeated protests since 1833,.. he had stated that the Buenos Aires government had protested every year in Messages to the legislature, and he had quoted Palmerston's Commons statement, including Palmerston's phrase that the correspondence had ceased by "the acquiescence of one party and the maintenance of the other"... All those things were true – Argentina had protested in that way, and Palmerston had made those remarks in the Commons. ... In confirming Moreno's account he confirmed his Parliamentary statement.” <sup>896</sup>*

# Researcher's Comment: There has been debate as to Palmerston's meaning, and it is occasionally asserted that the Foreign Secretary was acknowledging that the question of Falklands sovereignty remained unsettled; still “pending.” In fact there is little doubt that Palmerston was being coy, knowing that anything said would be repeated by Argentina's press. A peace treaty had yet to be signed, and the situation remained fluid until it was. Palmerston did not need the subject of Falklands' sovereignty to become an issue.

Minister Moreno forwards the response to Buenos Aires.

*“The Argentine Minister has recently transmitted the reply that he received from that of the Foreign Affairs of H.M. –*

*In it the Honourable Viscount Palmerston acknowledged receipt of the note of the Argentine Minister, in which the latter had expressed to him, that the answer that had been reported in some of the London papers, as having been given by his Lordship, to a question that had been asked by Mr. Baillie in the House of Commons on the 27<sup>th</sup> July, did not correctly describe the state of the question, between the British Government and that of Buenos Ayres, with respect to the Falkland Islands; and declared that he had the honour of informing the Argentine Minister that, whatever the public papers might have represented him as having said on the occasion referred to, he had always understood the matter in question was exactly on the state the Argentine Minister had described in his communication. –*

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895 FO 6/502 fol.376

896 Pascoe 2022 vol.2 p.600

*The Government has replied to him, that it had felt much pleasure on being informed of the satisfactory result his reclamation had had, as regarded the true state of the question, as well as of the sincerity wherewith the Honourable Lord Palmerston, Minister of Foreign Affairs of H.M., had admitted that the affair was in the state described by the Plenipotentiary of the Confederation...*" <sup>897</sup>

"The issue remained unsettled and was recognised as such by the British Foreign Secretary in 1849." <sup>898</sup>

"In fact neither Palmerston nor Moreno said or implied that the question was "pending" – there is no such expression in the statements by either of them. ... (Palmerston) knew from the draft treaty sent by Henry Southern that Argentina was indeed acquiescing in Britain's possession of the islands and was hence dropping the Falklands dispute. .. in saying "I have always understood the matter in question to stand exactly in the way described by you in your letter", Palmerston said Moreno was right in saying that he, Palmerston, had referred to acquiescence over the Falkland Islands. In other words, in confirming Moreno's account he confirmed his Parliamentary statement. He did not say that he accepted Moreno's view that Argentina was not showing acquiescence." <sup>899</sup>

**August 11<sup>th</sup>**, at the Falklands, the *Robert Fulton* is wrecked off Prong Point, Lively Island.

**August 27<sup>th</sup>**, Britain's Queen Victoria signs a Royal Patent giving Henry Southern the authority to conclude a peace treaty with Governor Rosas.

**September 3<sup>rd</sup>**, Palmerston notifies Southern that Queen Victoria has authorised his signing of the proposed Treaty with the Argentine Confederation; "... as Her Majesty's Plenipotentiary."

**September 15<sup>th</sup>**, the *Dover Telegraph* reports:

*"In Buenos Ayres, the Honourable Chamber of Notables had (after a delay of six months) voted an answer to the message of General Rosas. The answer is, as usual, an echo of the message, but if possible more insulting towards England, more strongly insisting on the right of the Argentine Republic to take possession of the Falkland Islands, to expel the British invaders from the Strait of Magellan, to put a stop to the robbery of guano on the coast of Patagonia by British vessels..."* <sup>900</sup>

**September 28<sup>th</sup>**, from Stanley, Governor Rennie informs the Colonial Office of a prosecution.

*"I had directed the Master of the American Whaler "Hudson", Captain Hiram Clift, to be prosecuted for killing and appropriating to his use several wild cattle, at that time the property of Mr. Lafone."* <sup>901</sup>

*"... I beg to remind your Excellency that Even the person who killed the bullock aluded (sic) to was not aware he was doing wrong for he bought the beef hanging on his Stern into the harbour not offering in the least to Conceal it and when accused Acknowledged the number he had killed and paid the price that was Charged him..."* <sup>902</sup>

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897 *Message of the Government of Buenos Ayres to the Twenty-Seventh Legislature 1849* in FO 6/149

898 *Islas Malvinas, Georgias del Sur y Sandwich de Sur* unattributed but distributed at a conference held at the London School of Economics December 3, 2007.

899 Pascoe 2020 p.187

900 *Dover Telegraph & Cinque Ports General Advertiser* Saturday September 15, 1849 p.6

901 FO 97/35/86. See 1850, 1853 & 1854.

902 *Smyley to Rennie October 24, 1853* quoted in full in Pascoe 2022 vol.2 pp.654-655 citing *Despatches from United States Consuls in Port Stanley, Falkland Islands 185101906* in *National Archives and Records Service, General Services Administration, Washington DC, 1960. cf. 1853 & 1854*

**October 12<sup>th</sup>**, from Buenos Aires, Henry Southern reports that General Rosas is preparing for conflict with Paraguay, which has taken territory from the adjoining Argentine provinces. Argentines support the action as they still view Paraguay as a province, and not as a separate country.

*“I find it extremely difficult to procure information in this Country. On the one side the profoundest reserve is maintained, and on the other the wildest and most exaggerated statements are fabricated without the slightest reference to truth.”*<sup>903</sup>

**October 13<sup>th</sup>**, the population in Stanley rises to 200 with the arrival on *Victory* of 30 Chelsea Pensioners and their families. Wooden cottages have been shipped over and each is given 10 acres of land.<sup>904</sup>

*“Rennie intended them “to form a kind of military village apart from the settlers, providing attached to each house, a small garden...” In addition, these men and their families were to receive some cattle...”*<sup>905</sup>

**October 20<sup>th</sup>**, in Argentina, *The Times* report of the July House of Commons exchange, is reproduced in the *British Packet and Argentine News*, accompanied by an Editorial.

*“To say nothing of the question of right, Lord Palmerston’s memory serves but indifferently as to facts. When, in the beginning of 1833, Captain Onslow was sent in H. M’s sloop Clio to port Louis for the purpose of executing, in the name of Great Britain, the alleged rights of sovereignty over the Falkland Islands, he found there a colony established by Mr. Vernet under the auspices of the Argentine Government, and which had been in existence for nearly seven years! Again, the Government of the Confederation, so far from silently waiving its right, takes yearly the opportunity of reasserting it in the most public and solemn document emanating from the Executive.”*

**November 15<sup>th</sup>**, in Buenos Aires, General Rosas authorises Minister Arana to sign the draft Anglo-Argentine Treaty on behalf of the Confederation.<sup>906</sup>

*“Well, in that treaty nothing is said about the Malvinas Islands, which is curious because Rosas was very particular about Martin Garcia Island, which, even through an association of ideas, should have reminded him of the other irredentist islands.”*<sup>907</sup>

**November 24<sup>th</sup>**, the “*Convention for re-establishing the perfect Relations of Friendship between Her Britannic Majesty and the Argentine Confederation*”, otherwise known as the ‘*Convención de Paz*’ in Buenos Aires, is agreed and signed – by Southern, Arana and Rosas.<sup>908</sup>

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903 *Southern to Palmerston October 12, 1849* in FO 6/145/57

904 Royle 1985.

905 Bernhardson 1989 p.297. Pensioners and families totalled 137 people – the youngest was 26, the oldest, Henry Felton, 53. Most would leave after 1856 when their service agreement expired but at least 7 families remained, with surnames Felton, Fleming, Reddie, Roach, Simpson, Smith and Short. Names surviving into the 1960’s. Some are there still; including the descendants of John and Sarah Short.

906 FO 93/10/4

907 *Rosas y las Malvinas* Absalón Rojas 1950 p.13

908 Under the terms of this treaty, the occupied Island of Martin Garcia was returned to Argentina and Britain was required to salute the Argentine flag with “20 cannon shots.” No mention being made of the Falkland archipelago; it remained in English hands. Called at the time the *Convention of Peace/Convención de Paz*; more recently the treaty has become known in Argentina as the *Southern-Arana Treaty*, despite the signature of General Rosas also on the document. See <https://falklandstimeline.files.wordpress.com/2018/03/convention-between-great-britain-and-the-argentine-confederation-for-the-settlement-of-existing-differences-and-the-re-establishment-of-friendship-november-24-1849.pdf>

America's representative in Buenos Aires reports the news to Washington.

*“The rumor is today, that the convention lately made with this Government, by Mr Southern, the English Minister, for the settlement of their long pending difficulties, and sent to his government for examination and approval, has been returned to him, with directions to sign it, and to exchange the ratifications. On the other hand, it is said, that the French Government will not agree to the convention made for the same object, by Admiral Le Predour. I shall enquire into the truth of these rumors, in the proper quarter, perhaps today.”*<sup>909</sup>

*“Rosas (sought) to buy with the Falkland Islands, which were already in the hands of England, the abstention of the Englishmen in the matter of the Rio de la Plata... 8º: (No escrita). Inglaterra se quedaba con las islas Malvinas...”*<sup>910</sup>

*“... a concession to Britain or a culpable oversight?”*<sup>911</sup>

*“Dr. Rojas’ interpretation can be countered as follows: 1º Article 1, in referring to "differences" being resolved, reads that they are "those that have interrupted political and commercial relations between both countries". The Malvinas/Falklands conflict had not provoked this effect.”*<sup>912</sup>

*“For Rosas the Falkland Islands were... a frozen asset in the game of diplomacy, nothing more.”*<sup>913</sup>

*“Rosas signed the treaty of friendship with Queen Victoria. There it says: “Under this convention perfect friendship between Her Britannic Majesty’s Government and the Government of the Confederation, is restored”. In no article or detail of the document is there any proviso for the restitution of the islands iniquitously usurped.”*<sup>914</sup>

*“The treaty was not imposed on Argentina by Britain; the Argentine leader General Juan Manuel Rosas humiliated Britain by prolonging negotiations for nine months (October 1848 to July 1849) until he got everything he saw as important, including recognition of Argentina as a sovereign power in which European powers were no longer to intervene at will, and sovereignty over the River Paraná, which he particularly wanted in order to isolate separatist rebels in Paraguay and Corrientes. Argentine historians generally regard the Convention of Settlement as a triumph of Argentine diplomacy, though some have criticised it for omitting Argentina’s claim to the Falklands. In fact Rosas had long regarded Argentina’s claim as something that could be traded away in exchange for more direct advantages.”*<sup>915</sup>

*“Although admittedly the principle of uti possidetis would apply in favour of a territory's occupier when a Peace Treaty makes no reserve to such occupation, it would not apply to the Southern-Arana Treaty because*

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909 *US charge d'affairs Harris to US Secretary Clayton November 24, 1849* in Manning 1932 p.492

910 *Rosas y Thiers: La diplomacia europea en el Río de la Plata (1838-1850)* Carlos Pereyra 1919 pp.202-206.

Republished in Buenos Aires 1944 (pp.217-222). Deputy Rojas, speaking in the Chamber of Deputies in 1950, sought to explain Pereyra's words; *“According to Pereyra, this was a secret clause; he affirms it in a categorical way, although without mentioning the source of such an assertion, all the more surprising from the mouth of a hundred percent Rosista (Rosas supporter).”* An implication that there was, in addition to the *Convention's* 7 articles, an unwritten 8<sup>th</sup> handing the Falklands to Britain.

911 Deputy Absalon Rojas, speaking in the Argentine Congress on July 19, 1950 quoted in *Cuando Rosas quiso ser inglés* Alfredo R. Burnet-Merlín 1974. See also *Rosas y las Malvinas* Absalón Rojas 1950

912 Representative John William Cooke quoted in Kohen & Rodriguez 2017 citing *Acción parlamentaria Tomo 1 John William Cooke Obras Completas* Eduardo Luis Duhalde 2007 pp.389-390

913 *Britain and Argentina in the Nineteenth Century* H. S. Fern 1960 p.232

914 *Historia de las Islas Malvinas* Juan José Cresto 2011, President of Argentina's *Academy of History*

915 Pascoe & Pepper 2012 p.7

*the conflict had nothing to do with Malvinas but was confined to the more actual and urgent situation in the River Plate,...*"<sup>916</sup>

*"The words "perfect friendship" are definitive and all-encompassing; the Convention thus "wiped the slate clean" of all disputes and put relations between Britain and Argentina on a new footing."*<sup>917</sup>

**December 10<sup>th</sup>**, Rosas and Southern hold a long, near all-night, meeting to discuss, inter alia, the resumption of diplomatic relations. To Southern's surprise, Rosas remains opposed to formal recognition of Southern as an Ambassador until the peace treaty is ratified. In the face of Southern's protests about how that would appear, Rosas lists Argentina's demonstrations of 'good faith' including his dispensation of the question of compensation and there having been no mention, so far, of the issue of the Falkland Islands.

*"... has not introduced the grave question which is pending of the Falkland Islands"*<sup>918</sup>

Southern tells Rosas that the peace treaty has resolved these issues.<sup>919</sup>

*"... countries and places occupied or conquered remain in the power of the party that occupies them, ... that is to say, things are to remain in the state they are in at the moment of peace; thus each party retains the sovereignty of the territory it occupies."*<sup>920</sup>

*"What was the reason for Rosas to omit any reference to the Malvinas Islands? There are two hypotheses: first, because he left them for further negotiation; second because Rosas was so bound to England that he could not even allude to that matter... The first hypothesis, related to the possible subsequent negotiation, could be acceptable, but in that case, it should have, at least, a reservation of rights. For that reason I discard that first hypothesis, ... What hidden understanding, what secret commitments, what secret was there between England and this lonely and taciturn man ...?"*<sup>921</sup>

*"(Rosas) did attempt to make a reservation of the Falklands dispute after the treaty was signed, but Southern pointed out to him that treaties of peace ended all differences between their signatories; far from disputing the point, Rosas actually repeated it, and did not mention the Falklands again."*<sup>922</sup>

**December 11<sup>th</sup>**, Southern writes to Rosas, so that there is a record of his comments, repeating that the negotiations have ceased and that all matters are settled.<sup>923</sup>

*"All national differences are terminated by solemn and public Conventions of Peace..."*

*"... on 11 December, the day after the conversation, he handed a 5-page written memorandum to Rosas's daughter "Manuelita" (who acted as his secretary) summarising the previous night's conversation. It included Southern's statement that: 'All national differences are terminated by solemn and public Conventions of Peace...'..."*<sup>924</sup>

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916 Peña & Peña 2018. A rather contradictory argument.

917 Pascoe 2020 p.190

918 Rosas to Southern December 15, 1849 in FO 6/145 f.203

919 Southern to Palmerston December 13, 1849 in FO 6/145 f.178

920 *Le Droit international théorique et pratique* Carlos Calvo 1886

921 Rosas y las Malvinas Absalón Rojas 1950 pp.14 & 15

922 Pascoe 2020 p.191

923 Southern to Palmerston December 13, 1849 in FO 6/145/178

924 Pascoe 2020 p.199

**December 15<sup>th</sup>**, Rosas replies to Southern.<sup>925</sup>

*“Rosas’s long reply repeated the arguments in Southern’s memorandum, first giving the statement by one side, then the reply by the other, and adding his own extensive additional explanations. Significantly, Rosas merely repeated without further comment Southern’s statement that “All national differences are terminated by solemn and public Conventions of Peace” – that statement therefore appears twice in the exchange, first in Southern’s memorandum to Rosas and again in Rosas’s reply to Southern. By repeating Southern’s statement without contradicting it or limiting it in any way, Rosas showed unambiguously that he accepted the ending of the Falklands dispute.”*<sup>926</sup>

**December 17<sup>th</sup>**, from Buenos Aires, Southern writes to inform Palmerston that Rosas has accepted that he should submit the peace treaty to Congress without awaiting a prior ratification by Britain.

**December 24<sup>th</sup>**, in the USA, Senator William Seward writes to Secretary of State John Clayton requesting that the US Government intervene; *“... on behalf of Isaac P. Waldron and William H. Smyly, who were injured in their persons and property at the Falkland Islands in 1832, by Louis Vernet who claimed to be the Governor of those Islands under the authority of the Buenos Ayrean Government.”*<sup>927</sup> Attached is a petition signed by the two claimants.

*“This petition sets forth, the capture the capture of property and imprisonment, and other harsh and illegal treatment of claimants by Vernet, supported by their affidavits before F. R. Lee, Commissioner of deeds, and certified by James Connor, Clerk of the city and county of New York. The Memorial claims \$50,000, damages but shews no bill of particulars of the articles lost or confiscated...”*<sup>928</sup>

*“The matter had still not been settled by 1856.”*<sup>929</sup>

**December 27<sup>th</sup>**, in Buenos Aires, Rosas addresses his annual message to the Legislatura.<sup>930</sup>

*“The differences pending with the Government of HBM **have reached a solution**, that accelerates, in a reciprocally honourable manner, the re-establishment of the previous cordial understanding.”*<sup>931</sup>

Governor Rosas briefly mentions the Falkland Islands dispute in his message.

*“The Government pays serious attention to the outstanding claims of the Republic to Great Britain, for the unjustifiable detention of the Malvinas Islands.”*<sup>932</sup>

Rosas also mentions Minister Moreno's exchange of July/August with Lord Palmerston.

*“The Argentine Minister gave account of an extraordinary reply, of that of the Foreign Affairs of H.M., in the House of Commons, upon the question of the Falkland Islands, calculated to show that, many years ago claims had been made on the part of Buenos Ayres to the Falkland Islands; which had been resisted by the British Government –*

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925 FO 6/145 f.214

926 Pascoe 2020 p.200

927 Manning 1932. cf. 1831, March, 1849 & 1856

928 James A. Peden to William L. Marcy No.43 June 2, 1856 in Manning 1932 p.592. See December 27, 1849 below.

929 Pascoe 2022 vol.2 p.621

930 The ‘mensaje’ was dated December 27, 1849 and signed by Rosas, but it was not read out to the Legislature on that date; nor was it read out by Rosas as tradition demanded. Not actually delivered until January 1, 1850. All 453 pages read by a clerk to those assembled. It took four days.

931 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 p.265. My emphasis.

932 Coming before the agreement was confirmed by ratification, this was the last mention of the Falkland Islands in the *mensaje* for 91 years; although it should be acknowledged that internal conflicts prevented any message in 1850.

*That Great Britain had always disputed and resisted the right of Spain to the Falkland Islands, that she was not disposed to cede to Buenos Ayres, what she had refused to Spain; that said Islands having been unoccupied, ten or twelve years ago, Great Britain took possession of them, and had maintained an establishment there from that time; and that he considered it very impolitic to revive a correspondence, that had ceased by the acquiescence of one of the parties, and the perseverance of the other. –*

*The Argentine Minister added, that he had immediately protested against this unexpected declaration; and very clearly and distinctly against the ambiguous or erroneous idea or assertion, of the withdrawal of the reclamation of the Republic, and its consent to the usurpation of the Malvina Islands, by the British Government; the Argentine Minister reserving the right of afterwards pointing out other serious inaccuracies, that were observable in said reply, as to the history and state of discussion –*

*The Government fully approved the well founded claim and protest of the Argentine Minister, against the incorrect assertions of that of the Foreign Affairs of H.M. – And expressed to him, by that opportune protest, he had maintained, as it was proper he should have done, and as he should do in all cases, the just rights of the Confederation to the Malvina Islands, against the new disavowal that had been made of them, by the Minister of Foreign Relations of H.M., upon the so unfounded supposition, that the correspondence might have ceased, by acquiescence on the part of the Confederation, or of both parties, according to the two different versions that appeared in the periodicals, of that idea of H.M.'s Minister –*

*The Government recognised the tact wherewith the Argentine Minister reported to it, that he had reserved the right of afterwards pointing out other very grave inaccuracies, that were observable in the reply of the Minister of Foreign Affairs of H.M.; a manifestation that hinged upon the following expressions: "that many years ago, a claim was made on the part of Buenos Ayres, respecting the Falkland Islands – Great Britain always disputed and denied the claim of Spain to the Falkland Islands, and therefore was not disposed to concede to Buenos Ayres what she had refused to Spain –*

*That ten or twelve years ago, the Falkland having been occupied for some time, England took possession of them; and since then had always kept an establishment there" –*

*The Government ordered its Minister that, on treating of this, he should always maintain the same principles, and should found upon the very acts that resulted from the correspondence that had taken place on this affair; and transmitted to him other orders, for the support of the unquestionable rights of the Confederation to the Falkland Islands." 933*

*"... it is absurd to claim that Rosas renounced the Falklands/Malvinas through the treaty, when he continued to officially claim the islands a month after having concluded the treaty!" 934*

*"... in December 1849 the treaty was not yet ratified and so had not yet come into force. Southern and Rosas confirmed in their conversation on the night of 10-11 December 1849 that a treaty did not come into force until it had been ratified, so both knew that any statements made before ratification did not contradict the treaty or cancel it. So Rosas's protest of December 1849 was merely symbolic and did not lessen the effect of the peace treaty." 935*

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933 *Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910* vol.2 pp.266-267

934 Kohen & Rodríguez 2017 p.155. As regards this assessment by these authors, see Pascoe 2022 vol.2 pp.631-640

935 Pascoe 2020 pp.200-201



# Researcher's Comment: Treaties were 'concluded' upon an exchange of ratifications. In this case, that did not occur until 1850. See below.

Correspondence relating to the signing of the Treaty is laid before the *Chamber of Representatives*.<sup>936</sup>

Governor Rosas writes to Henry-Southern to confirm that, despite what may have been said in Congress, there were no further issues and that therefore there would be no impediment to the ratification of the treaty.

*“After this protest, ... until 1884, under the government of General Julio A. Roca, Argentina did not claim rights over the Falklands. Neither Urquiza, nor Mitre or Sarmiento, nor Avellaneda recalled the existence of this international dispute.”*<sup>937</sup>

In Washington DC, on the same day, responding to Senator Seward's letter of December 24<sup>th</sup>, US Secretary John Clayton, writes to William A. Harris. The US *charge d'affaires* at Buenos Aires is given instructions regarding the complaints and claims of William Horton Smyley and Isaac Waldron.

*“You will press this case for an adjustment at the same time with those of the other citizens of the United States who were aggrieved by Vernet at those Islands.”*<sup>938</sup>

**December 29<sup>th</sup>**, in Buenos Aires, the *British Packet & Argentine News* reports on Lafone's contract referring to a dispute about the estimated land area that he was granted under the agreement.

*“... some reduction should be made in the instalments. This is still a point of dispute between the contracting parties; the sooner, however, an equitable adjustment takes place, the better for the colony, whose energies are considerably retarded by this delay and uncertainty. The latest reports from the islands state that the governor is about to stop the works of Mr. Lafone: this would be a serious blow to the settlement.”*<sup>939</sup>

An editorial note reports the British Government's intention to send out military pensioners to the archipelago.

*“A large ship of 800 tons (the Victory) has been chartered by government to take out ninety pensioners and their families. This large and useful addition to the population of the islands will be of inestimable benefit.”*

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936 Juan de Rosas to the Honourable Chamber of Representatives December 27, 1849 in *Archivo American y Espiritu de la Prensa del Mundo* No. 21 Buenos Aires 1850 p.100

937 Sierra 1978 p.245

938 Manning 1932 p.40. Also Fitte 1966 p.437. See March 1850 below.

939 Also on this date, the *British Packet & Argentine News* commenced a series of articles entitled *Wild Sports of the Falklands*

**1850 – January 7<sup>th</sup>**, Algernon Sidney Montague, is appointed resident Magistrate and Coroner for the Falkland Islands. <sup>940</sup>

**January 9<sup>th</sup>**, in England, Samuel Lafone's contract is modified; extending his rights to wild cattle until 1856, and redrawing the boundaries.

*“... all that peninsular or tract of land, part of the island of East Falkland (whatever be its extent), lying south of a line of demarcation running from a point in Darwin harbour, to a point in Brenton Sound, on the other side of the island, and which line of demarcation was fixed and indicated by the late Governor Moody by stakes and mounds...”* <sup>941</sup>

*“Despite the agreement, relations were slow to improve. Less than a month later, Rennie complained of William’s unwillingness to supply cattle at £1 per head (which Rennie considered equitable), rather than £1 10/-, because the hides alone were worth ten shillings. Moreover, Lafone’s agent was unwilling to guarantee the latter price for more than a year.”* <sup>942</sup>

*“A new contract was signed on 9 January 1850. The Lafones were to purchase all of East Falkland south of a line between Darwin Harbour and a point on Brenton Sound together with Beauchene Island and some town and suburban allotments. Up to 1 January 1856 the Lafones have “the absolute right to an exclusive dominion over all wild horses, horned cattle, sheep, goats and swine upon the Falkland Islands, or any of them, with full power to kill and dispose thereof, but subject to the following restrictions (namely) not to kill except with the permission of the Governor for the time being any cows, wild or tame, except those unfit for breeding, or which should be required for consumption in the said Colony, nor reduce the number of bulls below the number requisite for insuring the largest possible annual increase.” The Lafones also had exclusive rights to supply beef to Government and visiting ships. The price was £30,000 of which £10,000 had been paid in 1846, £10,000 cash was due immediately and the remainder was to be paid at £2,000 per annum without interest from 1 January 1852. Specified numbers of horses and pigs were to be “exhibited” to the Governor between 1850 and 1854 as well as a stipulated number of other stock between 1850 and 1856. In 1855 this was 1,500 cows, 25 bulls, 8,000 ewes and 80 rams and culminated in 1856 with 10,000 ewes and 100 rams. The sheep: cattle ratio marks the change to the former from the latter as the linchpin of the agricultural economy. Cash flow started in 1850 when 429 hides raised 10 shillings and 6 pence each in Montevideo. A contract to supply Sullivan with 700 tamed cattle at 30 shillings each and 16 horses was completed within two months of signature. Whittington bought 300 tamed cattle for local consumption at 40-50 shillings a head...”* <sup>943</sup>

**January 18<sup>th</sup>**, in Argentina, the *British Packet & Argentine News* reports that the Southern-Arana treaty; “... puts an end to all old animosities.”

**January 24<sup>th</sup>**, in Buenos Aires, the Chamber of Representatives authorises Governor Rosas to ratify the “Convention of Peace, between the Argentine Confederation and the United Kingdom of Great Britain.”

That evening Rosas formally receives Henry Southern as “*Her Britannic Majesty’s Minister.*”

*“The main difference between the secret clause of the First Nootka Sound Convention and other treaties and pacts where secret clauses were alleged is that in the former case, the secret clause was included in the text. ... such was not the case ... in the Southern-Arana Treaty of 1849 that ended the armed conflict between Great*

940 *The London Gazette No. 21059*. Montague left England in July 1850 to take up his post, leaving his wife destitute. The Colonial Office arranged sufficient funds for his wife to join him but when, in June, 1854, Montague resigned his post and returned to England, he again left her behind, destitute. She survived by opening a small school.

941 *General Report of the Colonial Land and Emigration Commissioners 1850* Appendix 53.

942 Bernhardson 1989 p.290

943 Wilson 2016

*Britain and Argentina over the navigation of interior rivers, though the abrupt interruption of Argentine protests for the British takeover (of the Falklands) strongly suggests the existence of such an arrangement.”*<sup>944</sup>

*“In concluding the Convention of Peace, Rosas was giving up the Falklands as a lost cause, but what mattered to him was that he had forced Britain to accept Argentina as an equal partner on the world stage. It is important to remember that Argentina was not coerced by Britain into signing a peace treaty – it was the other way round: Argentina had forced Britain into signing a peace treaty.”*<sup>945</sup>

**February 5<sup>th</sup>**, in England, signed copies of the treaty arrive for ratification.<sup>946</sup>

**February 8<sup>th</sup>**, in London, Prime Minister Lord John Russell, addresses Parliament regarding a ‘*Colonial Policy with a view to Promote the General Wealth and Population of the Colonies and their Capacity for Self-Government.*’

*“In considering this question, I will first state generally how our present Colonial empire stands, and as the facts in detail must be familiar to most Members of the House, I will content myself with the merest outline of those facts... At the commencement of the (18<sup>th</sup>) century, during the war, Gibraltar fell into our hands. After the glorious war of 1756, many more islands were added to our dominions, ...”*<sup>947</sup>

In listing the colonies taken between 1600 and 1815, the PM does not specifically mention the Falklands.<sup>948</sup>

On the same day, Lord Palmerston instructs Britain's representative in Washington, Sir Henry Bulwer, to speak to the US Secretary of State; “... *in regard to the adoption of measures for warning American Shipowners & Shipmasters engaged in the South Sea Whale Fisheries that the destruction by them of Wild Cattle on the Falkland Islands is an unlawful act.*”<sup>949</sup>

**March 24<sup>th</sup>**, from Buenos Aires, William Harris, US *charge d'affairs*, writes to Washington confirming receipt of the note regarding the Waldron/Smyley claims.

*“I certainly shall present and prosecute this claim, at the time and in the manner, which you have indicated. Mr. Smyley himself has just left this City, leaving at the same time, such directions and instructions, in regard to this claim, as he deemed it proper and advantageous for me to pursue.”*<sup>950</sup>

**May 5<sup>th</sup>**, in Buenos Aires, Britain's ratified copy of the treaty arrives.

*“I am instructed under the Eighth Article of that Convention, to exchange this Ratification against a similar Instrument, ratified by H.E., the Governor and Captain general of Buenos Ayres, charged with the Foreign relations of the Argentine Confederation, Brigadier Don Juan Manuel de Rosas.”*<sup>951</sup>

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944 Peña & Peña 2018

945 Pascoe 2020 p.202

946 FO 93/10/4. At this time treaties only came into force upon ratification, not signature.

947 *The Speech of the Right Hon. Lord John Russell in the House of Commons Feb.8 1850, on Colonial Policy and with a view to Promote the General Wealth and Population of the Colonies and their Capacity for Self-Government, London 1850*

948 Until the peace treaty had been ratified, it would have been foolish to agitate Argentina's press. There would undoubtedly have been a reaction which may have caused delay or abandonment of Argentina's final seal. Some Argentine commentators, however, make much of the absence of any mention of the Falklands within this list; although it would seem to have been nothing more than a matter of political expediency.

949 FO 97/35/100. There was no response to this instruction. See 1853

950 Harris to Clayton March 24, 1850 No.46 in Manning 1932 p.493. cf. 1849 & 1856

951 Southern to Arana May 5, 1850 published in the *British Packet & Argentine News* August 8, 1850

**May 10<sup>th</sup>**, Governor and Captain General of the Province of Buenos Aires, Juan Manuel de Rosas, formally ratifies the *Convention of Peace*.<sup>952</sup>

*“As between the belligerent powers themselves, it is held that the conclusion of peace legalizes the state of possession existing at the moment, unless special stipulations to the contrary are contained in the treaty. This is called the principle of uti possidetis, and it is of wide and far-reaching application.”*<sup>953</sup>

**May 15<sup>th</sup>**, in Buenos Aires, ratifications of the treaty are exchanged; bringing the agreements into force.

*“Art. I. The Government of Her Britannic Majesty, animated by the desire of putting an end to the differences which have interrupted the political and commercial relations between the 2 countries, having on the 15th of July, 1847, raised the blockade which it had established of the ports of the 2 Republics of the Plata, thereby giving a proof of its conciliatory sentiments, now hereby binds itself, in the same amicable spirit, definitively to evacuate the Island of Martin Garcia; to return the Argentine vessels of war which are in its possession, as far as possible in the same state as they were in when taken; and to salute the flag of the Argentine Confederation with 21 guns...”*<sup>954</sup>

*Art. V. Her Britannic Majesty’s Government having declared “that it is freely acknowledged and admitted that the Argentine Republic is in the unquestioned enjoyment and exercise of every right, whether of peace or war, possessed by any independent nation; ...”*<sup>955</sup>

*“The effect of the treaty of peace is to put an end to the war, and to abolish the subject of it.”*<sup>956</sup>

*“The treaty of peace leaves every thing in the state in which it found it, unless there be some express stipulation to the contrary. The existing state of possession is maintained, except so far as altered by the terms of the treaty. If nothing be said about the conquered country or places, they remain with the conqueror, and his title cannot afterwards be called in question.”*<sup>957</sup>

*“... Mr. Southern, ..., signed the convention with this Government, which puts an end to all old animosities, and re-establishes the former relations of friendship and good understanding.”*<sup>958</sup>

*“It may be assumed that the seigniority of the Falkland Islands has been definitively forfeited...”*<sup>959</sup>

*“As between the belligerent powers themselves, it is held that the conclusion of peace legalizes the state of possession existing at the moment, unless special stipulations to the contrary are contained in the treaty.”*<sup>960</sup>

*“Unless the parties stipulate otherwise, the effect of a treaty of peace is that conditions remain as at the conclusion of peace.... if nothing is stipulated regarding conquered territory, it remains in the hands of the possessor, who may annex it.”*<sup>961</sup>

952 *British Packet & Argentine News* August 8, 1850

953 *The Principles of International Law* Thomas J. Lawrence 1910 p.571

954 Many of the Argentine squadron seized by the British were unseaworthy, and no British garrison had existed on Martin Garcia after 1847. Rosas had known this, but insisted on these terms being included, simply because he could.

955 Article 5 constituted final and absolute recognition of the Republic as a *de jure* Nation. Something Britain had not done in 1825, and that Spain would not do until 1859 (without Buenos Aires) and 1863 (with Buenos Aires). *cf.* 1825

956 *The Law of Nations or the Principle of Natural Law* Emer de Vattel 1797

957 *Elements of International Law: with a sketch of the history of the science* Henry Wheaton 1836. *cf. Elements of International Law and Laws of War* H. W. Halleck 1866 p.353

958 *British Packet & Argentine News* May 18, 1850

959 *British Packet & Argentine News* November 26, 1853

960 *The Principles of International Law* Thomas J. Lawrence 1910 pp.571-572

961 *Oppenheim’s International Law* Hersch Lauterpacht 1952 vol. 2 p.611

*“The Convention of Settlement was an international agreement between Britain and Argentina. It was a peace treaty, so by ratifying it in 1850, Argentina accepted that the Falklands were legitimately British and no longer regarded them as Argentine territory.”*<sup>962</sup>

*“... the Republic of Argentina mentions the treaty on friendship and navigation between the Argentine Republic and the United Kingdom, concluded in 1825, but does not also refer to the Convention of Settlement, ratified in 1850 by the British Government and the Republic of Argentina which comprehensively settled all existing differences and established a "perfect friendship" between the two States. Subsequent to this ratification, the Republic of Argentina submitted only one official diplomatic protest regarding the Falkland Islands during the following 90 years. This shows that the matter had been settled to the satisfaction of the Argentine Government at that time.”*<sup>963</sup>

*“The feeling that Great Britain and Argentina had reached a peaceful and an agreed arrangement to the dispute over the Falklands/Malvinas was shared by several nations. From 1850 onwards, ten countries opened consulates in Port Stanley, giving a strong impression that they considered the conflict to be over.”*<sup>964</sup>

*“... it annihilated Argentina’s title to the Falklands. If two countries conclude a treaty that makes their friendship "perfect", they have ended all their differences. It is not possible to continue a territorial dispute and still have "perfect" friendship.”*<sup>965</sup>

# Researcher's Comment: In the final analysis it can be argued that Rosas gave up his nation's claim to the Falklands archipelago with the ratification of the 1850 treaty. Whether he had intended to do so is moot. He was no diplomat, whereas Southern was a very experienced negotiator. Rosas wanted a deal before he took on Paraguay. He wanted a deal that made him look good. He got both. A sixteen year old claim was never going to be allowed to interfere with that. Rosas gained what he wanted and the question of the Falklands was dropped for more than 30 years. It must be emphasised, however, that the abandonment of an unfounded and spurious claim does not make it any the less unfounded or spurious. Argentina’s claims to the Falklands had no legitimacy either in history or in what passed as international law at that time. Abandoning those claims did not change that reality. By 1850, Britain’s claim to the whole archipelago was undeniable, as Spain would acknowledge in 1863.

**May 29<sup>th</sup>**, reported from Stanley.

*“Sir, The Government has made an alteration in the beacon on Point Pembroke, by erecting a sort of wooden tower at its base, ... above which is a topmast 30 feet high, the beacon, from base to top, being from 65 to 70 feet, and can be seen from seawards a distance of 10 miles. The Governor has wished me to state, that he has erected a reservoir, by which vessels can be watered for 5s to the quantity of twenty tuns, and 1s per tun for extra.”*<sup>966</sup>

**July 9<sup>th</sup>**, at Stanley, the survey vessel, HMS *Rattlesnake*, commanded by Lieut. Charles Yule, anchors during her return from the Pacific. Her crew are to make “*magnetical (sic) and astronomical observations*”.<sup>967</sup>

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962 Pascoe & Pepper 2012 p.8

963 British Government response dated May 28, 2013 to an Argentine letter of April 9, 2013 in *UN Document A/67/880*

964 Peña & Peña 2018

965 Pascoe 2020 p.191

966 *Notice to Mariners* by J. M. Dean published in the *Morning Advertiser* Thursday October 17, 1850

967 *The Globe* Friday October 25, 1850.

**August 12<sup>th</sup>**, in London, in the British Parliament, an MP, Smythe, asks Lord Palmerston to present to the Commons all the documents relative to the recent negotiation with Buenos Aires, including all proposals. Lord Palmerston replies that; “... a satisfactory treaty, having been concluded... he did not think it would be just or right to produce former proposals which had been unsuccessful.”<sup>968</sup>

**September 12<sup>th</sup>**, at Stanley, William Horton Smyley is appointed as a Commercial Agent for the USA.<sup>969</sup>

*“I certify that Captain William H. Smiley of Rhode Island has been appointed by the President of the United States their Commercial Agent for the Falkland Islands with all the privileges and authorities of right appertaining to that appointment.”*<sup>970</sup>

*“... the judge told me in Conversation a few days ago that the American Government Sent me here as a CommerCial (sic) Agent for the purpose of not acknowledging the Rights of Sovereignty of the Islands to the British Government and so long as that was the Case I Would not be looked upon as Consul.”*<sup>971</sup>

From Montevideo, Samuel Lafone proposes a new venture to capitalise on his Falklands contract. Samuel's brother, Alexander Ross Lafone, attempts to sell the idea to the existing company's creditors in London.

*“Despite the Lafones repeated complaints that the cattle of East Falkland did not exceed 30,000, Alexander Lafone assured potential investors that “I have every reason to believing that they may be estimated at 80,000 head or upwards.”...”*<sup>972</sup>

*“The Lafone venture was not a success. By 1849 (before the Government contract was signed) the brothers were negotiating with London creditors to launch a joint stock company named “The Royal Falkland Land, Cattle, Seal and Fishery Company”. Alexander had primary contact with creditors but he was economical with the truth. A letter to William Boucher, one of the financiers, stated “the riches all being in the cattle, all the produce of which can be exported to advantage [and] there is not a shadow of doubt of our being able to subdue the whole [...] rapidly [and] the first and principal difficulties are overcome, I consider that we have already 3,000 head tamed”. Other misleading statements included the “increase of livestock will be great”. Regarding £10,000 he proposed to use to buy rights to cattle, he had “every reason for believing that they may be estimated at 80,000 head or upwards [...] of a large size, they produce first-rate hides, good beef and plenty of tallow [and] the contract for supplying the Governor and colony with beef at 2d per pound will prove very beneficial.”...”*<sup>973</sup>

Lafone also puts forward proposals regarding the seal fur and oil rookeries.

*“A very important product of the rocks and islands of the Falklands is the fur seal, and for quality of fur the seal of these islands is admitted to be the richest in the world. The island of Beauchêne, the sea-lion group, and its adjacent rocks, all in the Company's grant, are favourite resorts of these valuable animals, as are the Jasons on the north-west extremity of West Falkland. Hitherto, these valuable rookeries have been so much poached by French and American adventurers and fished in so*

968 Hansard August 12, 1850 col.1028

969 The appointment of a Consul implies recognition of a political situation (country, State, territory). A Consul is also the commercial agent for his nation; empowered to engage in business transactions, but not political matters. A Commercial Agent is a lesser rank and should not act as Consul. Smyley, on occasion, attempted to blur the lines and more than once referred to himself as Consul. See below. For Smyley (various spellings) generally see 1830, 1831, 1832, 1835, 1839, 1845, 1849, 1850, 1853 & 1854

970 Signed by Secretary of State, Daniel Webster. FO 6/502/503. Also FO 78/25. cf. 1851, 1854 & 1855

971 Smyley to Lewis Cass (Sec. Of State) December 31, 1857 quoted in Pascoe 2022 vol.2 p.646. The 'judge' is believed to have been Capt. Robert Packe, a JP. A US Consul would be appointed in 1874.

972 Berhardson 1989 p.292a

973 Wilson 2016

*indiscriminate a manner; that on some of the best grounds the animals are becoming shy and scarce; a few years preserving would however repair this mischief and secure an abundant supply. It is well known that the fur seal will return to their favourite haunts if a respite be given to them. The profit attached to such an undertaking where, as in this case, the ground is favourable, is too well known to need much demonstration, suffice it to say that, a barren island in the same seas well protected [the Lobos Islands] is producing a very large revenue to the present Grantee of the south peninsula of the east Falkland.*”<sup>974</sup>

“Although the government was also unwilling to approve the request for a sealing monopoly, it did agree to award the company rights to specific sites if it could protect them from over hunting. The firm did not take up the offer...”<sup>975</sup>

**October 26<sup>th</sup>**, in the Falklands, *Marie* moors at Hope Place in Lafonia with “peons as passengers”, workers for Lafone’s estate.<sup>976</sup>

**November 30<sup>th</sup>**, from Stanley, Governor Rennie, responding to Lafone’s practice of importing workers on inequitable terms, writes to London proposing an *Ordinance for Regulating the Admission and Settlement in the Falkland Islands of persons not being British subjects.*<sup>977</sup>

*“The protracted warfare in the River Plate having diminished employment there, a considerable number of French mechanics, Spaniards, Negro’s (sic) and others have come here, some sent by Mr Lafone and others to find employment on their own account. The greater portion of Mr Lafone’s emigrants refuse to work with him on the terms he says he engaged them, and have left him...”*<sup>978</sup>

**December 11<sup>th</sup>**, off West Falkland Island, the coal carrier *Waldron*, on fire between Carcass Island and New Island, is abandoned.

*“I have the honour to enclose the Blue Book of this colony for the year 1850. 2. I have the gratification to state that on every source of interest or advantage to the colony there has been a satisfactory increase. 3. The resort of shipping to the settlement has greatly augmented. ... In 1849, only 12 English merchant vessels entered the harbour; in 1850 there were 23... 4. The fixed revenue, likewise, small as it is, shows a decided advance, from 184£ 10s in 1849, to 442£ 14s 2d in 1850. 5. Labour is in great demand, and at high wages; unskilled from 2s 6d to 4s 6d., mechanics from 5s to 8s per diem. Provisions of all kinds are at reasonable prices, and from 20 to 30 per cent. Lower than during the system of Government rations. ...”*<sup>979</sup>

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974 Quoted in Dickinson 2007 p.54 citing 'A Notice issued in London in the Year 1850' in *Falkland Islands Journal* 1970  
975 *Ibid.*

976 Pascoe 2020 p.277 fn.5

977 The proposal was approved.

978 Rennie to Grey November 30, 1850 in Bernhardson 1989 p.299

979 Despatch from Governor Rennie to Earl Grey February 20, 1851 in FO 78/25

**1851** – in **January**, notices appear in British newspapers and journals giving the advantages of Stanley as a 'free port'.

*“The port of Stanley possesses peculiar advantages: it is easily entered, well protected, has a safe anchorage, and is a most desirable harbour of refuge during the westerly gales so prevalent in the latitude of Cape Horn. ... Application has been made to the government to erect a tower or lighthouse on Cape Pembroke, the south-east point of East Falkland Island, on which a telegraph may also be placed. When this is done it will greatly assist captains who have not been there before...”*<sup>980</sup>

**March 3<sup>rd</sup>**, at Stanley, Capt. William Horton Smyley presents himself to Governor Rennie.

*“... in 1851, (Smyley) presented himself at my Office in a diplomatic uniform handing to me a Communication signed by Mr. Webster Secretary of State, United States, appointing him to be Commercial Agent of the United States at the Falkland Islands... and Captain Smyley was informed that until I had been apprised of Her Majesty's Grant of an Exequatur I could not recognise him as a public functionary.”*<sup>981</sup>

Governor Rennie sends the authorisation signed by the US Secretary of State in September, 1850, to London.

*“It is with some satisfaction that I notify this recognition by a foreign power of the growing importance of this Colony...”*<sup>982</sup>

**April 24<sup>th</sup>**, in Montevideo, Samuel Lafone agrees to sell his rights to a new company, provided that he remains both a Director and 'Manager at the Falklands,' with 20% of the share issue.

*“... but serious problems lay ahead. The whole edifice was based on a grossly inflated valuation of the assets taken over (£212,000) without any attempt to audit them, and whatever his title Lafone was anything but an on-site manager.”*<sup>983</sup>

*“In 1851, a new phase began in the Islands, when the recently created Falkland Islands Company obtained the lands of Lafone with the objective of raising sheep and producing wool. The workforce, the majority of whom came from what is now Uruguay, were subjected to iron discipline which, when necessary; included whipping and hanging.”*<sup>984</sup>

Governor Rennie, however, remains unhappy about the Lafone agent's practice of laying off and abandoning the company's workers whenever the weather prevents cattle hunting.

*“Mr Williams discharged them, generally destitute, and without the means of returning to their own country. The consequence was that they flocked to (Stanley), half clothed, and scarcely physically able to perform the light work which I was under the necessity of finding for them to prevent starvation...”*<sup>985</sup>

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980 *Liverpool Mail* Saturday February 15, 1851

981 *FO 6/502/498*. An *exequatur* is the official recognition by a government of a consul, agent or other representative of a foreign nation, granting them the power to exercise their office. No *exequatur* was ever issued by Britain for Smyley's role at Stanley. *cf.* 1854 & April, 1855

982 *Rennie to Earl Grey March 3, 1851* in *FO 78/25*

983 Bill Featherstone in Tatham (ed.) 2008 p.325. Lafone never visited the islands.

984 *Falklands or Malvinas?* Conrado E. Bullrich 2000 pp.110-111. There is no evidence of executions, or whippings.

Bullrich provides a single example of a hanging – Hilario Cordoba – who he claims was 'summarily' hung on the orders of the Governor. In fact Cordoba was tried, in 1854, on a charge of murdering a Basque labourer, Jean Cousteau.

Cordoba was found guilty and legally executed for his crime.

985 *Rennie to Packington September 7, 1852* in Bernhardson 1989 p.300



Captain Campbell (*Levenside*) is granted a licence to investigate the guano deposits of New Island.

A population census shows that there are now 383 people present on the Islands, including 72 'Spaniards,' and 74 persons, 'born in Ireland.'<sup>986</sup>

*"In 1851, when the British colony had become firmly established, there were 51 adults and 18 minors of either Argentine or Oriental (what is now Uruguay) origin. All were registered in British records as Spanish to avoid them appearing as Argentines."*<sup>987</sup>

*"A large proportion of the Victorian army came from Ireland and the 1851 census counts seventy-four persons of the Irish nation: fifteen were military pensioners and many of the rest their wives and children."*<sup>988</sup>

*"... the 1851 Falklands census actually records a population of 383, and the 1851 Blue Book records a total of 423 people, made up of 190 "white" and 2 "coloured" males, 130 "white" and 1 "coloured" female, and "about 100 aliens and resident strangers" – some of the figures are clearly approximate, and the discrepancy of 40 no doubt arose from under-recording at Hope Place. The population of the islands was slowly increasing: in 1851 there were 5 marriages, 6 births, 3 deaths, and 38 "scholars" in full-time education."*<sup>989</sup>

**May 17<sup>th</sup>**, in London, a meeting is held of Lafone's creditors.

*"The final prospectus produced to entice investment was even more optimistic than Lafone's letter to Boutcher. Assets were valued at £212,000 including £120,000 for 800,000 acres (by then known to be at least one third too much) at 3 shillings per acre; £80,000 for cattle at 20 shillings each but with a note that the real number was 100,000-200,000 of which about 15,000 were in Lafonia with 3,000 wild horses; and £12,000 for other stock and infrastructure built by the Lafones."*<sup>990</sup>

**May 29<sup>th</sup>**, Brazil, Paraguay, Uruguay and the Confederation Provinces of Entre Rios and Corrientes form an alliance against the Argentine Confederation.

**July 14<sup>th</sup>**, in London, during a Commons debate, and before asking MPs to agree to £5,000 for the islands' expenses, War Office Minister, Benjamin Hawes, explains the position of the British Government.

*"The Falkland Islands are, in point of fact, a naval station of great benefit and advantage to the power and general trade of this empire; and when we possess a station of that sort, of course it is necessary we should have some kind of government, and proper officers to carry it into effect. It was always considered of great importance that England should possess this naval station;..."*<sup>991</sup>

**August 6<sup>th</sup>**, in the Falklands, *Armantine*, with a cargo of wines and silks, is wrecked at Cape Frechel.

**August 18<sup>th</sup>**, in Buenos Aires, Governor Rosas declares war on Brazil and its allies – Paraguay, Entre Rios and Uruguay.

**August 22<sup>nd</sup>**, in Stanley, Governor Rennie submits an estimate of the Colony's costs for the forthcoming year 1852 to 1853 of £5,000; *"... the same as that proposed for the current year."*<sup>992</sup>

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986 One resident was recorded as 'Peruvian.'

987 Bullrich 2000 p.114

988 Murray 2005

989 Pascoe 2020 p.276

990 Wilson 2016

991 *Hansard: Supply – Civil Service* 14, July 1851 at 672. In reality, the Falklands were never used as a naval station, with Rio de Janeiro continuing to act as the primary South American base throughout much of the 19<sup>th</sup> century.

992 *Rennie to Earl Grey August 22, 1851 in FO 78/25*

In **October**, in Buenos Aires, the US *chargé d'affaires*, W. A Harris, writes to Luis Vernet.<sup>993</sup>

*"I have no hesitation in announcing to you, as my private opinion, that you are justly entitled to equitable compensation, for damages suffered in the Falkland Islands, by a United States naval force on the ship Lexington, commanded by Capt. Silas Duncan. On the same grounds, and similar grounds, it is my opinion that you would also have a fair and just claim against the Government of Great Britain. Without intending to enter into a note like the present in the reasons that base this opinion, it may nevertheless be sufficient to say that at the time when the victorious revolution of the provinces of Buenos Aires took place, the rights of sovereignty were very unquestionably the King of Spain's; they (Buenos Aires) succeeded all the rights of the Motherland; Mr. Vernet was properly invested, as civil and military governor of these islands, with the exercise of certain rights, which clearly belonged to the Government of Buenos Ayres, and, while legally exercising these rights, his establishment was dispersed and destroyed..."*<sup>994</sup>

**November 21<sup>st</sup>**, in Argentina, Robert Gore arrives as Britain's newly appointed *charge d'affaires* and Consul General. On receipt of Gore's papers, Foreign Minister Felipe Arana refers to:

*"... the relations of perfect cordiality that happily exist between the Government of Her Britannic Majesty and that of the Argentine Confederation."*<sup>995</sup>

**1852 – January 10<sup>th</sup>**, in London, the recently formed Royal Falkland Land, Cattle, Seal and Whale Fishery Company gains a Royal Charter; signing a 7 year contract with the British Government for the conveyance of mail, by ship, between Montevideo and the Falklands for £700 per annum. All to Governor Rennie's satisfaction.

*"The transference to the Falkland Islands Company of the large interests held by Mr. Lafone, and the commencement by that corporation of a more comprehensive system of operation, supported by a large capital, gives me very favourable hopes of benefit to the colony..."*<sup>996</sup>

*"For a beleaguered Rennie, creation of the Falkland Islands Company was a relief, its first local manager a welcome change. After several interviews with J. P. Dale, a former consular official at Montevideo, the Governor expressed to "cordially cooperate with Mr. Dale..." ... The conciliatory Dale agreed to comply with the Alien Ordinance by assuring the Governor that no imported peons would become a public responsibility. ... In fact, Company-Government relations proved no less difficult in succeeding years, even though the tenor of the exchange was, for a time, less directly confrontational."*<sup>997</sup>

*"On receiving its Royal Charter on 10 January 1852, the lengthy title was redacted to The Falkland Islands Company Limited (hereafter FIC). Samuel Lafone became a director and his brother-in-law John Pownall Dale was appointed the first manager in the islands. The Record was chartered and sailed from Liverpool on 19 June 1852 with Mr Hicks (FIC Storekeeper), shepherds and artisans and their families on board. A report to the Board noted "the total number of persons sent out by the Directors is forty-five; the number of Cheviot sheep forty-six, together with one Galloway bull, and six shepherd dogs"..."*<sup>998</sup>

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993 There is no information as to what had prompted this communication.

994 Quoted in Caillet-Bois 1982 (6<sup>th</sup> ed.) p.37 fn.20 citing *Archivo de Vernet* in *Archivo General de la Nación, Buenos Aires, División Nucional, Sección Gobierno*

995 Arana to Gore December 1, 1851 in *The British Packet & Argentine News* December 6, 1851

996 Rennie to Packington January 8, 1853

997 Bernhardson 1989 p.304. Dale was Lafone's brother-in-law.

998 Wilson 2016

**January 26<sup>th</sup>**, at the Falklands, *Levenside* founders in Port William while the Governor is on board.

**February 3<sup>rd</sup>**, in Argentina, General Rosas is defeated at the Battle of Caseros. He flees to nearby Buenos Aires where he takes refuge in the house of Britain's *charge d'affairs*, Robert Gore.

*"... to my astonishment I found General Rosas in my bed..."* <sup>999</sup>

**February 10<sup>th</sup>**, Gore arranges for Rosas, with his family and two servants, to go aboard *HMS Centaur*, which is moored in the Rio de la Plata. From there they are transferred onto *HMS Conflict* and sail for England. <sup>1000</sup> Gore, however, is concerned about repercussions.

*"I consider it would be most beneficial to the Publick Service if Your Lordship would give me a leave of absence for 6 months or a year to proceed to England, until the angry feeling is calmed that at present exists against me on account of the assistance I gave to save the life of that General."* <sup>1001</sup>

*"The immediate aftermath of the fall of Rosas was ... another series of confrontations between Buenos Aires and the provinces."* <sup>1002</sup>

*"Rosas was overthrown in February 1852. Argentina was divided and from that year till 1860 the province of Buenos Aires was an independent State separate from the rest of the Confederacy."* <sup>1003</sup>

*"Rosas's supporters, both past and present, have praised him as an advocate of provincial rights, an icon of authentic Argentine culture, and a staunch defender of national sovereignty. To his critics he was a ruthless tyrant who ordered the murder or exile of his opponents and kept Argentina mired in backward tradition."* <sup>1004</sup>

*"After the fall of Rosas – perhaps the only man who could have held the country together – Argentina broke apart."* <sup>1005</sup>

In the USA, after a voyage lasting over 3 years, Capt. Hiram Clift returns to the Mystic seaport in *Hudson*, with 2,382 barrels of whale oil and 18,000 lb of bone, taken from around the Falkland Islands.

**February 18<sup>th</sup>**, in London, a report is presented to the a meeting of the Royal Falkland Land, Cattle, Seal and Whale Fishery Company.

*"A Royal Charter has been obtained incorporating the Company... The Charter authorises this Corporation to carry out by trading the objects for which the Company was established... Seven hundred shares (have) been subscribed... the Directors found themselves in position to make arrangements for commencing the business of the Company. They therefore concluded the contemplated agreement with Mr. Samuel Lafone for the purchase of the Lands in the Falklands, with all the live and dead stock possessed by him in the Colony, and the rights and privileges agreed to be conveyed to him by the Crown. The amount to be paid is that set forth in the Prospectus, namely £20,000 in money and 10,000£ in 200 Shares of the Company..."* <sup>1006</sup>

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999 Gore to Palmerston February 9, 1852 in FO 6/167/60

1000 A number of army officers were also permitted to go aboard.

1001 Gore to Palmerston February 9, 1852 in FO 6/167/57. Gore withdrew his request on February 27, 1852.

1002 *Argentina, 1516-1987: From Spanish Colonialism to Alfonsin* D. Rock 1987 p.121

1003 Kohen & Rodriguez 2016 p.215

1004 "Sometimes Knowing How to Forget Is Also Having Memory": *The Repatriation of Juan Manuel de Rosas and the Healing of Argentina* Jeffrey M Shumway 2004 in *Death, Dismemberment, and Memory: Body Politics in Latin America* Lyman L. Johnson (ed.) 2004

1005 Pascoe 2020 p.211

1006 CO 78/43. Lafone accepted the £20,000 in debentures bearing interest at 5%, payable in instalments.

**February 19<sup>th</sup>**, from Buenos Aires, Gore informs the Earl Granville that Minister Moreno in London is to “be recalled,” albeit with no replacement decided upon. <sup>1007</sup>

**March 1<sup>st</sup>**, a new Buenos Airean Government permit the appointment of a Spanish *Consul* for the city. <sup>1008</sup>

**March 22<sup>nd</sup>**, in Britain, the *Morning Post* reports.

*“We may state,..., on what we deem to be very good authority, that the late Governor of Buenos Ayres, General Rosas, was transhipped (sic) to the steamer Conflict, and that he is daily and hourly expected. ... this extraordinary man is now fast approaching the shores of Great Britain.”*

On the same day, a 'Treasury Order' is sent to the south coast ports.

*“Gentlemen – General Rosas, the late ruler of the Argentine Confederation, being daily expected to arrive in England, accompanied by his daughter, on board Her Majesty's steamer Conflict, I am directed by the Lords Commissioners of Her Majesty's Treasury to desire that you will give the necessary directions to the officers of your department at Southampton, Portsmouth, and Plymouth, in order that General Rosas, in the examination of his baggage and effects, may be treated with the consideration and courtesy which are due to a person who has filled the exalted station in his country which General Rosas has filled.– I am, Gentlemen, your obedient servant, G. A. Hamilton.”*<sup>1009</sup>

From Buenos Aires, Luis Vernet sets out for England.

*“I had in vain applied for redress to the British Government through the Admiralty on the station, and through Lord Palmerston, and – deprived as I had been of all my disposable property – I had not the means to come to England personally to claim justice, and the agents whom I successively appointed to act for me, neglected to do so, because I could not supply them with the necessary funds to meet the expenses. However, in 1852, I had succeeded to gain some money,...”* <sup>1010</sup>

**April 26<sup>th</sup>**, in Plymouth, Juan Manuel de Rosas arrives as a political refugee. <sup>1011</sup>

*“Another "refugee" has found an asylum on our shores. Manuel Rosas, the ex-tyrant of Buenos Ayres was at Queenstown, Ireland, yesterday week, and has since then made good his landing on English ground. The Guardian thus sums up his claims upon our good offices:- "Of all the refugees whom successive storms have flung upon our shores he is perhaps the most unworthy of the hospitable shelter he will find. A thorough man of the pampas, he has never understood civilization, nor civilization him; and he has learnt nothing by contact with it but rapacity and cunning. His career has been one long reign of violence, treachery and terror. Having for years baffled and overreached us, injured our commerce, mocked our diplomacy, and defied our arms, he seeks an asylum now in the only country in the world where he can be sure that it will not be converted into a prison.”* <sup>1012</sup>

*“... on his arrival at Plymouth he was waited upon so soon as he reached that town by the Port Admiral, Sir John Ommanney, and the other heads of departments; that by a Treasury Order his luggage was allowed to*

1007 Gore to Granville February 29, 1852 in FO 6/167/197

1008 Gore to Granville March 1, 1852 in FO 6/167/206. The first official Spanish position in Buenos Aires since 1810.

1009 Hansard HC Debate 30 April 1852 vol.121 cc 5-7

1010 Letters from MLV to the Right Hon. Lord Stanley, Secretary of State for the Colonies, Concerning his Claims on the British Government, and the Neglect of the Colony of the Falkland Islands Louis Vernet 1858

1011 HL Deb April 29, 1852 vol.120 cc1278-83. Rosas stepped ashore at Falmouth on April 22, 1852.

1012 Cambridge Chronicle & Journal Saturday April 24, 1852

*pass through the Custom House without the usual mode of examination, and that facilities were afforded him of a very peculiar nature, in consequence of the position that he was supposed to hold. ...”*<sup>1013</sup>

Among Rosas personal effects is a large file labelled '*Importante sobre Malvinas*'. This file contains all the official documentation between Woodbine Parish and Buenos Aires; papers relative to the attack by *USS Lexington*; correspondence with the US Government; the basis of Argentina's claim; items from periodicals; a report presented by the Consul General of France Mr. Vins de Payssac; books; details of Madariaga's seizure of Port Egmont in 1770; details of the withdrawal of the British garrison in 1774 and other state papers.<sup>1014</sup>

**April 30<sup>th</sup>**, in Parliament, the Chancellor explains the nature of the welcome extended to General Rosas.

*“Whatever may be the character or the exploits of General Rosas, he is, at least, an individual with whom this country has often been in negotiation, and, if I am not incorrectly informed, one with whom our gracious Sovereign has entered into treaty. Therefore, it must be obvious to the House that General Rosas occupied a very important position, and has been placed in very important relations with the Crown and the people of England.”*<sup>1015</sup>

# Researcher's Comment: Any conspiracy theorist worthy of the name could quickly leap to the conclusion that Rosas was made welcome in England because of some deal struck during the negotiations for the 1850 treaty. A safe haven should he ever need one. In exchange for Argentina dropping its claim to the Falklands perhaps? All that can be said with any certainty is, that if there was such an arrangement, there is no surviving evidence of it.

**May 7<sup>th</sup>**, in London, Luis Vernet submits a claim demanding compensation from the British Government.

*“... your Memorialist having now obtained the necessary funds to enable him to undertake a voyage to this country has arrived here, and has it now in his power for the first time, to represent his claims personally to the British Government. ... Your Memorialist, therefore, humbly prays, that your Lordship will be pleased to direct that the value of your Memorialist's Lands and property, which have been granted to Mr. Lafone, and sold by him to the Falkland Island Company, may be paid to your Memorialist, and that the residue of your Memorialist's Property, with its rights and privileges may be restored to him, or that your Lordship will be pleased to grant such redress to your Memorialist as, under the circumstances, may be reasonable and just.”*<sup>1016</sup>

*“I came to England, and stated my whole case to Her Majesty's Government and asked most humbly a compensation for that property, and for the large sums I had expended in the improvement of the Islands by my colonisation, and which showed, that Islands, which had been previously considered as unfit for the abode of man, were on the contrary very valuable... First: The value of 10 stone houses, which during ten years served for the accommodation of the British Governors, their employes (sic) and garrison (from 1834 to 1844),*

<sup>1013</sup> *Hansard HC Debate April 30, 1852 vol.121 cc 5-7*

<sup>1014</sup> *Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales* in *Revista del Instituto Rosas* no.13 1948. Leaving in such a hurry, it begs the question why Rosas thought it necessary to carry this with him. It seems the file formed part of the copious documentation subsequently provided to Dr. Adolfo Saldías to write his *History of the Argentine Confederation*. The file went back to Buenos Aires, where it was handed to President Roca in 1884. Seemingly used in the dispute with Britain during the affair of the map. However, never published and not now to be found in Argentina's archives. *cf.* 1884

<sup>1015</sup> *Ibid.* Woodbine Parish went to visit Rosas, who lived quietly as a farmer near Southampton until his death. *cf.* 1877 His body was repatriated to Argentina during President Menem's détente with the UK. *cf.* 1989

<sup>1016</sup> *Vernet's Memorandum Presented 7 May, 1852* in *CO 78/43*. In 1835, Sir Graham Hammond had valued Vernet's property at less than £1,000. Vernet still, however, erroneously considered that the wild cattle on East Falklands Island belonged to him.

and from part of which houses the British Government draws rent to the present time. Second: Sixty hunting horses, ... £100 each... Third: 800 ox hides ... 30s each. Fourth: The beef belonging to the bullocks from which these hides proceeded, and which was selling at the Island at 2d per pound. Fifth: About 400 head of tamed (fat) bullocks. Sixth: About 1000 fur seal skins. Seventh, and lastly – Interest on the amount of this property from 1838, when the Government admits it had given orders to pay me...”<sup>1017</sup>

**June 2<sup>nd</sup>**, Vernet's submission is referred to the Secretary of State for the Colonies.

*“I am directed by the Lord of Malmesbury to transmit to you, in original, a Memorial and its enclosures, from Mr. Lewis Vernet, whom the records in the Colonial Department will show to be the individual by whose means the Government of the Argentine Confederation attempted to obtain a footing and to establish a settlement in the Falkland Islands some years ago...”*

In the Falklands, cattle loss to trespassing whalers increases.

*“... this is the very locality now resorted to by marauders for stealthily obtaining beef, not merely for present supply, but for committing so wholesale a destruction as will enable them to salt down sufficient for a long cruise. It is pretty well known that in numerous vessels from England, America, and other places, a stock of salt is taken out for the purpose of curing a supply of provisions at the expense of these islands.”*<sup>1018</sup>

In **July**, from the USA, *Hudson*, commanded by Hiram Clift, accompanied by a tender, *Washington*, under by Capt. Eldridge, set sail again for New Island in the Falklands.<sup>1019</sup>

**July 15<sup>th</sup>**, Paraguay and Argentina sign a treaty setting the borders between the two nations.<sup>1020</sup>

**July 26<sup>th</sup>**, in Argentina, Justo José de Urquiza is elected provisional Director of the Confederation. Urquiza summons a Constitutional Congress to prepare a new Constitution based on that of the USA.

**August 9<sup>th</sup>**, in Buenos Aires, a Treaty of Friendship, Trade and Navigation between Portugal and the Argentine Confederation is signed.

**September 6<sup>th</sup>**, in London, Luis Vernet submits further documents in support of his claim. These include allegations that Samuel Lafone “*usurped*” his interests and acted as an “*obstacle*” to the speedy colonisation of the Islands.

*“It would appear now, that Mr Lafone has entirely forgotten this (1837) contract, and that he first entered into correspondence with the British Government or with Governor Moody in 1843 ... and that by concealing his true position with regard to Your memorialist, succeeded in obtaining from the British Government a grant of the Cattle and of a Tract of Land to which he has now given the name Lafonia.”*<sup>1021</sup>

**September 9<sup>th</sup>**, from London, Vernet's demands for compensation are sent by the Colonial Office to the Falklands, for comment by Governor Rennie.<sup>1022</sup>

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1017 Vernet 1858. Vernet put his claim at £14,295 plus interest; taking it to £28,000

1018 *Atlantic and transatlantic: sketches afloat and ashore* L.B. Mackinnon. 1852

1019 *New York Times* May 23, 1854. Clift and *Hudson* had been sealing around the archipelago in 1849. *cf.* 1853

1020 Buenos Aires did not actually recognise the independence of Paraguay until an act of Congress on June 4, 1856; during the period of Buenos Airean '*independence*' from the Confederation. Despite Argentina's long held claims to have '*inherited*' all the territory claimed by the Spanish Viceroyalty, they were by this time without the Banda Oriental (Uruguay), Paraguay and East Falkland Island (Soledad).

1021 Quoted in Pascoe 2022 vol.2 p.488 fn.2

1022 Thereby introducing a delay of some months. Vernet took the opportunity to visit his place of birth, Hamburg, and there petition the government to support his claims against both Britain and the USA. It would seem likely that the Colonial Office were aware of these attempts. *cf.* May, 1853

**September 11<sup>th</sup>**, in Argentina, while the Confederation's Director, Justo José de Urquiza, is in Sante Fe, the Province of Buenos Aires rejects the proposed constitution and formally splits from the Argentine Confederation; declaring itself an independent nation State. Valentin Alsina is elected to head the State of Buenos Aires.

*"... in the year 1852, on request of Justo Jose de Urquiza ... the official historian Pedro de Angelis developed a draft National Constitution whose Article 5... established "The same Assembly shall dictate the necessary measures to enforce the rights of the Republic over the Province of Tarija, the Malvinas Islands and part of the Strait of Megallan, illegally occupied by foreign forces." It is clear that in 1852... Argentina had not given up its sovereignty over the Falklands/Malvinas. ... "*<sup>1023</sup>

**October 16<sup>th</sup>**, in Buenos Aires, published in the *British Packet & Argentine News*, is a letter from James Hewett, master of the barque *Rosalind*, recommending the Falkland Islands to visitors.

*"Everything can be had there as regards repairs, such as covering boards, stanchions, bulwarks, masts, rudders, repairing or new, and caulking, and often boats, all at a very low rate. Good provisions – that is, beef – in any quantity, may be obtained,... This port lying at no great distance from Cape Horn, why should not ships, in case of accident, run in instead of proceeding to the River Plate or Rio for repairs, when they can be done at Stanley at least 30 per cent less, besides saving so much time... The only thing which is wanting there is a small colonial bank..."*

In the Falklands, Charles Gleadell arrives to work as a shepherd for Capt. Packe.<sup>1024</sup>

**November 5<sup>th</sup>**, HMS *Swift* arrives at Port William, en-route to Rio de Janeiro and England, with orders; ... *to obtain every information relative to the deposit of Guano at those Isles, the quantity, quality and best mode of shipment... and also if possible to obtain a sample to forward to the Admiralty.*<sup>1025</sup>

*"From enquiries I made at the Settlement it was the general opinion that the Guano was not of a very good quality due to the dampness and swampy nature of the land around it, although there appears from all accounts to be a large supply of it."*<sup>1026</sup>

**December 14<sup>th</sup>**, from Rio de Janeiro, Rear-Admiral Henderson writes from Britain's South American Station to inform the Admiralty that large guano deposits have been identified in the Falklands; notably at New Island.

*"... Governor Rennie request(s) I will send him a vessel to convey an authorised agent of the Government to New Island where the Guano is found to establish regulations for its shipment, and for collecting the 5/- duty which he is to levy on its Exportation."*<sup>1027</sup>

Henderson complains that he has only six vessels at his command, and is required to keep up to half of them on-station near the River Plate; *"I trust their Lordships will see the difficulty I have in meeting Governor Rennie's wishes..."*<sup>1028</sup>

**December 30<sup>th</sup>**, in the Falklands, a boats crew from Stanley arrive at New Island.

*"... were at that time in port there, the brig "Nautilus," Captain Stockdale, loading with guano, and the "Byron," Captain Holt, American whaler."*<sup>1029</sup>

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1023 Kohen & Rodriques 2017 p.162. cf. 1854

1024 Gleadell's descendants can still be found in the Islands.

1025 *Alman to Henderson November 22, 1852* in FO 78/31

1026 *Ibid.*

1027 *Ibid.*

1028 *Ibid.*

1029 FO 78/30

Two decades after 1833, there was a new colony; a new administration and a new seat of government. Add to that Argentina's apparent surrender of its pretensions in 1850 and the future looked bright for the British Falkland Islands – gateway to the western Pacific Ocean in the period before the Panama Canal. There were still problems however. Agriculture was almost impossible and it was not easy to make money: not for the settlers, nor for the administration which needed funds for future projects. The obvious way forward was to exert legal control over the fishing and seal oil industries – the very act which had laid Vernet's plans low. London, better at diplomacy than Vernet had ever been, chose to play the long game.

**Paper 8** will consider the tentative steps towards the licensing of the fishing industries and also Argentina's attempts to resurrect its Falklands claims 30 years after Rosas. Growth would be slow in the new colony, but nothing stays the same.



**Bibliography** <https://falklandstimeline.files.wordpress.com/2019/04/bibliography-1.pdf>