

Falklands Wars – the History of the Falkland Islands: with particular regard to Spanish and Argentine pretensions and taking some account of South Georgia, the South Sandwich Islands and Britain's Antarctic Territories by Roger Lorton ¹

Paper 8²

1853 – 1899 Consolidation

“Nothing is claimed from us by other nations; we have nothing to ask of them.” ³



While the Falkland Islands were generally now accepted as British territory – even by Argentina for a time – that did not prevent others considering that they held rights. In particular the sealers of the United States still saw the Falklands as an unregulated resource; an area that they had been fishing for more than seventy years and intended to continue to do so. Previous attempts to curtail their activities by Spain and Buenos Aires had been ineffective but, to demonstrate effective control, Britain needed to do better. Any change, however, had to be brought about diplomatically, so sealing regulations would be slow to appear, and slower to be enforced. Washington itself had doubts about the legal nature of its South Atlantic fishery; but bull & bluster would suffice for a while and the US Navy was never short of a good measure of gung-ho. This paper focuses on the consolidation of Britain's administration of the archipelago; the break-up of the Argentine Confederation and the subsequent colonization of Patagonia. Buenos Aires would remember the archipelago, eventually.⁴

1853 – January 6th, now in Paris, Luis Vernet⁵ responds to Samuel Fisher Lafone's⁶ letter of June, 1852.

“... in a letter written in his best copperplate hand, reproaching Lafone for "withdrawing" from their agreement, and considering himself entitled to half of £10,000 from the sale of Lafone's Falklands Assets to the Falkland Islands Company (FIC). Lafone himself, however, denied that the agreement had ever been finalised, and though finely-written copies if the contract survive in Vernet's papers, none bear his signature.” ⁷

January 8th, from Stanley, Governor George Rennie⁸ writes to Sir John Packington.

“In the year ending December 1851, 17538 tons of shipping from England and foreign parts entered this harbour; in the year ending December 1852, there were 22,024 tons, being an increase of 4,486

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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 8
 - ³ Argentine President Sarmiento's *Message to Congress* May 1, 1869
 - ⁴ Copies of the charts referred to in this paper can be found at <https://falklandstimeline.wordpress.com/charts/> Many of the images contain a hyperlink to a larger version.
 - ⁵ Buenos Aircean commandant of Soledad Island (East Falkland island) from 1829 to 1833 (actually present 1829 – 1831). See Papers 5, 6 & 7. For a biography, see - https://www.falklandsbiographies.org/biographies/vernet_louis
 - ⁶ For a biography, see - https://www.falklandsbiographies.org/biographies/lafone_samuel
 - ⁷ *The Falklands Saga* Graham Pascoe 2022/3 vol.3 p.14
 - ⁸ Governor of the Falklands 1848 to 1855. See - https://www.falklandsbiographies.org/biographies/rennie_george

tons. This augmentation necessarily produces a demand for produce, labour and stores of every description, affording remunerative profits to the storekeepers and employment at good wages to the labouring classes, unskilled 3s to 5s per diem, and skilled 6s to 10s. Provisions are abundant, and at reasonable prices. ... The grumbling and discontent manifested by a portion of the enrolled pensioners settled here has subsided since the notification to them by the Secretary-at-War that they were at liberty to return to England if they preferred to do so, nor has even one of them up to the present time availed himself of the permission. ...”⁹

January 11th, Rennie also writes to the Colonial Office with regard to the fishery; “... that systematic depletions are, and have been for many years, carried on by Whaling Vessels belonging to the United States...”¹⁰

“These vessels pay no regard to the established Regulations respecting fisheries, but capture Whales actually within our harbour and kill the seals on land. When it is calculated that each of these vessels with its tender stow at least 400 to 500 tons of oil the average price of which is £30 per ton, and the usual time required to obtain it from two to three years, it will be seen that the coasts and harbours of this colony are robbed to the extent of 10 or £15,000 per Annum; one of the Whalers completing her cargo annually.”¹¹

In particular, Rennie notes that Hiram Clift, an American Captain prosecuted in 1849 for stealing wild cattle, has returned to the Islands in the *Hudson*.¹²

January 12th, Rennie responds to a Colonial Office request of September, 1852 regarding Luis Vernet’s demands for compensation. Rennie dismisses any suggestion of misconduct by Whittington or Lafone, but accepts that Lieut. Smith had made use of Vernet’s horses during his time in the Islands.¹³

January 26th, now visiting Hamburg, Luis Vernet writes a letter to Argentina's Minister in Washington DC asking that all proceedings in his private claims regarding the Falkland Islands are suspended.¹⁴

January 27th, a Canadian barque, *Actaeon*, puts into Stanley. After being declared unfit, she is scuttled.¹⁵

In **February**, the *New York Times* announces the discovery of large quantities of guano in the Falklands.¹⁶

From Buenos Aires, Norberto Riestra travels to London to pay off 24 years of arrears to Barings Bank.¹⁷

February 18th, Luis Vernet submits a petition asking for the Hamburg Government to intercede on his behalf with both Britain and the United States regarding his compensation claims.

“I, the undersigned most obedient supplicant, have been resident in Buenos Ayres for 36 years. Since, however, I was born in Hamburg, a member of a well-known family of this place, and have never given

9 Quoted in *Brazil, the river Plate, and the Falkland Islands, with the Cape Horn Route* William Hadfield 1854

10 Public Records Office (Kew) FO 97/35/82. Also FO 78/30. FO = Foreign Office

11 *Ibid.*

12 Feral would be a better description than wild. Originally taken to East Falkland Island by the French in 1764 and the Spanish after 1767, they had proved difficult to keep penned.

13 Vernet, was seeking compensation for losses he claimed to have suffered as a result of the reassertion of British rights in the archipelago in 1833. See Papers 5, 6 & 7.

14 Pascoe 2022/3 vol.3 p.15 citing *AGN VII 131, doc.35*. In Hamburg, despite being born there, Vernet discovered that his citizenship had lapsed following a 1843 change in the local laws.

15 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.*

16 *The New York Times* February 10, 1853

17 *The English in South America ...* M.G. Mulhall 1878. In 1828, Buenos Aires defaulted on a loan. *cf.* 1824 & 1828

up my rights of abode in this my native city, I entertain the hope of being permitted to enlist the good offices and the aid of a Most Noble and Most Wise Council in the following matter, which is for me of the greatest importance.

*In the year 1828, employing very considerable financial means of my own with the support of several friends, including in particular Hamburgers, I established a colony on the Falklands Islands. This colony was essentially founded upon the catching and slaughter of the wild cattle to be found in large numbers on those islands, subsequently also upon the taming of them and upon agriculture. The undertaking had unspeakable difficulties to contend with. But unshakeable courage and endurance were my aid and once the greatest obstacles had been overcome in the course of the first few years, the colony really began to flourish. A number of colonists, principally Germans, had gathered; the foundation for agriculture had been laid; there were numerous tamed herds; the catching of the wild cattle was well underway; houses and trading posts had been established. Ships of all nations put in to the island and were furnished with provisions. The enterprise also acquired a legal foundation once I had received from the government of the La Plata States, to whose territory the islands indisputably belonged at that time, a concession and a formal appointment as Governor from those states over the islands.*¹⁸

*Then the burgeoning colony suddenly suffered a ruinous blow from the navy of the North American Free States. I had not been prepared to admit – in accordance with my duty – North American Merchantmen to engage in fishing on the coasts of the islands. After repeated vain warnings I was actually obliged to expel three ships of that nation.¹⁹ The result of that was, that while I myself had travelled to Buenos Ayres, the North American corvette of war "Lexington", Capt. Silas Duncan, attacked the colony, destroyed its principle establishments and took my agents and most of the colonists away as prisoners.*²⁰

*The negotiations that arose between the government of Buenos Ayres and the United States concerning this attack became protracted.*²¹

*In the meantime, at the instigation of the government of Buenos Ayres, though only as a private citizen and after the resignation of my office as governor, in September 1832 I took new settlers, and the materials necessary for the restoration of the colony, to the Falklands Islands.*²²

*Now as early as January 1833 the islands were taken possession of by the English government by the warship "Clio", Capt. Onslow. However, my private property was respected, and I remained in undisturbed possession of the colony.*²³

18 Inaccurate, at best. Vernet had first gone to the Falklands in 1826 to hunt the wild cattle, although his plan to form a colony probably did date from 1828. Vernet's 'concession' was as Civil and Military Commander of Soledad (East Falkland) Island granted him by Buenos Aires in 1829; although not gazetted. *cf.* 1826-1929.

19 In fact Vernet had ordered the seizure of three American sealing vessels. *cf.* 1831

20 The 'attack' lacked undue aggression. No 'establishments' were damaged, although the settlement's cannon were spiked and the gunpowder burned; to prevent use against the American warship. Seven 'agents' were arrested on suspicion of piracy, and the majority, albeit not all, of settlers were persuaded to leave. Some remained. *cf.* December, 1831

21 See 1832

22 Having sailed to Buenos Aires in late 1831, Vernet never again returned to the Falklands. Buenos Aires did send a corvette out to the Islands in October 1832 with a garrison in an attempt to assert control. A few of Vernet's 'agents' went with them on *Sarandi*. After the British government had issued two protests (1829 & 1832) the garrison had been ordered away in January, 1833 by British Commander Onslow aboard *Clio*. *cf.* 1832 & 1833

23 Britain initially acknowledged that Vernet had property at Port Louis; horses, some seal skins and a few dilapidated houses. All of which he was told to take away or make other arrangements for. He failed to follow these instructions.

Unfortunately, still during my absence, and since no English occupation force had been left, some of the gauchos and Indians taken there by me provoked an uprising in August 1833, murdered my agents and compelled the remaining colonists, together with the women and children, to flee to one of the smaller islands.²⁴ The colony did however receive help in January 1834 from Marine troops from the English warship "Challenger", and order was restored.

By now, due to such repeated disasters, my fortune was utterly exhausted, and for several years I attempted to procure the means for new settlements and a comprehensive establishment. Until the year 1838, however, my private property was respected, and Lieutenant Smith, who initially functioned as the English commander, and later his son, regarded themselves, in respect of the still existing establishment for the catching of the cattle, and as regards the still existing buildings and stores, merely as my agents, a relationship which repeatedly received the factual recognition of the British authorities. However, once Lieutenant Smith had been replaced by Lieutenant Locay in 1838, the latter communicated to me that it was nowhere possible to take note of private property which remained to me on the islands.

Thus all the investments made by me on the Falklands Islands with such an expenditure of time, money – I devoted some 50,000 pounds to the colony – and energy were destroyed by force and taken from me.

For many years I have made claims both to the American and English government regarding the compensation due to me. It was, however, impossible until now to pursue those claims with the necessary vigour, partly because the former dictator of the La Plata States, Don Manuel Rosas, did not wish to see such claims cause an increase in the political entanglements that had in any case occurred; partly because I was prevented from proceeding to Europe for the purpose of making personal solicitations.

Since the last change of government in Buenos Ayres this has become possible for me. My claims upon the two governments mentioned have been renewed with vigour, and I hope I may say that they have not had an unfavourable reception.

Now it may easily be possible that for the favourable success of my solicitations from both the North American and the British governments, the intercession of a Most Noble and Most Wise Senate might be of the greatest value for me. At this moment, however, if I may be permitted an opinion, the time for such an intercession has not yet arrived. But in order to be prepared in advance for the possibility that the negotiations may take such a turn, I believe myself justified in allowing myself to take the liberty of requesting that the diplomatic agents of the High Senate be provided with the necessary instructions to lend me their assistance in the name of the Hamburg government, if I should soon have occasion to request such assistance.

I hope I may justify this my most humble request by reference to my Hamburg birth and citizenship. I also hope I may count upon the laws recently passed in Hamburg regarding citizenship not being a hindrance to me; partly because it would not be just to apply them retrospectively to me; partly because it is a question in interceding with governments whose laws citizenship is judged according to birth; partly because the interests of several Hamburg trading houses are concerned in this matter.²⁵

24 Some Argentines today view this as a 'revolution' against the British occupiers. The fact that the people murdered in this uprising were all Vernet's agents, which happened to include an Irishman. At least Vernet recognised that the uprising went against his interests. *cf.* August, 1833.

25 Changes to Hamburg laws had actually removed Vernet's citizenship from 1843.

Accordingly, I may be permitted, for the confirmation of the above mentioned condensed account, to submit as enclosures no.1 my pro memoria recently handed to the English government, and as enclosure no.2 a printed volume containing all official negotiations. I request that they may soon be returned brevi manu.

Finally, I humbly beg to observe that in the year 1835, after the repeated oppressions upon the colony had ruined my financial resources, I reached an agreement with my creditors, among whom are several Hamburg trading houses, remitting to them half of the amount obtained by my compensation claims. The newspaper sheet from Buenos Ayres in enclosure no.3 contains information upon this.

I most humbly submit a plea for your Magnificences' most high and wise worships may be graciously pleased to direct the Hamburg Consul-General to the Royal British Government and the Hamburg Consul-General to the United States of North America to intercede on my behalf with the aforesaid governments in the name of a Most Noble and Most Wise Senate, in any claims I may address to them in this matter, and to support the same as may be possible.”²⁶

March 4th, Hamburg's government respond to Vernet's request, in the negative.²⁷

“... inform the supplicant that while a formal official intercession of the Hamburg representatives cannot take place, the latter are to be informed of his case in order to be of assistance to him with the authorities according to the progress of his claim.”

“This supplication was discussed at the session of the Hamburg Seante on 4 March 1853. Unfortunately for Vernet, the members of the Hamburg Senate, however High and Might they may have been, declined to offer him any support.”²⁸

March 9th, in London, the Home Office write to the Foreign Office with a suggestion that the Falkland Islands should be; *“... adapted for the formation of a Penal Settlement.”²⁹*

From Stanley, Governor Rennie notifies the Colonial Office that one of the settlers, the son of Juan (Jean) Simon, has an outstanding claim against Luis Vernet.³⁰

“... a bond formerly given by Vernet for one thousand six hundred Spanish dollars together with certain dollar notes, formerly issued by Vernet, for a sum altogether of four hundred and fifty nine Spanish Dollars: making a total for bond and notes of two thousand and fifty nine Spanish Dollars.”³¹

March 19th, the Duke of Newcastle (Secretary of State for War and the Colonies) informs Lord Palmerston (Foreign Office) that the Falklands had previously been deemed, *“not suitable”* for a penal settlement.

“... it is not advisable at present to entertain proposals for the formation of any new Convict Colony.”³²

March 31st, in receipt of Rennie's complaint regarding US whalers, Newcastle asks Palmerston whether; *“... any communication has been made to the American Government on this subject.”³³*

26 *Luis Vernet: ein Hamburger kolonisiert die Falkland-Inseln* Jürgen Sielemann in *Hamburgische Geschichts- und Heimatblätter* 1987 vol.11. Translation in Pascoe 2022/3 vol.3. Appendix A, A37 p.706. cf. May 7, 1852

27 Pascoe 2022/3 vol.3 p.708

28 *Ibid.* vol.2 p.16

29 *Palmerston to Merivale March 9, 1853* in FO 78/31

30 Simon had been Vernet's foreman of the gauchos; rarely, if ever' paid. For a biography see - https://www.falklandsbiographies.org/biographies/simon_jean

31 *CO 78/43. cf. 1858*

32 *FO 78/31*

33 *FO 97/35/82*

April 21st, the War and Colonies Office and the Foreign Office agree that a complaint should be made to the Washington Government regarding the depredations of US whalers and sealers at the Falklands. ³⁴

April 22nd, from London, an instruction is sent to the British representative in Washington, noting that no reply had been received to the request of February, 1850; “... 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.”

“Such proceedings of American citizens are not in harmony with the amicable Relations existing between the Govt. of Britain & the United States and HM gov feel confident that they cannot fail to meet with the disapprobation of the American Govt.; but it is essentially necessary that they should be put a stop to, and while HM Govt. are of course bound to protect British Territory from aggression or from acts of spoliation, and ... cannot but be sensible that the force which it is their intention to place at the disposal of the Govt. of the Falkland Islands may lead to collisions and provoke an unfriendly feeling between the Subjects & Citizens of the two countries. It is with a view to prevent such a result that I now instruct you to bring these facts again to the notice of the Govt. of the United States with whom you will concert in a friendly spirit as to the best mode of checking, in the United States, the evil design of these marauders.”³⁵

By **May**, thirteen provinces of the Argentine Confederation have ratified the 1852 Constitution. Buenos Aires stands apart.

“Argentina split into two independent countries. The 13 provinces retained the former official name, the Argentine Confederation, and transferred the federal capital to Paraná...”³⁶

May 9th, in Washington DC, Britain's representative, Sir John Crampton, presents Britain's complaints to the US Secretary of State, William Learned Marcy.

“I am ... instructed by HM Govt. to State to the Govt of the US that continued depredations are made by American Ship Masters on the Falkland Islands, and that the fines imposed upon them have not prevented them from repeating their acts of spoliation. I have the honour to enclose herewith the copy of a letter from the Colonial Office enclosing a report from the Governor of the Falkland Islands in which some recent instances of the facts complained of are stated in detail...”³⁷



May 10th, in London, a House of Lords debate considering the future of the transportation of criminals to British outposts, dismisses the suggestion that the Falklands would be a suitable location.

“It was possible that the Falkland Islands might absorb a few dozen convicts with tickets of leave; and perhaps some arrangement might be made with the company that had undertaken the improvement of those islands, to afford employment there even to one or two hundred convicts. But this could not be

34 FO 97/35/98. Also FO 78/31

35 Draft in FO 97/35/100

36 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.211. See 1854

37 FO 97/35/106. While the words 'spoliations' and 'depredations' are aired within the note, there is no specific mention of sealing and whaling. The wording of this complaint was subsequently approved of in London.

*carried far: what was wanted was a place to send convicts to where they might form only a small proportion of the population. The more widely they were dispersed, and the more numerous the population of the place they were sent to, the better;..”*³⁸

May 26th, in the USA, a public notice is circulated by the State Department.

*“Depredations at the Falkland Islands. Department of State, Washington, May 26: Official information has been received at this Department that the British authorities at the Falkland Islands having complained to their Government that the wild cattle on those islands are frequently killed, and that other depredations are committed there by persons landing from vessels under the flag of the United States, it is the intention of the British Government to send a force thither competent to prevent a repetition of such acts. Consequently, masters of vessels and other citizens of the United States resorting to that quarter are warned that, if they commit spoliations in the Falkland islands, they will incur the penalties which may be prescribed therefore.”*³⁹

May 27th, US Secretary Marcy responds to the British complaint.

*“I have caused a Notice to be published... This Notice, which, as you will perceive, warns our Citizens of the penalties they will incur if they commit spoliations in the Falkland Islands, will, it is confidently believed, put a stop to the depredations complained of; since it is my intention at once to send copies of it to the respective Collector of the Customs at New London, New Bedford, and Nantucket...”*⁴⁰

*“... public notice has been given to the masters of American Vessels that Her Majesty's Government have adopted measures for repelling and punishing the illegal proceedings complained of, ...”*⁴¹

May 30th, at Stanley, John Pownall Dale is appointed Honorary Consul by the country of Hamburg.⁴²

*“... maintaining a consulate does imply recognition of the sovereignty of the authority in place. That is why Argentina has never had a consulate in the Falklands. ... In 1952 the Argentine government protested sharply against the presence of a Uruguayan consulate in Stanley, making it clear that Argentina did regard the existence of a consulate as relevant to the question of sovereignty”*⁴³

Researcher's Comment: Worthy of note that Argentina dates its recognition as a country to the appointment of Woodbine Parish as British Consul to the United Provinces in 1823.

June 28th, in the State of Buenos Aires, Pastor Obligado is elected Governor.⁴⁴

38 Earl Grey in *HL Deb 10 May 1853 vol.127 cc1-79*

39 Reproduced in *The New York Times May 28, 1853*. This circulation only concerned the taking of cattle and other livestock, mainly pigs. *cf.* 1854

40 Copy in *FO 97/35/112*

41 *Crampton to Clarendon May 30, 1853* in *FO 97/35/110*

42 A request for Dale to be so recognised was forwarded in a letter from the Foreign Office on June 23, 1853 in *FO 78/31/6475*. A *Royal Exequatur* was eventually issued. As the USA's Commercial Agent, William Smyley, never received an *exequatur*, it would seem that John Pownall Dale was the first official Consul approved for the Falklands. That the country he represented was that of Hamburg would suggest that while Vernet's petition to that government had largely fallen on deaf ears; it had, perhaps, drawn attention to the colony. *cf.* September, 1852. Dale was Samuel Lafone's brother-in-law and one-time manager of Lafone's interests in the islands. For a biography, see - https://www.falklandsbiographies.org/biographies/dale_john

43 Pascoe 2020 p.228

44 In office June 28, 1853 until December 21, 1858. Unrecognised by the Argentine Confederation (Provisional Director/President Justo Jose de Urquiza), the State of Buenos Aires remained separate until 1861. Paraguay appointed a consul to Buenos Aires in 1855, but there appears to have been little other diplomatic recognition.

July 27th, the Argentine Confederation (minus Buenos Aires) and the USA finally conclude a *Treaty of Friendship, Commerce and Navigation*.⁴⁵

September 20th, in London, the Colonial Office sends Vernet's submissions for compensation, together with other correspondence forwarded by Governor Rennie, to the Admiralty for comments.⁴⁶

In the Falklands, Governor Rennie copies the official complaint of May 9th and the US circulation of May 26th, to US Commercial Agent, William Smyley.⁴⁷

October 24th, Smyley responds to Rennie.

"I acknowledge the Receipt of your favour Enclosing certain Ordinances passed by your self & your legislative Council of Stanley, likewise a copy of Complaint said to be Reported to the department of State at Washington by the British authorities of Vessels under the American flag Committing depredations. I beg leave to inform your Excellency that I have received no Communication to that Effect from my Government but have seen such a report in one of the American newspapers of the 26th of March. Further more I know of no depredations Committed here by American Vessels but the Ship Hudson Capt Cliff which damage was paid for & Settled here and that is near four years ago ...

*I must Still further Remind you that nine out of ten are not aware that the Falklands is now inhabited & what is Still more the great length of time the islands Remained nu(e)tral to all the World it Can hardly be Expected but Some Such depredations would be Committed...."*⁴⁸

October 26th, at Stanley, the Acting Colonial Secretary acknowledges Smyley's letter on Governor Rennie's behalf; "... as Her Majesty's Government have not yet recognised you in any public capacity, the Governor does not feel it to be his duty to enter into any discussion with you on the subjects connected with the exercise of the powers confided in him as administrator of the Government of this colony."⁴⁹

October 31st, HMS *Serpent* arrives at Stanley.

*"... (a) really decent-sized little town, with its church, exchange, two public houses called hotels, and two billiard-rooms, with a port full of vessels at anchor, including two large American ships; all had put in for repairs, for which the port affords every facility... Nine hundred thousand acres of land in these islands are sold or leased, and three million acres remain to be sold."*⁵⁰

November 21st, in Britain, the Department of Science and the Arts informs the Lords of the Committee of Privy Council for Trade that the granite samples taken from the Falkland Islands; "... are shown to be probably identical with the Granite found at Jaldanha Bay on the Coast of Africa..."⁵¹

45 First mooted in 1823 the two countries had fallen out in 1832 following the *Lexington* raid on Puerto Louis in December, 1831. Diplomatic relations had not resumed until 1844. Apparently, No mention of the 1832 dispute during the negotiations for this treaty. *cf.* 1831, 1832, 1839, 1844, 1866 & 1884

46 Twelve months later, the Admiralty would claim never to have received any papers. *cf.* September, 1854

47 A complex character with a history in the Falklands going back to at least 1831. See https://www.falklandsbiographies.org/biographies/smyley_william

48 *Smyley to Rennie October 24, 1853* quoted in full in *The Falklands Saga* Graham 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.* September, 1849 & 1854.

49 Copy in *Despatches from United States Consuls in Port Stanley*,... 1960. A version, in Smyley's hand, in Pascoe 2022 vol.2 p.655. Smyley's copy was sent to Washington DC for the information of the US Secretary of State.

50 *Three Years Cruise in the Australasian Colonies* by R. E. Malone 1854. The population was put at 500.

51 *FO 78/31*

November 26th, in Buenos Aires, *The British Packet & Argentine News* reports:

“It may be assumed that the seigniority (sic) of the Falkland Islands has been definitively forfeited;...”

December 31st, at Stanley, the SS *Great Britain* arrives in the harbour en-route from Melbourne to Britain; with 141 crew and 199 passengers.

*“After proceeding about three miles, we took a pilot on board, and passed through a narrow entrance less than 200 yards in width, and at 10 am the Great Britain dropped her anchor opposite the township. The harbour is an excellent one and extremely easy of access. The township possesses some good buildings of stone and brick, and there are about 500 inhabitants. .. The total absence of trees or shrubs gave it a wild and desolate appearance.”*⁵²



1854 – January 3rd, SS *Great Britain* sails for England.

January 9th, in the Falklands, deserters from US whalers *Hudson* and *Washington* arrive in Stanley. There they allege that their captains have authorised the killing of a large number of wild pigs – on which they'd been living for some eight months.⁵³

January 12th, to Rio de Janeiro, Governor Rennie sends a message for Britain's naval base requesting assistance. Aware, William Smyley writes to the Commodore of the US squadron claiming that it is Rennie's intention to oppose American fishing rights; describing Rennie as, *“the despotic power which here exists.”*

*“William Smyley took charge of the six deserters, as always when destitute American mariners arrived, and wrote to Secretary of State William L. Marcy and to Commodore W. D. Salter, in command of the United States squadron on the Brazil station in the USS Savannah, asking for a US warship to be sent to Stanley, saying Governor Rennie's intention was “to break up our fishery and Commerce about these Islands”.*⁵⁴

January 24th, in the Islands, Hilario Cordoba murders Jean Cousteau, a 19 year old Basque labourer.

⁵² Anonymous article in the *Bristol Mirror* February 24, 1854 p.6. In full in Pascoe 2022 vol.2 pp.656-657

⁵³ *Hudson's* commander, Hiram Clift, already had a previous conviction for taking cattle belonging to Lafone.

⁵⁴ Pascoe 2022 vol.2 p.658

In Rio de Janeiro, Rear-Admiral Henderson receives reports from the Admiralty regarding the exchanges between London and Washington DC. He orders HMS *Express* (Commander Boys) to the Falklands to assist the Governor in policing the archipelago.⁵⁵

*“... HM Brig Express was sent by Rear Admiral Henderson to the Falkland Islands to afford the Governor any assistance he might desire as for some time past American Whalers have been in the habit of landing in that part of the Falkland Islands belonging to the Falkland Islands Company, and killing the cattle, pigs and occasionally valuable rams and sheep which had been brought from England at a great expense for the purpose of breeding;...”*⁵⁶

February 5th, at the British naval base, Henderson receives the January 12th message from Rennie.

*“I had, however, a month previously, despatched Her Majesty's sloop 'Express' to the Falklands, in anticipation of her presence being beneficial to the colony generally; and although I knew Commander Boys would, under his general instructions, co-operate with the Governor... I sent him, by the return packet, separate orders to meet the particular case.”*⁵⁷

February 17th, also in Rio de Janeiro, US Commodore Salter passes Smyley's letter to Capt. Wiliam Francis Lynch commanding USS *Germantown*; with an order to “keep a watchful eye on the interests of our citizens ... (but) ... to avoid as far as possible all causes of collision.” Ill-informed as to the situation the Falkland Islands, Capt. Lynch seeks further information from the US *charge d'affaires* to Argentina, John Strother Pendleton, who by coincidence is in Brazilian port.

*“As to the right of British sovereignty over those islands, my commanding officer could not, when I left him, instruct me;.. Neither could the United States charge d'affaires to the Argentine Republic advise me. But he assured me that the government to which he was accredited had not, and would not, relinquish its claim to these islands.”*⁵⁸

*“Previous to leaving Montevideo for the Falkland Islands Captain Lynch... talked very generally relative to the right which Great Britain had to the possession of the Falkland Islands and questioned the propriety of the Vessel under his Command saluting the British flag on arriving at those Islands, of this I was appraised by Mr. Pendleton the United States Charge d'Affaires to the Argentine Confederation who was here at the time... and whose opinion was requested on the subject by the Commander of the United States Corvette, but which Mr. Pendleton declined giving to him.”*⁵⁹

February 18th, at Port Stanley, HMS *Express* anchors in the harbour.

February 20th, Falklands Colonial Secretary James Longden issues warrants for the arrest of Captains Clift and Eldridge. Governor Rennie writes to Commander Boys, formally requesting his assistance in detaining the *Hudson* and *Washington* before HMS *Express*, with a Constable on board, sails in search of the two American ships.

*“... on the arrival of the ‘Express’ at the Falkland Islands, Governor Rennie requested the Commander to proceed... and bring into Port two American Whaling Vessels...”*⁶⁰

55 Before Rennie's message arrived.

56 *Gore (Montevideo) to Clarendon March 30, 1854* in FO 97/35/120.

57 *Henderson to Admiralty April 13, 1854* in FO 97/35/127

58 Lynch, quoted in *The Malvinas/Falklands Between History and Law* M. G. Kohen & F. D. Rodríguez 2017 p.163 citing the *Congressional Series of United States Public Documents* vol.1478, p.34.

59 *Gore (Montevideo) to Clarendon March 30, 1854* in FO 97/35/122

60 *Gore (Montevideo) to Clarendon March 30, 1854* in FO 97/35/120

February 26th, Commander Boys finds *Hudson* and *Washington* at New Island.

*“Taking with me Lieutenant Bushel, ... I accompanied the constable, first on board the ship and then the schooner, where he read his warrant and arrested both captains. After a little conversation with the captain of the ship, he informed me that he was responsible for both vessels. I asked him for the ship's papers, saying he was a prisoner in charge of the constable, and with his ship must go to Stanley to take his trial. No remonstrance was then made.”*⁶¹

*“... HBM sloop Express, Commander Boys, made her appearance, having on board a sheriff with a warrant to arrest Captains Clift and Eldridge for killing 30 wild pigs in August, 1853 – Captain B. having also an order from the Governor to bring both vessels to Port William. He boarded the Hudson, and the civil officer having read his warrant, Capt. Boys read the order of the Governor to take the ship, then demanded of Capt. Clift the ship's papers which he took and kept possession of. On board the Washington the order to take the schooner was first read and the papers demanded and received, and then the civil process was served. ... the next day Capt. Clift went on board the Express and begged of Capt. Boys not to take the Hudson from her fishing, as they just beginning the best of the season, and offering to go in the Washington with Capt. Eldridge to Port William and abide the event of the criminal process. But Capt. B. said his orders were peremptory. ...”*⁶²

February 27th, Lieut. Bushel goes aboard *Washington* with orders to take her into Stanley.

February 28th, Lieut. Scovell boards *Hudson* with similar orders.⁶³

*“... master of an American whaler, touching at the Falklands, is charged with the slaughter of twenty-two hogs. The commander of a man-of-war which unfortunately happens to be on the station, is employed to arrest the captain, but he does more, he arrests the ship, takes her from her moorings, and brings her into port, as if she had been guilty of the depredations on the swine.”*⁶⁴

March 2nd, in the Falklands, USS *Germantown* arrives off Port William.

*“... the United States Corvette saluted the British Flag on her arrival at those Islands.”*⁶⁵

Commander Lynch and William Smyley call on Governor Rennie. Lynch states his purpose, which Rennie records, before providing the Americans with a copy of Secretary Marcy's notice of May 26th, 1853. Lynch claims that the feral pigs had been put on the Islands by US sealers during the previous 30 years and that, therefore, they were not owned by the British.⁶⁶

*“I went to see the Governor for the first time, before I knew of the circular (of) Minister Marcy, which I had never heard of ... but the rest, this pretension was far from being regarded as indisputable: I knew our business in Buenos Ayres (and) it was very seriously disputed, and even absolutely denied by the Argentine Government.”*⁶⁷

“... the object of his visit was to know for what cause and by what authority the two whaling Captains and their vessels had been brought into this Port. I made him acquainted with the nature of the charges against them, and showed him a copy of the Notice issued by the US Secretary of State, Mr. Marcy,...

61 *Commander Boys to Rear-Admiral Henderson March 17, 1854 in FO 97/35/122*

62 *The New York Times* May 23, 1854

63 Forcing the ships to sail to another port was highly unusual. Capt. Boys subsequently explained that he believed there was a real danger the vessels would flee.

64 *Empire (Sydney)* September 15, 1854.

65 *Gore (Montevideo) to Clarendon March 30, 1854 in FO 97/35/122-123*

66 At one point in the discussion Smyley, apparently, claimed that the pigs were his.

67 Lynch quoted in *Una Tierra Argentina: Las Islas Malvinas* R. R. Caillet-Bois 1982 6th ed. p.401

*Captain Lynch denied that the notice applied to this case, he then denied that Her Majesty had any right to the cattle or pigs on these islands (compensation never having been made to the original introduction of them) and consequently Her Majesty could not dispose of them to the Falkland Islands Company; that the warrant was illegal, and in words to this effect said that he could not permit his countrymen to be fined. I asked him if he likewise denied the British Sovereignty of the Islands – to this he replied that he was neither prepared to admit or deny it, but asserted the right of Americans to occupy the shores or harbours of the islands which were uninhabited in this group and to use them for whaling, sealing.. or other fisheries...”*⁶⁸

*“Lynch was surprised, and commented in his letter to Commodore Salter that before he saw the note he had decided to seize Rennie as a pirate and take him to face judgement, but in the face of the compliant attitude of the US authorities, he had decided to desist.”*⁶⁹

US Commander Lynch asserts; *“The United States, ample in their domain, prefer no claim to these inhospitable rocks and bogs; but their government will, if I mistake not, maintain the unrestricted rights of its citizens to use the uninhabited islands of this group for the purposes of fishery, & refreshment of their vessels, & to navigate the bays, & straits & circumjacent seas.”*⁷⁰

*“Captain Lynch then proposed that I should consent to the depredators and their vessels returning to New Island, compensating them for their loss of time, and Disavow the act of Commander Boys. Seeing that this interview would lead to no satisfactory result ... I suggested to Captain Lynch that a conference should be held next morning. Captain Lynch and Captain Smyley having agreed to this, all further discussion was adjourned.”*⁷¹

March 3rd, HMS Express escorts Hudson into Port Stanley.

*“I have the honour to report to you my arrival at this port in company with the American whaling-ship 'Hudson,' in accordance with the request contained in your letter of the 20th February, having sailed from New Island on the 1st instant. The schooner 'Washington' sailed from New Island at daylight on the 28th... under the supervision of Lieutenant Bushell and a party of six men from the 'Express,' ...”*⁷²

Washington anchors in Port William.

*“... as she passed close under one quarter of the Germantown, the fact that an English officer and some men of war were on board of her was observed, and immediately Capt. Lynch ordered a boat and Lieut. Crosby to go and recapture the schooner, ...”*⁷³

Having agreed the night before to meet again with Governor Rennie this morning, Lynch cancels the meeting.

*“... in connexion with the language you had used, which, the more I pondered on it, seemed less and less excusable, determined me to have no personal intercourse with your Excellency;..”*⁷⁴

68 Rennie to Lord Newcastle March 16, 1854 in FO 97/35/158. See also Lynch to Rennie March 10, 1854 in FO 97/35

69 Pascoe 2020 p.213

70 Lynch quoted by J. B. Hattendorf in *The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981* D. Tatham (ed.) 2008 p.347

71 Rennie to Lord Newcastle March 16, 1854 in FO 97/35/158

72 Boys to Rennie March 3, 1854 in FO 97/35

73 *The New York Daily Times* May 23, 1854. As no “recapture” took place, this may have been a little journalistic licence.

See <https://falklandstimeline.files.wordpress.com/2018/01/new-york-daily-times-1854.pdf>

74 Lynch to Rennie March 10, 1854 in FO 97/35

Without warning, the US ship-of-war; “beat to quarters and shotted his guns,” causing alarm in the town.⁷⁵ Lynch writes to Boys.

*“... two American vessels have been seized at New Island, and, as I am informed, under most aggravating circumstances, by detachments of officers and men under your command, and subsequently brought into this port. I respectfully ask if the seizures were made on your own responsibility, or whether you acted under orders from Governor Rennie.”*⁷⁶

*“Lynch's immediate reaction was to accuse Commander Boys of 'an audacious seizure', 'a quasi-act of war', and 'a violation of the territory of the United States'. Lynch investigated the events closely, displaying his guns within range of both the shore battery and Express and exchanging an acrid correspondence over legal points with both Governor Rennie and Commander Boys..”*⁷⁷

Responding, Commander Boys refers Lynch to Governor Rennie.

*“I do not myself see anything in Commander Boys' proceedings which should not be approved: and I shall add my approval to that which has already been expressed to him by the Governor... On the other hand, I cannot but feel that the pretensions urged, and the language held by the American commander, will be viewed with surprise and even indignation by Her Majesty's Government.”*⁷⁸

March 5th, on the continent, the Argentine Confederation adopts its own constitution; confirming Justo Jose de Urquiza as President. Buenos Aires remains separate.

*“For the next six years the two governments coexisted uneasily, sometimes engaging in token wars, more commonly resorting to blockades or discriminatory tariffs. If Buenos Aires lacked the military strength to impose itself on the provinces, it continued to receive the lion's share of foreign trade and most of the revenues. In contrast to the city's prosperity, the Argentine Confederation was continuously plagued by acute financial difficulties, its paper money almost worthless from the moment it was printed. After offering favorable terms for commerce, in 1853 Urquiza won diplomatic recognition from Britain.”*⁷⁹

*“... the Province of Buenos Aires adopted a new provincial constitution in 1854 and declared itself a sovereign republic, "El Estado de Buenos Aires" ["The State of Buenos Aires"]. The split lasted for nine years until 1862,.. During those nine years neither of the two Argentine states said or did anything relevant to the Falkland Islands,..”*⁸⁰

March 6th, at Stanley, Governor Rennie writes to Commander Lynch, taking full responsibility for the actions of Commander Boys, who had; “... acted entirely by my direction and according to the instructions which he received from me;..”⁸¹

*“I am quite unaware of any harsh steps which have been taken in bringing the two whaling vessels into this harbour; on the contrary... both vessels entered the harbour with the American colours flying. I am, therefore, quite unprepared to admit that either 'outrage' or injustice has been committed...”*⁸²

75 Rennie to Lord Newcastle March 16, 1854 in FO 97/35

76 Lynch to Boys March 4, 1854 in FO 97/35

77 J. B. Hattendorf in Tatham (ed.) 2008 p.347. For the online biography of Lynch, see - https://www.falklandsbiographies.org/biographies/lynch_william

78 (Rear-Admiral) Henderson to Admiralty April 13, 1854 in FO 97/35/127

79 Argentina, 1516-1987: From Spanish Colonialism to Alfonsin D. Rock 1987 p.121

80 Pascoe 2020 p.211

81 Rennie to Lynch March 6, 1854 in FO 97/35

82 Ibid.

USS *Germantown* re-positions yet again, to anchor opposite the local Magistrates Court.

*“... the indecorous and apparently intentional attempt of Captain Lynch to intimidate the administration of justice by getting under weigh from his original anchorage in this harbour and reanchoring his ship immediately in front of the Court House with his tampions out of his guns during the whole day of the trial. That this was his object no one here doubted...”*⁸³

March 7th, at his trial, Capt. Clift, taking responsibility for all the acts of the two ships, admits to killing 22 pigs – in breach of a local ordinance which makes it an offence to kill, “cattle etc.” The local prosecutor claims that the pigs fall under the “etc.” and that killing them without authority is punishable by a £40 fine for each animal. Clift is found guilty and fined a 'mitigated' £1 for each animal plus costs of £5 16/-.⁸⁴

*“The fine was paid in the course of the day and he was discharged.”*⁸⁵

*“... the proceedings against the Master of one of the American Vessels went on, notwithstanding the threat of Captain Lynch to stop them by force, the Master pleading guilty, paid the fine imposed, and sailed for the United States to report the affair to his Government and to claim damages for the breaking up of his voyage.”*⁸⁶

Still unhappy, Commander Lynch writes to Commander Boys.

*“... by assuming the responsibility of seizing two American whaling-vessels, may exonerate you with your own Government, if it be inclined to disregard the law of nations. But in a few days, I will send you copies of depositions, on oath, of the masters and chief officers of the two vessels, which will show that you evinced much zeal, and no little disregard of right, in the execution of what you have been pleased to term “a painful duty;” I will then call upon you for explanation...”*⁸⁷

*“... Lynch continu(ed) his letter writing. Baulked in impressing the magistrate he concentrated his fire on Captain Boys.”*⁸⁸

Lynch also writes to Governor Rennie.

*“Your assumption of a grave responsibility may exonerate Commander Boys with his own Government, but cannot screen him from the consequences of a gross violation of the law of nations. I hold him as guilty of a quasi act of war... my spirit writhes under an indignity as yet unredressed.”*⁸⁹

March 8th, at Stanley, Governor Rennie invites Commander Lynch to meet him. Meanwhile US Commercial Agent William Smyley seeks information from the Governor regarding the whale fishery.

*“..., will Your Excellency please to inform me whether you consider the Whale Fishery prohibited, or whether you acknowledge it mutual, will you please to inform me on the subject that I may inform Captains Clift and Eldridge before their departure.”*⁹⁰

83 Rennie to the Duke of Newcastle May 23, 1854 in FO 6/502/408. 'Tampion' was a wooden stopper for a gun muzzle.

84 Reports varied. *The Empire* put the original fine at £880 (£20 for each pig killed), but then went on to claim that, following threats from the American man-of-war, this fine was reduced to £27. *The New York Times* reported the total cost at £22, and claimed that the USS *Germantown* had fired shots over the roof of the Magistrates Court building. Capt. Lynch recorded the fine as being £30. Pascoe (2020 p.213) says it was exactly £27 16s. cf. 1871 & 1872

85 Rennie to Lord Newcastle March 16, 1854 in FO 97/35

86 Gore (Montevideo) to Clarendon March 30, 1854 in FO 97/35/120

87 Lynch to Boys March 7, 1854 in FO 97/35. Lynch's primary complaint appears to have been that the crews of the American ships were threatened with being placed in *irons* should they fail to obey Boys instructions.

88 *The History of the Falkland Islands* M. Cawkell 2001 p.86.

89 Lynch to Rennie March 7, 1854 in FO 97/35.

90 Smyley to Rennie March 8, 1854 in FO 97/35

March 9th, Rennie responds to Smyley.

*“... as regards the precise limits to which Great Britain will limit the right of Whaling I have no instructions. I will, however, communicate with Her Majesty's Government on the subject by the first opportunity.”*⁹¹

March 10th, Capt. Lynch “*unceremoniously*” declines to meet with Governor Rennie. Instead he sends a long letter giving his views on the proceedings of Boys, the Magistrate, and upon the rights of Great Britain.

*“Your Excellency prohibits sealing on these islands, and... you say that you will communicate with Her Majesty's Government "as to the precise limits to which Great Britain will limit the rights of whaling". ... The United States have not thought proper to take possession of this group of islands, but have used them for a longer period and more extensively than all other nations combined, for the purposes of fishery, and refreshments of their ships crews; and until I am further instructed, I will not without a struggle permit that right to be invaded.”*⁹²

*“Lest Rennie should take him on this Lynch followed it with a verbal message that he would hold no further correspondence with him”*⁹³

To Commander Boys, Lynch sends depositions from the Master, Chief Mate and Second Officer of the *Hudson*, and the Master of *Washington*, noting; *“The United States' Commercial Agent to these islands not being recognised by the authorities of this place, I have taken this deposition as a precautionary measure...”*⁹⁴

March 14th, following advice from Smyley, *Hudson* and *Washington* leave the Falklands; despite Lynch's assurances that he will protect them.⁹⁵

*“... the vessels returned immediately to the United States in order that their Owners might immediately set on foot a legal demand against the Governor and the Commander of the "Express" for interruption of their voyages.”*⁹⁶

March 16th, from Stanley, Governor Rennie sends a despatch to London detailing events and seeking advice.

*“On the 8th instant I had a communication from Captain Smyley to know whether I prohibited the Whale Fishery, or whether it was to be considered neutral, meaning I suppose within the waters of the Falkland Islands. On this subject I do not feel sufficiently instructed and I request Your Grace's commands with reference to the limits within which they may be captured by Foreigners.”*⁹⁷

On the same day, Lynch writes to US Assistant Secretary of State, Ambrose Dudley Mann.

“A 'Notice' from your department, warning the crews of our whaling ships of the consequences of committing "Spoilations" in these islands, has been used as a pretext for a high-handed proceeding by the Authorities thereof. Except from our Consul at Montevideo, I never heard that the British claim to

91 Rennie to Smyley March 9, 1854 in FO 97/35/263

92 Lynch to Rennie March 7, 1854 in FO 97/35. See 1774

93 Cawkell 2001 p.86.

94 Lynch to Boys March 10, 1854 in FO 97/35. Lynch also made an obscure complaint regarding Boys going upon the American whalers “*uninvited*” to which Boys responded with a long letter on March 11, 1854. Lynch answered that on March 13, 1854 in another rambling letter that ended with Lynch all-but accusing Boys of piracy. Lynch threatened that, should matters have come to a fight, Boys' ship would have been “*utterly demolished*.”

95 It appears that Smyley suggested that they should submit a compensation claim as soon as possible, and that returning to their sealing operations was likely to put them at a disadvantage. See July, 1854 & 1871

96 Lynch in *Comercio del Plata* quoted in FO 6/502/418

97 Rennie to Lord Newcastle March 16, 1854 in FO 97/35/158

*these islands was admitted, certainly not to the exclusion of our countrymen from the islands, and I confess to you, that if the notice (which took me by surprise) did not give a color to the claim, I would have made examples of the Governor and his associates in the iniquitous proceeding. I take the liberty of writing to ask you exert your influence to withstand the claim, if our Government be not already pledged. If the sovereignty of these islands is to be vested in G. Britain, the right to the fisheries, with all the correlatives thereof, should be secured by treaty. But that Government is not to be trusted. I have written in full to the Navy Department, respecting the late outrage perpetrated under the cloak of legal process, and to it, I refer you.”*⁹⁸

March 18th, Hilario Cordoba, found guilty of the murder of Jean Cousteau on February 24th, and convicted on March 10th, is executed by hanging in Stanley dockyard.

In the (independent) State of Buenos Aires, a Congress considers its own constitution.

*“It was debated by a special congress in March and April 1854, and the speeches made during the debates were printed verbatim in the separate Buenos Aires Diario de Sesiones, a copy of which is in the provincial archives in La Plata. Martín García island was mentioned, and various matters were mentioned that did not appear in the final text adopted on 8 April 1854, but no speaker mentioned the Malvinas.”*⁹⁹

March 20th, USS *Germantown* finally leaves Falkland waters.

*“The Commercial Agent of the United States (Captain Smyley) however speaks openly and confidently of her return, or of the arrival of the American Commodore in his frigate the 'Susannah' from Monte Video.”*¹⁰⁰

March 27th, *Germantown* arrives in Montevideo.

*“I learn from Commander Barnard, of the 'Vixen,' that since the 'Germantown's' return to Monte Video, reports have been circulated by Commander Lynch, tending to throw discredit on the British navy, and to lead people to suppose the 'Express' had been awed into submission by his (Lynch) threats.”*¹⁰¹

April 1st, American barque, *Courier*, is wrecked on Bull Point. Captain Bernsée and crew make their way ashore.

In London, a bill is presented to the Court of Chancery alleging 'fraudulent representation' against Lafone.¹⁰²

*“FIC's Third Annual Report was scathing about management in Montevideo and the Falklands. Information had been frequently demanded and repeatedly promised but no accounts were rendered, no inventories provided and cattle numbers on FIC lands had been greatly exaggerated (!). Dale was dismissed in 1853 and replaced by Thomas Havers. Lafone himself was replaced as his accounts were in arrears. In thirty months FIC received £264 from Lafone and 4,000 hides were processed, far from the 20,000 of the business plan.”*¹⁰³

April 4th, in Montevideo, and still fuming, Lynch writes an article for the *Comercio del Plata*; a copy of which he sends to Governor Rennie.

98 Lynch to Mann March 16, 1854 in *Despatches from United States Consuls in Port Stanley, Falkland Islands 185101906* in *National Archives and Records Service, General Services Administration, Washington DC, 1960*

99 *Ibid.* p.212 citing *Diario de Sesiones de la Sala de Representantes de la Provincia de Buenos Aires 1854* Buenos Aires 1865

100 Rennie to Lord Newcastle April 7, 1854 in FO 97/35/284

101 Henderson to Admiralty April 13, 1854 in FO 97/35/127

102 After 3 years of negotiation, the court case was abandoned and the issue went to arbitration. A settlement in 1854 effectively ended Lafones' connection with the Falklands. cf. Tatham (ed.) 2008 p.326

103 *From Feral to fully farmed: 250 years of Cattle on the Falkland Islands, 1763 to 2013* R. T. Wilson 2016

*“... the presence of the Germantown must certainly have caused the mitigation of the fine since instead of about £100 Sterling, as had been anticipated, there was imposed a lesser fine of £30 which was paid.”*¹⁰⁴

*“I have acquainted the magistrates who convicted the Captain's with this implied successful intimidation which they indignantly deny. The fine was in reality mitigated at the insistence of the Falkland Islands Company who did not press for high penalties.”*¹⁰⁵

*“Lynch terminated his correspondence abruptly and sailed on 20 March for Montevideo, where he published his view of the events in the newspaper Comercio del Plata of 4 April 1854, to counter the British interpretation.”*¹⁰⁶

April 7th, HMS *Express* sails for Montevideo.

April 8th, the State of Buenos Aires adopts its own Constitution; setting out territorial limits.

“Art.2 ... its territory extends north-south, from the stream of Means to the entrance of the range at sea, bordering by a line west-southwest, and west to the foothills of the mountains, and in the northeast and east with the Parana and Plata rivers, and the Atlantic, the islands of Martin Garcia understanding and adjacencies to its river and sea shores.”

Researcher's Comments: Despite some fanciful claims to the contrary, the new constitution of the State of Buenos Aires clearly did not include the Falklands. One thousand miles cannot be viewed as 'adjacent'. Nor had the constitution of the other provinces - the Argentine Confederation – included the archipelago in 1853. Whatever claims the Confederation or Buenos Aires had had to the archipelago they had been abandoned.

*“So those born in the Falklands, occupied by England today, they are born in the territory of Buenos Aires, and they are even if born under British rule, if they claim their birthright, while the State of Buenos Aires (does) not desist of its claims to sovereignty of those islands.”*¹⁰⁷

*“The Malvinas islands, although not explicitly mentioned, are included in this definition.”*¹⁰⁸

*“... the text says that the boundaries of the republic are to the west the mountain range, to the north-east the rivers Paraná and Plate, and to the east the Atlantic. As regards "islands adjacent to its river and sea coasts", there are some small islands off the coast of the province of Buenos Aires, south of the town of Bahía Blanca, and a few tiny islands in the River Plate, but the Falklands cannot be said to be adjacent... So the 1854 constitution of the State of Buenos Aires did not include the Falkland Islands.”*¹⁰⁹

104 Attached to *Rennie to Duke of Newcastle* May 23, 1854 in FO 6/502/408

105 *Ibid*

106 J. B. Hattendorf in Tatham (ed.) 2008

107 *Derecho de ciudadanía en el Estado de Buenos Aires* Domingo F. Sarmiento 1854. Fanciful nonsense. Although Sarmiento was in exile in Chile, this text examined the issue of Buenos Airean citizenship. Sarmiento returned to be Argentine president between 1868 and 1874; during which time he did not attempt to re-open the question of Falklands sovereignty with Britain.

108 *Las Malvinas Entre el Derecho y la Historia* M. G. Kohen & F. D. Rodriguez 2016 p.216. These authors appear to be applying a moot interpretation of the word 'adjacent.' In particular, Rodriguez has argued that the 1865 arbitral award in favour of Venezuela over the islet of Aves, recognised a more flexible meaning than that applied to coastal islands. However, a century later, in *North Sea Continental Shelf Case (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands Judgment of 20 February 1969 International Court of Justice (para.41 p.30)* the ICJ ruled that it was; “... evident that by no stretch of the imagination can a point on the continental shelf situated say a hundred miles, or even much less, from a given coast be regarded as 'adjacent' to it.”

109 Pascoe 2020 p.212

April 13th, from Rio de Janeiro, Rear-Admiral Henderson commanding the British Station, forwards to London correspondence relative to the; “... *depredations committed around the coasts of those (Falkland) Islands by American shipmasters; the co-operation of Commander Boys, of the 'Express,' with the Governor of the island, for bringing those persons to justice; and the conduct of the commander of the United States corvette 'Germantown' on that occasion.*”¹¹⁰

Near the settlement of Darwin, Capt. Bernsee attempts to sell the wreck of *Courier*, with its contents, at an unregulated auction attended by US Commercial Agent Smyley. Governor Rennie detains and prosecutes Captain Bernsée for offences under the *Auctioneer's Ordinance*. Convicted, Bernsée, unable or unwilling to pay the penalty of £100, is imprisoned.¹¹¹

*“... in consequence of a pressing despatch from Sir John Packington, No.30 of 22nd December, 1852, urging me to take every means in my power to reduce the expenses of this Colony and to " increase the local revenue," I enacted in July 1853, as one of the most unobjectionable modes of allowing the latter, an Auctioneers Ordinance imposing a licence fee of £20 on Auctioneers, and a percentage on the Goods sold. Five of the Colonists, namely Mr. Dean and the agent of the Falkland Islands Company, are licensed, and as the illegal sale for which Captain Bernsée was fined, took place on the Company's lands within a few miles of their principal Settlement on the South part of this Islands (East Falkland) I could not overlook an offence wilfully committed, which if left unpunished, must have given good cause for the dissatisfaction of the licensed Auctioneers or for the remission of the fees which they had paid for their licences...”*¹¹²

May 13th, Governor Rennie's letter of March 16th, arrives at the War and Colonial Office in London.

May 19th, from London, Britain's Foreign Office notifies its delegation in Washington of the incident involving the USS *Germantown* at Stanley.

“I have to inform you that the order issued by the Governor of the Falkland Islands to bring the Ships as well as the Captains to Port Stanley is held by Her Majesty's Government to have been a measure not justified by the necessity of the case, even if it were right in law. Her Majesty's Government also regret that the Commander of the "Express" should have interfered in the execution of the warrant when no resistance was offered to the Civil Power, and his demand of the "Ships Papers", ... acts not justified by the conduct of the American Master who was ready to submit himself to the warrant, and to accompany Commander Boys to Port Stanley... Her Majesty's Government admit therefore that there were errors in judgement on the part of the British Governor and of the British naval commander, for which some satisfaction is due to the Government of the United States.

*On the other hand, however, Her Majesty's Government are convinced that the intemperate language and conduct of the captain of the "Germantown" cannot be approved by the Government of the United States. That officer should have known that an appeal might with confidence be made by his own Govt., to that of HM and he should not have assumed a menacing tone and attitude. This misunderstanding however has arisen in a distant quarter from the errors of officers acting without the sanction of their respective governments; and I have only to express the hope of Her Majesty's Government that mutual (unreadable) will lead to an immediate and satisfactory adjustment of the matter.”*¹¹³

110 All the correspondence appears to have been gathered together and published, at the least for internal use, as – *Depredations of United States Whaling Ships – recent occurrences in consequence 1854 in FO 97/35 at 127.*

111 FO 6/502/457

112 FO 6/502/484

113 Draft letter in FO 97/35/142

May 26th, at Port Stanley, in a letter to the Governor regarding the prosecution of Captain Bernsée, US Commercial Agent William Smyley demands Rennie; “... *inform me where you consider the Colony is or how far it extends from Stanley...*”¹¹⁴

May 27th, Governor Rennie writes to London to complain that Smyley is questioning the extent of British sovereignty over the archipelago.

May 29th, in London, Rennie's question regarding the limits of the Falklands whale fishery is considered.

*“... in Lord Clarendon's opinion, is a matter which must depend upon the extent to which HM Govt., are prepared to assert their right to sovereignty and jurisdiction over the several islands composing the Falklands group, and is a point for the decision of the Duke of Newcastle.”*¹¹⁵

May 30th, from Port Stanley, Governor Rennie again complains that Smyley is causing trouble; circulating rumours that the United States of America intend to plant its flag on West Falkland Island.¹¹⁶

June 7th, in London, Lord Newcastle responds to Rennie's March 16th letter.

*“Your despatch and its enclosures were only received on the 13th ultimo, and they have been since under consideration of the proper Departments of Her Majesty's Government, but the points which they raise are of so much importance as to require deliberation before the proper instructions are conveyed to you. I wish ... without in any way anticipating those instructions, to impress on you the necessity of great caution in the enforcement even of undoubted rights in those parts of your Government which are wholly unsettled and unoccupied.”*¹¹⁷

June 9th, in Britain's House of Commons, a question is put to MP Frederick Peel by George Dundas regarding whether; “... *any official information has been received regarding a fracas said to have occurred at the Falkland Islands, in which the American whaler Hudson was seized by Her Majesty's ship Express...*”

*“Mr Peel said the Governor of the Falkland Islands had reported pretty fully on the circumstance to which the honourable gentlemen had referred, and that report was at present under the consideration of the proper parties in the Government. He was informed that in all probability the matter would be satisfactorily adjusted, and that no unpleasant differences were likely to arise with the United States. In the present state of the transaction, however, it would be inconvenient to produce the correspondence.”*¹¹⁸

In the Falklands, as a result of the threats from the Americans, and concerns regarding Russian raiders, a volunteer defence force is established for the Islands; known locally as the *Stanley Volunteers*.

*“Hong Kong was not the only British possession to undertake frantic preparations against Russian assault in early 1854. The Falkland Islands, Vancouver Island and New South Wales and Victoria in what is now Australia, also strengthened their defences and appealed to London for additional protection.”*¹¹⁹

114 *Smyley to Rennie May 26, 1854* in FO 97/35/333. Having been warned regarding illegal sealing activities when he commanded the *Benjamin de Wolf* in 1839, Smyley knew that British sovereignty extended far from Port Stanley. His appointment by Washington as US Commercial Agent in 1850 had been for the 'Falkland Islands' – all of them. This letter, however, may be seen to suggest that Smyley had been complicit in the organisation of the unlicensed auction outside of the colony's chief town.

115 *FO 97/35/279*. Lord Newcastle was Minister for War and the Colonies.

116 *FO 97/35/316*

117 *FO 6/502/429*

118 *Morning Chronicle Saturday June 10, 1854*

119 *The Crimean War in Imperial Context, 1854 – 1856* Andrew C. Rath 2016

June 12th, the War and Colonies Office is reorganised with a Secretary of State for the Colonies, Sir George Grey.

June 14th, arriving back in the USA, Captain's Clift and Eldridge submit claims for compensation in relation to the seizure of their ships at the Falkland islands.

*"... on 14 June 1854 Captains Clift and Eldridge drew up a claim for damages, for no less than \$39,000,.."*¹²⁰

June 15th, in Stanley, on receiving news of a death in the family, Governor Rennie requests to either be relieved or granted leave; having been on the Islands for 7 years; *"... which is a year longer than the usual term."*

*"Sir George Grey would be disposed to comply with his present application. But before taking that step, I am to state that Sir George Grey would be glad to be favoured with Lord Clarendon's opinion whether in this peculiar case it would be open to any objection, as being liable to be misconstrued into a disapproval of Governor Rennie's conduct, and to operate unfavourably in the discussions which are pending with the Government of the United States..."*¹²¹

June 22nd, the *New York Times* notes British Parliamentary business:

"On the notice book, is a motion for an inquiry into the seizure of Americans at Falkland Islands."

July 1st, in receipt of the reports and complaints as to Rennie's seizure of the American ship in February, US Secretary of State Marcy writes to the British delegation in Washington.

*"When you referred in a conversation with me not long since to some occurrence at the Falkland Islands, I had not examined the Papers relating thereto which had been received here at the navy dept. I have since examined them, & much regret to find that they disclose acts on the part of the British Authorities there towards some of the Citizens of the US of a very grave character which it is my duty to call the attention of HM Govt. I cannot believe it will uphold the conduct of those authorities, or be disinclined to repair the injuries which our Citizens have sustained. ... I regret to see the misuse which has been made of the notice I gave to our whaling ships of the intention of the British Authorities to proceed against trespassers on the Falkland Islands. This notice said nothing about the sovereignty of them: while it claimed no right for the US, it conceded none to Gt. Britain or any other Power, and certainly furnished no (...) for the unjustifiable acts here complained of. ... Should the fact, however, be admitted that these islands were British territory, the treatment of the American ships must be considered as exceedingly hard. A still graver matter of complaint is the pretension set up by these authorities to exclude our citizens from fishing and taking whale in the waters about these islands. This right they have long enjoyed without its being questioned. I cannot believe that the British Govt., directed its authorities at the Falkland Islands to set up these extraordinary pretensions, or will uphold the assertion of them."*¹²²

July 10th, Britain's representative in Washington, John Crampton, sends Marcy's complaints to London.¹²³ These documents are accompanied by a claim for \$39,000 on behalf of the owners.¹²⁴

120 Pascoe 2020 p.213. Graham Pascoe argues that these claims were eventually considered by the Geneva arbitration tribunal of 1871/72 – the *Alabama* claims – which was concerned with breaches of its declared neutrality by the UK during the American Civil War. This is not the case, as the claims from 1854 were held back by the US President until after the date of submission to the arbitration panel in December, 1871. Also, following further negotiations in 1872, no indirect claims were considered by the tribunal. See July, 1854, 1871 & January & September 1872.

121 *FO 6/502/431*. Note of October 10, 1854

122 *FO 97/35/295*. Marcy to Crampton July 1, 1854 in *FO 97/35/295*

123 *FO 97/35/283*. Crampton had taken over as head of the British Mission in Washington in 1852 having been Secretary to the Legation there from 1845.

124 *A Digest of International Law...* John Basset Moore 1906 vol.1. *cf.* March & September, 1854 & 1871

August 10th, Captain Bernsée applies to Governor Rennie for release from his imprisonment.

“Having commuted the penalty of £100 imposed on Captain Bernsée to one half, namely £50, which he declined to pay, I intended in conformity with that concession, to release him at the end of three months, being the half term of the imprisonment to which he was liable for default of payment of the original fine. On the 10th instant when two months and a half had lapsed, I had an application from him through one of the Magistrates stating his anxiety to proceed to Monte Video in an English Schooner about to sail for that place, and begging that he might be permitted to go. On the same day I signed an order for his release with express understanding that as he had no business here to detain him he should leave the Islands, and his passage was arranged ... I was surprised to learn that Captain Bernsée had resolved to remain here, and that he was daily haranguing some of the disorderly characters generally to be found about the Grog Shops... vaunting what would have been done had an American Ship of War come here before his release from prison, and what still would be done when one should arrive.”

Rennie threatens Bernsée with deportation under the Aliens Act. ¹²⁵

August 15th, reported in the *Geelong Advertiser & Intelligencer* of Victoria

“The fracas as Falkland Islands is likely to be settled in the one proper way, vis. by payment of compensation to the American captain whose ship was arbitrarily seized by an English ship of war, against the law and usages of nations.”

On the same day, Sir George Grey forwards to the Earl of Clarendon, an opinion from the Queen's Advocate; ... as to the distance from the Coasts of the Falkland Islands within which Her Majesty's Government are legally justified in preventing foreigners from Whale and seal fishing.” ¹²⁶

August 17th, Capt. Bernsée leaves the Colony.

August 24th, Commander Lynch and the USS *Germantown* return to Berkeley Sound.

“At 10 o'clock Captain Lynch accompanied by his first Lieutenant, whom he said he had brought as a Witness, came to the Office and desired to see the Governor. In conformity with his instructions, Mr. Longden stated that his Excellency considering the unpleasant termination of his former intercourse with Captain Lynch, declined to grant him a personal interview, but any questions he might wish to put would be answered in the Office. Captain Lynch replied that he was sent here to investigate into the imprisonment of an American Citizen, Captain Bernsée, and that his orders were to see the Governor, and that it was inconsistent with the dignity of the United States that he should communicate with Subordinates. Mr. Longden replied that every respect would be paid to the dignity of the United States, but that it was necessary for the Governor to consult his own dignity also. Captain Lynch said that he must see the Governor, that he had been sent here to inquire into this case only, – that the former case was before the two Governments and had no relation to this, – that he could not accept explanations from Mr. Longden or Mr. Rennie one being the Secretary and the other the son of the Governor; and he again asked that his request for an interview with his remarks, might be conveyed to His Excellency. Mr. Rennie undertook to do so and asked Captain Lynch at the same time if he had anything to say respecting his former visit. Captain Lynch answered he had nothing to say...” ¹²⁷

Governor Rennie declines to see Capt. Lynch until an explanation of his previous conduct is offered.

125 FO 6/502/457

126 FO 97/35/312. See September, 1854.

127 FO 6/502/461 – 468

*“Captain Lynch then said, “What am to do? How can I get the information I require? The United States have a right to demand it from the highest authority.” Mr. Rennie said that he had no doubt that if there was any information requiring certification, the Governor would certify it; but added that he said this on his own authority as he had no instructions on the point. Mr. Longden then stated that he should be happy to take down any questions that Captain Lynch might wish to have answered, and the latter then asked that the following questions and remarks might be submitted to the Governor, and he would send an Officer at eleven o'clock tomorrow morning for the answers... “First – to know why Captain Bernsée was seized? Second – to know why an exorbitant fine was endeavoured to be extorted from him? Third – why he was detained almost 3 months in prison.” Waiving all question of the Governor’s right of jurisdiction over places remote from this Settlement, by the Law of Nations no shipwrecked person who does not molest any one (by force, I mean) becomes a guest of the civilized one where he is wrecked, and is not amenable to its local enactments. The Law of England has been transgressed in this case by imposition of an excessive fine. The Law of Nations and the Law of hospitality have been violated, and an insult offered to the American peoples. “This has nothing to do with the former question and no personal feeling should enter it, I being sent here to investigate this case only the imprisonment of Captain Bernsée.”...”*¹²⁸

Governor Rennie declines to answer the questions put by Lynch, but sends him a copy of the court notes and ordinances under which Bernsée was convicted.

*“This ordinance as well as every ordinance in force in the Falkland Islands has received the approval and confirmation of Her Majesty's Government.”*¹²⁹

August 25th, the Foreign Office instruct Minister Crampton in Washing to protest to the Secretary of State regarding the language of William Smyley, the US Commercial Agent at the Falklands.¹³⁰

At Stanley, an officer from *Germantown* leaves a letter at the Governor's office demanding confirmation that Bernsée has left the Islands. If no such confirmation is forthcoming Lynch adds; *“... let me entreat you in the name of humanity to have, before the hour I have named, the Women and Children removed from the houses in the rear of your Battery.”*¹³¹

Colonial Secretary Longdon informs Lynch that Bernsée sailed on the 17th for Montevideo.

“... His Excellency repels with the utmost indignation the implied supposition that any threat from you, or hostile steps that you might contemplate could in the least degree make him swerve from the course which he would have felt it to be his duty to take, had Captain Bernsée still been in confinement or under any other circumstances whatsoever...”

Lynch acknowledges the information, and announces that he; *“... will proceed with all despatch to report to my Commander in Chief.”*

August 26th, *Germantown* sails from Port Stanley.

August 31st, in London, the Admiralty expresses an opinion to the Colonial Office that, following the, *“... unbecoming language used by Capt. Smiley the U. States Commercial Agent with regard to the authority exercised by Great Britain over those Islands;”* a ship of war should visit the Islands as often as possible.¹³²

128 *Ibid*

129 *Ibid*

130 *cf.* 1850, 1851 & 1855

131 *FO 6/502/471*

132 *FO 6/502/420*

September 2nd, in London, British Foreign Secretary, Lord Clarendon, notes:

*“I require Mr. Marcy to deliberately consider, on the reading of the letters Captain Lynch, which must be in the possession of the Government of the United States, if such language and attitude are consistent with civilized nations ... As for sovereignty, questioned today by Mr. Marcy, Her Majesty's Government will not discuss it with a foreign power, but will continue to exercise the powers of the Falkland Islands sovereignty which emanates from the law of nations, considering themselves authorized to forbid foreigners, to whatever nation they belong, to fish for whale or seal three nautical miles from the coast, or land on any point of the Falklands. Finally, to prevent any error possible, Her Majesty's Government holds that it will not allow the destruction of brown cattle in the Falkland Islands, nor any other depredations by foreigners, irrespective of their nationality, and that it will be against any person who committed such spoliations, according to the provisions of colonial laws...”*¹³³

September 4th, also in London, Luis Vernet complains to the Colonial Office that he has not received any response with regard to his submissions for compensation.¹³⁴

September 6th, the Foreign Office request a decision as to the limits within which foreign sealers and whalers will be prosecuted at the Falklands, in order that the Rear-Admiral at the Rio Station can be informed.¹³⁵

*“Having laid your letter of the 6th instant before secretary Sir George Grey I am directed I am directed to request that you will state to the Earl of Clarendon that the Instructions to be furnished to the Admiral commanding on the North (sic) American Station, with respect to the limits within which Foreigners are to be permitted to persecute the Whale Fishery at the Falkland Islands, should, in Sir George Grey's opinion, be based on the Report of the Queen's Advocate...”*¹³⁶

September 18th, from Washington DC, John Crampton reports that Secretary Marcy “disavows” the language of US Commercial Agent William Smyley, and will send him new instructions.

September 21st, Lord Clarendon responds to the American protest of July. This letter is sent to Crampton in Washington with instructions that he read it to Secretary Marcy.¹³⁷

“Her Majesty's Government had hoped that the promptitude with which they had disavowed the conduct of Her Majesty's sloop 'Express' in bringing to Stanley the American whaling ships 'Hudson' and 'Washington' on account of a charge preferred against the commanders of those ships of having committed depredations on one of the Islands of the Falklands Group would have been met by the Govt. of the United States in a corresponding spirit, and that the Government of the U. States would have shown no less readiness to disavow the language and conduct employed by the Commander of the United States Corvette 'Germantown' in his communications with the Gov. of the Falkland Islands and the Commander of Her Majesty's ship 'Express'. ... so far from adopting this course, he (Marcy) entirely ignores the friendly explanation...

I cannot conclude... without expressing my surprise that Mr. Marcy should appear to call in question the right of Great Britain to the sovereignty of the Falkland Islands. Her Majesty's Government will not discuss that right with another power, but will continue to exercise, in and around the islands of the Falkland group, the rights inherent under the law of nations in the territorial sovereign, and will hold

133 Quoted in *Les Iles Malouines: Nouvel Exposé d'un Vieux Litige* P. Groussac 1910 p.59. cf. 1871

134 His papers had been sent to the Admiralty for comment, but the Admiralty denied ever receiving them.

135 FO 97/35/319

136 FO 97/35/322

137 FO 97/35/353. Also quoted on Moore 1906. cf. 1871

themselves entitled, if they think fit, to prevent foreigners, to whatever nation belonging, from fishing for whale and seal within three marine miles of the coast, or from landing on any part of the shores of the Falkland Islands for the purpose of fishing or killing seals. Furthermore, and to prevent all possibility of mistake, Her Majesty's Government declare that they will not allow the wild cattle on the Falkland Islands to be destroyed, or other depredations to be committed on the islands by any foreigners to whatsoever Nation they may belong, and that all persons committing any such depredations on the Islands will be proceeded against under the enactments of the Colonial Laws."

September 27th, unaware of Clarendon's response which is en-route, Secretary Marcy instructs the US Ambassador in London to file a claim for compensation against the British Government.

"Vessels of the United States visiting the Falkland Islands have in them "customary privileges," which ought not to be abridged by arbitrary decrees of the British Government." ¹³⁸

"The American Secretary of State ordered a claim for indemnification; but this does appear to have been rendered. In his note to the British Government he also appeared to call into question the validity of British sovereignty over the Falklands group; but he later denied the intention." ¹³⁹

October 5th, Britain's Colonial Office writes to the Admiralty with regard to the issue of territorial limits.

*"Her Majesty's Government will be legally justified in preventing foreigners from whale and seal fishing within 3 marine miles (or a marine league) from the coast of the Falkland Islands, such being the distance to which, according to the modern interpretation of law and usage of nations... The peculiar configuration of the coasts of this extensive group may render the adoption of this rule to the circumstances of the Falkland Islands difficult: and it is further possible that Citizens of the United States **may have acquired** in some portions of the group a right of fishing by user, and constant and uninterrupted enjoyment, with full knowledge of Spain, during the Spanish occupation. It will, therefore, be necessary that the Admiral should confer with the Governor of the Falkland Islands before putting in exercise his powers as Commander on this station, by preventing foreign vessels from engaging in the fishery."* ¹⁴⁰

October 8th, in Washington, Minister Crampton reads Lord Clarendon's letter to Secretary Marcy.

"Mr. Marcy made no other remark in regard to the statement of Your Lordships despatch than that he did not recollect that there was any expression in the Note he had addressed to me on the subject (dated the 31st of July last) which could be construed into a denial of the Sovereignty of Great Britain over the Falkland Islands..." ¹⁴¹

"A copy of this despatch was given to Mr. Marcy, the United States Secretary of State, who then told Mr. Crampton that it had not been his intention to raise a discussion on the question of sovereignty. He, however, contended that it was hard to prevent United States fishermen from taking whales in the neighbourhood of uninhabited islands where they had for long done so unmolested, and for making use of what he understood was the progeny of the pigs and other cattle which United States crews had themselves left on those shores with a view to providing themselves with a supply of provisions on their return voyages, a practice which he also understood had continually been resorted to without any objection being made." ¹⁴²

138 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 (ed) 1887 p.65
139 *Memorandum on the Falkland Islands* 1947 in LCO 2/490

140 FO 97/35/372. My emphasis. A nautical mile is equal to 1.15078 land miles or 1.852 kilometres.

141 *Crampton to Lord Clarendon October 9, 1854* in FO 97/35/382.

142 *United States and the Question of the Falkland Islands* A. F. Orchard 1928. Internal memo in FO 371/12736/324.

US Secretary Marcy, in a private letter, cancels the instruction of September 27th.¹⁴³

*“It appears, however, that the claim was not presented, owing to the receipt by the United States Minister in London of a letter from Mr. Marcy, dated the 8th October, 1854, which was unofficial and does not appear in the records of the Department of State. This letter was written in consequence of the receipt by Mr. Marcy of Lord Clarendon’s despatch to Mr. Crampton of the 21st September, 1854, after the despatch of the instructions to the United States Minister in London of the 27th September, 1854.”*¹⁴⁴

October 9th, from London, a message is sent for the attention of Governor Rennie at Stanley.

*“The Colonial Office, with the concurrence of the Foreign Office, also sent to the Falkland Islands a despatch instructing the Governor to ascertain in the first place what were the islands over which the undoubted sovereignty of the Crown extended as portions of the Falklands Group, and in the next place whether any recognised user existed on the part of citizens of the United States...”*¹⁴⁵

October 10th, Sir George Grey writes to the Foreign Office, for the information of Lord Clarendon.

*“... that the limits of this Dependency of the British Crown are comprehended in the East and West Falklands, and a cluster of smaller Islands in the vicinity; but that the configuration of the Colony has hitherto not appeared to require any special geographical description of its boundary, as in the case of the British Continental Possessions, and that therefore no exact definition of its limits has been laid down.”*¹⁴⁶

October 16th, from Washington, John Crampton writes to the Foreign Office regarding the August request for a protest to the US Secretary of State; *“Your Lordship will perceive that Mr. Marcy states that, in accordance with my request, instructions have been addressed to Captain Smyley on this subject.”*¹⁴⁷

October 17th, *Glaucus* is wrecked at Governor Island.

November 16th, in London, Vernet again complains about the lack of a reply from the Colonial Office.¹⁴⁸

November 26th, *George Butz* is wrecked on Grand Jason.¹⁴⁹

December 22nd, in Washington DC, Minister Crampton receives a copy of Governor Rennie's report regarding Bernsée. Attached is a request that Secretary Marcy's attention is drawn to the threat offered by Commander Lynch.

*“You will say that, until Captain Lynch's conduct on this occasion is avowed and adopted by the United States Government, the Government of Her Majesty will be willing to consider it as the unauthorised act of an officer unfitted for the performance of the duty on which he was employed and incapable of calculating the consequences of his contemplated misconduct. But Her Majesty's Government deem it right to warn the Government of the United States that any such attack as that which was implied by the threat of Captain Lynch would be dealt with by her Majesty's Government in such manner as would be due to the honour and dignity of the British Crown.”*¹⁵⁰

143 Moore 1906. This letter has never been published.

144 Orchard 1928

145 *Ibid.*

146 FO 97/35/385

147 FO 6/502/437

148 Correspondence bounced between the Colonial Office and the Admiralty, but the lost papers remained lost.

149 Crew rescued by the schooner *Chance*. However, see January, 1855.

150 FO 6/502/489

1855 – January 2nd, from Port Stanley, Governor Rennie responds to letter of October 9, 1854 regarding any possible limitations on British sovereignty in the archipelago.

*“Since the resumption of England’s sovereignty numerous warning have been given to foreigners by the Authorities of the Falklands to desist from Fishing... Considering, therefore, that the US Government do not pretend to any sovereignty and that their claims ... to the privilege of the fishery appear to me to be unsubstantiated, I think it inexpedient, and that it would lead to great and serious inconvenience and perhaps collisions, were exceptions to be made in their favour as to the fisheries in any part of the Islands. ...”*¹⁵¹

Regarding the three nautical mile enforcement zone suggested by the Queen’s Advocate, Rennie answers that he is in consultation with Rear-Admiral Hope Johnstone at Rio de Janeiro; and that he has invited the Rear-Admiral to visit the islands to view the situation there for himself.

*“The Governor of the Falkland Islands replied that the United States claims on the score of user to the privilege of the fishery did not appear to him to be substantiated... He went on to say that there were no parts of the coasts of those islands which were not frequently visited every year,..”*¹⁵²

January 4th, responding to a question from Lord Clarendon of November 2nd, Governor Rennie confirms that he has never recognised William Smyley in any, “public capacity.”¹⁵³

*“I beg to say that I have never admitted his pretensions, although privately I have shown him every courtesy which he could have expected if his exequator had been granted. I may state briefly that Captain Smyley has been a Sealer and trader in and about the Falkland Islands for nearly 30 years.”*¹⁵⁴

Schooner *Chance*, is wrecked on Grand Jason. Crew of eight, saved by *Tekoa*.

January 15th, from Washington DC, John Crampton responds to the Earl of Clarendon to say that he has passed Governor Rennie's report to the US Secretary of State.

*“Mr. Marcy's reply to my observations was couched in the friendly spirit I expected, and leads me to hope that due reparation will be made to His Majesty's Government for the outrageous conduct of Captain Lynch. He said that he would give his immediate attention to the representation which I had made to him... he would state to me in the mean time that the conduct of Captain Lynch on the occasion in question, an account of which had reached the United States from other sources, had already been disapproved of by the Government of the United States, and that that officer had been **ordered home** by the Secretary of the Navy. Mr. Marcy added that since he had spoken to me on the subject of Captain Lynch's first visit to the Falkland Islands he had carefully examined the printed documents, which I had given him for perusal, and that he entirely concurred with me in thinking that Captain Lynch's language was (unreadable), and that he, Mr. Marcy, had stated his opinion to the Secretary of the navy, that, whatever Captain Lynch's professional talents might be, he was evidently unfitted by his indiscretion and ungovernable temper for the command which had been entrusted to him.”*¹⁵⁵

February 5th, in the Falklands, the South American Missionary Society builds a station on Keppel Island.¹⁵⁶

151 FO 97/35/421

152 Orchard 1928

153 Appointed by Washington as the US Commercial Agent at Stanley in 1850, Smyley had often seemed to act as a Consul. See above.

154 FO 6/502/498

155 FO 6/502/391. My emphasis. There is some evidence that Lynch remained in the South Atlantic until 1757.

156 Populated for the first time since the period 1765 to 1774. cf. 1766, 1856, 1863, 1867 & 1869

“.. no one could be so blind as not to see what it was most like – another speculation! Natives imported to work there under various pleas! One hundred and thirty head of cattle to be bought!”¹⁵⁷

March 10th, at Stanley, the flagship of Rear-Admiral Hope Johnstone, *Indefatigable*, arrives in the port.

March 12th, a conference takes place between Governor Rennie and the Rear-Admiral regarding the practicalities of any enforcement of fisheries limits, considering the extensive coast-line of the archipelago. Acting Colonial Secretary J. Longdon is delegated to prepare a report on the number of foreign vessels warned to leave the Falkland Islands since 1833.¹⁵⁸

March 17th, Rennie and Hope Johnstone confer again.¹⁵⁹

*“In conclusion the Governor and the Admiral feeling in want of legal assistance to guide them on the documents, accessible to them, which involve questions of international Law and not being sufficiently informed of the conditions which constitute the right of user in such cases have considered it advisable to report the facts to Her Majesty’s Government, in order that they may take such steps as may be deemed expedient.”*¹⁶⁰

April 11th, the deliberations of Governor and Rear-Admiral, are forwarded to London.

April 18th, from London, Crampton in Washington is requested to confirm to the US Secretary of State that William Smyley, appointed as the USA’s Commercial Agent at the Falklands in 1850, has never been recognised in any consular capacity by Governor Rennie.¹⁶¹

April 25th, New York barque *Ortona*, carrying timber, is lost to a fire in Port William.¹⁶²

May 30th, in light of the concerns emerging from the debate in Stanley, Britain’s Queen’s Advocate is again asked for a legal opinion with regard to the Falklands fisheries.

May 31st, *Neil Dow* is blown ashore at Stanley and wrecked.

June 22nd, the Queen’s Advocate, John Dorney Harding, gives his considered opinion.¹⁶³

“The Governor appears to consider that the question could not be settled by the concession of a right of Fishing limited to a portion of the waters, or coasts of this numerous group of Islands, and that in effect the right of the Crown to the exclusive and entire fishery must be maintained, or altogether abandoned. If Her Majesty’s Government should determine to maintain such right without any concession or compromise, then I would suggest that Her Majesty’s ships will be justified in warning all persons (not belonging to the Islands) who may be found fishing either on shore, or within three miles of low water mark, in the name of Her Majesty to desist from trespassing and to depart within a reasonable time, and if they disregard such warning and persist in fishing, then Her Majesty’s Ships will be justified in interrupting, and preventing them from fishing, avoiding the use of force, excepting

157 *A Two Years Cruise off Tierra Del Fuego, The Falkland Islands and in The River Plate* W. Parker Snow 1857 p.133.

Focused on the Yaghan tribe of Tierra del Fuego, the site in the Falklands was apparently chosen as it offered a less hostile environment in which to learn the Yaghan language.

158 *Memorandum of the foreign vessels warned off the Falkland Islands, since British re-occupation in 1833, while engaged in whaling, sealing, etc.; compiled from documents in the Government Office, Stanley, Falkland Islands Miscellaneous Letter (Inward) Book* vol. H8

159 Minutes of the meetings may be found in *FO 97/35* from 452 to 454

160 *FO 97/35/454*

161 *FO 6/502/507*. For Smyley generally *cf.* 1830, 1831, 1832, 1835, 1839, 1845, 1849, 1850, 1851, 1853 & 1854

162 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

163 The response is not contained in the main file dealing with the fishing issue during the 1850’s – *FO 97/35*

in cases of forcible resistance being offered... I would further suggest ... an Ordinance forbidding all Fishing without a licence..."¹⁶⁴

"... (he) suggested a system of issuing licences the acceptance of which by foreigners would tend to validate Her Majesty's title."¹⁶⁵

"... the suggestion of the Advocate General does not appear to have been acted upon..."¹⁶⁶

"He added, however, that, as great irregularities had long existed, and as many citizens of the United States appeared to have practically enjoyed the liberty of fishing for many years, great caution and discretion should be enjoined upon the local and naval authorities, who should proceed gradually and leisurely, and not suddenly or strictly, in maintaining and enforcing the exclusive right of the Crown."¹⁶⁷

"The British position, as stated by Lord Clarendon in 1855, was as follows:- "Her Majesty's Government... will continue to exercise in and around the islands of the Falklands group the rights of territorial sovereignty and will prevent, if they think fit, foreigners from fishing for whale and seal within three maritime miles of the Coast, or from landing on any part of the shores for the purpose of fishing or killing seals, nor will they allow the wild cattle to be destroyed."..."¹⁶⁸

August 9th, *Carlton*, with a cargo of coal from Swansea, is wrecked at Cape Carysfort.¹⁶⁹

August 28th, Capt. Beard in *Fanny*, assists the crew of *Carlton* at Cape Carysfort; retrieving her gear and some cargo.

August 30th, the Argentine Republic sign a treaty of peace, commerce and navigation with Chile.¹⁷⁰

*"The two contracting parties recognize as the limits of their respective territories those which they possessed as such at the time of their separation from the Spanish dominion in the year 1810; and they agree to adjourn the questions which have been or may be raised on this matter, in order to discuss them later in a pacific and friendly manner, without ever having recourse to violent measures; and, in case they should not have brought about a complete agreement, to submit them to the arbitration of a friendly nation."*¹⁷¹

November 7th, Capt. Thomas Laws Moore takes over as Governor of the Falkland Islands.

December 1st, the 60 foot high, Cape Pembroke light tower commences operation.¹⁷²

164 CO Letter July 25, 1883 in FO 97/541

165 FO 95/35/454. Also CO Letter July 25, 1883 in FO 97/541

166 Gov. Kerr to Earl Derby May 9, 1883 in FO 97/541. cf. May and December, 1856 & 1883

167 Orchard 1928

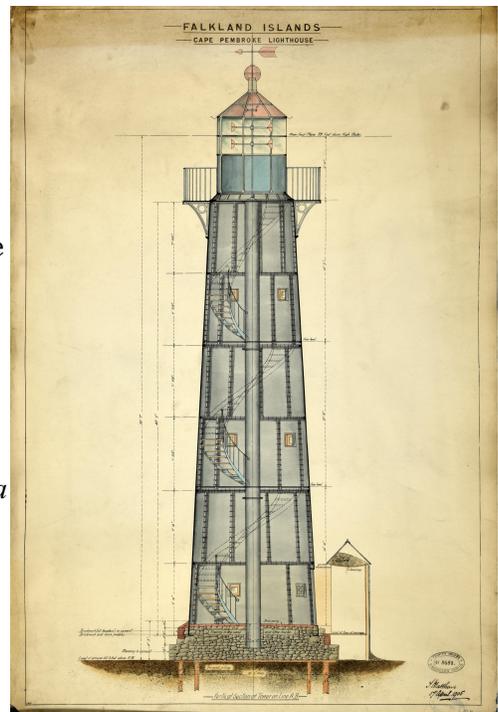
168 Memorandum on the Falkland Islands 1947 in LCO 2/490 citing *A digest of international law* J. B. Moore (1906) vol.1 p.888

169 Carpenter William Jones and Seaman John Betts, both settled at Stanley. Descendants of both men still live there.

170 This did not involve the State of Buenos Aires.

171 Art.39 quoted in Moore 1913. cf. 1977

172 *The New York Times* November 24, 1855. Prefabricated in the UK during 1854 by William Wilkins, Lighthouse Engineers, of 24 & 25 Long Acre, London. Oil powered.



May 3rd, a notice regarding the new Cape Pembroke light tower is published in the *British Packet & Argentine News* of Buenos Aires.

*“The Colonial Government at the Falkland Islands has given notice, that a Fixed light of the natural colour was established on Cape Pembroke on the first day of December last...”*¹⁷⁷

May 5th, in London, Luis Vernet writes to Lord Harrowby.

*“The voluminous papers which accompanied my previous memorials have fully substantiated the justice of my claims, and clearly shown that, far from having identified myself, as Mr Strachey seems to believe, with the Government of Buenos Ayres, **I have on the contrary identified myself de facto with the British Government, evinced by the partiality I showed for it even many years previous to the Islands coming under the British Flag – by my declining to continue to act as Governor after the British claim to them was made known to me – by submitting myself immediately to its jurisdiction as soon as it took possession of the Islands – by having consented to my own agent William Dickson undertaking to keep the British Flag hoisted... – and finally by my having previous to my appointment as Governor ... offered repeatedly my services to the British Government towards the colonization and general prosperity of the Falkland Islands under the British Flag, provided my individual rights to the property would always be respected.***

... the wish, to get my Colony under the British Flag, was in accordance with my own interests and those of my colonists, which required such change of flag; because situated as we were on the Highway of Nations, we could not expect permanent prosperity, unless placed under the sovereignty of a Government capable of protecting us against filibustering or other aggressions.

*As to the grants of Land, wild cattle, and privileges, these were originally obtained not with the view to establish any claim to the Islands on the part of Buenos Ayres, but merely to secure the best protection I could for my new colony, from the Authorities for the time being, regardless who they might be.”*¹⁷⁸

May 10th, Vernet writes to complain about the article in the *Illustrated London News*, the month before.

“Having just seen in your paper ... an article accompanied by some sketches, on the Falkland Islands,... I beg leave to ask you upon what grounds, or with what intention, in my name has been so unwarrantably handled therein, especially as I am at present in London, and in correspondence with the present Government, for the purpose of claiming British protection and justice against the arbitrary acts and misrepresentation of certain British authorities, which have been the cause of my remaining, for these last eighteen years, dispossessed of my private property in the East Falkland Islands, after an honourable possession of very many years previous.

It cannot, therefore, be expected that I shall, after so many years of unmerited grievances, pass over in silence any new misrepresentations or ex parte statements, which, if left uncontradicted, may have a tendency to injure me in the estimation of the public, as I possess ample evidence to convince every impartial man that I was perfectly justified in pursuing the course I did with regard to the Falkland Islands.”

177 My emphasis. No suggestion of any outstanding claim by Argentina.

178 *AGN, Buenos Aires, Sala VII, F.131, doc. 46* quoted in *Getting it Right: the real History of the Falkland/Malvinas* G. Pascoe & P. Pepper 2008. My emphasis. There is no evidence that Vernet was ever asked to consent to Dickson raising the flag; such consent being irrelevant and unnecessary.

May 26th, an officer aboard *Pandora* writes to a friend in Tasmania.

*“I will endeavour to give you a few words about the Falkland Islands. Since your day the Seat of Government has been removed to Stanley Harbour, S. side Port William. It is not very far from the old site, being only the next Island South of Port Berkley, but as Port William is only 4 miles deep, it is more accessible than Port Berkley, which is 12; moreover the prevailing wind blows athwart the entrance to Stanley harbour, so that vessels may sail through almost any day, while at Port Louis the entrance lay in the direction of the wind, it was therefore difficult to access. The present Governor, Capt. T.E.L. Moore R.N., who has only been there since last November, is a straightforward, honest man, anxious to do everything to improve the place; the other two (his predecessors) Moodie (sic) and Rennie, appear to have been most extraordinary geniuses, the latter in particular, his great object appearing to have been if possible to annihilate the Falkland Island Company. Jealousy was probably the cause of this; the Company's agent employing most of the people, had of course most influence. The present Governor appears to have none of this petty jealousy, but is rendering all the assistance he can to the Company's agent, Mr. T. Havers. Already I am told there is a great improvement in many ways, and as Mr. Havers is a most energetic, talented man, I have no doubt there will be still further improvements. The population of Stanley is about 300, and about 100 more are scattered throughout the Islands. ... The cattle on East Falkland Island (there are only a few on West Falkland) have been variously estimated at from 15,000 to 50,000; ... The Tussock grass is quite gone as a staple;...”*¹⁷⁹

May 27th, after discussing with the Executive Council the Queen's Advocate General's opinion on the fisheries, Governor Moore writes from Stanley to the Colonial Office.

“Having duly considered all the information thus collected and having availed myself of such opportunities as have come within my personal knowledge for judging of this matter it appears to me that the course proposed by Sir John Harding of passing a Colonial Ordinance and issuing Fishing Licences at a moderate fee is one which presents many advantages and might I should think be beneficially employed in the case of these Islands. The other proposition of letting or farming out certain districts would not be so easy of application, and might I fear lead to collision unless a vessel were constantly on the spot to preserve the different localities. In order nevertheless, to prevent the fisheries becoming utterly valueless, it would be necessary to insert a clause strictly prohibiting fishing for either seal or seal elephant by Colonists or Foreigners during certain seasons. ...

*As far as I can learn if this regulation were to be rigidly enforced, the Rookeries might again become valuable and in a few years, the sale of Fishing Licences would, in all probability, become a considerable source of Revenue. Should, however, any Ordinance be passed compelling the taking out of Licences, or containing any restrictive provisions whatever, I think it would be highly desirable either that this Government should be furnished with a Colonial vessel, which might also convey the mails between Monte Video and the Colony and thus save the £500 a year at present devoted to that service, or that the Commander in Chief of Her Majesty's Naval Force on the South East American Station should be instructed to detach a small vessel at least twice in each year to make the tour of these Islands – should this not be done, I fear that any provisions that I might draw up would soon become a nullity, and, I think, tend rather to produce an impression both as regards Foreigners and the Sealing parties about the Islands, that they might brave the laws with impunity, than be of any real advantage.”*¹⁸⁰

179 Published in *The Courier* (Hobart, Tasmania) Thursday 15, January 1857

180 Moore to Henry Labouchere May 27, 1856 in FO 97/35/485

June 2nd, from Buenos Aires, US Minister James Peden writes to US Secretary Marcy with regard to the outstanding claims of US citizens against the Argentine Republic – including the Waldron/Smyley demand for £50,000. Peden indicates that he is unwilling to act without further instructions. ¹⁸¹

“... in the end nothing seems to have come of it.” ¹⁸²

In **September**, at Port Stanley, the Rev. George Packenham Despard, arrives aboard *Hydaspes*. Despard is to be Superintendent of the Patagonian Missionary Society based on Kepple Island. Using the Society's vessel, *Allen Gardiner*, he is to establish contacts with the tribes on Tierra del Fuego. ¹⁸³

October 21st, in London, the Colonial Office writes to Luis Vernet regarding to his claim for compensation submitted in May, 1852. ¹⁸⁴

“... 2. You have demanded, in the first place, that the Lands and exclusive privileges, which you held in the Falkland Islands under alleged grants from the Government Ayres, prior to the British occupation, may be either restored to you, or their equivalent given you in Money or in other Grants from H. M. Government. This portion of your claims H. M. Government regards as destitute of foundation and entirely rejected. The British Government has never recognised or renewed the Grants and privileges referred to, and there is no reason for it doing so now.

3. You again claim relief on the ground of the capital sunk by you in forming a settlement, and in constructing buildings and enclosures, of which the British Government, you contend, has had the benefit. As regards the ground also, the Government of this country has at no time admitted any claim on your part, nor can it do so now. Your capital referred to was already lost, and the settlement left in a ruined and nearly desert condition, (it having been twice broken up, first by external, and afterwards by internal violence) when a British authority was first placed upon the Islands. - So that although the British Officers undoubtedly occupied some of the deserted erections in their then state (whatever it was) of better or worse repair; such erections having been formed, Her Majesty's Government do not doubt, for the most part by yourself, - and this occupation of them for the public service continuing, as you observe, till the transfer of the place of Government to another place several years later, it cannot be said that any benefit was derived by Government in this way from your former outlay of Capital affording ground for public compensation.

4. In some parts of your memorials you seek to hold the British Government responsible for the losses, which you suffered by the unfortunate events of 1833, which intervened between the hoisting of the British flag and the establishment of a resident British authority. - Her Majesty's Government cannot admit any such responsibility. Whatever you did to re-establish your settlement in 1832 (when you knew that the title of the Buenos Ayrean Government was denied by this Country) or to maintain it during 1833 (before British administration was actually established) was at your own risk.

5. You lastly claim compensation for the moveable property consisting chiefly of about 60 trained horses, which came into the possession of Lieutenant Smith, the first officer placed in charge of the

181 James A. Peden to William L. Marcy No.43 June 2, 1856 in Manning 1932 p.592. Peden appears to have been reminded of the outstanding claims in a letter of July 3rd, 1854; Smyley/Waldron alleging “*impressment of citizens and seizure of vessels*” by Luis Vernet in 1831. However, there is no evidence that any further instructions were forthcoming. See 1831. Also March 23 and December 27, 1849 & March 24, 1850

182 Pascoe 2022 vol.1 p.595

183 Despard resigned in 1860. cf. 1863

184 Elliot to Vernet October 21, 1856 in AGN VII, 131 doc.48. Vernet's initial *memorial* submitted on May 7, 1852 can be found here - <https://falklandstimeline.files.wordpress.com/2023/05/vernet-to-palmerston-memorial-may-7-1852.pdf>

Islands, in 1834, and for the proceeds of the cattle and seal business, in hides, seal-skins, and money, for the period the business was carried on subsequently to that date, in your name, which was done for a time by Lieutenant Smith, until the proceeding was put a stop to by orders from superior authority. With reference to these remaining claims Her Majesty's Government upon full consideration of the official documents before them and the various particulars which you have brought to their notice, especially in your more recent memorials, are prepared to admit your claim to compensation to the following extent. It appears that your right to be considered the owner of the horses referred to, and other moveable property, which came into Lieut Smith's possession in 1834, was acknowledged by the British Government as soon as the circumstances were reported, but that difficulty arose in settling your claim on this head from various circumstances, - among others, from the existence of counter claims against you, which remained and still remain unsettled, - and the excessive value which you proposed to place upon your horses if retained for the use of Government. ...

6. Her Majesty's Government upon this view of the subject have fixed the total compensation to be awarded to satisfy your claims, at the sum of Two thousand four hundred pounds. The sum to be deducted from this amount on account of counter-claims referred to, Her Majesty's Government on consideration of such information as is before them, cannot fix at less than One thousand pounds: which sum will be placed at the disposal of the local Government of the Falkland Islands for the settlement of those counter-claims, in such manner as Her Majesty's Government may think equitable. If this deduction should prove more than sufficient for the purpose, the balance will be paid you, ...

7. You will receive from the Commissioners of Her Majesty's Treasury an order for the payment to you forthwith of the sum of One thousand four hundred pounds being the remainder of the compensation awarded,....”

On receipt, Luis Vernet notes;

*“... in answer to the numerous Memorials, which I have had the honor to present, at various periods during the last five years, in support of my claims to compensation for the value of my Lands, Horses, cattle and other Property on East Falkland Island, on which I have expended £50,000, and of which possession was taken by the British Authorities... The result of the Official Letter is, an offer to pay me, in return for my Lands and the wild cattle on them, and for my very large expenditure and valuable Effects, the sum of £1,400, which will scarcely cover one fourth of my expenses in this country...”*¹⁸⁵

*“The British government's point of view was understandable – Vernet did not own the wild cattle in the first place, and Britain did not take over intact houses; the houses were worthless since they had been damaged or destroyed by Vernet's employees, ...”*¹⁸⁶

December 6th, in London, ministerial debate as to the fisheries problem at the Falklands continues.

*“The population is scarcely five hundred persons in humble circumstances, established on one spot in these Islands, is far too insignificant in amount, and too destitute of wealth, to be able to make use of an exclusive right of pursuing wild animals in these extensive seas. In fact ever since the Islands were colonized by Great Britain in the year 1843, the few Settlers there have made little progress and have never been followed by any fresh immigrants from the United Kingdom. Several of those already on the spot have petitioned for the favor of a free passage to enable them to remove to some more encouraging country.”*¹⁸⁷

185 Vernet to Labouchere December 1856 in CO 78/43

186 Pascoe 2022 vol.3 p.22.

187 Labouchere to Clarendon December 6, 1856 in FO 97/35/481

The Colonial Office notes:

*“Mr Labouchere agrees with the Governor in the opinion that to resort to a system of licences, or to proclaim any regulations without the means of enforcing them would merely tend to bring his authority and that of Her Majesty’s Government into contempt instead of producing any good result.... Adverting also to the difficulties which are apparent from the successive reports of the Queen’s Advocate on this subject, it appear to Mr. Labouchere that it would be inadvisable at present to take any formal steps for endeavouring to establish preserves of the Whale and Seal Fisheries around the Falklands since neither is there any resident population capable of twining exclusive right, to account, nor has it been deemed consistent with the more important demands of the public service to maintain at the Falklands the Naval force which would be requisite in order to enforce the observances of any regulations laid down for this purpose. Should the Earl of Clarendon concur in these views the Governor will be instructed accordingly.”*¹⁸⁸

December 30th, Luis Vernet, rejecting the £1,400 offer by the Colonial Office, makes a personal appeal to the Secretary of State for the Colonies, Henry Labouchere, for more; *“I beg leave, Sir, to submit to your favorable consideration in a separate Statement, amounting to £14,296.”*

Vernet argues that his claims are founded upon; *“... my private rights, as first Occupier, of the East Falklands Island for the simple purpose of colonization and of rendering them (as I did by heavy expenditure of money, time and labor) a common benefit to myself and those who might come after me, whoever might be the ruling power.”*

*“It is, therefore, most unkind, and (I say it with all respect) unjust to me after, I had voluntarily submitted to the British Government; relying on its protection, (as promised by Admiral Baker’s letter,) and when Government had entered (as it did in 1832 (sic)) into the beneficial occupation of my Lands, Houses, Cattle and Effects, – to oppose my claim for compensation by asserting in the face of these indisputable facts, that I claim, not in my private character of First Settler, but as Grantee under a Foreign State; and thus, instead of enquiring into my just rights as an Individual, to attempt to defeat them by placing me in opposition with the British Government on a political question, with which I have not any concern whatever...”*¹⁸⁹

December 13th, with regard to the fisheries, Lord Clarendon signals his agreement with Labouchere.¹⁹⁰

*“In 1856 the Colonial Office took the view that it would be inadvisable to press British fishery rights in the area of the Islands; the size of the resident population did not warrant it, nor was the employment of the naval detachment which would be required to enforce these rights justified.”*¹⁹¹

188 FO 97/35/481

189 Vernet to Labouchere December 1856 in CO 78/43. Worthy of note that in 1839, Vernet had demanded only £1,000 in compensation. Mention of Admiral Baker’s letter appears to be a reference to the orders given to Onslow in November of 1832 not to disturb settlers in their; *“agricultural or other inoffensive employments.”* cf. 1831, 1832, 1833 & 1834

190 FO 97/541

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

1857 – January 24th, reported in *The Spectator*.

“Mr. C. W. Eddy, Radcliffe Travelling Fellow, Oxford, addressed the Times the other day in praise of the Falkland Islands as a penal settlement. Admitting that the climate is "rude and boisterous," he thinks this the very beau ideal of a climate for convicts; for will it not compel them to exercise and labour? Where old soldiers can gain a livelihood a convict will thrive. ... Mr. George Rennie, late Governor of Falkland Islands, has answered... that "up to the present time no settler in the Falkland Islands has ever maintained himself by agriculture alone." ... Government would have to maintain them. Neither is it likely that the manumitted would remain voluntarily on the island; few persons remain permanently, the small population being kept up by fresh arrivals. I, moreover, doubt exceedingly the great safety of the Falkland Islands as a prison.... escape would by no means be difficult. The convicts during their sentences would despair of ever settling permanently in a colony, which, although healthy, offers so few pleasurable or profitable prospects;...”

February 9th, in London, a second offer is made to Vernet by the Colonial Secretary - £2,400 reduced by only £550 to cover outstanding claims, notably that of the estate of Juan Simon, murdered in 1833. Vernet is also required to accept this as a final settlement. ¹⁹²

“... Neither as Grantee of a Foreign State, nor as Settler first or otherwise, could you have had any right to appropriate the territory of the British Crown ... Her Majesty's Government reject as destitute of foundation, all your claims on account of these alleged rights... The moveable property found in 1834 is the property for which alone compensation is admitted to be due.” ¹⁹³

“Vernet had claimed for 60 horses at £100 each, and for 120 salted and 18 dry hides at 30/- (thirty shillings) each, and for 152 sealskins worth by Vernet's estimate £228. But Labouchere had done some research in the British government's records, and had established that Vernet was inflating his claims. There had been only 55 horses...; there had been only 103 sealskins, and £20 had been a reasonable price for "even the best of the horses in the year 1834". The government did make a small adjustment, however, and was now offering him £2,400 but with only £550 instead of £1,000 deducted for the payment of counter claims against him.” ¹⁹⁴

Juan Bautista Alberdi, the Argentine Confederation's Envoy Extraordinary and Minister Plenipotentiary to the Courts in London and Paris starts negotiations with Spain for a treaty acknowledging the Confederation's independence.

Catholic residents in the Falklands write to Cardinal Wiseman, archbishop of Westminster, asking for a priest to be sent to attend their spiritual needs. Archbishop Mariano Escalada of Buenos Aires, recommends that an Argentine priest visits every 7 years. ¹⁹⁵ Lawrence Kirwan, a priest from Dublin but based in Buenos Aires, is sent out to the Islands He starts a fund to raise money for a Catholic Chapel. ¹⁹⁶

March 19th, Governor Moore writes to the Colonial Office regarding a complaint that the crew of an American whaler, *Martha*, under Capt. Drake, have slaughtered a tame cow, rather than buy meat from the settlement. ¹⁹⁷

192 FO 97/541

193 John Ball (*Undersecretary of State for the Colonies*) to Vernet February 9, 1857 in AGN VII doc.49

194 Pascoe 2022 vol.3 p.23.

195 *The Irish in Falkland/Malvinas Islands* Edmundo Murray in *Irish Migration Studies in Latin America* 2005.

196 Land for a Catholic Chapel was purchased in 1861.

197 FO 6/502/515 – 523. The Governor's report was supported by a number of depositions and forwarded to the USA on June 2, 1857. Britain's Mission in Washington responded on July 2, 1857, that there little likelihood of any legal action being successful on technical grounds (the dispositions were not acceptable to the US legal system). The Mission also believed the costs would outweigh the damage; but they did agree to pursue the vessel's owners privately. *Martha's* crew appear to have continued stealing cattle well into April, as further complaints were registered in July, 1857.

In **May**, in Stanley, US Commercial Agent William Smyley is accused, and convicted, of stealing cattle. He is fined £2.¹⁹⁸

*“This man has an expensive vessel here kept for no ostensible use, he comes and goes as he pleases and no-one cares to ask him how he earns his living. He and I are on quite good terms notwithstanding the trial and yet I know him to be little better than a pirate, being well acquainted with some extensive robberies he has committed ... The people here are all more or less afraid of Smyley and it is not easy to induce anyone to speak out ...”*¹⁹⁹

August 7th, Lieut. Charles Compton Abbott is gazetted to be the Commanding Officer of a Detachment of Troops; *'to be employed in the Falkland Islands.'*²⁰⁰

September 17th, Islander Christopher Murray, is sentenced to 14 years transportation for murdering his wife.

In the Islands, the Falkland Islands Company move its offices from Hope Place to Darwin.

October 24th, the US ship, *Antoinette*, founders on Sea Lion Island. Some members of the crew manage to get to Port William. William Smyley takes a boat out to rescue the remaining crew and passengers.²⁰¹

1858 – January 12th, a garrison company of Royal Marines arrive at Stanley on *Ealing Grove*, to take over the defence of the islands. The company consists of two captains, three sergeants, one drummer and 30 men, with wives and children, and all with at least 15 years service. The term of service to be 6 years.²⁰²

February 1st, from Paris, Vernet writes in response to the offer of February 9, 1857.²⁰³

*“Sir, Referring to your Excellency's letter of the 9th February 1857 in which you offered to pay me £2400 Sterling for all my claims on the British Government in regard to the Falkland Islands deducting from this sum £550 Sterling for counter claims, I beg leave to state to your Excellency that my present position not affording me well the time, and means to meet the necessary expenses for the farther (sic) prosecution of my claims, I will accept this offer, if you will kindly condescend not to deduct from that sum the said £550 Sterling for counter-claims, as they are in the present case totally unfounded for the reason that they arise from the acquisition of property to which H.M. Government does not recognise me any right. Moreover I urgently implore and trust that you will be pleased to grant me, as a matter of equity, something more than the £2400 in consideration of my so very unfortunate case, of having lost my whole fortune and many years of toil in the establishment of a Colony on the East Falkland Island, of the lands and cattle of which I considered myself to be the proprietor, having enjoyed their possession from 1823 to 1833, with the full consent of the Government under whose flag those islands then were, and with the **tacit consent** of the British Government, whose representatives in that quarter were well acquainted with my undertaking – And of having spent now in England, from 1852 to 1857, more than £5000 Sterling on account of the constant prosecution of my claims which expense would not have attained such large amount if the decision of Government had taken place soon after my first application.”*²⁰⁴

198 FO 6/502/550

199 FIC Thomas Havers. See - https://www.falklandsbiographies.org/biographies/smyley_william

200 *The London Gazette* No.22029

201 *The New York Times* April 8, 1858

202 Few remained at the end of the six years; a majority leaving on *Velocidade* in 1863. cf. 1864 & 1877

203 CO 78/43. Vernet's whereabouts during 1857 are undocumented and it is difficult to know why he took a year to respond to the offer.

204 *Ibid.* My emphasis.

*“On 1 February 1858 Vernet wrote from Paris to Colonial Secretary Henry Labouchere stating that he had now spent £5000 on “the constant prosecution of my claims” and imploring the government to increase the amount of compensation “in consideration of my so very unfortunate case, of having lost my whole fortune and many years of toil on the establishment of a Colony on the East Falkland Island.” ... Unsurprisingly, the government remained unmoved and did not increase its offer.”*²⁰⁵

March 25th, in Buenos Aires, Luis Vernet's wife, Maria Sáez de Vernet, dies aged 58.

April 12th, *Leopold* is wrecked on Grand Jason. Eight of the crew are lost with the wreck, eleven of the twelve survivors die while awaiting rescue. One man is saved after three weeks.²⁰⁶

April 24th, back in London, Vernet advertises for a lawyer.

“A Gentleman, having a just claim for a sum of money exceeding £100,000, wishes to be introduced to an Attorney who will undertake the suit for him on the following terms:- The Attorney to advance £2,500, and to receive a moiety of the sum reclaimed.”

*“In the spring of 1858 Vernet returned to London and took lodgings at 39 Upper Charlotte Street, Fitzroy Square, where he placed a small-ad in a lawyers journal – a very early case of a “no win, no fee” arrangement. He clearly found no takers....”*²⁰⁷

April 26th, Luis Vernet writes to Lord Stanley, requesting immediate payment of the compensation offered, but also seeking a further review of his case.

*“I claim my Lord, British justice and equity, which I am confident your Lordship will not deny me. The perusal of the annexed statement will suffice to convince your Lordship that there is very strong reason for the reconsideration of my case, and I most humbly and respectfully entreat your lordship that it may be reconsidered.”*²⁰⁸

On the same day, Vernet also appeals to the Earl of Derby, claiming that the “injustice” done to him has affected his mind. Attached to the letter is an; *“Exposé of the neglect of the colonial interests of Great Britain in regard to the Falkland Islands during more than 20 years, causing that Colony to remain a poor, lingering and expensive establishment,...”*²⁰⁹

May 7th, Earl Carnarvon, the new Colonial Secretary, writes to Vernet to say that; *“... he was directed by Lord Stanley to inform me in reply to my letter dated the 26th ultimo, to the Earl of Derby and to himself, that he concurs in the offer made me by Mr. Sec. Labouchere...”*²¹⁰

May 8th, Britain's Paymaster General is authorised to pay; *“... to Mr Lewis Vernet formerly of the Falkland Islands the sum of £1,850 in respect of his claims on account of property belonging to him which came into the possession of Lieut. Smith the first of the naval officers provisionally placed in charge of the Islands before a Governor was appointed, & which said property was appropriated by Lieut. Smith and his successors to the Public Service.”*²¹¹

205 Pascoe 2022 vol.3 p.23 citing *AGN VII, 131, doc.54*

206 Rescued by William Smyley in *Nancy* and taken into Stanley June 1, 1858. Some accounts claim that the survivor was on Grand Jason for three years. Not so.

207 Pascoe 2022 vol.3 p.23

208 *CO 78/43*

209 *Ibid.* Original emphasis.

210 *Vernet to Lord Stanley May 14, 1858 in CO 78/43*

211 *CO 78/43.*

May 13th, in London, Luis Vernet receives news of his wife's death.

*“At that, he gave up. He wrote several long bitter letters to Lord Stanley, and made the unusual step of having them printed, in a 15-page booklet.”*²¹²

May 14th, Vernet writes to Lord Stanley, accepting the compensation on offer but adding a complaint.

*“... the last SIX YEARS of procrastination in the settlement of the acknowledged part of my claim, the maintenance of my family abroad, the other necessary expenses and the losses occasioned by the unavoidable neglect of my affairs at home, have not only exhausted all my newly earned money (£8,000) eight thousand pounds sterling, but have forced me to contract debts, to pay which, I am now obliged to accept the (comparatively speaking) insignificant sum of £1,850, offered me on the hard condition, sin qua non, of my giving a discharge in full for the whole claim, which ... I have proved to be worth more than fifteen times that sum.”*²¹³

Vernet also comments upon the issue of the sovereignty.

*“... in order to facilitate the settlement of my claims, I have always studiously avoided entering in the international question of the Sovereignty over the Falkland Islands, because, as long as my private property is not disrespected, that question does not regard me,- the holding it up in my insignificance against the power of the British Government, would have been in extreme ridiculous and prejudicial to my interests, to that of my Creditors and to that of my Colonists who had volunteered to return to the Colony provided my rights of property to the Land and Cattle was respected. But now, that my rights of property are so totally disregarded, I will repeat what I have formerly only mentioned incidentally, and which will convince Your Lordship and the British Parliament, when eventually my Case will come under its consideration, that if British policy requires that my rights to the Lands and cattle of the East Falkland Island should not be acknowledged I am at all events entitled to a very large Compensation, namely: The land had been granted me by Buenos Ayres, the legitimate successor in the first occupation by the French in 1764 (the legitimate successors of the first discovery on the part of Spain, by its navigators Vespuccio and Magellan, the legitimate successor of Spain to the Treaty of 1790, the 4th article of which settled the question of sovereignty in favor of Spain; (that Island being then occupied by Spain). The Cattle was granted me by Buenos Ayres, the legitimate successor of him who imported into the Island the original stock of Cattle, the French Admiral Bougainville, in 1764.”*²¹⁴

Researcher's Comments: These historical inaccuracies have been dealt with in other papers. To recap:

- 1) the French occupation was only of one island (East Falkland) in 1764, while England occupied West Falkland from 1766;
- 2) Spanish navigators did not discover the archipelago (see 1592);
- 3) the Nootka Convention of 1790 only applied to adjacent islands, not those 300 miles from the coast, and art.4 only to the South Pacific;
- 4) it is unclear whether the wild cattle were descended from those taken out by the French in 1764 or by the Spanish after 1767.

212 Pascoe 2022 vol.3 p.24

213 *Letters from MLV to the Right Hon. Lord Stanley, Secretary of State for the Colonies, Concerning his Claims on the British Government, and the Neglect of the Colony of the Falkland Islands* L. Vernet 1858. Original emphasis.

214 *Vernet to Lord Stanley May 14, 1858* in CO 78/43. cf. 1764, 1767, 1790 & 1828. With regard to the legitimacy of the Buenos Aires grant of 1828, see 1882.

As to the question of inheritance. Britain did not, and does not, recognise Buenos Aires or Argentina as the successor to Spain or its Viceroyalty.

May 17th, Vernet is paid £1,850 in full compensation for his losses on the Falkland Islands.

*“Received of HM Paymaster General on the 17th May, 1858 the sum of Eighteen hundred and fifty Pounds in full of all my claims upon HM's Government relating to the Falkland Islands, on account of Property formerly belonging to me. £1,850 (signed) Lewis Vernet.”*²¹⁵

*“... when he left the islands in 1831 he had owed money to Henry Metcalf and to the capataz Juan Simon, who was later murdered by Antonio Rivero. Juan Simon's son José, born at Port Louis around 1831, was still in the islands in 1858, and Britain insisted that Vernet's debts to Juan Simon were to be paid to José. Accordingly, £550 was deducted from the £2,400; Vernet was paid £1,850 in London on 17 May 1858, and Governor Thomas Edward Laws Moore paid the £550 to José Simon in Stanley on 13 December 1858.”*²¹⁶

May 22nd, Luis Vernet writes a bitter letter to Lord Stanley acknowledging payment of £1,850; *“... as payment in full for all the property at the Falkland Islands which the British Government applied to the public service... exclusive of 20 years interest...”*²¹⁷

May 26th, at Stanley, local merchant John Markham Dean, is gazetted Consul for Denmark.²¹⁸

May 27th, Lord Carnarvon informs Vernet that, as the conditions attached to the offer of compensation have been accepted, the matter is now closed and correspondence must cease.²¹⁹

June 3rd, Vernet acknowledges Carnarvon's letter.

*“I beg leave to make the following observations: That, ... the discharge in full taken from me for the appropriated part of my property, having been extorted from me by the force of circumstances resulting from the twenty years of procrastination in the payment of the acknowledged part of my claims, and the sum finally received by me being moreover so excessively small, as not even to cover the interest of the sum of money which was comprised in that property, and having received no compensation whatsoever for any of my other property, I consider, that the entire question between the British Government and me remains pending... (I) feel that some day not far distant my real claims must and will be more liberally treated, and as these claims are, to me not merely a question of interest but also a question of honor, because I have invested in that property not only my whole fortune but also considerable portions of the fortunes of my friends, I therefore reserve to myself, to my children, and to my children's children, the right, and it is my injunction to them to seek perseveringly to obtain redress, be it by future applications to the British Government, be it by appealing to the British nation, or be it by any other means which may be in our power, until redress is finally obtained.”*²²⁰

215 CO 78/43. Luis Vernet was inclined to use Louis, Lewis or Luis depending on who he was writing to or in which country he was staying.

216 Pascoe 2020 p.283

217 *Ibid.* Notes in the margin of this letter question whether Vernet has fully understood that all his claims were settled on payment, and that no new claims would be countenanced.

218 *The London Gazette No.22145*. British *exequatour* issued February 23, 1858. This Consulate was closed in 1895

219 Vernet 1858. A note in the margin of one of Vernet's letters in the Colonial Office archive indicates that Carnarvon's letter was, in fact, dated May 28, 1858

220 *Vernet to Lord Stanley June 3, 1858 in CO 78/43*. Original emphasis. No further attempt to pursue a claim against the British Government was attempted either by Vernet or his heirs; despite the latter being contracted to do so before his death. A claim was pursued, however, by Vernet's heirs against the USA regarding the *Lexington* raid – albeit, unsuccessfully. *cf.* 1831, 1869, 1871, 1879 & 1884.

On the same day, Vernet also pens a letter to Lord Stanley. ²²¹

“... when the British Government took that establishment from me, it consisted of a grazing farm, covering the whole East Falkland Island, which contains upwards of one million acres of land, and was stocked with at least 3000 horses and 40,000 head of cattle (the descendants of the original stock), and there were, moreover, ten stone houses, numerous turf huts, and enclosure for cattle all over the Island; 6 superior and well seasoned hunting horses, 800 ox hides, a quantity of seal skins, and £3300 in money from the sales of beef, and it now presumes to say (speaking with respect) that £1850 is a compensation for all this my property!!”

“Here his rose-tinted spectacles were in action again – he was remembering his establishment as it had been in 1831, before he had made his disastrous mistake of seizing American ships, and things had greatly changed by the time Henry Smith arrived as Britain's representative in 1834 – the stone houses were in ruins, the turf houses scarcely recognisable, the horses in the hands of the murderers, and the money gone. And of course it was absurd to say he owned the cattle or the land.” ²²²

Luis Vernet sails for Buenos Aires. ²²³

July 5th, *The New York Times* estimates that there are between 20 and 30,000 wild cattle in the Falklands, and only 800 Islanders

“By 1858 most wild cattle on East Falkland had been killed and Lane informed the FIC Directors not to expect more than 3,000 hides per year. Lane also wanted to make better use of cattle by salting their meat and finding markets for it.” ²²⁴

July 6th, from Washington, the British Mission informs the Foreign Office that Secretary Cass has; *“... addressed instructions to the United States Consul in the Falkland islands enjoining him to discourage as far as possible the depredations practised by American Seamen on the cattle of that Settlement.” ²²⁵*

September 7th, Falklands Governor Moore is informed of the final settlement of Vernet's claims, and that £550; *“... being the balance of the total sum of Two thousand four hundred pounds awarded for settlement of the claims remains at the disposal of this department to be applied in or towards the discharge of any counterclaims against Monsieur Vernet deserving of being so met.” ²²⁶*

“Her Majesty's Government have considered Five hundred and fifty pounds a full but not excessive compensation for these undoubted claims reported by your predecessor, regard being had not merely to their nominal value, but also to the length of time for which they have been in abeyance.” ²²⁷

Moore is instructed to identify those claimants still living on the Islands.



²²¹ Vernet to Stanley June 3, 1858 in AGN VII, 134, doc.45 p.15

²²² Pascoe 2022 vol.3 p.25. cf. 1831 and 1833

²²³ Vernet to Lord Stanley June 3, 1858 in CO 78/43. A note in the margin refers to Vernet leaving “in a day or two.”

²²⁴ Wilson 2016

²²⁵ FO 6/502/534. Smyley had been appointed as US Commercial Agent at Stanley in 1850. He was never appointed Consul by the Washington Government, or recognised as such by the British Government.

²²⁶ CO 78/43. cf. 1831 & 1853

²²⁷ *Ibid.* There was little sympathy for Vernet. He being considered the architect of much of his own misfortune.

December 2nd, a public notice appears in Stanley.

“Whereas Luis Vernet Esquire, formerly of Port Louis in these islands, did in or about the year 1831, issue at Port Louis promissory notes under his hand purporting to be of the value of one five or ten dollars each respectively, and whereas provision has been made for the payment of such notes or other certified claims against the said Luis Vernet Esquire – Notice is hereby given that all such notes or claims must be sent in to the office of the undersigned before twelve o'clock on Wednesday the 9th instant to be examined and reported upon.” ²²⁸

December 13th, on East Falkland Island, José Simon acknowledges receipt of £550 in compensation for the monies owed by Luis Vernet to his father, capataz Jean (Juan) Simon; murdered in 1833. ²²⁹

“I have only further to express Jose Simon's grateful thanks for the care with which Her Majesty's Government have guarded his claims.” ²³⁰

“At the current exchange of 4/2 per dollar these claims amount in all to Four hundred and fifty three pounds nineteen shillings and twopence, leaving a sum of ninety six pounds and ten pence as a compensation for the length of time they have been in abeyance. I have only further to express José Simon's grateful thanks ...” ²³¹

Researcher's Comments: Jean (Juan) Simon, Vernet's ever loyal gaucho foreman had been promised his wages in 1832. Monies owed for the years worked after 1826. Vernet never paid him, and then complained when the British said that they would settle the debt. José Simon, his wife and two half-brothers by the indentured slave Carmelita, disappear from the records shortly after payment. Most likely, with money in their pockets, they headed for Montevideo.

1859 – in the Falklands, a count of the remaining wild cattle and horses takes place.

“A comprehensive wild cattle count was made in 1859 by General Arthur Bailey, Colony Surveyor, covering the north of East Falkland and thus excluding Lafonia. The total in eight "blocks" was 5,921 head. Bailey estimated that in rough terrain around Choiseul Sound there were possibly up to another 500 cattle. Only eleven horses were seen. Herds generally comprised 15-20 head and calves were very numerous. Pasture was abundant and it was surmised that numbers were rapidly increasing in areas formerly "the chief seats of the operations of Mr Lafone and the Company" ...” ²³²

July 9th, a 'Treaty of Recognition, Peace and Friendship' is signed in Madrid between Spain and the Argentine Confederation (not including the State of Buenos Aires).

“... When, finally, Spain agreed to recognise the independence of Argentina in 1859, it was Argentina without the Falklands, with no explicit transfer of any rights which Spain may have held over the archipelago.” ²³³

“... independence was not recognized by Spain until 1859, twenty-six years after the Falklands had come back under British control, and involved no explicit transfer of sovereignty over the islands.” No act of cession or 'quasi-cession' of rights in the Falklands took place, and, as Judge Huber remarked in the Island of Palmas arbitration, 'it is evident that Spain could not transfer more rights than she herself possessed.'...” ²³⁴

228 CO 78/43. Signed by the Colonial Secretary at Stanley – J. R. Longden.

229 José Simon was, apparently, the only remaining claimant.

230 Statement of Governor Moore in CO 78/43. See Pascoe 2022 vol.3 p.36

231 *Ibid.* Noted in Governor Moore's report of December, 1858 and received by the Colonial Office on March 5, 1859.

232 Wilson 2016

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

234 *Sovereignty and the Falklands Crisis* P. Calvert 1983

Spain acknowledges the territory of the Argentine Confederation as a; “*free, sovereign and independent nation,*” with Isabella renouncing, for herself and her successors, sovereignty over the territory of the Confederation. ²³⁵

September 4th, the American clipper, *Russell*, strikes Billy Rock and sinks in Berkeley Sound.

In **October**, the schooner, *Allen Gardiner* (Garland Phillips), owned by the missionary society on Kepple Island, and with a crew of nine, departs for Tierra del Fuego to return nine Yaghan Fuegians to their home.

October 23rd, the Argentine Confederation invades the State of Buenos Aires; defeating its forces at Cepeda.

“Buenos Aires, the largest Argentine province, had refused to take part either in the convention that adopted the Constitution of 1853 or in the resulting Argentine Confederation ... Buenos Aires was eventually defeated by Confederation forces... As a condition of peace, Buenos Aires agreed to join the Confederation, but subject to changes in the constitution.” ²³⁶

November 2nd, *Allen Gardiner* arrives at Wulaia Bay in Tierra del Fuego.

November 6th, during a Sunday service, the captain and all but one of crew of the schooner *Allen Gardiner* are murdered by members of the Yaghan tribe. The only survivor is the ship’s cook, who had remained on the vessel and who escapes ashore in a small boat. ²³⁷

November 11th, the *Treaty of San Jose de Flores* is signed, signalling the return of Buenos Aires to the Argentine Confederation. However, the agreement is conditional upon reforms to the 1853 constitution – which had originally caused the rift. Initially it is accepted that Buenos Aires will review that constitution in the New Year and highlight the amendments it seeks. ²³⁸

1860 – January 5th, in Buenos Aires, representatives are elected to review the 1853 *Constitution*. ²³⁹

“A convention was set up to examine the 1853 constitution; some 70 representatives were elected in Buenos Aires, and the convention met several times during the first five months of 1860 ... Its debates were published verbatim in a special Diario de Sesiones, containing some 500 pages of verbatim records of debates and constitutional documents ... distinguished Argentine politicians took part in the 1860 convention ... all of whom were fully familiar with the former dispute with Britain over the Falklands, and all of whom spoke in the debates, along with many less well-known figures. But in all that documentation of a vital phase in the development of Argentina, there is not a single mention of the Falkland Islands – the word “Malvinas” does not occur once. That is not because no islands or geographical places were mentioned: ... Several speakers referred to lost territory – Elizalde referred ... to various territories the province of Buenos Aires had lost, including Uruguay, Entre Ríos and Corrientes.” ²⁴⁰

Researcher's Comments: During the course of these debates, there was not one single mention of the Falkland Islands nor reference to any claim by Argentina. Britain received a number of mentions, as did the island of Martin Garcia and independent territory of Patagonia. Also referred to were losses of other territory such as

235 *The Recognition of the Spanish Colonies by the Motherland* W. Robertson 1918.

236 *Don't Copy Me Argentina: Constitutional Borrowing and Rhetorical Type* Mitchell Gordon 2009

237 Contrary to some suggestions, the celebrated Yaghan, Orundellico (Jemmy Button), was not party to this massacre. See March, 1860

238 In reality, much of the seven-year long dispute concerned the economy. The main port was in Buenos Aires, as was the Customs House. Buenos Aires had been disinclined to share the duties levied and had rejected those parts of the 1853 Constitution which dealt with customs duties as a national resource.

239 Recorded in the *Diario de Sesiones de la Convencion del Estado de Buenos Aires acompañado de El Redactor y el Informe de la Comision. Constitucion Federal con las enmiendas y los convenios de 11 de Noviembre de 1859 y 6 de Junio de 1860* published that same year.

240 Pascoe 2020 p.215

Uruguay and Paraguay. It is noteworthy that speakers included Domingo Sarmiento, Bartolome Mitre, Rufino de Elizalde, Valentin Alsina and Thomas de Anchorena; all of who had previous connections with the dispute over the Falklands. Further evidence that Buenos Aires had abandoned its claim following the 1850 peace treaty.

In the Falklands, sole rights to the cattle in the south of East Falkland (Lafonia) is handed to the *Falkland Islands Company*. Rights to other wild cattle revert to the Government; which moves to protect them.

*“When Government resumed ownership of cattle outside Lafonia, it fixed a penalty of £20 per animal for hunting, wounding, capturing, or destroying cattle without a license. But with enforcement almost impossible over the thinly populated camp, cattle became fair game for Company and settlers alike.”*²⁴¹

February 6th, Santiago Derqui is elected as President of the Argentine Confederation (*sine* Buenos Aires).

With no news of the *Allen Gardiner* or its crew, a search party sails from the Falkland Islands, to Wulaia Bay.

March 1st, the Falklands search party discover the sole survivor of the November massacre near the wreck of the ship.²⁴²

April 20th, Capt. William Cook is appointed Commander of the Detachment of Troops in the Falklands.²⁴³

May 3rd, Bartolomé Mitre, is elected as Governor of the State of Buenos Aires.²⁴⁴

*“Mitre had for some time ceased supporting the independence of Buenos Aires and instead pressed for unity, but on terms quite different from Uzquiza's. Whereas Uzquiza sought to reduce the power of Buenos Aires and impose an equitable sharing of the revenues, Mitre's concept of unity endorsed the paramountcy of Buenos Aires.”*²⁴⁵

On the same day, the Rev. Charles Bull is appointed Colonial Chaplain at Stanley.²⁴⁶

June 6th, an agreement between the Buenos Aires and the Argentine Confederation is reached. Buenos Aires retains exclusive control of the Customs House for a limited period, upon payment of 500,000 pesos a month to the other Provinces.²⁴⁷

June 27th, ratifications of the 1859 *Treaty* between Spain and the Argentine Confederation (excluding Buenos Aires) are exchanged in Madrid.²⁴⁸

August 5th, *Glenbervie*, en-route to Valparaiso, is destroyed by fire at the Falklands. The crew are rescued.

August 16th, *Colonsay*, a British ship returning to Glasgow, is wrecked on Speedwell Island.

*“... all aboard ... were saved, and the 16-year-old Swede Frans Theodor Rylander from the Colonsay and the Dane Karl Hansen from the Concordia both stayed in the Falklands for the rest of their lives, married and had children.”*²⁴⁹

241 *Land and Life in the Falkland Islands* W. Bernhardson 1989 p.318

242 An enquiry was held at Stanley regarding the loss of the ship and its crew. Orundellico (Jemmy Button), who had spent a year in England as the guest (?) of Capt. Robert Fitzroy in 1883/31, appeared at the enquiry and denied any involvement.

243 *The London Gazette* No.22378

244 *Gobernador del Estado de Buenos Aires*. The last, in fact.

245 Rock 1987

246 *The London Gazette* No.22382

247 Generally referred to as the *Union Agreement*. See September, 1861

248 See 1863.

249 Pascoe 2020 p.237

September 5th, *Alexander* is wrecked at Mengeary Point, Port William. All the crew are saved. ²⁵⁰

September 25th, a revised version of the Confederation's constitution is promulgated in Buenos Aires.

“Article 35: The names of 'The United Provinces of the River Plate,' 'The Argentine Republic,' 'The Argentine Confederation,' adopted in succession ever since 1810, shall be allowed in the future to be used indistinctly for the official designation of the government and the territory of the Provinces; but the name of 'The Argentine Nation' shall be used in the enactment and approval of the laws. ... ²⁵¹

Article 67: The National Congress shall have power: ... 14. To settle finally the limits of the Republic, to fix those of the Provinces, to create new provinces, and to provide by special laws for the organization and the administration of the government of the national territories,..”

“Advices from the French mail state that the adhesion of Buenos Ayres to the Confederation had been finally and officially settled, and that the modification in the constitution had been agreed to with only one dissentient voice.” ²⁵²

“In the confusing intermission between Cepeda and Pavón, the province of Buenos Aires, having secured a number of amendments, at last ratified the Constitution of 1853.” ²⁵³

November 17th, in Chile, French lawyer Orélie-Antoine de Tounens (born Antoine Tounens), declares himself King Orélie-Antoine I of Araucania and Patagonia (right).

December 1st, *Concordia*, out of Hamburg and en-route for California, is abandoned 50 nautical miles south of the Falkland Islands. Passengers and crew make for the archipelago.

December 29th, Chilean newspaper *El Mercurio* publishes the constitution of Araucania and Patagonia. King Orélie-Antoine I travels to Valparaiso to meet representatives of the Chilean Government. None come. ²⁵⁴

1861 – in the Falklands, in a population census, 541 people are registered as being in the territory.

A *'Shipping Register'* is opened at Stanley. ²⁵⁵

Colonial Surveyor Arthur Bailey visits New Island. He finds a settlement of seven men, a woman, one child, 500 sheep, 46 cattle, some horses, mules and goats.

March 2nd, in Washington, the US House of Representatives authorise the presentation of the gift of a telescope from the Belgian Government to *“W. H. Smiley, United States commercial agent at the Falkland islands.”* ²⁵⁶



²⁵⁰ *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

²⁵¹ But not the *United Provinces of South America*. cf. 1820

²⁵² *Dublin Evening Post Tuesday November 27, 1860*

²⁵³ Rock 1987 p.123

²⁵⁴ The French Consul came to the conclusion that Orélie-Antoine de Tounens was probably insane, despite at least one Mapuche tribe having crowned him Great Toqui (Supreme Chief). In 1861, and probably as a result of this declaration, Chile sent troops into the Araucania region. Orélie-Antoine de Tounens was detained and deported to France in 1862. And again in 1774. And again in 1876. Died in poverty and unrecognised in 1878.

²⁵⁵ Now part of the *Red Ensign* Group.

²⁵⁶ *Senate Journal* March 2, 1861 s.67

March 20th, reported in the *New York Times*.

“The British bark 'True Briton', with a cargo valued at \$200,000, from London to Victoria, sustained serious damage off Cape Horn, and put into Falkland Islands, where her cargo will be sold to pay expenses.”

April 25th, Edward Wallace Goodlake is gazetted Stipendiary Magistrate at Stanley.

*A Land Proclamation requires occupation of land leased from the British government; “On paying £5, any individual could obtain a one-year, non-renewable licence, for a station to “contain as near 6,000 acres as may be convenient having regard to natural boundaries.” On building a wood or stone house of a given size and placing at least 50 cattle or 100 sheep on the property, the licensee could obtain a ten years’ lease at £10 per annum. If stock numbers dropped below these levels, or if the lessee or an employee did not occupy the station, the Crown could resume possession. Within five years, the lessee would be required to purchase 160 acres at a price of eight shillings per acre.”*²⁵⁷

June 24th, *Fantome* strikes Billy Rocks and sinks. Re-floated she is taken into Stanley.

August 1st, James Robert Longden is appointed Postmaster at Stanley.

September 17th, following a series of revolts, Buenos Aires and the Argentine Confederation again take up arms against each other. At Pavón, the forces of Bartolome Mitre, Governor of Buenos Aires, defeat those of the Confederation.²⁵⁸

*“The Buenos Ayres Constitutional Army, under General Mitre, on the 7th of September, gained a splendid victory over the forces of General Urquiza. The result is hailed by the Buenos Ayreans as a deathblow to the barbarism which has long desolated their country, and by which the revolution of May, 1810, is ended, and, for the first time in History, the Liberal party among the Argentine people is triumphant.”*²⁵⁹

*“Pavón, however, was scarcely a military victory for Buenos Aires, for Uzquiza elected to retreat; faced with stiffening resistance in Buenos Aires and the revolt in his rearguard, Uzquiza finally lost faith in his own vision and capitulated... When Mitre finally marched unopposed into Santa Fe, the advance was greeted as a tacit acknowledgement of submission to Buenos Aires by Uzquiza and the provinces. In 1861 Buenos Aires and the other provinces thus finally conceded their mutual needs, a complementarity of interest that bred both conciliation and consensus.”*²⁶⁰

*“The constitutional convention and the Convenio de Paz failed to resolve the differences between the Argentine Confederation and Buenos Aires; fighting continued, and Buenos Aires (still under Mitre) won the decisive Battle of Pavón on 17 September 1861. Mitre thereupon imposed his will on the other provinces and reunited Argentina.”*²⁶¹

December 12th, in Argentina, Bartolome Mitre takes command of the nation with the *de facto* title of Governor of Buenos Aires in charge of the National Executive Power.²⁶²

257 Bernhardson 1989 p.320

258 Seemingly on the point of victory, Confederation forces left the field; allowing Mitre to claim victory.

259 *Illustrated London News Saturday 09 November, 1861*

260 Rock 1987 p.123

261 Pascoe 2020 p.216

262 *Gobernador de Buenos Aires Encargado del Poder Ejecutivo Nacional.*

October 12th, in Buenos Aires, Bartolomé Mitre assumes the Presidency of all 14 provinces of the Argentine Republic, following election and acclamation by an electoral college of delegates from the provinces. ²⁶⁷

“On 12 October 1862 a newly elected national congress confirmed Mitre as president of the whole of Argentina (the 14 provinces of which the country thereafter consisted, without the Falklands and as yet without Patagonia). ... It might have been expected that once Argentina was reunited, protests against Britain’s possession of the Falkland Islands would resume after a gap of only 13 years between 1849 and 1862. If the Falklands had been important to Argentina, there would have been several ways of reopening the dispute.... But no such thing happened.” ²⁶⁸

Researcher's Comment: It may be argued that, forty-six years after declaring its independence, the United Provinces of the Rio de la Plata finally achieved Statehood. Attaining independence from Spain had been hard enough. Uniting into a single nation, harder still.

October 17th, Argentine Law 28 is promulgated.

“Art.1. All the territories existing outside the limits, or possession of the Provinces, are national, although they had been alienated by the Provincial Governments since March 1, 1853.”

“The definitive consolidation of the national State and the conformation of the provinces did not solve the problem of the administration of the entire national territory, since there were spaces that were left out of the provincial governments. It was about the spaces that were occupied by native peoples and over which no provincial government or the national government exercised jurisdiction. To solve this situation, Law 28 was passed in 1862, which established that all spaces subject to national jurisdiction but located outside the provincial limits should be considered as national territories. In this way, Argentina assumed the formal sovereignty of the lands it had inherited from the Viceroyalty of the Río de la Plata and prevented the figure of res nullius from being accessed in those territories.” ²⁶⁹

In **November**, Spanish Vice-Admiral Luiz Hernández de Pinzón leads a heralded diplomatic and scientific mission to South America in *Resolucion, Senora del Trifuno* and *Covadongo*.

“... the O'Donnell government, in Isabella's name, sent a "scientific expedition" to South American waters. It was to be one of the least productive – though expensive – expeditions in the annals of scientific endeavour. Its research results are undetectable. Probably only the scientists themselves were unconscious of the true intent of their sponsors... The confidential instructions given to Pinzon made clear a concealed objective: the pursuit of the financial and legal claims of Spanish citizens still living on the continent.” ²⁷⁰

“Captain Croquer (Trifuno) saw the expedition’s role as exclusively diplomatic; to him the scientific part was an irrelevance and a nuisance. He violently objected to the presence of the scientists, impeded their research, threw some of their specimens overboard, and posted a guard with fixed bayonet to keep them in their quarters.” ²⁷¹

November 22nd, at Port Stanley, Governor James Mackenzie arrives aboard *HMS Satellite*. ²⁷²

267 Rock 1987 p.125, Patagonia was not a province in 1862.

268 Pascoe 2020 p.216

269 Argentine Congress August 3, 2006 *Document 4302-D-06*. cf. 1884, 1990 & 2009

270 Woods 2011 p.52. The Vice-Admiral’s orders have never been published.

271 Pascoe 2020 p.230

272 Sworn in on the 24th.

1863 — in **January**, in Buenos Aires, Spanish Vice-Admiral de Pinzón meets with the Argentine President, Bartolomé Mitre. ²⁷³ Pinzón advises Mitre to send an envoy to Madrid.

January 30th, in the Falklands, Waite Hockin Stirling, Secretary of the Patagonian Missionary Society, arrives at the mission on Kepple island with his wife and two daughters. ²⁷⁴

February 27th, Vice-Admiral Pinzón arrives in Berkeley Sound aboard *Resolucion*, where he fires a salute to the British ensign. Pinzón then invites Governor MacKenzie on board his flagship for an exchange of diplomatic gifts.

“... on February 28, after having suffered strong storms, they dropped anchor in the magnificent harbor of Stanley, a town unique in the Falkland Islands. They remained in this port until April 9. ... Stanley will have about one hundred inhabitants, English settlers and Argentinean fishermen of seals, .., extracting oil and skin;..” ²⁷⁵

*“The visit of the two Spanish frigates *Resolución* and *Nuestra Señora del Triunfo* to Stanley was not to repair damage; they had suffered no damage in the Strait except that the *Resolución* had lost an anchor and a few men had been injured.”* ²⁷⁶

February 28th, at Port Stanley, the Spanish ship, *Nuestra Senora del Triunfo*, arrives to join Pinzón. ²⁷⁷ Naturalists accompanying the Spanish expedition collect samples from around the islands. ²⁷⁸

“Mackenzie allowed the members of the expedition to move around freely, and they made many visits ashore; the scientists and chief officers were invited to several homes in Stanley, and the Colonial chaplain, Charles Bull, showed them his greenhouse full of European plants. The US commercial agent, William Smeyley, accompanied the naturalist Francisco de Paula Martínez y Sáez and the expedition’s taxidermist Dr Bartolomé Puig on a trip on horseback around part of East Falkland, and the expedition acquired several hundred scientific specimens from the islands,..” ²⁷⁹

A Falklands population survey, records 352 men and 214 women.

March 2nd, from Stanley, Governor MacKenzie notifies London of the arrival of the Spanish ships.

“... it gives me great pleasure to inform you of the friendly spirit evinced by the Spanish Admiral who, although I previously informed him that I was unable to return a salute, fired the usual number of Guns to our Flag.” ²⁸⁰

273 Pinzón's mission in Argentina was to resolve a minor sticking point relating to the status of children born in Argentina of Spanish nationals. The scientific nature of Pinzón mission was an merely a ruse to cover his real purposes; which were almost totally diplomatic. Or not very diplomatic, as later events in Peru would demonstrate. See *The Bombardment of Paradise: March 31, 1866: why the Spanish attacked Valparaiso and the British and American Fleet merely watched* David J. Woods 2011

274 Stirling returned to England in 1865 with his daughters following the death of his wife in 1864. *cf.* 1767

275 *Breve descripcion de los Viajes Hechos en America por la Comision Cientifica Enviada por el Gobierno de SMC durante los anos de 1862 a 1866 ...* Don Manuel de Almagro 1866.

276 Pascoe 2020 p.230

277 The compliments of the two ships amounted to over 1400 men. Far larger than the population of Stanley.

278 Caillet-Bois (1982 p.404) asserts that the Governor refused to allow Pinzón's naturalists access to the island and kept the two vessels in quarantine during their stay at Stanley. That was not the case.

279 Pascoe 2020 p.230 citing *For Science and Glory: the Spanish Scientific Expedition to America, 1862-1866* Robert Ryal Miller 1968. Some of the samples collected still reside in the Museo de Ciencias Naturales in Madrid.

280 Quoted by Mateo Martinic in Tatham (ed.) 2008 p.426. At no point did the Vice-Admiral challenge British sovereignty.

*“The good relations between the Spanish expedition and the British authorities in the Falklands are legally significant. ... They fired a salute to the British flag, they accepted official and friendly contact with the governor, and they spent six weeks in the islands ... They made no reference to any Spanish claim to the islands...”*²⁸¹

Researcher's Comment: Pinzón's mission was anything but scientific. His orders were secret but the Admiral was tasked with a number of diplomatic objectives. The first was to resolve any difficulties for a new treaty with Argentina that would include Buenos Aires. It would seem, from events that followed, that a second objective was to discover the situation in the Falklands. In particular, the presence there of any Spaniards and, if so, what their condition was. Spain had little idea what had happened to its citizens after 1810. The Admiral arrived in Berkeley Sound just 30 years after Onslow's ejection of the trespassing Buenos Airean garrison, and this seems unlikely to be a mere coincidence. Thirty years is a magical figure when it comes to sovereignty; often recognised as the legal period in which sovereignty can be achieved through prescription. Pinzón's was a voyage of diplomatic discovery but he found no Spaniards at Stanley, and no issues over which he needed to negotiate. Worthy of note that Spain's representative insisted – insisted – on saluting the British flag. Recognition indeed. Spain had done with the Falklands.

*“In 1863, at the same time that Spain was negotiating a treaty recognizing the Republic of Argentina as a sovereign state, the British Governor of the Falkland Islands officially received a Spanish diplomatic and scientific delegation to the British Falkland Islands and received no protest.”*²⁸²

*“The “visit” by Pinzon's expedition was simply forced by the weather conditions, and with the sole objective of repairing their ships. Such a long stay occurred simply due to the lack of necessary materials... the Captain of a vessel is not authorized, nor does he have the capacity to recognise the sovereignty of a territory on behalf of his State.”*²⁸³

*“... in a despatch of 2 March 1863 to the Colonial Secretary, the Duke of Newcastle, Mackenzie emphasised “the friendly spirit evinced by the Spanish Admiral” and said the Spanish ships had fired a salute to the British flag. ... the expedition acquired several hundred scientific specimens from the islands, which are now in the Museo de Ciencias Naturales in Madrid.”*²⁸⁴

March 3rd, in Stanley, William Horton Smyley, Commercial Agent of the United States, purchases a stone house in Crozier Place from John Markham Dean for £60.²⁸⁵

March 20th, Vice-Admiral Pinzón's log notes the presence of an Argentine sealer at Stanley.²⁸⁶

March 25th, in Buenos Aires, representatives of a Welsh immigration society arrive to discuss the founding of a settlement in Patagonia. Discussions involve the British *charge d'affairs*, William Doria.²⁸⁷

281 Pascoe 2022 vol.3 p.47 & p.51.

282 *UN Doc A/66/677* Permanent Representative of the UK (Mark Lyall Grant) to the United Nations 27 January 2012

283 Kohen & Rodríguez 2017 p.173. A feeble attempt to argue that black is, in fact, white. No damage had been sustained by the Spanish vessels.

284 Pascoe 2020 p.231

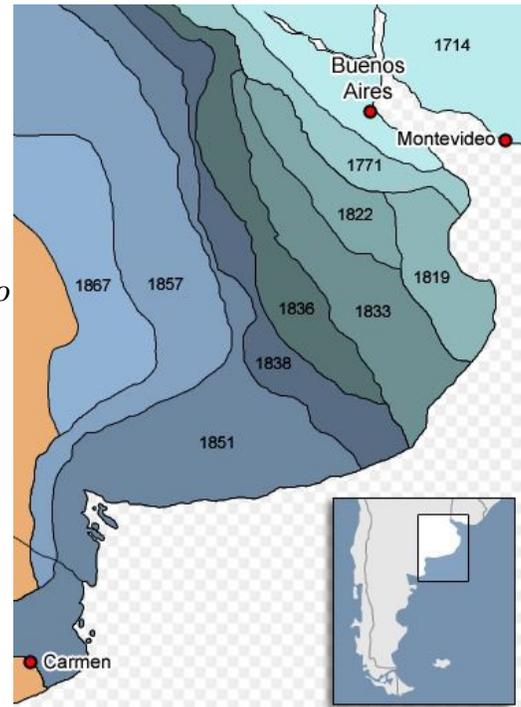
285 Smyley (spelt variously) had had a long association with the Falklands, and his presence is recorded in these papers for most years from 1830 to 1887. The house in Crozier Place is now the Globe Tavern. See https://www.falklandsbiographies.org/biographies/smyley_william

286 Stanley's *Ships Register* does not record the presence of an Argentine vessel until April 3, 1863. On that date it noted the arrival of Captain Nories in the *Seventh of March*, five months out from the Rio Negro with a quantity of seal oil and skins. Nories had rescued the captain and crew of *Marietta Burr*, and delivered them to Stanley where they were more likely to find a ship home.

287 Worthy of note that Argentina did not administer Patagonia in 1863, an area to which Chile had its own pretensions.

“... when it was suggested that the Argentine Congress would approve the settlement if the British Government would cede the Falkland Islands to Argentina. The charge responded that it would be wrong for the Argentine Congress to consider that there was the slightest hope of this happening.”²⁸⁸

“A committee of gentlemen of North Wales came to this country in 1863 and proposed to the Argentine Government a scheme for establishing a colony of their countrymen on a somewhat large scale in Patagonia. After some negotiation an agreement was signed between them and the Government by which it was stipulated that on condition of the latter granting a certain quantity of land and providing some stock and protection, the committee would introduce annually for ten years from 300 to 500 families. The contract required the sanction of Congress, by whom it was at once rejected. The principal arguments made use of against it were the religion of the proposed colonists and that wherever a body, however small, of the Anglo Saxon race had established itself, they had always finally succeeded in possessing themselves of the whole country. It was added that in this particular instance the colonists would be supported in their ambitious views by the neighbourhood of our establishment at the Falkland Islands. For it was proposed that the Colony should be established on the Coast of Patagonia a few leagues south of New Bay between 43° and 44° South Latitude...”²⁸⁹



“Argentina asked the British ambassador in Buenos Aires, Sir Edward Thornton, if Britain was prepared to cede the Malvinas to Argentina, in which case there would be no objection to a Welsh population settling in Patagonia. To ask Britain to cede the islands naturally implies that Argentina regarded Britain as having title to them – to cede a territory necessarily entails possessing it legally in the first place. That request was therefore yet another indication that Argentina accepted that the islands were *de jure* British territory.”²⁹⁰

Researcher's Comment: Patagonia was not part of the Republic of Argentina in 1863 although it had been pushing its defences southwards since 1770 (see map above). The indigenous tribes were inclined to raid from time to time. Also worthy of note that the Spanish had not presumed any attempt to administer Patagonia having signed a treaty with the tribes in which Spain agreed not to extend its territory below the Rio Saladillo (see 1740)

April 2nd, from San Francisco, Britain's Consul reports the departure of the *Francis Palmer*, bound for the Falklands in search of treasure rumoured to be buried there.

“It appears three or four different parties got this information from Wagener and all intended to send an expedition so satisfied were they of the truth of the story...”²⁹¹

288 Biography of *Joseph Seth Jones* by Frank Mitchell in Tatham (ed.) 2008 p.312. The only source cited is that of Jones's diary.

289 *Edward Thornton to Foreign Secretary Lord Russell May 25th, 1865* in FO 6/502/577. Also *Segunda cronología legal anotada sobre las Islas Malvinas (Falkland Islands)* Enrique F. Vieyra 1992 pp.376-377, although the translation differs. In particular Vieyra gives the proposal as coming from the Argentine Government which was not the case. Thornton was Britain's Minister Plenipotentiary to Buenos Aires.

290 Pascoe 2020 p.214

291 FO 6/502/562. In a statement made to the Consul, Wagener was described as a Dane.

“... said Wagener on or about the year 1853 (he) was in the Falkland Islands,- that whilst there he was acquainted with a man named Johnson known as 'Pirate Johnson', that said Johnson told him in strict confidence that he had been on board a Pirate vessel when a boy, that the treasure taken by the Pirate was deposited in a vault in one of the Group of the Falkland Islands about 20 miles from Port Stanley...”²⁹²

April 9th, Pinzón's ships sail from the Falkland Islands; after the expeditions' official photographer, Rafael de Castro, has taken pictures of Stanley.²⁹³

June 15th, Edward Rogers Griffiths is appointed Stipendiary Magistrate at Stanley.

In **September**, the Welsh society hear from Buenos Aires that their application has been refused.

“Notwithstanding this rebuff the Welsh gentlemen still persevered in their effort to carry out this scheme, and the Argentine Government were not unwilling to help them as far as their power extended.”²⁹⁴

September 21st, Argentina and Spain sign a 'Treaty of Recognition, Peace and Friendship' in Madrid. Diplomatic relations are established for the first time since the declaration of independence in 1816.²⁹⁵

*“Article 1: Your Catholic Majesty recognises the Republic or Confederation of Argentina as a free, supreme and independent nation that consists of all the provinces mentioned in its present federal Constitution, and other legitimate territories that belong or could belong in the future. According to the Spanish Parliament Act of December 4th 1836, the Kingdom renounces any rights and actions on the territory of the Republic.”*²⁹⁶

Researcher's Comment: If a new State actually does inherit on succession/secession, then this was the moment that Argentina inherited rights and responsibilities from Spain for the territory it now controlled. However, Spain no longer had any part of the Falklands archipelago that it could bestow upon the Republic of Argentina.

“Spain transferred to the Argentine Republic, by means of the September 1863 treaty, the full territorial sovereignty of all the provinces mentioned in its current Federal Constitution and of the other provinces that legitimately belong to it or henceforth belonged to it, renouncing "the sovereignty, rights and actions that corresponded to him."...”²⁹⁷

“... when Spain and the newly reunited Argentina signed a Treaty of Recognition, Peace, and Friendship in Madrid on 21 September 1863, finally formalising Spain's recognition of the independence of the whole of Argentina including the Province of Buenos Aires, Spain did not regard Argentina as including the Falkland Islands, and for many years Argentina made no such assertion either. In the 1860s the Spanish and Argentine governments both regarded the Falklands as British,”²⁹⁸

292 FO 6/502/565

293 These first photographs of Stanley are not stored at the Museo de Ciencias Naturales in Madrid with the rest of the expeditions collection. However, they are reproduced in Pascoe 2022 vol. pp.48-49. Despite its diplomatic character, Pinzon's fleet sailed from the Falklands into the Pacific where they seized some Chilean islands and managed, rather undiplomatically, to start a small war between Spain and Chile that lingered on until 1885. *cf.* 1866.

294 *The Role and Symbol of Myth in the Welsh Settlement of Patagonia* William I. Stevenson 1972 (unpublished thesis – Glasgow University) p.82

295 Ratified by Argentina November 7, 1863. Ratified by Spain January 9, 1864. Ratifications exchanged June 20, 1864.

296 *Article 4* referred to debts etc., and to an evacuation by Spain on May 25, 1810. The date that Buenos Aires refused to recognise the *Junta* in Spain. Spain did not withdraw from the Island of Soledad (East Falkland) until February 13, 1811. *cf.* 1810, 1811 & 1836

297 *El Problema de las Malvinas* R. D. Alejo 1982

298 Pascoe 2020 p.232

Following an investigation based upon the rumours from San Francisco, the Falklands' Governor reports that, no treasure can be found in the Islands. ²⁹⁹

In **October**, *Foam*, an 84-ton yacht, is purchased for the carriage of mail between Stanley and Montevideo by the British Emigration Board.

October 4th, *Adeline*, a Prussian barque loaded with sugar, is wrecked off East Falkland.

1864 – January 6th, a second expedition leaves San Francisco; “... in search of a concealed treasure.” ³⁰⁰

January 8th, at Port Stanley, a replacement party of Royal Marines arrives; consisting of 1 officer and 20 men, 7 wives and a number of children. Also 2 surgeons with their families. ³⁰¹

March 1st, following damage off Tierra del Fuego, *Snow Squall* is taken to Stanley. Condemned as a wreck. ³⁰²

May 29th, US ship *Frank Pierce* runs aground at the Falklands. Crew rescued.

August 10th, in Uruguay, civil war erupts between two political factions; one aided by Brazil and Argentina. ³⁰³

In **September**, the Welsh Immigration Society has another attempt at relocating to Argentina.

“An agent was again sent out about eight months ago, in reply to whose urgent solicitations Dr. Rawson, Minister of the Interior, declared that the Government could do no more than was permitted by law, viz: to grant to each family 25 Squares of land (A square is about 18,496 square yards). (They) declared themselves themselves satisfied with this condition, added to a promise on the part of the Government that they would endeavour to obtain better terms for them from Congress.” ³⁰⁴

October 8th, the Star Hotel opens in Stanley. ³⁰⁵

October 17th, John Rodgers Rudd is murdered by a gaucho.

December 21st, *Cosopolite*, out of Swansea, puts into Stanley with its shipment of coal on fire. Scuttled. ³⁰⁶

1865 – Friar Patrick Dillion visits the Islands where he administers to the Catholics there.

“At that time there were about 200 Catholics and they had no priest. Fr. Dillon spent a few months among them and administered the sacraments.” ³⁰⁷

In **April**, a party of Welsh settlers leave Britain bound for Argentina.

“I understand that about 250 Welshmen left England in April last for New Bay... The members of Congress have expressed some indignation that the Executive should have encouraged the establishment of the Colony notwithstanding the peremptory manner in which their body rejected the contract made in 1863.” ³⁰⁸

April 15th, reported in *The Spectator*.

299 The *Francis Palmer* returned to San Francisco in December, empty handed.

300 FO 6/502/577

301 These remained until the formation of a police force in 1878.

302 The largest surviving part was used in the construction of a dock at Stanley.

303 The unsupported Blanco Party quickly found itself pushed back to Montevideo where it surrendered in February, 1865.

An unremarkable war, which, following Paraguay's intervention on behalf of the Blancos, kicked off the War of the Triple Alliance (1864-1870); considered the deadliest, and bloodiest, inter-state conflict fought in South America.

304 *Thornton to Russell May 25, 1865* in FO 6/502/577

305 Renamed shortly after as *The Rose* by its owner Thomas Aldridge.

306 Later re-floated.

307 Murray 2005

308 FO 6/502/581

“The first point of interest with relation to the colonies is their acquisition. Out of the forty-eight now possessed by England, twenty-two only were originally settled from this country. Our Australian possessions are entirely the result of settlement, as also are the stations on the West Coast of Africa. The group known as the Leeward Islands, Bermuda, Vancouver's Island, British Columbia, the Bahamas, Barbados, St. Helena, and the Falkland Islands were also all acquired by genuine colonization. The remainder of the forty-eight have all been wrested by force from other powers, France and Holland having been the principal sufferers.”

May 1st, in a speech to the Argentine Congress, President Bartolomé Mitre refers to the disputes of 1845 to 1850 and subsequent treaties with Britain and France.

*“Having arranged with justice and equity the claims found pending by the present Government with subjects of Her Britannic Majesty and of His Majesty the Emperor of the French, and having fulfilled with scrupulous punctuality the engagement entered into by the Government in those arrangements, there was **nothing to prevent** the consolidation of friendly relations between this country and those governments.”*³⁰⁹

*“If there had been a dispute between Britain and Argentina over the Falklands, there would have been something to prevent that consolidation.”*³¹⁰

May 25th, in Buenos Aires, following a conversation at the Interior Ministry, Britain's Minister in Argentina, Edward Thornton, writes to Foreign Secretary Lord Russell regarding a Welsh settlement in Patagonia.

“Dr Rawson is anxious to conciliate Congress and tells me that he is about to present a memorial upon the subject to the Legislature. As we were conversing upon the subject, His Excellency stated to me that the principle objection Congress had to the establishment of an English Colony in Patagonia was the proximity of our settlement at the Falkland Islands; and after some further observations, amongst which he insinuated that altho' England, having the power was quite right in Keeping possession of those Islands, de jure she had no claim to them.

*His Excellency asked me whether Her Majesty's Government would not be disposed to take into consideration the possibility of the Islands being **ceded** to the Argentine Republic, adding that if it were in his power to put forward this prospect, Congress, he was convinced, would put no obstacle in the way of the original contract with the Welsh Committee being carried out.*

I replied to Dr. Rawson that as to our right to the Falkland Islands, which was undoubted, I had nothing to add to the note addressed to the Argentine Government in 1829 by Mr. Parish in compliance with orders from his Govt., and to that written by His Majesty's Principal Secretary of State for Foreign Affairs in reply to the claim made upon the subject in 1833 by Mr. Moreno, the Buenos Airean Minister to the Court of St. James, and I added that to question our right would not be the most likely means of inducing us to give it up. But I assured His Excellency that he would do wrong in encouraging the slightest hope that Her Majesty would even listen to any proposal for ceding the Falkland Islands which, on account of constantly increasing numbers of sailing and Steam vessels, both of the Merchant service and of the Royal navy, which went around Cape Horn, and through the Straits of Magellan,

309 *Los Mensajes 1810-1910* Heraclio Mabragna 1910, vol.3 p.227. My emphasis. The disputes concerned access to the river systems where Britain and France asserted a right of free passage; denied by Buenos Aires. From this, claims arose with regard to losses suffered by British subjects during that period. As with Luis Vernet's claims against the UK, compensation claims took a long time to resolve. These particular claims would linger on (see below).

310 Pascoe 2020 p.233

were every year becoming of greater importance as a Station in a course where we had no other possession.”³¹¹

*“During my presidency, I also addressed this issue (Falklands) although I did not believe it appropriate to give it an official character or to reopen it in the field of diplomacy. ... At the time the Minister of Great Britain was Mr Thornton (sic) ... I spoke to him several times over this matter and (we?) agreed that this establishment didn't have for England the importance which it used to be given, insinuating that it could even be a burden without a purpose for its old colonial policy, however, he expressed in general terms England was prepared to keep its Royal possession as a part of the British Empire. I didn't think it would be prudent to go any further because there wouldn't be a result which would place me in his confidence and even less to go into an official negotiation based on the pending claims.”*³¹²

*“Once again, the British Government insisted on its position of unwillingness to discuss the issue.”*³¹³

*“To ask Britain to cede the islands naturally implies that Argentina regarded Britain as having title to them – to cede a territory necessarily entails possessing it legally in the first place. That request was therefore yet another indication that Argentina accepted that the islands were de jure British territory. Thornton merely replied that he had nothing to add to what Woodbine Parish had said in 1829, or to what the British government said in 1833. The Welsh immigrants settled, and Argentina did nothing;...”*³¹⁴

May 27th, from the port of Liverpool, 153 passengers sail on the barque *Mimosa*. Passengers include 70 Welsh families, all bound for South America to settle the Rio Chubut region.³¹⁵

July 25th, in Buenos Aires, aware that Argentina's Legation at Washington is to have an appointed Minister, Luis Vernet writes to solicit assistance in his claims against the US Government.³¹⁶

“The undersigned has the honor to place in the hands of Your Excellency the claim that he has (had) against the U.S. government for more than thirty years, for the damages and detriment he suffered from the destruction of the Colony by the US "Lexington" Corvette, Don Silas Duncan, on December 1, 1831, to deign to render him the help that corresponds to an Argentine citizen, as unjustly outraged and ruined in his fortune as is contained in the Collection of Official Documents with which the Excellent Argentine Government instructed in 1832 the Legislative Body, of the origin and state of the pending issues with the Republic of the United States of America, as to the Malvinas Islands. ... this claim he trusts that in the wisdom of Your Excellency you will try to obtain in favor of the undersigned a fair and equitable settlement of the claims, which this letter initiates and which will henceforth be continued by the attorney-in-fact of the undersigned, Senor Colonel Don Prince Cilley,³¹⁷ ... who is at present the sole agent of the undersigned of the US, having revoked the powers previously granted to others. ...”

311 *Thornton to Russell May 25, 1865 in FO 6/502/577*. My emphasis. A request for cession, indicates recognition of the rights of ownership of the other party. Interesting to note that the British Minister was fully aware of the 1829 Protest made by Woodbine Parish to the Argentine Confederation in 1829 and of the diplomatic exchanges of 1833/34. A similar protest registered with the Confederation in 1832 by Minister Henry Fox, appears not to have been logged at the British Legation. Its absence may be the result of the reluctance in which Fox delivered it. *cf.* 1829 & September, 1832

312 Bartolomé Mitre quoted in Rozas 1948

313 Kohen & Rodríguez 2017 p.165. The correspondence suggesting otherwise. Discussed, and rejected.

314 Pascoe 2020 p.214

315 Far to the south of any area of Patagonia controlled by Argentina in 1865.

316 Quoted in *La agresión norteamericana a las Islas Malvinas* E. Fitté 1966 pp.453-454. *cf.* 1831, 1832, 1842 & 1884

317 Probably Jonathon Prince Cilley

July 28th, the Welsh settlers arrive at New Bay, Argentina. ³¹⁸

September 15th, settlers finally arrive at the Chubut Valley, where they found the settlement of Rawson. ³¹⁹

“... the laying out of a road network was carried out by an Argentinian. He was Julian Diaz, who had arrived at the nascent colony, on the orders of Senor Rawson, on September 15th with a party of soldiers from the frontier fort of Carmen de Patagones **in order to raise the Argentine flag** and to ensure that the Welsh settlement was complying with Argentine colonisation laws.” ³²⁰

“The only successful agricultural colony was that of the Welsh in Argentina. The Welsh Emigration Society had for some time been looking for an isolated spot where Welsh language, culture and religious nonconformity could be preserved. After rejecting California, British Columbia and Australia, the Society alighted upon Chubut in north-east Patagonia, 800 miles south of Buenos Aires. The first 150 colonists landed, singing hymns, in July 1865. Y Wladfa survived the first difficult years, partly because of the spirit and determination of the colonists, but mainly because of the support given by the British community in Buenos Aires and by the Argentinian government which was anxious to settle the area.” ³²¹



Researcher's Comment: Although long claimed by Buenos Aires, this was not Argentine territory. However, the arrival of the Welsh presented an opportunity too good to ignore, hence the eagerness with which the government in Buenos Aires wished to see its own flag raised. In February, 1849, Lord Palmerston had been questioned as regards the sovereignty of Patagonia when a party of would-be emigrants had considered moving there from Britain. In March, 1849, a response from the Foreign Office merely noted that Argentina claimed the coasts of Patagonia. The request for information as to Britain's position suffered from poor timing, considering that Palmerston was in the middle of peace treaty negotiations with General Rosas.

The relationship between the Welsh settlers and the Argentine government was not always easy and an event not often mentioned occurred in 1902 when between 250 and 500 Welsh colonists left for Canada. Religious nonconformists, one of their main complaints was a military law imposed from the Republic's government that required the young men of the colony to be involved in military exercises on a Sunday. The sin of Sabbath-breaking. ³²²

November 9th, in Washington, Domingo Sarmiento presents his credentials to the US Government.

318 I have also seen the date of arrival given as the 26th and the 27th. cf. 1902

319 Stevenson 1972. *Mimosa* had been unable to sail up the shallow waters of the Chubut river, leaving many of the settlers to make their way on foot. Rawson was named after Argentina's Minister of the Interior.

320 *Ibid.* p.18. My emphasis

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

322 See 1902

1866 – January 4th, the *Marquis of Worcester* arrives in Stanley on fire. ³²³

US Commercial Agent William Horton Smyley returns to Port Stanley after two years in the USA.

April 6th, from Washington, Minister Sarmiento writes to Argentina's Foreign Minister, Rufino de Elizalde, with regard to Vernet's letter of 1865. He asks for the authority to take up the case. ³²⁴

“The file of this Legation not being in my possession, while my predecessor General Alvear was in charge of it, and having no instructions of any kind in the matter, I have not thought it prudent to resume the management of this serious matter, preferring to address Your Excellency in order to ask for orders to act, and advise that if they are sent to me, it will be necessary to find out the whereabouts of the file, and if during the time that the Secretary has dealt this matter with the United States Government. ...” ³²⁵

“The former Commander of the Malvinas wrote to him at the time asking him to support the efforts he made before this Government for compensation for the damages caused by the aggression of Commander Duncan, and that was when Senior Sarmiento directed the Senior Minister, Dr. Elizalde, the note of April 6, 1866, ..., in which he proposed to the Government a series of measures which, had they been put into practice, I do not doubt, Mr. Minister, that they would have placed us in an unsatisfactory situation with respect to the Government of the United States.” ³²⁶

“Sarmiento, sent a note to his Minister of Foreign Affairs, Rufino de Elizalde, in which he made a detailed analysis of the issue and requested the authorization to request from the American Government, amongst other things, the payment "to the Republic of Argentina of millions of... strong pesos for compensation of all damages, including the loss of the Malvinas Islands, without implying a renunciation to recover them on the part of the Argentine Republic".” ³²⁷

April 21st, *Orange of Nassau*, out of Glasgow, puts into the Falklands on fire. Scuttled and condemned.

April 25th, from Buenos Aires, Minister Sarmiento in Washington receives the authority to pursue the compensation claim submitted by Luis Vernet.

“Sarmiento himself had to think better of it, since (after) he was authorized by the General Mitre Government to support Vernet's claim – April 25, 1866 – he did not take any step in that direction during the three years he was in this place until he retired on July 23, 1868,..” ³²⁸

May 1st, in Buenos Aires, at the formal opening of Argentina's Congress, Vice-President Marcos Paz refers to an old dispute from 1845.

323 Returned to Swansea in ballast.

324 *Sarmiento a Elizalde, abril 6 de 1866* in Fitte 1966 pp.449-452

325 Fitte 1966 pp.449-452. It is apparent that Sarmiento had not been informed of the conversations between his predecessor and the USA with regard to the *Lexington* raid. It would seem that no file remained at the Legation.

326 *Ibid.*

327 Kohen & Rodríguez 2017 p.165. These authors are seemingly unaware of the *de facto* agreement reached between General Alvear and Secretary Webster in January, 1842, whereby the 1832 issue would be “*left for later.*” That accord had allowed for the resumption of diplomatic relations in 1844; with a treaty eventually signed in 1853. *cf.* 1831, 1832, 1839, 1842 & 1884

328 *Dominguez a Ortiz, 25 de abril, 1884* in Fitte 1966 p.461. This authority is missing from the files, but was mentioned by Minister Dominguez in his letter to Foreign Minister Ortiz in April, 1884.

*“The British Government has accepted the President of the Republic of Chile as arbitrator in the reclamation pending with the Argentine Republic, for damages suffered by English subjects in 1845. This question, which is the only one between us and the British nation, has not yet been settled.”*³²⁹

*“That statement by Vice-President Paz is a clear case of "overt acquiescence", i.e. a public statement of consent to another party's position... clear evidence that Argentina consented to Britain's possession of the Falkland Islands.”*³³⁰

At Port Stanley, USS *Kansas* anchors for an official visit.³³¹

From the new Welsh settlement at Rawson, two Welsh colonists relocate to the Falkland Islands.³³²

In the Falkland Islands, Antonina Roxa takes out a farm lease.

*“One of the lessees was Antonina Roxa, who had arrived aboard the *Sarandí* in 1832 and had stayed when the ship left in January 1833. In 1866 she took a 10-year lease on a station of 6,000 acres around Smyley's Creek, which she worked as a cattle ranch with her second husband Pedro Varela, though she did not live for the full term of the lease...”*³³³

May 19th, William Cleaver Francis Robinson is gazetted Governor of the Falkland Islands.³³⁴

May 31st, *La Santiago*, an Argentine ship, is wrecked on George Island.³³⁵

Menzies, out of Swansea, puts in to Stanley on fire. Scuttled, she is later refloated.

June 24th, the new Lieutenant-Governor, William Robinson, arrives in Stanley aboard HMS *Spiteful*.³³⁶

*“... with wages so high and food in abundance the settlers are prosperous and contented. Poverty and distress are unknown, sickness rarely visits the Colony, the people are loyal, the laws are respected and harmony and good feeling prevail amongst all classes of Society.”*³³⁷

June 26th, after an eventful voyage, the Spanish ship *Resolución*, arrives back in Berkeley Sound towed by HMS *Spiteful*. The ship is in need of repairs, having lost its rudder.³³⁸

*“... We have Received a new Governor By the Name of Robinson what Sort of a Man he is is more than I Can tell at present. The Spanish Frigget Resolution is here in distress Loss of Rudder & Manny of her Crew down with the Scurvy. She will probily Remain here until the Last of October...”*³³⁹

329 *British and Foreign State Papers 1866-1867* 1871 p.1009. Also Mabragaña, 1910 vol.3 p.238. The “only” question.

330 Pascoe 2022 vol.3 pp.54-55

331 *The New York Times* June 30, 1866

332 Stevenson 1972 p.25

333 Pascoe 2020 p.236. See 1869

334 *The London Gazette* No.23118. For a biography see - https://www.falklandsbiographies.org/biographies/robinson_sir

335 The crew survived and were picked up on August 20, 1866 by the Falkland islands Company schooner *Fairy*.

336 Governor Mackenzie handed over and sailed for England on July 3, 1866.

337 Governor Robinson entry in the 1866 Falkland Islands Blue Book.

338 Eventful is something of an understatement, Crew numbers had been reduced from 711 to 500 with many sick, Pinzón had been replaced; the ship was rudderless and in a poor condition. See Pascoe 2022 vol.3 pp.58-62. In 1882, one of the ships' officers, Alejandro Fery y Torres, in describing the voyage between 1862 and 1866, referred to ‘*Las Falklands*’ noting that they had passed from Spanish to British “rule.” See *Viaje de regreso de la Resolución Alejandro Fery y Torres*, Madrid 1882: reprinted Madrid 1940.

339 *Smyley to Seward August 2, 1866* quoted in Pascoe 2022 vol.3 p.64

“Unlike the first visit in 1863, this visit was a genuine emergency, and the ship spent almost three months in Stanley harbour till 18 September.”³⁴⁰

August 3rd, Lieutenant-Governor Robinson is promoted to *Governor and Commander-in-Chief of the Falkland Islands and Dependencies*.³⁴¹

Farming is established on West Falkland Island; “West Falkland had been largely ignored since the British return but in 1866 James Lovegrove Waldron established a sheep farm at Port Howard. The only cattle there descended from the landings of 1840 but they had fared badly compared to East Falkland, partly through depredations by whalers and sealers. There were cattle on some outlying islands before the 1830s, notably Pebble Island. Johnny Evans was the first to shoot feral cattle there when the Dean Brothers introduced sheep in 1866.”³⁴²

“... in 1866 the brothers Robert and Edward Packe leased 118,000 acres on West Falkland, at Fox Bay East, Dunnose Head, and a station near Port Howard still known as Packe’s Port Howard.”³⁴³

August 10th, a Spanish ship, *Colón*, arrives at Stanley bringing supplies and medical help for the crew of *Resolución*.

September 18th, *Resolución* sails for Spain. *Colón* sails for Montevideo.

September 25th, an American passenger vessel, *Charles Cooper*, arrives, crippled, in Berkeley Sound.³⁴⁴

Santiago, en-route to France, is wrecked at the Falklands.

1867 – it is reported that four vessels employed in the penguin and seal oil trade in the Falklands have collected 50,700 gallons of penguin oil during the season. Governor Robinson imposes a system of licensing on penguin oil whereby a tax of £10 is payable on each 8000 gallons of oil obtained from Crown Lands. Sheep are introduced to West Falkland by James Waldron.

February 18th, at Stanley, HM surveying vessel *Nassau* (Mayne) anchors in the harbour.

March 23rd, Waite Hockin Stirling arrives back at Kepple Island, after a two year absence, as Superintendent of the Patagonian Missionary Society base.³⁴⁵

May 8th, Charles Hansen is granted a licence to take penguins on Steeple Jason to the amount equivalent to 16,000 gallons of oil.

May 31st, a British barque, *Coquimbana*, carrying copper and barley, runs aground in Falkland Sound.

August 11th, Adolphe Alexandre Lecomte arrives at Stanley in the coal-ship *Epsilon*, with instructions from the Zoological Society of London to collect specimens for the zoo's collection.

August 18th, *River Derwent*, out of Liverpool, is wrecked at New Island.

In late **December**, *Narcissus*, the flagship of Rear-Admiral George Ramsay, anchors at Port Stanley.

340 Pascoe 2020 p.232. There was a diplomatic conundrum. Spain was at war with a number of South American countries including Peru. Britain was neutral in this dispute, but the actions of a neutral in assisting ships in distress could only go so far.

341 Which 'Dependencies' is not clear.

342 Wilson 2016

343 Pascoe 2020 p.236

344 Sold for use as a storage hulk, and used as a warehouse, before becoming a part of the Jetty Head. No trace remains.

345 cf. 1863 & 1869

1868 – January 14th, *Nassau* returns to Stanley. Commander Richard Mayne is requested to survey the wreck of the barque *Coquimbana* for a Lloyds insurer. ³⁴⁶

February 5th, Charles Hansen is granted a licence to take penguins on Steeple Jason to the amount equivalent to 8,000 gallons of oil. ³⁴⁷

February 13th, flags fly at half mast in Stanley on news of the death of William Horton Smyley, US Commercial Agent, from cholera, whilst in Montevideo.

“Men like Smyley pass from among us, but they leave their footprints.” ³⁴⁸

“...(a) most remarkable man, and worthy of a more than passing notice. ... as a friend of humanity, and a benefactor to mankind, his deeds were heralded in both Europe and America, ... many nights, in Port Stanley Harbor, I have lain awake until long after the midnight hour listening to Captain Smiley's yarns...” ³⁴⁹

“William Smyley played a unique role in and around the Falklands. By the late 1860s he had been active in the South Atlantic for almost 40 years; his knowledge of its coasts and its dangers was unrivalled, and the many people he rescued owed their lives to his courage and seamanship.” ³⁵⁰

April 19th, an Italian barque *Peru* (Pio), is wrecked in Albemarle Waters. ³⁵¹

“It transpired that Captain Pio had insured his vessel and cargo for 300,000 French francs, and the suspicion arose that he had wrecked his ship deliberately to claim the insurance. The insurers, commissioned Captain Augusto Lasserre, ... to investigate on the spot in the Falklands.” ³⁵²

In **May**, Governor Robinson writes to inform the Colonial Secretary that West Falkland is now fully leased out.

During **June**, Adolphe Lecomte captures four sea lions and arranges to transport all his specimens to Montevideo aboard the packet *Fawn*. ³⁵³

In **August**, Lecomte arrives back in England with one surviving sea-lion, a few birds and a single Warrah.

“The only quadruped native to the island, is a large wolf-like fox, which is common to both East and West Falkland. Have no doubt that it is a peculiar species and confined to this archipelago ... These wolves are well known from Byron's account of their tameness and curiosity ... Their numbers have rapidly decreased ... in all probability this fox will be classified with the dodo, ...” ³⁵⁴

346 As had been the practice, the ship's master had sold the wreck by auction, in this case to Luis Piedra Buena. However, the insurers objected to this and, following Mayne's inquiry, the Governor reversed the sale in favour of the insurers. Piedra Buena had paid £250 for the wreck and cargo but the latter - consisting of barley and copper - was valued in excess of £9,000. Commander Mayne considered the whole transaction to be a “swindle” although Piedra Buena was officially considered to have acted in good faith.

347 A further licence for the same numbers was granted in July, 1868.

348 *Buenos Aires Standard* quoted in *Seal Fisheries of the Falkland Islands & Dependencies: A Historical Review* A. B. Dickinson 200 p.57

349 *Ocean Life in the Old Sailing Ship Days: from fore-castle to quarter-deck* Capt. John D. Whidden 1908. cf. 1830, 1831, 1832, 1835, 1839, 1845, 1849, 1850, 1853 & 1854

350 Pascoe 2022 vol.3 p.74

351 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*. The crew survived and were taken to Stanley, from where they transferred to Montevideo on *Louisa*.

352 Pascoe 2022 vol.3 p.79. See below.

353 *Report of the Council of the Zoological Society of London April 30, 1866*. The majority of Lecomte's large collection of specimens died on the voyage due to poor handling.

354 Charles Darwin, who encountered a Warrah in 1833.

October 10th, Argentina's government grant Staten Island (Statenland/Isla de los Estados) to Luis Piedra Buena who sails to the Falklands in order to purchase cattle for a new settlement. ³⁵⁵

“From 1828 to 1868, when it was granted in donation by the Congress to Mr. Piedrabuena, forty years (it) was abandoned, completely vacated. Consequently, it was a wasteland, which Congress could dispose of without taking into account the resolution of the Government of the Province of Buenos Aires.” ³⁵⁶

“By the concession of 5 January 1828 the Buenos Aires government had granted Louis Vernet not only East Falkland but also “the Island of Statenland on the coast of Tierra del Fuego”. ... But by 1868 all that had been “forgotten” ... the government once again riding roughshod over Vernet's concession. Oddly, Louis Vernet did not protest at being thus robbed of part of his grant, but was perhaps stung by it into a renewed attempt to obtain compensation for other losses ...” ³⁵⁷

1869 – In **January**, from Kepple Island, Superintendent Waite Hockin Stirling of the Patagonian Missionary Society moves to a site near the Beagle Channel; to live among his parishioners. ³⁵⁸

February 14th, in the Falklands, Antonina Roxa dies on her farm. ³⁵⁹

May 1st, in Buenos Aires, President Sarmiento presents his ‘*Message to Congress*’.

“Nothing is claimed from us by other nations; we have nothing to ask of them...” ³⁶⁰

“The statements by Mitre, Paz and Sarmiento in 1865, 1866 and 1869 constitute an official, repeated, public confirmation that Argentina had no territorial dispute with Britain and as such confirmed Argentina's consent to Britain's possession of the Falklands.” ³⁶¹

June 14th, Frederico Cobb is gazetted Italian Consul in Stanley.

July 26th, Captain Augusto Lasserre visits Port Stanley to investigate the insurance claim submitted by *Peru's* owners regarding the wreck and loss of cargo in April, 1868. ³⁶²

August 17th, Charles Hansen is granted a licence to take penguins on Steeple Jason to the amount equivalent to 16,000 gallons of oil.

October 9th, in Argentina, Luis Vernet's eldest son, L. Emilio Vernet, contracts with his father to pursue claims against the USA and Britain. Vernet also obliges his son to pursue the owner of *Superior*, Silas E. Burrows, for allegedly breaking a contract signed by his Captains, Davison and Congar, in 1831. ³⁶³

November 16th, Joseph Powell is appointed as the United States Commercial Agent to the Falkland Islands.

355 Nothing seems to have come of this plan for a settlement. *cf.* 1828, 1869, 1878, 1879, 1882 & 1887

356 Francisco J. Ortiz addressing Argentina's Senate on August 11, 1882 in *Congreso Nacional: Camara de Senadores: Sesion de 1882*

357 Pascoe 2022 vol.3 pp.73-74. See October, 1869 below.

358 Near the site of the modern city of Ushuaia on Tierra del Fuego.

359 *Register of Deaths and Register of Burials*, in JCNA, Stanley. Roxa arrived in 1832 as the ‘wife’ of one of the soldiers with the Buenos Aires garrison. After the garrison was ejected in January, 1833 Roxa remained. The first person to swear an oath of loyalty to the British Crown in 1841, she took on a 6000 acre farm in her own name in 1866. For a biography see - https://www.falklandsbiographies.org/biographies/roxa_antonina

360 Heraclio Mabragaña 1910 vol.3 p.286

361 Pascoe 2022 vol.3 p.77

362 Pascoe 2022 vol.3 p.79 *cf.* 1881 & 1884

363 Burrows had never been a party to that contract, which, it was claimed, had not been entered into freely by Davison or Congar. *cf.* September, 1831, April, 1833 & March, 1835. Also 1871, 1879, 1878, 1882 & 1887

On his return to Buenos Aires, Captain Lasserre writes to the journalist José Hernández.

"... I send you the following lines, which may be of some interest to you, for the double reason that the islands are the property of the Argentinians and because they nevertheless remain little known, or not known at all, to the majority of their legitimate owners. It is not my intention, nor do I think it opportune, to enter into political considerations on the non-return of that immense territory which we have lent to the British, a little against our will; but I do not wish to let pass this opportunity without deploring the negligence of our governments, which have allowed time to pass without remembering that unsettled claim, and by their unpardonable indifference ... It is to be supposed that the erudition of the present National Government understands the importance of that restitution, which it has a duty to demand from Her Britannic Majesty, since those islands are by their geographical position the key to the Pacific, and are no doubt destined for a great future... It is you gentlemen of the press who have the responsibility, if the case arises, of dealing with that question." ³⁶⁴

"He notes with some surprise that the British government accorded no freehold possession of land to anyone, not even the Falkland Islands Company, and asks whether such a restrictive policy was caused by a consciousness of insecurity of tenure, the British government perhaps envisioning a time in the not-too-distant future when the territory might be ceded to "its legitimate owners, the Argentinians, who are owners with double justification since it was part of the Viceroyalty of the River Plate when Argentina became independent, and because Universal Law, the Rights of Peoples, declares the States nearest to islands to be the legal owners of them." That of course was wildly untrue, then as now. And leasehold tenure was perfectly normal in Victorian Britain (and still is now), though it was mysterious to outsiders." ³⁶⁵

November 19th, in Argentina, Lasserre's letter to Hernández is published in the newspaper *El Rio de la Plata*.

November 26th, Hernández comments in the same newspaper.

"Meanwhile, the Argentine government, which has fully paid all debts arising from injury to foreign nationals, which has to date had close and cordial relations with all European and American governments, except in Paraguay, has not obtained redress for the serious damage caused to a citizen of Argentina for the destruction of the colony Soledad, not least by the usurpation of the Falkland Islands, seized by the British ... We believe that this is due to the indifference of our government, or the weak efforts that have been submitted to the foreign cabinets." ³⁶⁶

"Lasserre refers to "the negligence of our governments, which have allowed time to pass without remembering that unsettled claim, and by their unpardonable indifference making the integrity of the Republic of Argentina more and more impossible to achieve with each day that passes"; Hernández repeats the same passage, and castigates "the indifference of our governments" and "the feeble way in which they have presented themselves to foreign governments". What both of them failed to note is that if governments do not act, then circumstances change; history moves on... Britain exerted effective sovereignty over the Falklands, and Argentina failed to raise the slightest objection." ³⁶⁷

December 29th, in London's Westminster Abbey, Waite Hockin Stirling is consecrated as the first Bishop of the Falkland Islands; with a diocese extending across South America. ³⁶⁸

364 *El Rio de la Plata* November 19, 1869 quoted in Pascoe 2022 vol.3 p.79 citing *José Hernández: Las Islas Malvinas* Joaquín Gil (ed.) 1952 p.18

365 Pascoe 2022 vol.3 p.80

366 *El Rio de la Plata* November 26, 1869 No.92. There was no government comment.

367 Pascoe 2022 vol.3 p.81

368 For a biography, see - https://www.falklandsbiographies.org/biographies/stirling_waite

1870 – February 24th, William Colonel George Abbas Kooli D'Arcy is gazetted Governor of the Falklands.³⁶⁹

March 27th, the new Governor arrives at Port Stanley.

March 31st, Don Jose Sanchez Bazan becomes the Consul for Chile in Stanley.³⁷⁰

Luis Vernet prepares documents to assist his heirs in pursuing a claim against the Argentine State for compensation for his losses in the Falkland Islands.

“Many years later and shortly before his death, Vernet drew up several drafts of a claim that he planned to present to the Argentine government – at that time chaired by Domingo Sarmiento – requesting the delivery of public lands in the Chaco as a just compensation for the losses he had suffered in the Malvinas as a result of the occupation of 1833. In these texts, apart from recounting his experiences, he reviewed the production of the colony: in addition to the seven prosperous wolfhounds that he exploited, He had undertaken the salting of beef and fish destined for Brazil (for consumption by slaves, we add) and raised sheep and goats; He also refers to the huge numbers of bighorn cows then existing – some 40,000, he estimates – that, in 1870 (the year in which he wrote), the British were finishing tithing in favor of sheep farming:

*Today there are valuable field Establishments that prosper admirably, and it will not be strange that within a few years the entire Island [Soledad] will be populated. Mr. Lassérre visited this Island in July 1869 and in his description of his trip published in the ‘Rio de la Plata’ dated November 21 of the same year, he says, among other things: ‘The Estancias are very numerous. The Falkland Company alone owns twelve to fifteen. Immense sheepfolds are confused at sight on the slopes of the Serranías’”*³⁷¹

April 5th, at Port Stanley, survivors of a wreck, *Maid of Athens*, which foundered on Staten Island (Islas de los Estados), arrive in the ship's longboat.

July 1st, Charles Williams is granted a licence to take penguins on Grand Jason to the amount equivalent to 3,000 gallons of oil.

July 12th, a United States whaling barque, *Alto*, is wrecked when it unexpectedly encounters Jason Cay West; an islet in the north-west of the archipelago. Not, apparently, marked on the ship's charts. No loss of life.

August 18th, in Berkeley Sound, *Jhelum* arrives in a poor condition.³⁷²

November 8th, Falklands' acting-Colonial Secretary, Henry Byng, ships a pair of Warrahs to London Zoo.³⁷³

*“... as Mr Darwin prophesied would probably be the case, the animal, formerly so common, has now become almost extinct on the Falklands, the depredations it commits upon the Sheep having rendered its extirpation necessary.”*³⁷⁴

December 4th, the Prussian schooner *Vampyr* is wrecked in Low Bay.

369 For a biography, see - https://www.falklandsbiographies.org/biographies/darcy_george

370 *The London Gazette* No.23603

371 *Malvinas: Hombres, Ganados y Tecnologia Rural Criolla (Siglos XVIII y XIX)* J. F. Jiminez, S. B. Alioto & D. Villar 2018 citing *AGN-FLV 127 047 - 684*

372 This vessel would subsequently be declared unseaworthy in February 1871. Her remains still lie off Stanley.

373 *Review of the mounted skins and skulls of the extinct Falkland Islands wolf, *Dusicyon australis*, held in museum collections* J. J. F. J. Jansen & S. D. van der Mije 2015. Only one of the animals survived the journey; but that did not then live long at the zoo.

374 Unattributed source citing the 1870 London Zoological Register and quoting from an accompanying letter allegedly written by Henry Byng.

1871 – January 17th, in San Isidro, Argentina, Luis Vernet dies, aged 79. ³⁷⁵

“Although he is celebrated on Argentine stamps as a patriot, specialist Argentine historians consider him a traitor, because of his dealings with Britain, both before and after the British return to the Falklands. He was not always truthful in what he said, and his falsehoods have sometimes mislead historians.” ³⁷⁶

February 24th, Prince Alfred, Duke of Edinburgh, visits the Falklands in *HMS Galatea*. ³⁷⁷

“On Monday Captain Packe organized an Expedition for the Prince to Mare Harbour, 50 miles distant from the Settlement [Stanley] to the southward, here his Royal Highness remained till the following Wednesday evening shooting Guanacos, wild Geese, Duck and Snipe, etc.” ³⁷⁸

“The tenure of these guanacos was short and most likely they were shot out before becoming established.” ³⁷⁹

April 11th, in the Falkland islands, Gregoria Parry (nee Madrid), one of the indentured slaves taken to Port Louis by Luis Vernet in 1828, dies at her home of apoplexy. ³⁸⁰

“Gregoria was aged about 16 when she arrived; she lived in the islands for 42 years and was the last survivor from Vernet’s establishment – and the oldest-established resident of the islands – when she died in Stanley on 11 April 1871. In the Falklands these Africans lived further south than any other black people in the world, and played a notable part in the history of the islands. The fact that so little is known about them is a sad reflection on the times they lived in.” ³⁸¹

April 13th, in Stanley, a girl is born to William and Isabel Lewin at Marmont Row. Named Mary Ellaline. ³⁸²

May 8th, under the Treaty of Washington, the USA and the UK agree to submit their many and various grievances to an arbitration panel in Geneva. Compensation to be set by the arbitrators.

*“Now, in order to remove and adjust **all** complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty’s Government, the High Contracting Parties agree that all the said claims, growing out of acts committed by the aforesaid vessels and generically known as the “Alabama Claims,” shall be referred to a Tribunal of Arbitration to be composed of five Arbitrators, ...”* ³⁸³

Researcher's Comments: These complaints and claims went back to the American Civil War of 1861-65. Britain had declared itself neutral, but had not entirely acted as a neutral nation should. Acts and omissions by the UK included the building and resupply of warships bound for the Confederation; the CSS *Alabama* being one of the most notorious. The word '**all**' would lead to a further dispute between the parties (see below).

375 Buenos Aires's Military & Civil Commander of the Falkland Islands 1829-1833, (not gazetted). Biography here -

https://www.falklandsbiographies.org/biographies/vernet_louis

376 Peter Pepper in Tatham (ed.) 2008 p.546

377 He remained until March 3rd.

378 Dispatch from Governor D’Arcy quoted in Franklin & Grigione 2005

379 *Ibid.* cf. 1862

380 A teenager on arrival, Gregoria's age was recorded as 28 in both 1842 and 1846. Believed to be around 55 years old at the time of her death. Married to Francis Henry Parry, goaler and constable. cf. 1828, 1832, 1833, 1842, 1846 & 1856

381 Pascoe 2020 p.100

382 Father, wife and daughter returned to England shortly after the birth. The father adopted the stage name of William Terriss and became a well-known London actor before his murder in 1897. His daughter, as Ellaline Terris, also found fame on the stage. One play in 1902, *Quality Street*, would inspire the popular chocolate brand, tins of which featured the play’s characters. Marmont Row, Stanley had been built in 1854 by Jacon Napoleon Goss. See 1842

383 *Treaty of Washington 1871* Art.1. My emphasis. See also *The Triumph of Diplomacy Through International Arbitration: The Alabama Claims and the Geneva Arbitration Tribunal of 1872* Samuel M. Fuchs 2011

May 14th, in Buenos Aires, ex-President Bartolomé Mitre addresses the Argentine Senate on outstanding border issues; speaking only of those affecting relations with Bolivia, Brazil and Chile. ³⁸⁴

At the Falklands, a population census identifies 811 people present in the islands.

May 16th, in Washington DC, preparing for the UK/USA Geneva arbitration case (the *Alabama* claims), the US Senate calls for all papers relating to the *Hudson* and *Washington* seizure in 1854. President Grant refers the request to the Secretary of the Navy.

May 17th, US Secretary of the Navy, George M. Robeson, answers the President's call by sending the relevant records to the President's office. ³⁸⁵

"I have the honor to acknowledge your reference ... and to transmit herewith a copy of a despatch dated April 1, 1854 from Commo. W.D. Slater, at that time commanding the Brazil Squadron, together with the report and correspondence therein mentioned, from Commander W. F. Lynch, regarding the subject of the Senate's inquiry." ³⁸⁶

June 19th, the British barque, *Princess*, loaded with pig iron, sinks in Port Sussex.

July 7th, in the Falklands, Manuel Pereira is granted a licence to take penguins on Grand Jason to the amount equivalent to 3,000 gallons of oil.

August 15th, Nelson O'Brien is granted a licence to take penguins on Steeple Jason to the amount equivalent to 2,000 gallons of oil.

August 24th, on the Falklands coast, the British barque, *Mary Davidson*, out of Aberdeen, founders. ³⁸⁷

December 15th, in Geneva, the USA submits its grievances under the *Treaty of Washington* for arbitration.

"The tribunal met for the first time at the Hotel de Ville on 15 December 1861 (sic), when the parties presented their written Cases. ... The US case was ... a hard-hitting adversarial document which attacked not only the competence but the good faith of the British Government. It devoted one section to describe "The Unfriendly Course Pursued by Great Britain toward the United States from the Outbreak to the Close of the Insurrection", making strong complaint of (but basing no claim on) the British neutrality proclamation. ... It was also a substantial document, running in its original edition to 480 pages, with seven volumes of supporting documents." ³⁸⁸

384 Rozas 1948. No mention was made of any outstanding dispute with Britain over the Falklands.

385 Where they remained for 8 months.

386 *The Papers of Ulysses S. Grant: 1871 – 1872: Jun.1 – Jan.31 LS, DNA, RG 46, Presidential Messages*

387 Exact location uncertain. Jason West Cay has been suggested as a site for this wreck. The survivors were rescued 27 days later by the *Florie*.

388 *The Alabama Claims Arbitration* Tom Bingham 2005 in *The International and Comparative Law Quarterly* January 2005 vol.54 no.1

1872 – in London, lawyers for the British Government studying the American claims are dismayed to discover claims not directly concerned with Britain's asserted neutrality during the civil war.

*“... the peace was shattered early in the New Year of 1872 when, studying the US Case, the British found that it advanced, in Chapter VI, all the heads of indirect claim which (Charles) Sumner had advanced in his Senate speech three years earlier. There was uproar in the press and in Parliament. Government and opposition were at one in holding that these claims could not be the subject of arbitration. The British contended strongly that they were outside the arbitrators' terms of reference,...”*³⁸⁹

January 14th, Waite Hockin Stirling is enthroned at Stanley as the first Bishop of the Falkland Islands.³⁹⁰

January 16th, in Washington, a month after the United States had submitted its arguments to the tribunal in Geneva, President Grant writes to the US Senate.

*“In answer to the Resolution of the Senate of the 16th of May last, calling for papers, correspondence and information relating to the case of the ship Hudson and the schooner Washington I transmit reports from the Secretaries of State and of the Navy, and the papers by which they were accompanied.”*³⁹¹

Reverend Yeoman arrives at Darwin to administer to the members of the Free Church of Scotland in the Islands.

*“In 1871, many shepherds situation on the Falkland Island Company's main farm at Darwin were of Scottish origin, and members of the Free Kirk of Scotland. Finding a growing need for a minister of their own, they undertook, with the assistance of the Company to employ a minister for Darwin, and in 1872, Rev Yeoman took up the appointment.”*³⁹²

Fr. William Walsh passes through Stanley en-route to Australia, spending a short time administering to the Islands' Catholic population.³⁹³

June 25th, in Geneva, the US representative informs the *Alabama* Claims tribunal that indirect claims not concerned with British neutrality during the American Civil War, will not be pursued.³⁹⁴

Charles Hanson leases Carcass Island.³⁹⁵

*“In 1872 Karl Hansen bought the lease of Carcass Island and the Jason Islands, stocked them with sheep, and spent 20 years sheep-farming and sealing in the Falklands, initially as an "alien", which did not prevent him from leasing land, but on 5 January 1880 he was granted British citizenship as Charles Hansen.”*³⁹⁶

A Buenos Aires merchant applies for permission to collect guano from Beauchene Island.³⁹⁷

389 *Ibid.* Senator Charles Sumner had given a speech in the US Senate on April 13, 1869 opposing an earlier agreement to go to arbitration which he considered insufficiently wide to encompass all the complaints of the USA and did not allow for claims of losses by individuals. He had not mentioned the 1854 Falklands incident, however.

390 With responsibility for the Anglican Church across a huge swathe of South America, the diocese administrative office was in Buenos Aires. Stirling's own address remained as Kepple Island.

391 *The Papers of Ulysses S. Grant: 1871 – 1872: Jun.1 – Jan.31 LS, DNA, RG 46, Presidential Messages SED, 42-2-19* Wharton (1887 p.65) cites the report by Secretary of State Fish as being in *Senate Ex. Doc. No. 19, 42d Cong., 2d sess.* A deliberate omission, or mere incompetence? Hard to say, but the President may not have wished a foreign tribunal panel to deliberate the sovereignty of the Falkland Islands. *cf.* Fuchs 2011

392 *The Falkland Islands* Ian J. Strange 1983 p.95

393 Murray 2005

394 Bingham 2005

395 A bibliography here - https://www.falklandsbiographies.org/biographies/hansen_charles

396 Pascoe 2020 p.237

397 *The Island of South Georgia* R. Headland 1992. The result is not recorded.

July 2nd, Manuel Pereira is granted a licence to take penguins on Grand Jason to the amount equivalent to 3,000 gallons of oil.

August 23rd, Nelson O'Brien is granted a licence to take penguins on Steeple Jason to the amount equivalent to 2,000 gallons of oil.

September 8th, in the Falklands, *City of Amoy* is wrecked at Mengeary Point after its cargo shifts.

September 11th, Charles Hansen is granted a special lease to take penguins to the amount equivalent to 16,000 gallons of oil per year. The lease applies to all the Jasons, North Fur Island and Carcass Island.

September 14th, in Geneva, the tribunal considering the *Alabama Claims*, submits its decision.³⁹⁸

1873 – an iron built church is shipped from Scotland to the settlement of Darwin in the Falkland Islands.³⁹⁹

*“About this time, it was estimated that one third of the Falklands' population belonged to the Presbyterian church.”*⁴⁰⁰

April 11th, *Neptune* is wrecked on Kelp Islands.

June 15th, the *Stella Maris* Catholic chapel is completed.

1874 – February 7th, following an outbreak of cholera in Buenos Aires, the Health Officer at Stanley is instructed to; *“... be very guarded in giving pratique to vessels arriving”*, from that port.⁴⁰¹

At Fox Bay Station on West Falkland Island, a Warrah/Falklands Wolf (*Dusicyon australis*) is shot.⁴⁰²

March 24th, in the Falklands, George Gerard takes over as Commercial Agent for the USA.

April 18th, *Anne Brookes* is wrecked in Fox Bay.⁴⁰³

April 30th, gaucho James Millet, is murdered by Robert Gonzales who commits suicide the following day.

June 17th, the USA promotes George Gerard to Consul at the Falkland Islands with the Agency at Stanley upgraded to a Consulate.

*“... maintaining a consulate does imply recognition of the sovereignty of the authority in place. That is why Argentina has never had a consulate in the Falklands...”*⁴⁰⁴

September 4th, *San Greal* commanded by Capt. Samuel Kent, is lost in Ruggles Bay.

October 9th, the Universal Postal Union is founded.

*“It was founded on 9 October 1874 by the Treaty of Berne, signed by 22 countries including Britain. Its members now include the 193 members of the United Nations, plus the dependent territories of several of them including Britain, France, the Netherlands, New Zealand and the United States.”*⁴⁰⁵

398 At the end of the arbitration process, on September 14, 1872, the tribunal ordered Britain to pay \$5,500,000 to the USA as compensation due as a result of the UK's failures, by omission, as regards its declared neutrality. The final decision can be found here - https://legal.un.org/riaa/cases/vol_XXIX/125-134.pdf

399 Designed to include a classroom, this structure was moved to Goose Green, 2 km away.

400 Strange 1983 p.95

401 *The London Gazette*, No. 24085 A *pratique* was the licence given to a ship to enter a port, on an assurance that the vessel was free of contagious diseases.

402 *Falkland Islands Magazine* October 1894. Confirmed by three witnesses who wrote in to the journal following a request for information, this was the last recorded sighting on the Falkland Islands.

403 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

404 Pascoe 2020 p.228

405 Pascoe 2020 p.238

1875 – July 1st, Britain joins the Universal Postal Union.

The Republic of Argentina publishes a map for the forthcoming *Centennial International Exhibition* in Philadelphia.⁴⁰⁶

Researcher's Comments:
Controversial, and not just for the marked border with Chile. Patagonia was much reduced from its recognised borders during the Spanish period.⁴⁰⁷ As a result of the arrival of the Welsh settlers in 1865, Argentina now asserted possession of all the territory down to the Chubut river. The reality on the ground was rather different though, with indigenous tribes uncontrolled by Buenos Aires. However, this map could be taken as a statement of intent.

Argentina's Minister of war, Adolfo Alsina, presents a plan to “*populate the desert*”.

“(President) Nicolás Avellaneda (1874-1880), ...

*(initiated) a systematic program of defense against Amerindian attacks to the Argentine territory. The new strategy was based on the construction, inside indigenous territories, of a continuous trench that would halt the free movement of Amerindians into Argentine provinces. And series of forts connected by telegraph was built in addition to the trench. This entire complex was known as the Alsina’s Ditch [Zanja de Alsina] for it had been conceived by Minister of the Army and Navy Adolfo Alsina. The ditch also served as the physical demarcation of the border, signaling the presence of the Argentine State in regions previously ruled “a la barbárie”.*⁴⁰⁸



406 The southern border between Argentina and Chile was indicated by a dotted line which, on reaching Magellan’s Strait, veered westward. That would have given Argentina all the territory south of the strait including the Pacific seaboard. See 1881.

407 As examples, see - <https://falklandstimeline.files.wordpress.com/2019/02/1700-lamerique-meridionale-dressc3a9e-sur-les-observations-de-mrs.-de-lacademie-royale-des-sciences-quelques-autres-sur-les-memoires-les-plus-recens-g-de-lisle-paris.jpg> from 1708 and https://falklandstimeline.files.wordpress.com/2019/01/1818_pinkerton_map_of_south_america_-_geographicus_-_southamerica-pinkerton-1818.jpg from 1833.

408 *The Journeys of Francisco Moreno: Views on nature in the southernmost part of Argentina 1873-1906* Frederico Freitas (undated)

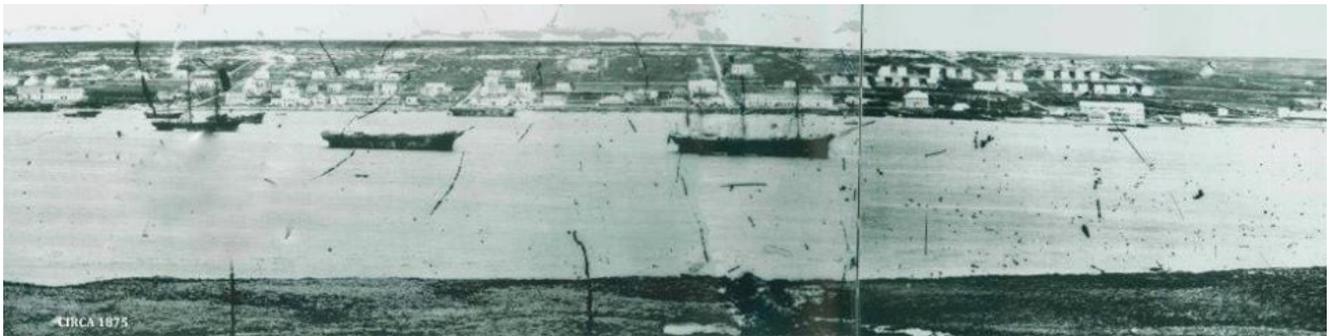
August 2nd, Britain issues an exequatur for Consul Gerard, recognising his rank.

“Sir, I have the honor to inform the Department that I have received yesterday, a despatch from the U.S. Legation in London, inclosing my Commission as Consul of the United States at Port Stanley accompanied with Her Britannic Majesty's Exequatur and that I have acknowledged their receipt, according to the request of the Second Secretary at the Legation in London.” ⁴⁰⁹

“The issuing of the exequatur by Britain formalised the establishment of consular relations in the Falklands between the two countries and made that recognition explicit.” ⁴¹⁰

December 3rd, at Port Stanley, Friar James Foran arrives as the first resident Catholic priest.

“... after receiving permission from ecclesiastical authority, from 1880 to 1886 he spent half the year on the islands and the other half on the mainland. ... Fr. Foran also started a school for Catholic children in the islands.” ⁴¹¹



Stanley c.1875

1876 – January 13th, Britain signs a Postal Convention with Argentina.

“During the 1870s the Argentine government began to assume the responsibility for much of its own external mail service. The British and French abolished their postal agencies in Argentina and the local post office signed a postal convention with Argentina..” ⁴¹²

“Signed by Diego de Alvear and John Filley, Secretary General of Posts, on January 13, 1876 in London, includes the mention of the islands in a "Demonstration table of postal rates". The treaty aims to "regulate by means of a convention postal communications between the Argentine Republic and the United Kingdom on a more liberal and advantageous basis for the inhabitants of the two countries."...” ⁴¹³

Researcher's Comment: No protest or reservation with regard to the inclusion of the Falkland Islands.

January 22nd, in Port Stanley, HMS *Challenger* arrives on the final stage of her hydro-graphic survey circumnavigation. ⁴¹⁴

409 Gerard to US Assistant Secretary of State John Cadwalader August 3, 1875 in UN National Archives microfilm T480, rill.1 no.29

410 Pascoe 2022 vol.3 p.89

411 Murray 2005

412 *British Mercantile Houses in Buenos Aires, 1810-1880* Vera Blinn Reber 1979

413 *La cuestión Malvinas en los tratados anteriores a 1966* Enrique Aramburu 2014

414 *The Cruise of Her Majesty's Ship 'Challenger'* W. J. J. Spry 1877

"The ship reached Stanley Harbour in the Falkland Group, on January 23rd. The Falklands are a treeless expanse of moorland and bog, and bare and barren rock. Though it was summer, and the Islands are in about a corresponding latitude to London, a bitterly cold hail-storm pelted in my face as I was rowed to the shore. The islands are occupied as sheep and cattle-runs, and since sheep are found to pay best, they are supplanting the cattle, formerly so numerous, to a large extent. The mutton is most excellent, but the supply is so far in excess of the small demand, that the Falkland Island Company have a large boiling-down establishment, where their sheep are boiled down for tallow. I rode with Lieut. Channer 60 miles across the large island, on which the town of Stanley is situate, to Port Darwin, in order to examine some reported coal-beds, at the request of the Governor. The route lay over the dreary moorland, and wound and turned about in order to avoid the treacherous bogs. A Pass in the Falkland Islands means, not a practicable cleft in the mountains, but a track by which it is possible to ride across a bog. The horses born and bred in the island, know full well when they are approaching dangerous ground, and tremble all over when forced to step upon it. At every ten miles or so a shepherd's cottage was met with. Usually the shepherd was a Scotchman in the employ of the Falkland Company. Otherwise the entire route was uninhabited.

Some of the shepherds are married. They seem well off and were very hospitable. These Scotchmen have almost entirely supplanted the "gauchos" from the mainland, who did all the cattle work at the time of Darwin's visit to the islands. They come out from home usually entirely unaccustomed to riding, but very soon become most expert with the lasso and bolas, and can ride and break the wildest horses. There were only two Spanish gauchos in the employ of the Company at the time of our visit. The Company's shepherds are each allowed eight horses, a fresh one for every day of the week, and a pack-horse. The horses feed together on the moorland near the shepherd's cottage, and keep together in a band though quite free. An old broken-down mare, which cannot roam far, is usually kept with each band. ...

Though the gauchos themselves are a thing of the past in the Falklands, their Spanish terms for all matters connected with cattle and horses survive, and are in full use among the Scotch shepherds. Such a maimed animal as above described is accordingly called a "Chapin" (chapina, a woman's clog). The band of horses, which is called the Tropoja, never deserts the Chapina. A man, after riding 30 or 40 miles and about to change horses, merely takes the saddle off his horse, gives the animal's back a rub with his fingers, to set the hair free where the saddlecloth pressed, and lets the horse go. The horse never fails to return to its "tropoja" and feeding-ground. ... Mr. Fell, the head man of the Company at Darwin Harbour, told me that a band of horses will always stay with a mare that has a foal. ...

Many of the seamen living at Stanley constantly visit the Straits of Magellan, and bring back with them very often Fuegian bows and arrows for their children to play with. The boys shoot at a mark with the stone-tipped arrows, and the tips are soon broken off and lost. The stone arrow-heads thus become scattered about the moorland anywhere near a habitation, and before long they are sure to be picked up, being indestructible. It must then be remembered that they are not proofs that the Falkland Islands were once inhabited by a savage race."⁴¹⁵

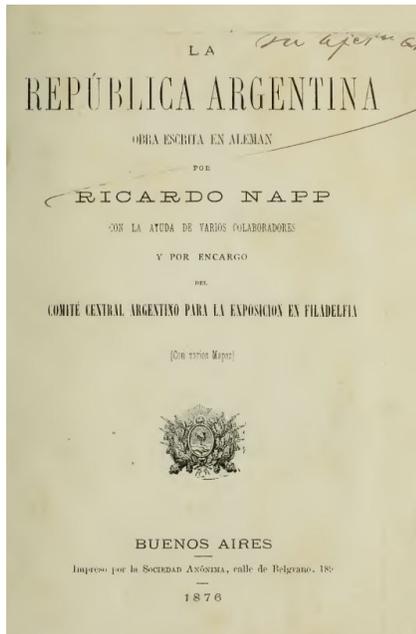
January 31st, in Stanley harbour, Able Seaman Thomas Bush falls overboard from the boat returning to *Challenger*. Hearing his cry, Lieut. Alfred Carpenter dives in from the ship. Bush dies from his injuries.

February 6th, HMS *Challenger* sails for Montevideo.

April 28th, in London, Supplemental Letters Patent are issued; "... making further provision for the government of the "Settlements in the Falkland Islands and their Dependencies."

415 Notes by A Naturalist on the 'Challenger' being an Account of Various Observations made during the Voyage of HMS 'Challenger' Round the World in the Years 1872-1876 H. N. Moseley 1879

May 10th, for the *Centennial International Exhibition* opening in Philadelphia, USA, a book describing the Argentine Republic is published by the *Argentine Central Committee for the Exhibition in Philadelphia*.⁴¹⁶



*“The Malvinas or Falkland Islands belong to the territory of Patagonia, that, against all rights, they were possessed by England from the year 1833. It is **only in its hereditary right as successor of Spain, that the Argentine Republic bases its claimed dominion over these Islands**; was in full possession of them when, on 3 of January 1833, the English warship ‘Clio’ hoisted in Puerto Ruiz the English flag, repealing Argentine authority.*

It is true that since the time of Spanish dominance, England already claimed overlordship of the Falkland Islands; but she herself recognised that her pretensions were void as a consequence of the protest made by Spain against the expedition to these Islands, which England was preparing, this did not take place in the end; and when the current Argentine Republic had gained its independence and assumed its rights of possession over the territories that came to it from Spanish dominion, England had no problem recognising the young Republic as it was, without reserving its supposed rights to the Falkland Islands. The United

*States of America recognized also the right of possession of the Republic Argentina on these islands, because a conflict had taken place between the Argentinean authorities and North-American fishermen of seals, the matter was settled by the diplomatic channels between the countries, which proves palpably, that the government of Washington considered and recognized them as part of the Argentine”*⁴¹⁷

Researcher's Comment: Worthy of note:

1. Whilst an interesting legal theory, no 'inheritance' (*uti possidetis juris*) was recognised by any nation in 1816 when the United Provinces declared its independence, or 1823 when it achieved it. It should also be noted that the last seat of the Spanish Viceroyalty was in Montevideo, not Buenos Aires. If there had been an inheritance, it would have given Uruguay a rather better claim than Argentina.⁴¹⁸
2. The Argentine Republic was not in '*full possession*' of the islands in 1833. Having appointed a Military and Civil Commander in 1829, in the face of British protests, that official had failed to bring anything under his control. An attempt in 1831 to enforce his supposed rights to the fishery resulted in the USS *Lexington* visiting East Falkland Island and removing most of the “piratical” settlers.⁴¹⁹
3. Spain did not protest to Britain in 1833. More likely, this is a reference to a discussion in 1749 when the British government delayed an expedition to the Falklands following a Spanish protest.⁴²⁰

416 Edited by Richard Napp, head of Argentina's General Office of Commercial Statistics (Oficina General de Estadística Comercial), a department of the Ministry of Finance. The book was commissioned by the central Committee for the Philadelphia Exhibition. 15,000 copies were published.

417 *La Republica Argentina por Ricardo Napp con la atuda de varios colaborades y por encargo del Comite Central Argentino para la Exposicion en Filadelfia* Ricardo Napp 1876 p.450. My emphasis.

418 For a range of differing opinions on the question of 'inheritance' (*uti possidetis juris*) see 1816. The year 1823 marks the first recognitions of the UP as a country by an established nation – in this case, Britain.

419 See 1828 to 1832.

420 The Spanish protest of 1749 revealed some confusion as to which Islands were the Falkland Islands. From the

4. British '*recognition*' of the United Provinces in 1825 was based upon information supplied by Buenos Aires; which made no mention of the Falkland Islands or a claim. ⁴²¹

5. The conflict with the USA (1831/32), had the latter denying any right in Buenos Aires to the archipelago so it can hardly be taken as '*recognition*'. In 1876 that dispute remained unresolved. Indeed, it would never be resolved; and the opening of a Consulate in Stanley by the USA rather settled any question of recognition.

"The principle of uti possidetis does not imply that a state created in the wake of a process of decolonization will necessarily acquire the same territorial rights as the previous colonial power, without regard to the geographic territorial unity of the colonial empire, and the occupation of the territory in question by the newly created state... In consequence, it has to be concluded that Argentina did not acquire the Islands in 1816 automatically after independence, without regard to the principle of effective occupation. Spanish territorial rights over the Islands continued." ⁴²²

"(Argentina) argues that it inherited the former Spanish colonial territory in accordance with the uti possidetis doctrine when it became independent, a disputed doctrine in international law." ⁴²³

"After 1790 Spain's rights in the Falklands were restricted, so any rights inherited from Spain were restricted in the same way, since Argentina cannot have inherited more than Spain possessed." ⁴²⁴

May 18th, at Port Stanley, Jeremiah Thomas Fitzgerald Callaghan arrives as the new Governor. ⁴²⁵

June 20th, for his attempt to save Able Seaman Bush, Lieut. Alfred Carpenter is awarded the Albert Medal 2nd Class and a Bronze Medal from the Royal Humane Society. ⁴²⁶

In **December**, Diego Dumble Almeyda, the Chilean Governor of Punta Arenas, arrives at Port Stanley in the corvette *Chacabuco* to establish trade links with the archipelago.

"He spent ten days in Stanley, finding a ready ear in Governor Gallagher, who reported to London that he was hopeful that Punta Arenas (or 'Sandy Point' as he called it, a name sometime used in the Falklands) would become an important market for Falklands sheep, cattle and other products." ⁴²⁷

A flag is adopted for the Falkland Islands (right). ⁴²⁸



discussion, Spain clearly had no idea where they were, other than somewhere near South America. The 1749 expedition was postponed to await the outcome of negotiations between Spain and Britain regarding a commercial treaty. In the end, that never happened, so the expedition set out from England in 1763.

421 In 1824, during negotiations for a commercial treaty between Britain and the newly recognised United Provinces, the British envoy, Woodbine Parish, requested information relevant to the new country. The resultant letter was long, but whilst laying out a number of claims, made no mention of the Falklands archipelago. See - https://falklandstimeline.files.wordpress.com/2018/01/an_account_historical_political_and_stat.pdf

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

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

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

425 *The London Gazette* No.24327. For a biography, see -

https://www.falklandsbiographies.org/biographies/callaghan_jeremiah

426 *The London Gazette* No.24339. cf. January, 1876

427 Pascoe 2022 vol.3 p.92

428 See 1925

1877 – March 14th, near Southampton, England, Juan Manuel de Rosas, exiled ex-governor and general of Buenos Aires, dies on his farm. ⁴²⁹

“His love of what may be termed despotic command was so great that no one was allowed to speak a word except by way of acknowledgment of commands or in answer to questions.” ⁴³⁰

March 23rd, in Stanley, Frederick Edward Cobb is appointed Consul for Chile in the Falkland Islands. ⁴³¹

“In opening a Consulate Chile made it clear that it recognised the islands as British, and it continued to do so for a long time, until at least 1959.” ⁴³²

April 1st, the Falkland Islands are registered as a member of the *General Postal Union*.

“That brought the islands a new industry: the issuing of postage stamps.” ⁴³³

June 12th, in Stanley, George Dean is appointed Consul for the King of Sweden/Norway. ⁴³⁴

Lowther Edward Brandon, a Church of Ireland clergyman, takes up the position of Colonial Chaplain in the Islands. ⁴³⁵

“... the Irishman who made the greatest impact on the history of the Islands was certainly Lowther Brandon, a Church of Ireland clergyman from Carlow who became Colonial Chaplain in 1877. A man of faith and drive, he was remarkable for tackling the social problems of Stanley in a series of practical steps. He founded the first savings bank, established abstinence societies to combat drunkenness, and launched the Falklands Islands Magazine, which he type set and printed himself. He rode tirelessly around his broad parish, dragging after him a pack horse (carguero) laden with his magic lantern for shows to the camp settlements. Brandon also served as Inspector of the Government Schools and was a constant advocate of better teaching for children in camp.” ⁴³⁶

Falklands Governor Jeremiah Callaghan, writes to the Colonial Office in London on the subject of stamps.

“Callaghan ... wrote to the Colonial Office in London asking for three values: 1d, 6d and 1s. The 6d was to pre-pay the current single rate on letters to England; 1 d was for printed matter; and the 1s, presumably, was to pay twice the single rate necessary on heavier letters.” ⁴³⁷

November 4th, from Stanley, US Consul George Gerard sends a despatch to Washington DC praising the Islands as a harbour for vessels in distress.



⁴²⁹ After 25 years in exile, aged 83 years, Rosas was buried in Southampton. His remains were repatriated to Argentina in 1990. In March, 2022, an article in an Argentine journal – *Infobae* – claimed that Lord Palmerston was named as executor in Rosas's will. Palmerston had died in 1865. See 1849, 1850, 1852, 1853 & 1989

⁴³⁰ *The Times* obituary quoted in Schumway 2004

⁴³¹ Exequatur issued by Britain on June 27 1877. For a biography, see - https://www.falklandsbiographies.org/biographies/cobb_frederick

⁴³² Pascoe 2022 vol.3 p.92

⁴³³ Pascoe 2020 p.238

⁴³⁴ *The London Gazette* No.24473

⁴³⁵ For a biography, see - https://www.falklandsbiographies.org/biographies/brandon_lowther

⁴³⁶ Murray 2005

⁴³⁷ *Penguin News* March 22, 1983 p.7

“Here the crew may find relief, redress and protection, for every nation has its own consul to watch over the interests of the seamen in these distant and inhospitable regions.” ⁴³⁸

“Though Gerard was exaggerating in saying “every nation” had its own consulate in the Falklands, there were in 1877 seven countries represented by consuls in Stanley: Denmark, Belgium, Italy, Germany, the United States, Sweden/Norway, and Chile. All these countries accepted that the Falklands were British, and Argentina had done nothing for over a quarter of a century to indicate any kind of disagreement with that position.” ⁴³⁹

December 6th, from London, Lord Carnarvon writes to Governor Callaghan.

“I have the honor to inform you that having received a representation from the Falkland Islands Company on the subject of providing the Colony with a distinctive postage stamp and having been advised by Lord John Manners of the desirability I have directed the Crown Agents to take immediate steps for procuring the material necessary for providing your Government with stamps of 2 denominations viz. 1d & 6d in value. I presume that 2 kinds will be sufficient.”

1878 – January 1st, the Royal Marines detachment leaves the Falkland Islands.

“It would appear... the detachment was for police duties, and not for defence purposes.” ⁴⁴⁰

“(Governor Callaghan) proposed to replace the Royal Marines detachment of a lieutenant, a naval surgeon, a sergeant and 14 privates, by a small police force of a sergeant and four privates. The Marines detachment, he said, cost about £1,036 a year from local funds plus about the same from London. His suggestion was adopted, ...” ⁴⁴¹

January 4th, in Argentina, Julio Argentino Roca is appointed Minister of War, with a remit to resolve the problem of Patagonia.

“Our self-respect as a virile people obliges us to put down as soon as possible, by reason or by force, this handful of savages who destroy our wealth and prevent us from definitely occupying, in the name of law, progress and our own security, the richest and most fertile lands of the Republic.” ⁴⁴²

April 1st, Argentina joins the General Postal Union.

“On 1 April 1878, a year after the Falklands were included in the UPU, Argentina joined the organisation, and for the rest of the 19th century and well into the 20th accepted the inclusion of the islands in the organisation without protest or comment.” ⁴⁴³

June 19th, the first 1d and 6d Falkland Islands stamps are issued featuring the profile of Victoria.



438 United States National Archive microfilm T480, roll 2, no.67

439 Pascoe 2022 vol.3 p.93

440 *British Interests in the Falkland Islands: Economic Development, the Falkland Lobby and the Sovereignty Dispute, 1945 to 1989* C. R. Ellerby 1990 citing CAB 11/44. The Governor had concluded that the maintenance of the police force only would save the Colony £1,066 per annum; there having been designated police officers and constables in the Falklands since 1846.

441 Pascoe 2022 vol.3 p.91

442 Roca quoted in *Annihilating Difference: The Anthropology of Genocide* K. M. Roth 2002

443 Pascoe 2020 p.238

*“After protests by the Governor, the further value of 1 shilling was agreed and printed.”*⁴⁴⁴

Argentina's Minister of War, sends troops to clear tribes people from the pampas north of the Rio Negro.⁴⁴⁵

August 12th, Britain's Foreign Office receives intelligence from its Legation in Buenos Aires.

*“It appears that a Mr. Vernet has presented to the Argentine Congress a petition to be indemnified for the destruction and removal of the Vernet settlement in 1829 to 1833 on the Falkland Islands. I shall not fail to report to Your Lordship any action which may be taken on this petition; and, should any mention be made to me by the Argentine Minister for Foreign Affairs of a revival of the Argentine claim to the Sovereignty of the Falkland Isles, I purpose, whilst awaiting Your Lordship's instructions to refer His Excellency to Lord Aberdeen's note of the 15th of February 1842 to Monsieur Moreno and to the fact that in his reply of the following 19th of February Monsieur Moreno withdrew his former allegation of a secret understanding with Spain in 1771 to return the Islands to that Kingdom.”*⁴⁴⁶

*“... whilst I was in charge of this Legation in 1878, I became aware that the alleged claim of this Country to the Falkland Islands had again emerged in public discussion and had acquired some new life by the semi-official revelation of the discovery of some new documents. Since that year some articles have appeared in the local Press,... pointing out the relatively greater importance of the Falkland Islands, when so much attention is given to the Patagonia question and reaffirming the theory of England, having taken forcible possession of them in spite of the rights of the Argentine Confederation.”*⁴⁴⁷

November 12th, in Washington DC, US President Hayes announces his arbitration decision in the boundary dispute between Argentina and Paraguay; concerning the area of the Gran Chaco, left unresolved by the treaty of 1776. Hayes awards the territory to Paraguay; rejecting Argentina's argument of an inheritance (*uti possidetis juris*) from Spain.

“Now, therefore, be it known, that I, Rutherford B. Hayes, President of the United States of America, having duly considered the said statements and the said exhibits, do hereby determine that the said Republic of Paraguay is legally and justly entitled to the said territory between the Pilcomayo and the Verde Rivers, and to the Villa Occidental, situated therein, and I, therefore, do hereby award to the said Republic of Paraguay the territory on the western bank of the river of that name, between Rio Verde and the main branch of the Pilcomayo, including Villa Occidental.”

*“To an American historian of arbitrations it appeared that Argentina based its claim on inheritance after independence of all territory in the Spanish Viceroyalty of the Rio de la Plata and on its subsequent attempts to prevent Paraguayan secession. Paraguay founded its case on various expeditions and settlements in the Chaco and its successful repulse of Argentine attempts to absorb the homeland itself. The evidence seemed to indicate that neither the Argentine historical claims of rightful legacy nor the Paraguayan claims of prior exploration and settlement bore effectively on the question of legal title. The decision seemed to swing on the fact that until 1865 Paraguay had exercised some jurisdiction over the disputed area while Argentina has exercised none.”*⁴⁴⁸

444 *Penguin News* March 22, 1983 p.7

445 By December, 1878, 4000 indigenous people had been taken prisoner, over 400 killed and 15,000 cattle seized.

446 *FO 6/502/600*. Addressed to the Marquess of Salisbury, this note was signed by a J. P. Harris-Gastrell, who was likely to have been *charge d'affairs* or the Secretary of the Legation – or, quite possibly, both. *cf.* 1868, 1879, 1882 & 1887

447 *Harris-Gastrell to Salisbury, January 21, 1880* in *FO 6/502/609*. Unidentified, the 'new documents' seem to have related to the Spanish period on East Falkland 1776 to 1798.

448 *Argentina and the United States, 1810 – 1960* H. F. Peterson 1964 p.205. The US President had been invited to decide the issue in January, 1877.

“‘Legally, Garcia advanced — as noted by the State Department functionaries evaluating the Argentine submission — the principle of *uti possidetis* (as one possesses under law) based on *de facto* not *de jure* rationale; for the State Department, proven efforts and actions *vis-à-vis* the Chaco were judged as more important than paper claims based on colonial legal jurisdictions of the Viceroyalty.’”⁴⁴⁹

Researcher's Comment: Worthy of note that Argentina's claim was based on an assumption of succession to all the territory of Spain's Viceroyalty in 1816. An assumption rejected by this arbitration. An assumption that Argentina still makes today with regards to the Falklands archipelago.

November 29th, around midnight, peat bogs on the heights above Stanley give way. An avalanche of mud several feet thick, engulfs part of the town.

“Early settlers in Stanley cut their annual supply of peat at the ridge, because at the time Stanley did not exist up the hill that far, so it was generally just Common ground.... Peat cutting on the peat ridge was rather haphazard, with no thought of draining water from the peat ‘bogs’... so the ridge became an unstable area with no firm ground...”⁴⁵⁰

1879 — the General Postal Union is renamed the Universal Postal Union.

“... in 1879 the UPU reduced the overseas postal rate for member countries from 6d to 4d. Thus a new stamp was required.”⁴⁵¹

February 27th, in Buenos Aires, *La Nacion* publishes a report entitled *Patagonia and the Falkland Islands*.

“It is worthy of attention that, altho' the Argentine Republic is in possession of identical Sovereign Rights over each of these important territories; a like degree of interest is not at all times manifested on the part of the Argentine Press, when treating of the unquestionable title, held by us, to our widespread dominions. This, nevertheless, is a truism.

The integrity of Patagonia is defended with a zeal and a patriotism worthy of a question of such prominence for the Argentine people; whilst not the slightest heed is given to that other territory... which faces and is within brief distance of Santa Cruz, and, which bears the name of 'Malouinas.'

*How is this? Are we not provided with a like title to these Islands, as that which we have to Patagonia? How is it given to suppose that this omission on our part can arise from forgetfulness of the question still pending with England...”*⁴⁵²



Argentina's Minister of War, Roca, sends 6,000 troops south of the Rio Negro armed with the new breech-loading Remington rifles and with orders to push the tribes south.⁴⁵³

449 *A Diplomatic Sequel to the War of the Triple Alliance (1864-1870): United States President Rutherford B. Hayes' 1878 Arbitration for Paraguay and Argentina*. Austin W. Connors 2022 (unpublished thesis).

450 *Penguin News* January 15, 2021

451 *Penguin News* March 22, 1983 p.7. This went on sale in September 1879.

452 FO 6/502/619

453 More than 1,300 tribes people were killed, with 15,000 taken prisoner.

*“Critics say his “conquest of the desert”, once hailed for uniting Argentina and rebuffing Chile in 1878-79, was a barbaric campaign which bathed the nascent state in innocent blood. ... Roca's 6,000-strong cavalry force crushed Mapuche and other Indian groups, killing more than 1,000 and capturing thousands more who became servants or prisoners and were prevented from having children. Campaign dispatches depicted them as barely human.”*⁴⁵⁴

March 14th, Bolivia announces it is at war with Chile.⁴⁵⁵

April 13th, from Buenos Aires, Britain's Minister, Frances Clare Ford, writes to the Marquess of Salisbury with regard to the on-going border dispute between Chile and Argentina. He cites published maps; one of which includes a statement regarding Falklands; *“England by a simple exercise of superior force took possession of the Falkland Islands (Islas Malvinas) which formed part of the Vice Royalty and adjoining territories.”*⁴⁵⁶

April 14th, in Buenos Aires, Luis Vernet's heirs submit a dossier of evidence to the Argentine government arguing for a claim of rights to both Staten Island and East Falkland Island. Argentina's Minister of Foreign Affairs submits a report to the National Congress enclosing documents from 1771, 1773 and 1776 referring to Spain's occupation of Soledad Island.⁴⁵⁷

*“On April 14, 1879, I presented to the executive branch of the nation a comprehensive request detailing the antecedents of the donation made to my father by the government of Buenos Aires, of the islands Soledad and the Estados.”*⁴⁵⁸

May 16th, aware of forthcoming debates at Argentina's National Congress, the Foreign Office warns the Colonial Office that the issue of Britain's possession of the Falklands may be raised once again.

May 19th, in Buenos Aires, a Bill making an offer to settle the Vernet heir's claims, is placed before Argentina's Chamber of Deputies.⁴⁵⁹

“Art. 1 – The heirs of Luis Vernet shall be entitled to an area of twenty square leagues in the national territories designated by the Executive Power.

Art. 2 – As long as the donated land is located by the Executive Branch, Mr. Vernet's heirs are obliged to measure and populate them, in accordance with the provisions of the Immigration and Colonization Act of 1876.

Art. 3 – This donation will be without effect if, on the part of the recipients, the obligations referred to in the previous article are not fulfilled.”

454 *Argentinian Founding Father Recast as Genocidal Murderer* Rory Carroll in *The Guardian* January 13, 2011

455 War of the Pacific 1879-1884. A dispute over boundaries, and resources. Bolivia was backed by Peru. Argentina would take the opportunity to claim half of Tierra del Fuego, threatening Chile from the rear. Chile appears to have won the war but lost much of its claims to Patagonia. Bolivia, lost its access to the sea. Which still rankles.

456 FO 6/502/602. Argentina's dispute with Chile over the Patagonian border – and the Strait of Magellan – had been simmering for years. Argentina saw Chile as a Pacific nation rather than an Atlantic one, a view Chile did not share. Disagreements would continue into the 20th century. *cf.* 1878, 1971 & 1977

457 Whether this was solely because of the Vernet family claim, or indicative of a wider awakening of Argentine pretensions arising from its boundary disputes with Paraguay and Chile, is unclear. See 1868, 1882 & 1887

458 This quoted by National Deputy Estrada during the debate of September 29, 1887 in *Diario de Sesiones de la Cámara de Diputados 1887* pp.19-24.

459 At Argentina's National Congress the Chamber of Deputies is the Lower House; the Senate its Upper House. See <https://falklandstimeline.files.wordpress.com/2018/01/1879diputadosdiariodesesiones.pdf>

“... since from the time of Rosas until the present I have no news that the government of these territories has been occupied unjustly in the power of the stranger.”⁴⁶⁰

Deputy Navarro introduces the Bill on behalf of the government.

“I have been commissioned Mr. President, by the (Interior) Commission to give reports concerning this matter, and I am going to allow myself to do so briefly, presenting some details on this matter. Mr. Pacheco was a concessionaire of 30 leagues of land in the Falkland Islands; This gentleman associated himself with Mr. Vernet to take the livestock industry there and make his exploration. Later, Mr. Pacheco separated from the association and left only Mr. Vernet. In these circumstances, Mr. Vernet, having invested capital, saw in the case of widening the industries he had raised there, and for this he asked the National Government, or the power that then had the direction of the public affairs of the country, the granting of all public lands that existed outside the original concession round about her, whose concession was on Eastern Island, as stated in published documents. The Government granted him this, and by virtue of this concession, Mr. Vernet brought there three ships carrying cattle and all the resources and equipment necessary to raise that industry in the lands granted.

Mr. Vernet spent 200,000 to 300,000 pesos, taking industry for the first time to these unknown regions and hoisting the Argentine flag, where it had not previously been known in its effective jurisdiction. ...⁴⁶¹ The heirs of Mr. Vernet now ask that..., they be granted an area of land, to compensate what was lost then,...”⁴⁶²

During the debate that follows, Deputy Ferreyra addresses the Chamber.

*“... I say: is there a title to ask for this compensation? There is not, and the same members of the Commission agree on it. The Government can not guarantee compliance with its resolutions, but to the extent of its sovereignty, and it being known that the Argentine Government **has lost its sovereignty** over the Falkland Islands, there is no title to claim compensation for damages that it was not in its hands to avoid. If these Islands return to the dominion of the Republic, I do not doubt that the government will want to comply with its resolution and recognize Mr. Vernet the rights he has agreed upon; but, as long as this does not happen, there is no justice in making that concession.*

*The damage which Mr. Vernet has received, and the services which he provided to the country, is invoked for the benefit of the land, without regard to the fact that Mr. Vernet was an entrepreneur who, by taking up his capital in that undertaking, was seeking a substantial result, ... The Argentine Government, by making this concession, and consulting its own interests, granted it property rights over 300 leagues from the island of Soledad, according to a statement from the same interested parties; more, the Isla de los Estados; moreover, rights over the fisheries that, as they also say, enrich the foreign nations; moreover, privileges for the colonies to be established, which, it may be said, were to be the basis of Mr. Vernet's business, - substantial privileges for these colonies. ... ”*⁴⁶³

At the end of the debate, the Chamber of Deputies vote against an award to the heirs of Luis Vernet.

460 Deputy Sr. Espeche addressing the Chamber of Deputies on May 19, 1879 in *Diario de Sesiones de la Cámara de Diputados: 5º Sesión Ordinaria del 19 de Mayo de 1879* pp.17 – 25. In other words, there had been no protest by Argentina regarding Britain's ejection of its garrison in 1833 since 1852.

461 An inaccurate summing up of the history of Vernet's attempts to settle East Falkland. cf. 1824, 1826, 1828 & 1829

462 *Diario de Sesiones de la Cámara de Diputados: 5º Sesión Ordinaria del 19 de Mayo de 1879* pp.17 – 25. Information provided by Fabian Turcato.

463 *Ibid* p.22. My emphasis.

Researcher's Comment: A little known event in the history of Falklands' sovereignty, this debate is worthy of note for identifying that Argentina in 1879 considered that its sovereignty over the archipelago had been lost. This particular debate (see also 1882) concentrated on the Falkland Islands; with Statenland (Isla de los Estados) only receiving a single mention. The general opinion of the Deputies was that the Argentine government was not under any obligation to compensate for a private business venture that had failed.

August 11th, the executive branch of Argentina's Government passes the claim from the Vernet family to a Senate committee for consideration.⁴⁶⁴

*"A message from the Executive Power enclosing a request from Mr. Luis E. Vernet, in which this gentleman claims the ownership of the island called Isla de los Estados. To the Committee on the Interior."*⁴⁶⁵

1880 – January 21st, from Argentina, Britain's *charge d'affairs* reports continuing interest in the Falklands.

*"... the general view as to this revived claim is that a decision in favour of this Country in the discussion with Chile as to Patagonia and the Magellan Straits would carry with it proof of the Argentine claim to the Falkland Islands."*⁴⁶⁶

*"In 1880 the Falkland Islands issue again became prominent in Buenos Aires. Two years previously what purported to be new documents on the issue between Argentina and Great Britain were published. The British Charge d'Affaires in Buenos Aires included a précis of the more relevant documents in his despatch of the 21st January, 1880. It was his opinion that the revival of interest in the Falklands was the result of the dispute then going on between Argentina and Chile with regard to sovereignty over the Straits of Magellan and Patagonia. It was felt that a decision in favour of the Argentine republic in both these regions would carry with it proof positive of the Argentine claim to the Falkland Islands as a contiguous area."*⁴⁶⁷

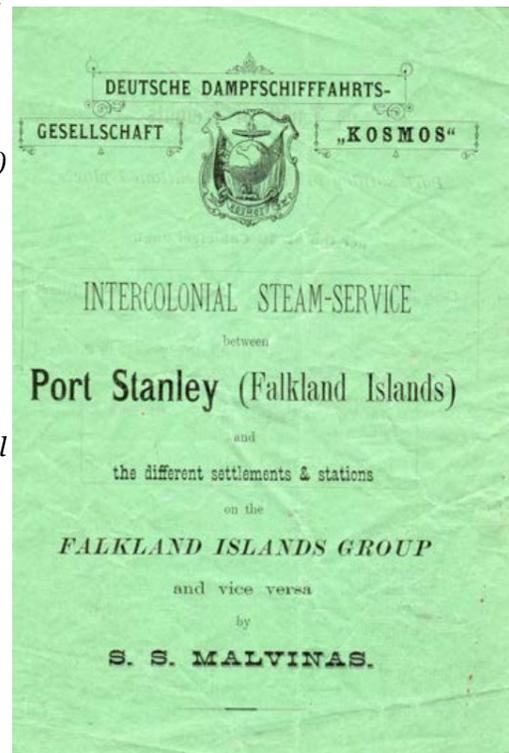
"... the Argentine Civil Code, drawn up between 1864 and 1869 by Dr Dalmacio Vélez Sarsfield (1800-1875), which (with amendments) has since 1871 formed the basis of Argentine civil law, states:

Art. 4.016. Against him who has possessed for thirty years, without any interruption, neither the lack nor the nullity of title, nor bad faith in possession may be adduced.

*In other words, a possessor of property who has held that property uninterruptedly for thirty years cannot be challenged by accusations of bad faith or by contentions that he holds no title at all to that property, or that his title is invalid. But ... the existence, of acquisitive prescription in international law is subject to considerable doubt"*⁴⁶⁸

April 20th, Ramses, of the Kosmos Steam Company, arrives at Stanley with mail from Europe.

June 17th, Governor Callaghan transfers to the Bahamas.



464 Noted in *Congreso Nacional: Camara de Senadores: Sesion de 1882* p.311. cf. 1878, 1882 & 1887.

465 26 *Sesion Ordinaria – Agosto 14 de 1879: Sumario.*

466 *Harris-Gastrell to Salibury, January 21, 1880* in FO 6/502/610

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

468 Pascoe 2020 p.217. It had been thirty years since the last official claim by an Argentine Government. See 1849.

In the Falklands, the first telephone lines are installed by the Falkland Islands Company.

July 2nd, a one year contract is signed in London between the British Government and the Kosmos Steam Company for the delivery of mail to Stanley. ⁴⁶⁹

September 13th, in London, Thomas Kerr is gazetted Governor. ⁴⁷⁰

October 12th, in Buenos Aires, Julio Argentina Roca takes office as Argentine President. ⁴⁷¹ He immediately orders the continuation of the Conquest of the Desert; ordering a campaign to be led by Conrado Villegas.

“The resistance by the Indians who have sought refuge in the desert still unknown to us: hence the difficulties that will have to be overcome. As a first step of the plan, we have to choose between two options: 1° to encircle the Indians in the desert, cutting all their communications to the other side of the Río Negro. 2° to enter and persecute them in the desert without mercy or contempt until exterminating them, to submit them, or to force them to seek refuge south of the Río Negro, and thus to establish the frontier there.” ⁴⁷²

November 15th, in Port William, *G. F. Haendal*, carrying coal and general goods, is lost to a fire.

November 24th, at Port Stanley, the newly appointed Governor Kerr arrives aboard *Theben*.

1881 – January 24th, HMS *Bacchante* arrives at Port Stanley with Royal Princes Albert Victor (17) and George (15) aboard. The Royal brothers are being supervised by their tutor, the Rev. John Neale Dalton, who notes 1,510 people present on the Islands. ⁴⁷³

“By 1881 the population of the islands amounted to over 1,500, including some 150 children in full-time education, and there was a steady increase of about 40 native-born people a year.” ⁴⁷⁴

July 2nd, in Stanley, Henry Lasar is appointed Consul for the United States of America. ⁴⁷⁵

July 23rd, in Buenos Aires, Argentina and Chile sign a *Treaty of Limits (Boundary Treaty)*. ⁴⁷⁶

“Article 3: In Tierra del Fuego a line will be drawn from the point called Cabo del Espíritu Santo at latitude fifty-two degrees forty minutes, it will extend southward, coinciding with the western meridian of Greenwich, sixty-eight degrees thirty-four Minutes until touching on the "Beagle" Channel. Tierra del Fuego divided in this way will be Chilean in the western part and Argentine in the eastern part. As for the islands, pertaining to the Republic of Argentina shall be the Island de los Estados, the islets immediately next to it and the other islands that are on the Atlantic to the east of Tierra del Fuego and

469 *A display to The Royal Philatelic Society, London of The Postal History of the Falkland Islands between the years 1827 and 1945* Michael J. Y. Roberts 2015 p.22. Contract was subsequently extended until 1885 and required the establishment of an agent at Stanley. Hugo Schlottfeldt resided in Jubilee Villas in Stanley. The Kosmos contract eventually expired in 1900.

470 *The London Gazette* No.24882. For a biography see - https://www.falklandsbiographies.org/biographies/kerr_thomas

471 Remaining until October 12, 1886

472 Alvaro Barros, subsequently first Governor of Patagonia, writing in 1872 and quoted in *Argentine Literature and the 'Conquest of the Desert'* Jens Andermann (Birbeck College – undated). See - <http://www7.bbk.ac.uk/ibamuseum/texts/Andermann02.htm>

473 Remaining only 36 hours

474 Pascoe 2020 p.238

475 *The New York Times* July 3, 1881

476 Chile was already in conflict with both Bolivia and Peru and could not afford to argue with Argentina which strong-armed Chile into a boundary treaty. This placed Argentina on both sides of the mouth of the Magellan Strait, something which caused consternation amongst other nations, hence article 5. In Argentina, this treaty is referred to as the Magellanic-Atlantic Transfer, reflecting their view that it determined Argentina to be an Atlantic nation, while Chile was a Pacific country. Chile did not hold to this view, and quite what constituted the Beagle Channel for the purposes of this treaty would develop into a further source of tension between Chile and Argentina. *cf.* 1977 & 2010.

the eastern coasts of Patagonia; and all the islands south of the Beagle Channel to Cape Horn and those to the West of Tierra del Fuego will belong to Chile....

Article 5: The Straits of Magellan shall be neutralized for ever, and free navigation assured to the flags of all nations. In order to assure this freedom and neutrality, no fortifications or military defences shall be constructed on the coasts that might be contrary to this purpose."

*"Rearguard Argentine efforts has been made to gain recognition for some kind of shared management regime for the Strait [of Magellan], in order to mitigate what was perceived as the striking diplomatic defeat for Argentina in the 1881 treaty granting Chile control over the strait."*⁴⁷⁷

*"Article 3 of the Treaty expresses that "other islands on the Atlantic to the east of Tierra del Fuego and Eastern coasts of Patagonia" belong to Argentina... It cannot be said that Argentina did nothing in relation to the Falklands/Malvinas from 1850 to 1884 or that it abandoned its sovereignty..."*⁴⁷⁸

Researcher's Comment: The treaty left Chile in sole control of the Strait itself, although Argentina has subsequently attempted to maintain that its intent was joint-governance. As negotiations proceeded, the USA made it very clear that no interference with the passage of its vessels would be tolerated.

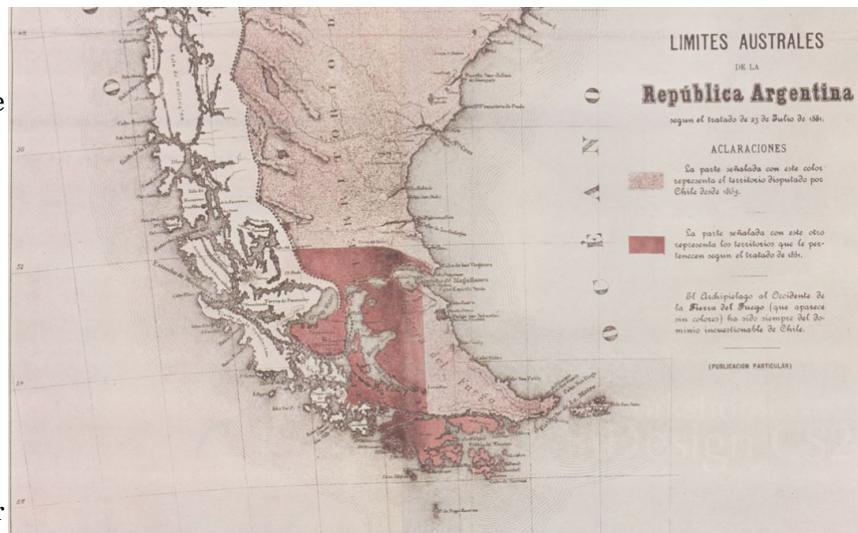
To cement its sovereignty in Tierra del Fuego, Argentina establishes a penal colony at Ushuaia.⁴⁷⁹

October 16th, US sealer *Wanderer* is wrecked at the Falklands.

French investors start the construction of a canal across the isthmus of Panama. To create a new route from the Atlantic to the Pacific.

November 10th, in Buenos Aires, a map is published in *La Ilustracion Argentina* identifying the territorial agreement with Chile (right).⁴⁸⁰

December 10th, sealing activities are regulated under the *Falkland Islands Government Ordinance No.4* – establishing a closed season in the Colony and Dependencies from October 1st – April 1st each year.⁴⁸¹



*"In 1881, because of the near-exhaustion of the seal fisheries of the Falkland Islands, the Governor of the Islands issued a decree establishing a close season for the killing or capturing of seals."*⁴⁸²

⁴⁷⁷ *The Strait of Magellan* Michael Morris 1989

⁴⁷⁸ Kohen & Rodríguez 2017 p.165. See 1884. Sovereignty claims need to be a direct issue between the parties involved; not via third parties. So yes, Argentina did nothing between 1850 and 1884.

⁴⁷⁹ At the location of a British missionary settlement. cf. 1869 & 1884

⁴⁸⁰ This copy was handed to the British Minister by Argentina's Foreign Minister, Dr. Bernardo de Irigoyen, with the intimation that the dark area had been "ceded to Chile". See 1884 below.

⁴⁸¹ Not signed off by the Legislative Council until December 27, 1881. Fines up to £100 or £5 per seal killed could be imposed and the master of an offending vessel could be fined an additional £300. Any catch would be seized.

⁴⁸² *Memorandum on the Falkland Islands* 1947 in LCO 2/490 citing *Confidential Memorandum 13471, para.53* (Orchard 1928). cf. July, 1892

HMS *Dwarf* is sent from Montevideo to assist in the enforcement of the closed season.

Researcher's Comment: For the first time, the Falklands would openly place restrictions on fishing by foreign vessels. Most obviously those of the USA. No controversy appears to have arisen, however, as better hunting grounds had been discovered further south. The Falklands rookeries had become less important to the Americans.

Despite engineering problems slowing the initial construction of the Panama canal, there is recognition in Britain that a shorter route to the Pacific will reduce the strategic implications of maintaining the Falklands as a naval base.

*"In 1881 the 'Royal Commission on the Defence of British Commerce and Possessions' recommended £200,000 expenditure on minor coaling stations, which included Thursday Island, the Seychelles, Saint Helena, Cyprus, the Falklands and Fiji. The nearest British territories to the Falklands with stores of coal were Saint Helena (3,308 miles), Cape Town (3,474 miles) and Auckland (5,300 miles). The only other coaling base on the South American station was Esquimalt (7,523 miles away). ... The 1881 Royal Commission considered the Falklands unimportant because plans to construct a Panama Canal would divert shipping using Cape Horn."*⁴⁸³

December 29th, at Stanley, *Theta* is scuttled as its cargo is on fire.

On the same day, HMS *Dwarf* sails from Stanley in search of sealing vessels.

1882 – January 5th, in Ten Shilling Bay, the watch on *Dwarf* sight a sealing schooner, *Adelia Chase* (Church).

*"So we bore down on her, and anchored close alongside her: I was sent on board, and brought the captain back: a thoroughgoing Yankee: his schooner was called Adelia Chase, 35 men mostly Portuguese, a very dirty looking mob:..."*⁴⁸⁴

*"(Dwarf) discovered a sealing camp on Bird Island belonging to Adelia Chase (Capt. Simon Church), perhaps the only vessel still sealing from New Bedford. ... (which) had already taken 580 fur seal skins. ..."*⁴⁸⁵

January 6th, at Stanley, Governor Kerr's treasurer, John Wright Collins, is arrested on suspicion of embezzlement.⁴⁸⁶

January 9th, at New Island, *Dwarf* discovers a sealer, *Two Sisters*.

*"HMS Dwarf also apprehended the local cutter Two Sisters (Capt. Jason) of Stanley on suspicion of illegal sealing... The British Government did protest illegal American sealing and noted that US vessels were expected to comply with the ordinance if they wished to continue to take advantage of their traditional fishing rights in island waters. Nothing happened, presumably since the moribund American southern sealing industry was of little consequence..."*⁴⁸⁷

February 9th, HMS *Dwarf* sails for Montevideo.

February 17th, on Jason West Cay, *Lady Dufferin* is wrecked.

March 4th, *USS Brooklyn*, the flagship of Admiral James Hanna Spotts visits Port Stanley.

483 Ellerby 1990 p.51. The Commission had been founded in 1879 to consider all aspects of imperial defence.

484 Diary of 2nd Lieutenant Frederick Luscombe, quoted in Pascoe 2022 vol.3 p.119

485 Dickinson 2007 p.80

486 Collins was sentenced to seven years penal servitude. A biography here -

https://www.falklandsbiographies.org/biographies/collins_john

487 Dickinson 2007 p.80

At Port William, a British barque, *Leon Crespo*, with a cargo of coal, burns.

March 6th, *Brooklyn* fires a 21 gun salute to the Union Jack; “... which was at once returned gun for gun.”⁴⁸⁸

March 9th, at Stanley, during a formal dinner with Governor Kerr aboard his flagship, Admiral Spotts suffers a stroke and dies. He is buried with full honours in the local cemetery.⁴⁸⁹

In **May**, in Buenos Aires, President Roca makes a speech at the State opening of the legislature. He states that the settlement of Patagonia has been delayed by the nation's dispute with Chile, but that Argentine laws are now recognised as far south as South latitude 52°.

“... no civilian population was expelled in 1833, ... Argentina's territorial borders did not extend to the islands until half a century later...”⁴⁹⁰

“Argentina's territory continued to be a regular and significant topic in the Messages, but the existence of a dispute between Britain and Argentina over the Falklands was never so much as alluded to, and the islands were not mentioned once.”⁴⁹¹

May 31st, *Star of Brunswick*, a British ship, is lost at Bull Point.

Argentina's Government orders, and finances, the publication of a 'Geographical and Statistical Map of Argentina' by Dr. Francisco Latzina (right).⁴⁹²

“3.21 The effect of a map that is not part of a treaty will vary according to its provenance, its scale and cartographic quality, its consistency with other maps, the use made of it by the parties, the degree of publicity accorded to it and the extent to which, if at all, it was adopted or acquiesced in by the parties adversely affected by it, or the extent to which it is contrary to the interests of the party that produced it. A map that is known to have been used in negotiations may have a special importance. But a map produced by an official government agency of a party, on a scale sufficient to enable its portrayal of the disputed boundary area to be identifiable, which is generally available for purchase or examination, whether in the country of origin or elsewhere, and acted upon, or not reacted to, by the adversely affected party, can be expected to have significant legal consequences.”⁴⁹³



488 *The Cruise of the Brooklyn* W. H. Beehler 1885 p.25. Also *The New York Times* March 14, 1882

489 Repatriated to the USA in 1899. Brooklyn sailed from the Falklands on March 14th, 1882

490 Britain's representative to the United Nations speaking before the Fourth Committee on October 8, 2018.

491 Pascoe 2020 p. 265

492 Ordered by Argentina's Interior Minister, Bernardo de Yrigoyen. Government funding gave the map an official character, prompting Chile to see it as a determination of Argentina's acknowledgement of the 1881 border agreement. See below. Click on the image for a hyperlink.

493 *Decision regarding delimitation of the border between Eritrea and Ethiopia Decision of 13 April 2002*

"The 1882 Latzina map was produced after the so-called "Campaign of the Desert", in which from 1878 onwards Argentine defence minister Julio Roca (president from 1880) conducted a systematic campaign of genocide against the American Indian inhabitants of Patagonia. Most of them were killed or driven off their ancestral lands, after which the Patagonian border between Argentina and Chile was fixed by treaty on 23 July 1881. Being now "clear" of Indians, Patagonia was open for European immigration, and President Roca and foreign minister Bernardo de Irigoyen promoted the publication of a map of Argentina specifically to attract immigrants. ... Its publication was authorised by the Argentine Congress and financed by the Argentine government, and it was headed on the front cover "PUBLICACION OFICIAL" – it was an official, definitive and up-to-date map of the country in its new borders. It was printed in 120,000 copies, which were distributed to Argentine consulates in Europe and North America." 494

July 29th, in Buenos Aires, with regard to the compensation claim originally submitted by the heirs of Luis Vernet in 1878 – and rejected by the Chamber of Deputies in 1879 – Argentina's Committee on the Interior informs the Government of its conclusion. A rejection. 495

"Your Home Affairs Committee has studied the applications of the heirs of Don Luis Vernet, sent by the Executive in a message dated August 11, 1879, seeking compensation for the eviction they suffered from the Eastern Falklands and return of the island of the States, ceded to Capitan Piedra Buena by law of October 10, 1868, and for the reasons given by the informing member, advises you the following draft resolution: "It has no substance and is filed."..." 496

August 11th, the Committee's decision is forwarded to the Senate for "resolution." 497

Senator Francisco J. Ortiz, a member of the Home Affairs Committee, addresses the session.

"The Commission of the Interior has studied with interest the request of the heirs of Don Luis Vernet, because it was a request of importance, since valuable lands were assigned to it, on the one hand, and on the other, it deserved respect the antecedents of Mr. Vernet, who undoubtedly has been a meritorious former citizen who has rendered some services of importance to the Nation for the sole purpose of serving it. However, in spite of the Commission's desire to find a way of satisfying the particular interest of those applicants by harmonizing it with the general interest of equity and justice, it has not been able to draw from the considered antecedents any reason which justifies the granting of the land requested by Mr. Vernet's heirs. The Commission believes that this same opinion will be that of the Senate, once it knows the background to the matter.

494 Pascoe 2020 p.240. See 1883

495 It had been tied up in Committee for more than two years. cf. 1879. See

<https://falklandstimeline.files.wordpress.com/2018/01/senadoargentina-sesion18820729.pdf>

496 Congreso Nacional: Camara de Senadores: Sesión de 1882 p.311. Information provided by Fabian Turcato.

497 Ibid. See 1878, 1879 and 1887

Número 30

30ª Sesión ordinaria del 29 de Julio de 1882

Presidencia del señor MADERO

SUMARIO:

I. Asuntos entrados. II. Comisión de Guerra. Proyecto en revisión, acordando permiso a las pensionistas Erminia y Elisa Dillon para residir en Montevideo por el término de un año. – III. Idem, acordando permiso a la pensionista Da. Tránsito A. de Lamadrid, por un año, para residir en España. IV. Idem, acordando permiso a la pensionista Da. Luisa C. de Cridland, para continuar residiendo en Londres, por el término de un año. – V. Idem, acordando a Da. Ana Brook de Villamonte, pension graciable de 30 pesos fuertes mensuales. – VI. Comisión del Interior. No haciendo lugar a la reclamación de los herederos de D. Luis Vernet. – VII. Comisión de Guerra. Sobre la liquidación de los haberes que se adeudan a los guerreros de la Independencia y del Brasil. – VIII. Consideración sobre tablas del Proyecto de Ley, destinando dos mil pesos moneda nacional, para la construcción de oficinas en la casa del Congreso, para la Comisión Legislativa de Cuentas.

SEÑES. SENADORES. En Buenos Aires, a 29 de Julio de 1882, reunidos en su sala de sesiones, el señor Presidente y los señores Senadores al margen inscriptos, se abrió la sesión con la asistencia de los señores

del Ferro-Carril de Campana hasta Zizate, con garantía de la Nación.

(A la Comisión del Interior).

De Julio 24, acompañando un proyecto de ley relativo a la inversión de 66,000 pesos moneda nacional en la adquisición de cuatro vapores guarda costas, 2,289 con 41 centavos moneda nacional en la compos-

*On October 22, 1821, a law was passed by the Legislature, then of Buenos Aires, regulating the extraction of various products from the Patagonian coast, establishing the right to export these products, and establishing certain franchises at the same time in favor of the individuals who are located on those coasts and (who) exploit the products.*⁴⁹⁸

*On January 5, 1828, the Executive Power of the Province of Buenos Aires, on the basis of **that law**, issued a decree giving Mr. Luis Vernet the property of Isla de la Soledad (part of the Malvinas) and the Isla de los Estados, on condition, as the decree itself implies, that it was to establish colonies and maintain populations there for three years, after which Mr. Vernet should give an account to the government of the state of the colony, for a resolution.*

The law, on which Mr. Vernet's application is based, is part of that decree. In the opinion of the Commission, that decree does not grant him any right, and, even if it did, he would have lost it. It does not give him any rights, because the law of October 22, 1821, which was the provincial law of the Junta de Buenos Aires, did not authorize the assignment of that territory.

(By) The decree of the Government of Buenos Aires, Vernet also was not authorized by any antecedent nor by any law; (it) was simply a decree intended to establish some vigilance on those coasts. That assignment was born without a right cause, and that naturally had no legal value because it had not been authorized by the General National Congress, which was the one which had to regulate donations from national territories. But even supposing that such antecedents could establish a legal basis for the legal ownership of the land, it would have disappeared by subsequent events.

In 1831, three years after Mr. Vernet was in possession, and in which it seems that he had actually brought immigrants or settlers to the Island of Soledad, where he had established livestock, the island was attacked by an American ship,... On that occasion, Mr. Vernet came to Buenos Aires to complain to the Government about the damage suffered. Complaints were filed, which have remained unresolved.

Later, in 1833, the Falkland Islands were invaded by the English squadron, which took possession of them. Consequently, it was not possible for Mr. Vernet to return to colonization or to take possession of land. All this happened with the Island of Soledad; but on the Isle of Estados, which is another part of the claim, nothing has happened; (it) has been abandoned until Congress in the year (18)68 passed a law, giving it in property to Mr. Piedrabuena, in benefit of the services rendered by him to maintain the Argentine flag in those solitudes.

*Consequently, the claim of Mr. Vernet's heirs on the Isle of Soledad has no effect for the reasons I have given previously; because it was **given without right** by the Government of Buenos Aires, because its possession was not maintained, and because the Nation had no obligation, even if it had been legally given, to clear up the eviction from territories that had been given free of charge. Neither in civil law nor in any right (that) exists is there an obligation ... in favor of an individual who has received a false donation. He was therefore stripped of all rights. The only right that remained to Mr. Vernet was to claim from England or the United States the damages caused to individuals.*

As for the Isle of Estados, there was no right, because it was not populated. It served as a station to cut timbers destined to the works that were executed in the Island of Soledad. From 1828 to 1868, when it was granted in donation by the Congress to Mr. Piedrabuena, forty years was abandoned, completely vacated. Consequently, it was a wasteland, which Congress could dispose of without taking into account the resolution of the Government of the Province of Buenos Aires.

498 For 'products' read 'fisheries.' cf. October, 1821

In view of all these considerations, the Commission has concluded that it should not give (recognition) to Mr. Vernet's complaint..."⁴⁹⁹

Argentina's Senate approves the Home Affairs Committee decision to reject the Vernet heir's claim for compensation; "... *without further observation.*"⁵⁰⁰

Researcher's Comment: An awkward decision that is little known of in Argentina. The actions of the provincial government of Buenos Aires between 1821 and 1828 had been declared '*ultra vires*' – outside its powers – by the country's superior legal body - the Senate. Vernet's political appointment as Civil and Military Commander in 1829, by Buenos Aires, was not specifically mentioned during the debate but the same arguments are applicable (see 1887). The more-so, perhaps, as the Lavalle government's decrees were thereafter declared null & void by Rosas. Unsurprisingly, the decisions of 1879 and 1882 now rarely get a mention within Argentina.

*"... when Vernet's heirs were convinced that every effort they made to the legislature of the province of Buenos Aires would produce negative results, they presented themselves before the national executive, and the latter passed the request to the honorable senate. (This happened back in the year 82) and the Senate rejected the pretensions of Mr. Vernet. The then Senator Ortiz was the one who made the most vivid opposition to the request of said gentleman..."*⁵⁰¹

*"It was already sanctioned in the Chamber of Deputies, and rejected by the Senate, because it was said that it was not fair to recognize the right with which the government of Buenos Aires had made the concession of this colony; prevailing then this doctrine: that the federal government should not respect the colony granted by the government of the province."*⁵⁰²

*"Vernet's 1828 concession was later ruled null and void in Argentina too. In 1882 the Argentine government declared in the Argentine Congress that the decree of 5 January 1828 was invalid since it had been issued only by the provincial government of Buenos Aires, not by the whole Congress of the Argentine Federation, which alone had the power to cede national territories."*⁵⁰³

October 9th, in the Falklands, *Avona*, carrying a cargo of coal, is wrecked on Cape Frechel.

October 24th, under Argentine law (no.1265) the administration of Patagonia is divided into two territories; including Tierra del Fuego as part of the *Gobernación de la Patagonia*.

499 *Congreso Nacional: Camara de Senadores: Sesión de 1882*. My emphasis throughout. cf. 1821, 1828, 1879 & 1887

500 *Ibid* p.313. There is an unexpected addendum to this decision. In late 2016, an Argentine antiquarian, Gabriel di Bernardo, offered to sell a document to the Falkland Islands Government for €2.5 million (Euros) which he asserted would destroy Argentina's claims to the Falklands. From the information he provided, it seems likely that the document appertained to the decision of the Senate in 1882. He received no money and subsequently denied the existence of any document after receiving threats to his life from some of his more ardent countrymen.

501 National Deputy Carbonell during the debate of September 29, 1887 in *Diario de Sesiones de la Cámara de Diputados 1887* pp.19-24. Senator Ortiz would be appointed Foreign Minister by President Roca in October of 1883 and was a leading character in Argentina's renewed claims after 1884; based primarily on geography and an alleged '*inheritance*' from Spain. cf. 1816, 1884 & 1885

502 National Deputy Luro during the debate of September 29, 1887 in *Diario de Sesiones de la Cámara de Diputados 1887* pp.19-24

503 Pascoe 2020 p.95

1883 – Falkland Islands' stamps are produced on watermarked paper for the first time.

At Stanley, a French expedition commanded by Luis Ferdinand Martial, in the steamer *Romanche*, stops off en-route to Tierra del Fuego.

*“The hundred (or so) houses of the Great River parallel to the shore are built of stone and surrounded by a vegetable garden, not to mention the small greenhouse with flowering plants that serves as an entrance to almost all the residences.”*⁵⁰⁴

In Buenos Aires, Dr. Latzina's map is included in a booklet – entitled '*La Republica Argentina como destino de la emigracion europa*' - aimed at attracting migrants from Europe and to be circulated to Argentina's Consulates worldwide. Minister Yrigoyen praises the map before Congress and appeals for more funds to facilitate further distribution.

*“The map which Dr. F. Latzina was entrusted with, was printed last year, and distributed in Europe and America with excellent results.”*⁵⁰⁵

*“The Latzina map of 1882-3 provides an excellent example of the relevance of a map not so much for its own sake but for the circumstances of its production and dissemination, making it of high probative value on account of the evidence... namely of official Argentine recognition...”*⁵⁰⁶

Researcher's Comment: The colours used by Dr. Latzina became an issue during 1977's Beagle Channel arbitration; a consideration of contested sovereignty over three islands situated in the Beagle Channel between Argentina and Chile. On the map, foreign nations such as Chile and Uruguay, were shown in a light beige; the same colour as that used for the Falklands archipelago. Chile believed that Latzina's map was official and confirmed that the disputed Beagle Channel islands lay below the border set by the 1881 Treaty. Argentina, however, denied that the map had any official character. While basing its decision on the 1881 Treaty, the 1977 arbitration panel agreed that the map confirmed Chile's contention that Argentina had not considered the three islands as its own territory; the official character of the map being demonstrated by Yrigoyen's appeal for extra funding. A similar argument could be made concerning the Falklands. Argentina, however, was not slow to recognise the potential implications, and a new map was announced just two years later.

March 3rd, in the Falklands, a population census records that there are 846 men and 568 women present in the archipelago.

May 5th, from Washington DC, in a letter to Britain, the US State Department refers to the Falklands.

*“... these islands were ceded by France to Spain in 1763 (sic). By Spain they were in turn ceded absolutely to Great Britain in 1771, but their possession was abandoned, until, in 1820, Buenos Ayres occupied the islands as derelict, and colonized them. Later, in 1831,.. the United States ship of war Lexington broke up the settlement and removed the settlers to Buenos Ayres, and it was not until 1833 that Great Britain enforced her claim under the cession of 1771.”*⁵⁰⁷

504 Quoted in Groussac 1910 p.10

505 Quoted in *International Law Reports* E. Lauterpacht 1979 vol.52

506 *Reports of International Arbitral Awards 18 February 1977 vol.21 pp.53-264. cf. December, 1884*

507 *Frelinghuysen to Lowell May 5, 1883 in United States Department of State / Papers relating to the foreign relations of the United States, transmitted to congress, with the annual message of the president, December 4, 1883. An interesting interpretation. See - <https://history.state.gov/historicaldocuments/frus1883/d225>*

May 9th, in the Falklands, the Governor proposes an ordinance to provide for licences for the off-shore fishery.

*“... an application has been made to me by Mr. Hansen, the Lessee of the Jasons, and Carcass Islands for a licence to take seals ... I have submitted this application to the consideration of the Executive Council who agree with me that it is expedient to pass an Ordinance to regulate the issue of licences for the fisheries on the coasts of these Islands...”*⁵⁰⁸

July 23rd, Governor Kerr’s proposals for fishing licences are forwarded to the Foreign Office.

*“... But a claim has been set up at various times, by the American Government, that by uninterrupted user during the period when the Islands, though belonging to Great Britain, were partially occupied first by the Spanish Government and afterwards by that of Buenos Ayres, American citizens are entitled to fish in the waters of the colony... before authorising the Governor of the Falkland Islands to pass the Ordinance, Lord Derby would be glad to know whether, in Lord Grenville’s opinion, such a measure would be likely to lead to any difficulty or misunderstanding with the Government of the United States.”*⁵⁰⁹

August 7th, a Foreign Office note considers an issue of fishing licences in the Falklands.

*“If.. an Ordinance was now to be passed compelling them (US sealers) to take out British Licences, it would, I think, be taking too sanguine a view of the matter to expect the U.S. Govt., would not offer some resistance.”*⁵¹⁰

*“The Colonial Office were disposed to authorise the Governor to carry out his proposal, the licences to be granted to foreigners as well as the inhabitants of the Colony. The Foreign Office, however, ...”*⁵¹¹

August 25th, Britain's Foreign Office sends a message to Earl Derby, Secretary of State for the Colonies.

*“Lord Granville is of opinion that, in view of the claim repeatedly put forward by the United States to a right to fish in those waters, although that right has invariably been negated by this Country, the Govt. of the Colony must be prepared, in the event of the issue of such an Ordinance..., to expect protests on the part of the Americans,.. and which protests would necessarily lead to the re-opening of the whole question of the Falkland Island Fisheries.”*⁵¹²

November 9th, informed of Foreign Office concerns, Governor Kerr agrees not to pursue an Ordinance regulating the fisheries around the Islands.

*“... I will grant permissions for such of the Colonists as apply for them to take seals, on the coasts of the districts which they own or occupy.”*⁵¹³

508 Gov. Kerr to Earl Derby May 9, 1833 in FO 97/541

509 Ibid. A note scrawled onto the document referring the proposal states; “... the Govt. must be prepared to expect protests from the Americans against the Orders which the Governor of the Falkland Islands proposes to issue & that the whole question will be reopened by the U.S. Govt.” The author's signature cannot be made out.

510 FO 97/541. Once again the author's signature is unreadable.

511 *The United States and the Question of the Falkland Islands* A. F. Orchard Sept, 1928 in FO 371/12736/324

512 FO 97/541

513 Ibid.

1884 – January 28th, from Buenos Aires, Minister for Foreign Affairs, Francisco Ortiz, instructs Argentina's representative in Washington, Luis Dominguez, to raise the issue of the *Lexington* raid 53 years earlier. ⁵¹⁴

"I have the pleasure of expressing to Your Excellency that this Government has resolved to reopen in London the discussion of its right to the Falklands in order to obtain their return. At the same time, I believe that it is convenient to insist on the claim brought against the United States for the damages and damages caused in 1831 by Commander of the corvette of war "Lexington", Silas Duncan, violently assaulting and destroying the colony Argentina established in the port "La Soledad." ...

The postponement of the question no longer serves any purpose,.. should be noted that the heirs of Don Luis Vernet have presented their case in Congress, and that the opinion is favorable to their demand. The Government cannot do less than make its own claim for damages and injury caused to a citizen, who has suffered them in the performance of public functions of high office." ⁵¹⁵

Minister Dominguez is advised that he should not enter into any discussion with regard to the sovereignty over the Falklands, as that is a matter between England and Argentina and does not change the fact that an Argentine establishment was attacked and destroyed by the commander of the *USS Lexington*.⁵¹⁶ Dominguez is told that the value of the damage is 207,728 strong pesos and that that sum should be used as a baseline in the negotiation. If a settlement is not possible, the Minister is instructed by Ortiz that, as a last resort, he should propose the use of an arbiter; possibly the President of the Supreme Court of the USA.

"The wording of the claim ... was submitted for the opinion of Don Bartolme Mitre who responded. ... Mitre was pessimistic with respect to Argentine rights; attaching great importance to the documentation submitted by the British." ⁵¹⁷

April 25th, from Washington DC, Minister Dominguez questions his instructions in a letter to Ortiz. ⁵¹⁸

"Permit me Your Excellency to observe that I understand that this question, concerning the United States with the Argentine Republic was settled and was concluded by solemn official acts subsequent to the date of that note⁵¹⁹ by Mr. Webster. ..."

Dominguez argues that the issues were previously presented but that the US Government had supported Commander Duncan; raising its own objections to the damages wrought on their fishing vessels by Luis Vernet. Referring specifically to the last exchange between General Alvear and Secretary Webster in 1842, Minister Dominguez reminds Ortiz:

"... it was intended to wait for the outcome of the sovereignty of the Islands, occupied for eight years by England, and as it seems that this suggestion was accepted by the Argentine Government, to whom General Alvear referred it in his note January 4, 1842, ... I say that it appears that Mr. Webster's

514 Quoted in full in Fitte 1966 pp.455-457. See also *A 182 años de la invasión estadounidense a Malvinas y Después... ¿Reconoce Estados Unidos la Soberanía Argentina en Malvinas* Pablo José Reid 2014 in *Newsletter of the Board of Historical Studies of La Matanza: National University of La Matanza*, July 2014.

515 The purpose, in 1842, had been to facilitate the resumption of diplomatic relations between Argentina and the USA; requiring that the issue of the *Lexington* raid be set aside. At that time, the intimation was that the issue would be left until Britain and Argentina had resolved their dispute over sovereignty. See 1879 & 1882.

516 *Hispanic-American relations with the United States* W. Spence Robertson 1923 ch.5

517 Rozas 1948. Rozas cited Mitre's *Observaciones a la Reservada del 28 de enero de 1884, y al Memorandum correspondiente sobre la cuestión de las Islas Malvinas, pendientes con la Gran Bretaña y los Estados Unidos*. Bartolomé Mitre had been Argentina's President between 1862 and 1868. The documents probably those from Palmerston in 1834.

518 Quoted in Fitte 1966 pp.457-462

519 December 4, 1841

proposal was accepted, because Mr. Webster relied upon this acceptance for the renewal of diplomatic relations cut by Mr. Baylies.”⁵²⁰

Dominguez contends that, as a result, there have been continued friendly relations between the USA and Argentina. Cemented in the treaty of friendship of 1853 which, in its preamble, stated that relations were; “.. regular, known and confirmed...”

*“... this new state of affairs bears witness to the harmony that for more than thirty years has reigned between the two Republics; the Malvinas business and the seizures and confiscations attempted by Commander Vernet have never been mentioned in the United States since more than half a century ago.”*⁵²¹

New Zealand and Australian newspapers report rumours that the British Government may exchange the Falkland Islands for New Caledonia, in a deal with France.⁵²²

May 6th, in Buenos Aires, President Julio Roca addresses Argentina's Legislative Assembly, regarding the Conquest of the Desert.

*“Not a single Indian crosses the Pampas where many tribes used to live.”*⁵²³

*“During the nineteenth century, Argentina consolidated its possession over its northern frontier and, following a genocidal war against the indigenous populations, expanded into the vast Patagonian region on the eastern side of the Andes. The ‘Conquest of the Desert’ not only referred to the arid landscape of Patagonia but also to the notion that Argentina’s expansion southwards was in the name of extending the values of civilization to the indigenous populations, in common with the imperial enterprise more generally.”*⁵²⁴

May 30th, in Buenos Aires, British Minister Edmund John Monson speaks to Minister Ortiz regarding Argentina's relations with Brazil over a boundary dispute in an area known as the *Misiones*.

“... I said both this Country and Brazil had such an (..) extent of territory that they could well afford to be lenient in pushing territorial claims. His Excellency smiled at this; and then said that there was an Empire much more extensive and much more powerful than Brazil, to the Government of which President Roca's advisers were meditating addressing a territorial claim. He wished, he said, to tell me, most confidentially, that the Argentine Government intended re-opening their claim to the Falkland Islands.

I interrupted His Excellency at once by stating that, if his Government contemplated so serious a step, I thought that the better and more regular course would be to cause the communication to be made to

520 *Dominguez a Ortiz 25 de abril, 1884* in Fitte 1966 p.459. In support, Dominguez quoted President Tyler's message to the US Congress of December, 1843. *cf.* 1843

521 *Ibid.*

522 Following the visit by HMS *Bacchante* in 1881 with Princes Albert Victor and George, an account of the voyage was published in their names, although mainly written by their tutor, the Rev. Dalton. It was he that had first expressed the opinion that the Falklands' colony could be exchanged with the French for New Caledonia. Undoubtedly the foundation for these press reports. See 1881 & Tatham (ed.) 2008 p.34

523 Julio A. Roca, presidential speech before the Legislative Assembly, 6 May 1884 (National Congress, daily report on sessions) quoted in *Discussing Indigenous Genocide in Argentina: Past, Present, and Consequences of Argentinean State Policies toward Native Peoples* W. Delrio; D. Lenton; M. Musante & M. Nagy 2010 in *Genocide Studies and Prevention: An International Journal*: vol.5:2

524 *Reluctant collaborators: Argentina and Chile in Antarctica during the International Geophysical Year, 1957–58* A. J. Howkins 2008 in *Journal of Historical Geography* 34 (2008) 596–617. Bibliography reference – Howkins 2008 (2)

Your Lordship by the Argentine Minister in London. That I was taken by surprise at this broaching it to me; and that I was thus placed at a disadvantage; for, to tell him the truth, I could hardly say that I was aware that the claim had not been dropped.

His Excellency replied that the claim had been put forward several times; but that it had never been pressed as it might have been, because the unsettled state of the Confederation – the internal provinces and partisan disputes – had weakened the action of the Central Government as regarded foreign politics. Now that the country was consolidated, and was "rounding off" its territories, it seemed advisable to take advantage of the moment to settle all its territorial claims; and his object in mentioning the matter to me was to request me to inform Your Lordship, most confidentially, that the Argentine Government contemplated reviving their claim to the Falkland Islands. He did not want to say more at present than that his Government thought it a question which might fairly be settled by arbitration. Great Britain had already set so good an example to the world in accepting the principle of arbitration, that the Argentine Government felt convinced beforehand that they might safely appeal to Her Majesty's Government to give to this proposition their most equitable consideration.

I answered that His Excellency was right in attributing to Her Majesty's Government an honest desire to treat with the utmost impartiality and justice any claims which a Foreign Government might think itself justly empowered to bring forward; but that beyond this broad statement I could not go. Besides I felt certain that His Excellency would not expect me to give any opinion as to the probability or improbability of the acceptance by Her Majesty's Government of the proposal to submit the question to arbitration. If His Excellency would not, as I thought he had better do, instruct Dr. Garcia to broach the matter in London, I would agree to become the channel of his communication to Your Lordship; but that I must decline to express any opinion upon so grave and important a proposal thus suddenly put before me.

Dr. Ortiz said that he wanted nothing more at this moment; but that with regard to his having selected me as the channel of communication he particularly wished, and so did the President, that the initiative should be taken in this manner; and that moreover; he should prefer to carry on the discussion as soon as possible at Buenos Ayres. He reiterated his request for secrecy, as he was most anxious that for the present nothing should be known upon the subject by the public; and he concluded by begging me to request Your Lordship to let me know, as soon as possible, the view which Her Majesty's Government took of the attitude of the Argentine Government thus communicated to them." ⁵²⁵

"Modern Argentina does not correspond to the territory of the former Viceroyalty: it covers only part of the Viceroyalty's area; the Intendancy of Buenos Aires excluded much of what is now northern Argentina, and the present division of Patagonia between Argentina and Chile does not follow any Spanish division." ⁵²⁶

Minister Monson reports.

"I was naturally most surprised at being suddenly made the recipient of a statement that Her Majesty's Government were to be asked to make a cession of territory to which the exercise of possession for more than half a century seems to give Her Majesty the stronger prescription right,..." ⁵²⁷

525 Monson to Granville May 30, 1884 in FO 6/503/1. There is a suggestion in Rozas (*Rosas, Las Malvinas y Nuestras Desmembraciones Territoriales* 1948) that ex-President Mitre had recommended to President Roca that Argentina adopt a softly-softly approach, until it became clear just how committed Britain would be to retaining the Islands.

526 Pascoe 2020 p.51

527 Ibid at FO 6/503/7

"In international law a protest must clearly and explicitly indicate the act against which it is directed. The protesting state must communicate it to the government of the state concerned." ⁵²⁸

"... the Buenos Aires government was far from representing either territorially or politically the whole of the vice-royalty of La Plata within whose jurisdiction, even if the Spanish titles were admitted, the Falkland islands were claimed to come. It was not until 1884 that their protests put forward a doctrine of contiguity as a basis for their claims." ⁵²⁹

"This new initiative on the Falklands in 1884 demonstrates ipso facto that Argentina's title had become extinct – in saying "the Argentine government contemplated reviving their claim to the Falkland islands," foreign minister Ortiz confirmed that Argentina had not maintained its claim. That disproves all assertions that Argentina "has never ceased to protest" at Britain's possession of the Falklands." ⁵³⁰

Researcher's Comment: Not a formal protest, just a conversation. A Minister sounding out an Ambassador.

June 4th, Monson acquaints the Governor at Stanley of the 'project' entertained by the Argentine Government.

"(Ortiz) requested me to make a confidential communication to Her Majesty's Government with a view to learning whether Great Britain would consent to an arbitration on the question of her rights of Sovereignty over those Islands... Looking back to all the correspondence of former years with regard to this claim and especially to the very distinct and uncompromising enunciations of Lord Palmerston and the Earl of Aberdeen, I am inclined to anticipate that Her Majesty's Government will not be disposed to allow their right of Sovereignty over the Falkland Islands to be questioned at all; much less that they will agree to submit these rights to the decision of an arbitrator..." ⁵³¹

Australian and New Zealand news reports of an agreement to exchange French New Caledonia with the British Falklands, are repeated in a new Buenos Airean newspaper, *Messenger*.

"The writer ... explained that the object of Her Majesty's Government in this alleged transaction is to relieve the Australian Colonies from the dangerous vicinity of a French Penal Station, inveighs against the monstrous indifference to Argentine interests displayed by Great Britain in thus exposing the Atlantic Coast of the Republic to the incursions of convicts..." ⁵³²

Britain's Minister Monson passes on the local reaction to these newspaper reports.

"Dr Ortiz asked me, ... whether I knew anything about this alleged negotiation. I replied that this was the first time that I had learnt of it; and that I did not believe that it had ever taken place. His Excellency observed jocularly, "Oh! If you cede the Falklands to the French we will offer to buy them. They would take a million or two of francs no doubt; but to you we should not think of making a bid for them, as you turned us out of them before with scant ceremony (Con muy poco respecto)."

I said that all that had been discussed between the two Governments long ago; and that I did not believe that, since the year 1849, when a somewhat sharp correspondence took place between Lord Aberdeen and Senor Moreno, the question of the Falkland Islands had ever been mentioned on either side.

528 *The Denunciation of Treaty Violation* Q. Wright 1938, p.526

529 British 'Bulletin' issued by the Embassy in Buenos Aires in 1949 and quoted in *The Chicago Tribune* July 8, 1949. Contiguity is geography.

530 Pascoe 2022 vol.3 p.138

531 *FO 6/503/13*

532 *Monson to Granville June 16, 1884* in *FO 6/503/15*

*Dr. Ortiz said that that was so; and added that, as he had already explained to me, the President was anxious that the discourse of the question should be prosecuted here between himself (Dr. Ortiz) and me. I told him that I had so reported to Your Lordship, and that until I learnt from you in reply to my communication I wished not to discuss the question at all. Upon that the subject was dropped.”*⁵³³

July 1st, in Argentina, the link made by Minister Dominguez to the resumption of diplomatic relations between the USA and Argentina with the abandonment of any claim arising from the 1831 Lexington raid, is rejected by Foreign Minister Ortiz. Writing from Buenos Aires, Ortiz suggests that nothing can be found in support of Dominguez's contention.

*“In the various memorials presented to the Legislature of Buenos Aires by the Office of Foreign Affairs of the Confederation since 1841, in which the question was postponed until 1849, it was always stated that “the integrity and devotion of the US Government inspired in the Confederation hope that the claims of the Republic, pending before the Washington Cabinet, would have a dignified and honorable solution for the countries. These statements of the Government were therefore made on the basis of the pending claims for the assault carried out in the Malvinas Islands by Captain Silas Duncan... That government has not given us any satisfaction or compensation for the damages it caused to individuals, and there is no reason why it should be exempted from such serious responsibilities. ... What is needed by this is that the United States Government recognize that the conduct of Commander Duncan was contrary to (our) rights and a violation of our sovereignty. ... Besides, our right is unquestionable and it is not advisable to postpone the reopening of the claim. ... The Argentine Government has always recognized and paid with exactitude all the claims of American citizens ... since the time of Independence, as Your Excellency remembers very well, and it would not be fair that, having kept for our part the forms and differences due to the friendly governments, did not obtain reciprocity in similar cases. Under these concepts Your Excellency must proceed to comply with the instructions contained in the above note of January 28.”*⁵³⁴

July 28th, from London, Earl Granville sends instructions to Minister Monson.

*“... to remind Dr. Ortiz that the Argentine Government had repeatedly been informed that Her Majesty's Government could not permit any infringement of Her Majesty's rights of sovereignty over the Falkland Islands, and that, in their opinion, no good could possibly arise from an attempt to reopen the question.”*⁵³⁵

August 19th, in the Falklands, Rotomahana, with a cargo of coal and salt, is on fire at Elephant Cay.

September 6th, in Buenos Aires, Britain's Minister informs Dr. Ortiz of Granville's instruction.

“... and I told His Excellency that, to avoid all chance of misunderstanding, I had brought him an accurate copy of Your Lordship's own words which I would leave in his hands. Dr. Ortiz received my communication very imperturbably. He said that of course he regretted that Her Majesty's Government

533 *Ibid (Monson to Granville)*. Obscurely, this suggestion of an 1884 exchange with France was raised in the House of Commons nine years later. Asked whether there was a record of such French willingness, the Under-Secretary of State for Foreign Affairs, Sir E. Grey, answered in the negative. *HC Deb 16.3.1893 vol.10 c223*

534 Quoted in Fitte 1966 pp.463-465. Dominguez tersely acknowledged the instruction on August 25, 1884. At this time, an American businessman was pursuing a claim against the Argentine government amounting to some \$40,000 for damages caused during 1874. Ortiz wanted a bargaining chip. An acceptance by the USA of Argentina's rights to the Falkland Islands would also have been very useful in his conversations with Minister Monson.

535 This response did not reach Buenos Aires until the second or third week of August.

had such a decided view, because his Government had an equally decided view in an opposite sense. It was not a question that could ever be a pretext for violent measures; but the Republic could not but regard the Falkland Islands as both naturally and legally hers; naturally by reason of their geographical position; legally as part of her inheritance from the Mother Country. ⁵³⁶

I took no notice of the geographical argument, which, as far as the country is concerned, has always seemed to me entirely inappropriate, or, if it be worth anything at all, derives its value only from the recent formal acquisition of Patagonia; which, indeed, Dr. Ortiz' original expression as to "rounding off" the territories of the Republic appeared to imply. With regard to the question of inheritance, however, I reminded His Excellency that Spain had expressly recognised, in the most explicit manner, the Rights of Sovereignty of Great Britain over the Islands, and that the Mother Country had never in any way retracted that recognition, and that consequently there could be no such rights of inheritance accruing to the Republic. ⁵³⁷

Dr. Ortiz, however, reverted to the old fallacy, so completely exposed by Lord Palmerston, of a secret understanding of retrocession between Great Britain and Spain. I was surprised at his doing so because, unless he had made some fresh and improbable documentary discovery, there is absolutely, since the refutation above referred to, no pretext for any such argument. He however made it with all seriousness and gravity; and I answered him that Her Majesty's Government had clearly established during the former controversy that no such secret understanding had ever been entered into. I spoke throughout as if I assumed that the question of the revival of the Argentine claim was at an end; but I do not dare to assure Your Lordship that I feel at all certain that such is the case. ... ⁵³⁸

September 16th, in the Falklands, a British barque, C.A. *Belyea*, is wrecked on Volunteer Point. ⁵³⁹

September 18th, in Buenos Aires, the Argentine Geographical Institute is commissioned to prepare a new map of Argentina, to include the Falkland Islands as Argentine territory. Argentina's Congress votes a sum of money to cover the costs.

*"The Argentine government still did not protest, and said nothing at all in London, but commissioned the Argentine Geographical Institute to publish a new atlas of Argentina, for which the Argentine Congress voted 25,000 pesos; it was to include a map showing the Falklands as Argentine territory. That was extraordinary, given that the 1882 Latzina map, which showed the islands as outside Argentina, had only recently been published (in 1883) in 120,000 copies and was being distributed by Argentine consulates all over the world."*⁵⁴⁰

In Washington DC, Argentina's Minister Dominguez finally submits a claim for compensation to the US Government; based upon the action of the *USS Lexington* at East Falkland Island in December, 1831.

"Twice, through formal notes to Secretary F. T. Frelinghuysen, he presented the Argentine claim for indemnity and damages. He received no reply. ..." ⁵⁴¹

536 As to the irrelevance of geography, see the *Islas de Palmas* arbitration of 1929. For a discussion on inheritance, see 1816 and 1848

537 Probably a reference to the convention of 1771, although it could also be a nod to the visit by Spain's Admiral in 1863.

538 *Monson to Granville September 8, 1884* in FO 6/503/55

539 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

540 Pascoe 2020 p.246

541 Peterson 1964. cf. 1885

September 24th, in Washington DC, Argentina's Minister Dominguez addresses a further letter to US Secretary of State Frederick Frelinghuysen.

*“... to request from the United States the final solution to the extremely serious incident of the Falkland Islands, which was postponed in 1841 on the proposal of the eminent predecessor of Your Excellency, Mr. Daniel Webster.”*⁵⁴²

Noting that the US State Department already has all the records, Dominguez outlines the events of December 1831 through 1832 up to the return of Britain to the Falklands with a “naval division” in 1833.

*“... Argentine Government has not yet received ... a single word of reparation from the United States Government nor (anything) to satisfy its injured dignity, nor to compensate it for the damages and damages caused by the destruction of the (afore)mentioned establishment.”*⁵⁴³

October 12th, in Ushuaia, Tierra del Fuego, the flag of the Republic of Argentina is raised over the missionary site founded by Waite Hockin Stirling in 1869.⁵⁴⁴

October 16th, Argentine legislation (Law. 1532) subdivides the *Gobernación de la Patagonia* into the territories of Rio Negro, Neuquén, Chubut, Santa Cruz and Tierra del Fuego.⁵⁴⁵

*“6°.- Government of Tierra del Fuego, with its natural limits, according to the treaty of July 23, 1881, and also the Isla de los Estados.”*⁵⁴⁶

*“... in 1884, law number 1532 on the organization of national territories was issued, establishing the governorates of Misiones, Formosa, Chaco, La Pampa, Neuquén, Río Negro, Chubut, Santa Cruz and Tierra del Fuego. This administrative structure lasted for several decades...”*⁵⁴⁷



542 Quoted in full in Fitte 1966 pp.467-468

543 *Ibid.*

544 A number of sources (including *Ushuaia 1884-1884* Arnoldo Canclini 1984) suggest that the Rev. Thomas Bridges was persuaded by Commodore Augusto Lasserre to lower the British Union flag at the mission and raise the standard of the Argentine Republic. The mission remained in situ until 1888. *cf.* 1869 & 1881

545 Sanctioned October 1, 1884. For a chart, see <https://falklandstimeline.files.wordpress.com/2019/03/1887-governshp-of-tierra-del-fuego-and-the-malvinas-islands-by-mariano-felipe-paz-soldan.jpg> *cf.* 1990, 2006 & 2009

546 *Ley N°1532 de organización de los Territorios Nacionales de 1884 16 de octubre de 1884 Congreso Nacional.* See 1881 for the terms describing Tierra del Fuego for the purposes of the treaty; Art. 3 of which includes the line – “As for the islands, to the Argentine Republic shall belong Staten Island, the small islands next to it, and the other islands there may be on the Atlantic to the east of Tierra del Fuego and of the eastern coast of Patagonia;...”

547 Argentine Congress August 3, 2006, Document 4302-D-06

*“It should be noted that the decree dated June 10, 1829 included the Falklands/Malvinas and Tierra del Fuego as one single administrative division.”*⁵⁴⁸

In Chile, a map by Alejandro Bertrand is published for use schools.⁵⁴⁹



October 30th, reflecting on his recent exchange with Dr. Ortiz, Monson reports; *“... that the only reason which presented itself to his mind as the motive for this extraordinary policy was the effect which the action of the Government might have upon the next presidential election.”*⁵⁵⁰

November 13th, in the Falklands, *Menai Straits'* cargo of coal burns in Salvador Waters.

December 2nd, from Washington, Minister Dominguez informs Ortiz that he has still not received any response from the US Secretary of State, with regard to his note of September 24th.

December 8th, in Buenos Aires, the *Argentine Geographical Institute* announces in *La Nacion* that it is preparing an atlas which is to include the Falkland Islands within Argentine territory.⁵⁵¹

“.. as an integral part of the Argentine Republic. Here geography is harmonised with the policy of the Nation and its eminent rights.”

*“Now seems reborn the legitimacy of claims suspended, but not abandoned. The Ministry of Foreign Affairs can not remain indifferent; and of course the national executive that protects it authorized the formation of the Atlas, as the only official expression of the extension of our territories in South America, ...”*⁵⁵²

548 Kohen & Rodríguez 2017 p.182. Without, apparently, actually naming the archipelago. *cf.* 1829 & 1957

549 Bertrand had been a member of the Boundary Commission charged with marking out the 1881 Chilean-Argentine border. Worthy of note that the north-south line across Tierra del Fuego is not exactly as Argentina had put it in its own chart of 1881. See above. Also that the Falklands are given their Spanish name, while the east and west islands are identified with their British name.

550 Not due in Argentina until 1886

551 *La Nacion* had been founded by Bartolomé Mitre in January, 1870: ex-President, author and historian and, it appears, head of the Argentine Geographical Institute. The same story was repeated in *El Nacional*.

552 Editorial in *La Nacion* December 8, 1884. *cf.* 1820

*"The author of the article records "the act of usurpation" by a European Power; and the unheeded protests of the Argentine Government, repeated annually until the year 1851 (sic). He then asserts that the United Provinces of the River Plate took solemn possession of the Islands in 1820: and, that, after ten years unchallenged possession, a German was sent to them, who, after being violently expelled by a British Man of War, received, a long time subsequently, a portion of the indemnity which he had claimed. The article proceeds to refer to the support given in Washington to the Argentine pretensions, and to the unanimity of opinion entertained by public men in this Country with regard to them. An appeal is made to the Executive Government, which cannot long remain indifferent to the legitimacy of the claim; and the hope is expressed that England will consent to recognise it."*⁵⁵³

*"... there had been no such map before."*⁵⁵⁴

December 11th, the Buenos Aires Herald reports.

*"We cannot see a shadow of right which Great Britain has to these Islands; and if justice prevails, they will be returned to Argentine jurisdiction. Neither the United States nor Great Britain show in good advantage in the antecedents to this case; and both are bog enough to be able to afford to confess an error; and restore property not fairly acquired."*⁵⁵⁵

December 15th, Monson sends to Ortiz a confidential note; *"... in which I have pointed out the gravity of the reported decision of the Government, and have asked him to state to me, for the information of Her Majesty's Government, whether the Argentine Government consider the forthcoming Map to be official; and whether it will include the Falkland Islands as National Argentine Territory."*⁵⁵⁶

*"I have endeavoured to obtain accurate information respecting the extent to which the forthcoming Map and Atlas may be considered official publications. They are, I understand, to be drawn up by the "Argentine Geographical Institute", which is to receive for the purpose a subsidy of Twenty Thousand Dollars (Four Thousand Pounds), already voted by Congress. I am also told that the National Government is to have forty thousand copies of the Map and Atlas, when completed; but it does not appear that they are likely to be ready for publication for some time to come."*⁵⁵⁷

December 19th, Dr. Ortiz responds to Monson.

*"Ortiz replied on 19 December 1884 that he could not say whether the map was official, but he said its publication would not alter the position regarding sovereignty over the Malvinas or Falkland Islands, and he could give the same answer as the Argentine Minister in London in 1849 had received from Viscount Palmerston, that the declarations made did not alter the state of the pending issue, which was considered by the British government to be the same as in 1843. That of course was untrue. Palmerston had not said in his reply to Manuel Moreno on 8 August 1849 that the question was in the same state as in 1843, but that it stood exactly as described in Moreno's letter of 27 July 1849, which included Palmerston's own Commons statement that the matter had lapsed by Argentina's acquiescence"*⁵⁵⁸

⁵⁵³ Monson to Granville, December 17, 1884 in FO 6/503/72 – 77. An inaccurate journalistic piece. There had been no annual protests to Britain, just statements made at the opening of the Legislature in Buenos Aires each year. The last made by Rosas in December, 1849. A rare mention of Jewett however. cf. 1820, 1828 & 1833.

⁵⁵⁴ Pascoe 2020 p.246

⁵⁵⁵ Buenos Aires Herald December 11, 1884

⁵⁵⁶ Monson to Granville, December 17, 1884 in FO 6/503/83. Monson sent two despatches on the same day; this from the second.

⁵⁵⁷ Ibid. in FO 6/503/72 – 77. This from the first letter

⁵⁵⁸ Pascoe 2020 p.246. See 1849.

From Buenos Aires, Monson telegrams London.

*“Minister of Foreign Affairs professes (an) inability at present to give categorical reply either as to official character or scope of map; justifying his attitude by necessity of reserve, by insufficient information, and by a reference to correspondence with Lord Palmerston of July August 1849. May I protest hypothetically?”*⁵⁵⁹

December 20th, Monson speaks to Ortiz at the Ministry of Foreign Affairs. Dissatisfied with the responses given the previous day, Monson threatens to lodge a formal protest.

*“I objected that the map was to be published at the national expense, and that Congress had voted a special sum for the purpose. Doctor Ortiz replied that it was not so: that the sum voted by Congress was simply a grant in aid of a scientific Institution, and for any works or purposes that that Institution might be pursuing. Such grants were made for the encouragement of scientific research; of exploration; and of many other cognate objects. The Geographical Institution was in no sense a public department; and the pecuniary aid thus given by Congress could not fairly be held, and was certainly not held by him and his colleagues, to impress any official character upon the result of its labours and operations... I requested Doctor Ortiz to repeat to me the categorical declaration he had before made so that there should be no mistake about it. His Excellency thereupon re-affirmed that the Argentine Government neither considered the Map official, nor were in any way responsible for its contents. I told His Excellency that I thought that that declaration would satisfy Her Majesty's Government, ...”*⁵⁶⁰

*“Ortiz assured Monson on 20 December 1884 that the funds voted by Congress were not specifically for the map, but were general funds for the Geographical Institute.”*⁵⁶¹

December 23rd, Argentina's *Nacional Tribune* newspaper reports on a meeting of the Geographical Institute of the previous day, and those resolutions passed which refer to State funding for the proposed map.

*“... (it) seemed to me to be in direct contradiction to Doctor Ortiz' explanation; and I lost no time in sending him a note, pointing out to him the discrepancy, and asking him to clear it up.”*⁵⁶²

December 24th, Ortiz responds to Monson's note of the 23rd.

*“In his reply...which I received on the 26th instant, His Excellency does not allude to the misconception into which I had been led. He sends me a copy of the law; authorising the Executive Government to pay twenty five thousand national dollars for the compilation of the map; but again insists that that does not make the map official; that only a decree or declaration of the Government can have that effect; and that I ought to await the event before making any further remarks. He reminds me that the rights of Sovereignty are not established by the colouring on a map, and hints that to settle the question it would be well to enter upon a radical examination of its elements. Upon a consideration of the precise terms of the law thus communicated to me, I could come to no other conclusion than that Her Majesty's Government would regard the Map as official; that the world at large would so regard it; and that the omission to inform me whether the Falklands would or would not be included into it as national Territory... implied that the decision had been taken to include them. I therefore determined to send Doctor Ortiz a formal written protest...”*⁵⁶³

559 Monson to Granville, December 19, 1884 (Telegram) in FO 6/503/93. The connection with 1849 is not clear, other than Palmerston's response to Moreno then had been ambiguous. cf. 1849

560 Monson to Granville, December 31, 1884 in FO 6/503/97

561 Pascoe 2020 p.246

562 Monson to Granville, December 31, 1884 in FO 6/503/97

563 *Ibid.* at 107

*“On 24 December Ortiz replied that the Geographical Institute was neither official nor an office of state; he enclosed a copy of the law passed by Congress, voting 25,000 pesos to produce the map, but asserted that the map’s character did not depend on the source of its funding; it depended on whether it was afterwards declared or decreed to be official.”*⁵⁶⁴

December 26th, on receipt of Ortiz's reply, Britain’s Ambassador registers a formal protest with the Government of Argentina.

“... By a law of 18th Sept: last the National Congress authorized the payment to the Arg Geographical Institution of the sum of Twenty five thousand National Dollars to cover the expenses of the publication of the Map of the Republic now being compiled ... On the 8th of the present month there appeared in the leading column of the newspaper 'El Nacional' an assertion that this new Map would include the Islands known as the Falklands or Malvinas as national Argentine Territory. This statement has been accepted as authentic by at least two other newspapers of this Capital, and has received no contradiction, official or journalistic, up to the present date. It appeared to the Undersigned, and it still appears to him, that a Map for which a special grant of money has been voted by Congress cannot be, and will not be, regarded by Her Majesty’s Govt and by the world at large, in any other light than as an official Map. H. E. the Minister of Foreign relations, however, is by no means of the same opinion. He maintains that the Map cannot be considered official, and that the Arg: Govt. are in no way responsible for its contents, until they formally accept it by a government declaration or decree. The Undersigned has given his careful attention to the reasoning of H. E. the Minister of Foreign Relations in this sense; but he has found himself unable to accept the view taken by H. E. as to the non-official character of the forthcoming Map.

... the Undersigned cannot, in view of the positive orders which he has received from H. M. Government, afford to leave any doubt in H. E.'s mind as to the sense which they would attribute to the inclusion, as National Argentine Territory the Islands known as the Falklands or Malvinas, in a map compiled by the direct sanction and on the account, of the National Congress, of a Group of Islands forming part of the Dominions of the British Crown.

*The Undersigned, therefore, in execution of his instructions, has no alternative but to place on record the formal protest of H. M. Minister against any such inclusion, or any decision authorizing such inclusion. ...”*⁵⁶⁵

Monson informs London of his actions.

*“The confidential communications which have passed between Doctor Ortiz and myself with regard to the forthcoming Map of the Argentine Republic and the reported inclusion of the Falkland Islands therein as national Territory, have ended in a divergence of opinion between us which has left me, in my judgment, no alternative but to make a formal protest. ... I think it not impossible that the Argentine Government may take advantage of this opportunity to make a formal written proposal to Her Majesty's Government to agree to arbitration upon the rights of Sovereignty over the Falklands.”*⁵⁶⁶

*“It is important to note that Argentina had still not made a protest against the possession of the islands by Britain for 35 years since the previous Argentine protest in December 1849.”*⁵⁶⁷

564 Pascoe 2020 p.246

565 FO 6/503 f.130

566 Monson to Granville, December 31, 1884 in FO 6/503/104

567 Pascoe 2022 vol.3 p.142

1885 – January 2nd, Minister Ortiz responds to Britain's official protest note.

“The President of the Republic, has charged the Undersigned to reply thereto, expressing at the same time the wish which he entertains that an amicable solution may put an end to the pending question of the sovereignty of the Malvinas. Taken in its double aspect of form and substance, the protest is inconsequent with history, with right and with facts... it is destitute of motive since it does not refer to actual facts such as would be the open publication of the map; and the Govt., could in no case take it into consideration, since it treats of mere conjecture, and of newspaper reports, the correctness of which it is not the custom to notice officially, because the Govt., always reserve to themselves the faculty of authorizing or not publications of such a character even although they be, as in the present instance, paid for by the National Treasury.

On the other hand, and even supposing that the Map in question had been already published and contained the Islands alluded to as an integral part of the Arg. Rep: H.B.M. Govt., ought not to find in this any valid motive for protesting, seeing as this inclusion would not modify in any way the position in which the Malvinas have always been considered to be, the question concerning them, as H.E. has been so good as to state to me, being pending, and subject to the solution of the two Govts...⁵⁶⁸

Now, as regards the substance of the Note, which is the unconditional affirmation that the group of the Falklands forms part of the dominion of H.B.M. the Undersigned must remind H.E. that the actual occupation of this Archipelago is not fortified by the possession of an indisputable title of dominion; that the Sovereignty over these Islands has been the object of ... discussions in the past and present century; the rights of Spain having been definitively assumed since 1774, in which year the British Establishment was removed from Port Egmont, until the year 1810; and from that date in the power of the emancipated Argentine Republic. The actual occupation by England dates from 1833, in which year the Great Malouine, or Island of Soledad, where there was a Garrison and Argentine Colony, was taken by violence. This aggressive occupation of a territory where no establishment of the British Crown had ever existed, was ... protested against by the Arg. Legation in London; and after a thorough discussion with H.M.B. Cabinet, the protest, founded on titles which in consequence of the emancipation had reverted to the Arg. Rep: remained on record (pendiente) just as did the refusal which had evoked it. Such is the present state of the Malvinas question ...”⁵⁶⁹

Ortiz refers Monson to a Memorandum attached to his response.

“... as containing an abstract of the grounds upon which the Argentine Government claim the Sovereignty over the Islands; and requests me to forward it to Her Majesty's Government; expressing the hope that means may be found for settling the question in the way now adopted by civilized nations for the solution of similar difficulties.”⁵⁷⁰

“The memorandum which accompanied Dr. Ortiz' note was, Mr. Monson said, merely an abstract of a much larger one in which the Argentine Government adopted and made use of all the essential matter contained in the protest addressed to His Majesty's Government by Senor Moreno on the 17th June, 1833.”⁵⁷¹

568 Subsequently denied by Monson.

569 Ortiz a Monson, 2 de enero de 1885 enclosed with Monson to Granville January 17, 1885 in FO 6/503

570 Monson to Granville January 17, 1885 in FO 6/503/144-5

571 Field 1928 para.163

“... it was little more than an abstract from Louis Vernet's monumental work which he drew up in 1832, in defence of the US sealer Harriet. One of the principles laid down in this memorandum of 1885 was that of contiguity – the fact that the Falkland group lay off the southern region of the continent which had been discovered and colonized by the Spaniards.”⁵⁷²

“Ortiz ... even asserted that Monson had personally confirmed to him that the matter was still pending – that was absolutely untrue...”⁵⁷³

January 7th, Foreign Minister Ortiz's response is received by the British Minister.

“(Ortiz's) personal opinion was that West Falkland Island was rightfully British territory, just as the Eastern Island had always been Spanish up to 1810, and thereafter Argentine. He took the view that an impartial arbitration would divide the archipelago between the two claimants. Dr. Ortiz hastened to point out, however, that this personal opinion must not be regarded as in any way compromising his Government.”⁵⁷⁴

January 8th, Minister Monson answers Ortiz.

“I replied to this Note the next day; as follows:

I maintain that whatever might be the character of the New Map within the jurisdiction of the Republic, its origin is sufficient to warrant a Foreign Power in regarding it as official, and in making the Argentine Government responsible for any offence it might contain against the sovereign rights of such Power. I repudiate the idea that the question of sovereignty is a "pending question" and I rectify His Excellency's assertion that I had made an admission as such. I decline to acquiesce in the correctness of his version of the histories of the discussions over the Sovereignty, and of the facts of the British reoccupation. I remind him that he has ignored the British Protest of November 19th 1829, and I state that what he calls "an aggressive occupation" was the logical and justifiable consequence of that Protest... I reminded His Excellency that it is extremely probable that Her Majesty's Government may decline to enter into any discussion upon the subject of the Falkland Islands.”⁵⁷⁵

“In view of the fact that Great Britain had been in possession of the Falkland Islands for upwards of half-a-century, and that Her Majesty's Government had already replied to similar Argentine protests against the British right of sovereignty, "it was considered that that Government should not be allowed to imagine that Her Majesty's Government might be induced to reopen the question of the right of Great Britain to that important colonial possession."...”⁵⁷⁶

“Monson at once refuted Argentina's new position. On 8 January 1885 he wrote to Ortiz, stating that the Argentine government could not disclaim responsibility for a map which affected the sovereign rights of a foreign power. He added that Britain had always maintained that the question of sovereignty over the Falkland Islands had been definitively solved by Lord Palmerston's letters to Moreno on 8 January 1834, 15 February 1842, and 8 August 1849, all of which stated the government's refusal to admit any questioning of Britain's rights to the islands. Secondly, Monson complained that Ortiz had gone much further than he himself had ever done, in asserting that the question of sovereignty was still pending and subject to solution by the two governments.”⁵⁷⁷

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

573 Pascoe 2020 p.247

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

575 Monson to Granville January 17, 1885 in FO 6/503/143-151. Also Bernhardt 1911 and *Tempest in a Teapot: The Falkland Islands War* R. Reginald & Jeffrey M. Elliot 2009

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

577 Pascoe 2020 p.248

January 9th, from Buenos Aires, following a conversation with Argentina's Under-Secretary of State for Foreign Relations, Paliza, Britain's Minister Monson reports.

*“He proceeded to say that speaking for himself, and giving his own personal opinion, which however was not to be used against his Government, he was inclined to believe that the island of West Falkland, in which Port Egmont was situated, was rightfully British Territory. The Eastern Island he thought, had always been Spanish up to 1810 and therefore was now Argentine. He believed therefore that an impartial arbitration would divide the Archipelago between the two claimants:...”*⁵⁷⁸

January 13th, Ortiz writes to Monson; “... maintaining that his statement that the matter was still pending had been taken from the correspondence of 1849, and that Monson had misunderstood Lord Palmerston’s reply of 8 August 1849.”⁵⁷⁹

That same day, Minister Monson responds to “clear up” the question of whether or not the issue of the Falklands was still 'pending.'

*“I ... quoted the last paragraph of the Note addressed by Lord Aberdeen to Senor Moreno on the 5th March, 1842 in which His Lordship states that Her Majesty's Government consider this previously expressed determination as final.”*⁵⁸⁰

*“Monson replied to Ortiz... that he could find nothing in the correspondence indicating that he himself, or Her Majesty's Government, considered the question of sovereignty over the Falkland Islands as pending. He quoted Lord Aberdeen's letter of 5 March 1842, saying that Her Majesty's Government considered final the declaration he had made to Moreno on 15 February regarding the government's refusal to permit any violation of the rights of Great Britain to the islands. And Palmerston's reply of August 1849, that he considered the question to stand exactly as Moreno described in his letter, only accepts that the government regarded the matter as closed. Monson said he failed to understand how the Argentine government could assume that he himself, or the British government, regarded the question as pending.”*⁵⁸¹

January 17th, Monson informs London of the most recent exchanges; referring Granville to the attachment.

“The Memorandum... has been I imagine for some time in one of the pigeon holes of the Foreign Department. At least the existence of such a Memorandum has been hinted at in recent years on more than one occasion by the Buenos Ayres Press. It purports to give a sketch of the history of the Islands; and of their occupation by Great Britain, with all the arguments against British Title. As far as I am capable of judging it would not be difficult to find a great many flaws in this exposition; but it was not for me to enter into any controversial correspondence with Dr. Ortiz upon the subject of the Falklands.

*Your Lordship has stated to me distinctly that Her Majesty's Government see no good in reopening the question of Sovereignty; and although I cannot decline to transmit the memorandum to Your Lordship it is clear that I should do very wrong if I allowed myself to be drawn into any discussion with Dr. Ortiz upon the merits of the Argentine claim. I consider that I have done all that I ought to do in vindicating my Protest;... it is true that the lodging of that Protest has given Dr. Ortiz the opening which he desired, for formally stating his case and suggesting arbitration...”*⁵⁸²

578 Monson to Granville January 17, 1885 in FO 6/503/164

579 Pascoe 2020 p.248. As the Argentine Government had misunderstood Palmerston's response in 1849, it is little wonder that they still misinterpreted Palmerston's words in 1885

580 Monson to Granville January 17, 1885 in FO 6/503 at 150-151. Original emphasis.

581 Pascoe 2020 p.248

582 *Ibid.* in FO 6/503/146-148

Monson also explains that he has only forwarded the *Memorandum* in order to retain the goodwill of the “touchy” Argentine Government as he has many unresolved cases of Britons’ held in Argentine jails. ⁵⁸³

“I really cannot make up my mind whether they have much hope that H.M. Govt., will listen to them upon this occasion; or whether they expect that there is any chance of their doing any good by reopening the claim. You will see that the Under-Secretary of State hinted to me that this Govt., might accept a compromise, by arranging a division of the Islands! but I cannot bring myself to believe that his superiors can dream that England would ever agree to such a proceeding. I am more inclined to fancy that they may entertain an idea that some money compensation may eventually be made to them...” ⁵⁸⁴

Governor of the Santa Cruz Province of Patagonia, Carlos Maria Moyano, arrives in the Falkland Islands. His intention is to persuade Islanders to transfer to Patagonia as few settlers from the north of Argentina are interested in colonising the barren areas of the south cone. Moyano purchases 600 sheep and convinces 15 shepherds, together with their families, to make the move. Moyano also meets his future wife, Ethel Turner, at Stanley. Governor Kerr reports to London; *“I am of the opinion that his visit was undertaken on his own responsibility and solely for the purpose which he intimated.”*

“Moyano's business ventures were approved by decree by President Roca.” ⁵⁸⁵

“Argentine governments were well aware that Britain was exercising sovereignty in the Falklands, and far from protesting against it, Argentina obtained settlers and sheep from the islands to populate and stock Patagonia. Argentina accepted that the Falklands were British.” ⁵⁸⁶

January 23rd, in Washington DC, Minister Dominguez sends a note to the State Department. He reminds Secretary Frelinghuysen that he has still not received a reply to the note of September, 24, 1884 regarding the actions of the USS *Lexington* in 1831. ⁵⁸⁷

January 29th, in Buenos Aires, the debate between the British and Argentine ministries is leaked to the press.

“(The) Falkland Islands were used as a penal colony by the British until 1852.” ⁵⁸⁸

“Fresh are still the annual protests of Rosas and the statements that could not but tear (at) Lord Palmerston. On these antecedents the Argentine Republic can air unquestionably its right to the Malvinas islands.” ⁵⁸⁹

March 4th, in the United States of America, Stephen Grover Cleveland becomes the 22nd President. With a new administration, Argentina’s Minister Dominguez resubmits Argentina’s claim for compensation based upon the actions of the USS *Lexington* in December, 1831.

583 *Ibid.* at 153 and *Monson to Granville (Private) January 17, 1885* in FO 6/503/241. The impression throughout this correspondence is that Minister Monson suspected that he had gone too far, both in lodging an official protest and in accepting the *memorandum* provided by Dr. Ortiz.

584 *Monson to Granville (Private) January 17, 1885* in FO 6/503/241. Monson referred to a “*financial crisis*.”

585 Bullrich 2000 p.152 citing decrees of May 28 and July 11, 1885

586 Pascoe 2020 p.252

587 Fitte 1966 p.471

588 *Buenos Aires Standard January 28, 1885* quoted in *Memorandum on the Falkland Islands 1947* in LCO 2/490. The islands have never been used as a penal colony by Britain.

589 Adolfo Saldias in *El Nacional* quoted in *Rosas y las Malvinas* Absalón Rojas 1950 p.8. Any mention of the Falklands in Rosas’s annual messages to Congress ceased after 1849. A speech to Congress is not a formal protest.

“... Twice more, during the first four months of the first Cleveland administration, the Minister addressed formal statements to Secretary Thomas F. Bayard.....”⁵⁹⁰

April 8th, from London, Lord Granville instructs Minister Monson in Buenos Aires not to respond to Dr. Ortiz's Memorandum – nor continue any further discussion on the issue of Falklands sovereignty; verbally or in writing.

“Monson said he failed to understand how the Argentine government could assume that he himself, or the British government, regarded the question as pending. That was confirmed by Lord Granville in a despatch to Monson of 8 April 1885 in which he said that the Argentine government should not be allowed to imagine that the British government might be induced to reopen the Falklands question; he therefore instructed Monson not to carry on any discussion with Argentina on the subject.”⁵⁹¹

April 28th, in the Falkland Islands, *Perthshire*, loaded with salmon, sinks at Blind Islands.

April 29th, *Yarra Yarra*, a British barque, sinks at Beaver Cliffs with the loss of all hands.⁵⁹²

May 4th, in Washington DC, upon the appointment of a new Secretary of State, Thomas Bayard, Argentina's Minister Dominguez writes again to the State Department; reminding them that he still awaits a response to his note of September 24, 1884.⁵⁹³

May 5th, in Buenos Aires, in a short letter, Minister Monson assures Ortiz that Britain accepts that the map complained of is not 'official.'⁵⁹⁴

May 6th, Ortiz's response merely expresses his satisfaction. Argentina's Foreign Ministry then publishes all the correspondence between itself and Minister Monson; presenting the documents in a report to the Republic's National Congress.

“Ortiz replied with a note on 6 May expressing pleasure that the British government had correctly deduced that Argentina disclaimed all responsibility for the map. So Argentina accepted that the proposed map did not officially indicate that Argentina regarded the Falklands as Argentine territory.”⁵⁹⁵

June 27th, in Washington DC, Minister Dominguez writes a further letter to the State Department complaining that nine months have now passed without any answer to his letter regarding the outstanding issue of the *Lexington's* raid on Vernet's settlement in 1831.⁵⁹⁶

In Buenos Aires, on the same day, a Government decree divides the territory of Tierra del Fuego into three departments – Ushuaia, Buen Suceso and San Sebastián. Buen Suceso is defined as including Staten Island.⁵⁹⁷

July 20th, in Washington DC, US Secretary of State Thomas Bayard finally responds to Minister Dominguez. Bayard notes that the Argentine Legation's note of September 24, 1884 was received but was “*very unexpected, as it has been so many years since the discussion of the matter between this Government and the Argentine was suspended.*”⁵⁹⁸

590 Peterson 1964. *cf.* 1884

591 Pascoe 2020. 248

592 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

593 Fitte 1966 p.472

594 See August 22, 1885 below.

595 Pascoe 2020 p.248

596 Fitte 1966 p.474

597 No mention of the Falkland Islands. It would not be until 1904 that an administrative decree extended the jurisdiction of Staten Island to include “*the islands of the same name and all others that are in the Atlantic under the sovereignty of right of the Argentine Republic.*”

598 Fitte 1966 pp.475-476

Referring to the last letter penned by Secretary Webster in 1841, Bayard makes observations:

“This note suggested the convenience of postponing further discussions until the dispute between the Argentine Government and that of Great Britain regarding the title to those Islands had been adjusted. General Alvear does not appear to have responded to this note. Meanwhile, it is well known that many years ago, since 1833, Great Britain has re-assumed the possession of these Islands, basing its claim to them on a title long before the independence of the Argentine Republic. The United States has also had a Consul on these Islands almost continuously since their occupation by the British. ...

These notes are particularly strong in regard to the abandonment of these Islands by Spain to Great Britain and the consequent extension of the pretension of that power to sovereignty.

*If, as it is believed, this extinction was complete, under such circumstances, the claim of Buenos Ayres, as successor of the Mother Country, had no basis on which to settle the important act of sovereignty of establishing a colony there and of appointing a governor. ... An examination of the background to this case has resulted in the conviction that it is still inconvenient for both parties to resume their discussion, especially when the controversy between the British Government and the Argentine Government can be considered pending or resting (and may) not ever be revived.”*⁵⁹⁹

Bayard refers Dominguez to the letter from Lord Aberdeen to Manuel Moreno of December 29, 1841.⁶⁰⁰

July 27th, Dominguez replies to the US Secretary of State.

*“In (the letter) I have shown that the Islands have always been in the power of Spain, during the short time that the English were in possession of one of them the century past, and after they retired until we declared ourselves independent, a fact that the Secretary of State seems to ignore; and that the Argentine authority was the only one in the Malvinas, with the full knowledge of England, until the day the establishment there was assaulted by the American Corvette Lexington. ... in accordance with the instructions of Your Excellency I have proposed that the matter be decided by arbitration and that the arbitrator be the Chief Judge of the Supreme Court of Justice of the United States.”*⁶⁰¹

*“Dominguez responded that Argentina was willing to arbitrate ... There was no rejoinder.”*⁶⁰²

July 30th, Argentina's Legation in Washington inform Buenos Aires of Bayard's letter; *“... you will see that it is only a dilatory record preceded by a record of the record, as brief as it is incorrect.”*⁶⁰³

August 22nd, after returning to London, Minister Monson comments on events in Buenos Aires.

“... it now seems to me quite possible that the immediate cause of the renewed assertion of the claim may be found in the fact, which has come to my knowledge through an examination of Dr. Otiz' Report... at the beginning of last year, instructed their Minister at Washington to press upon the United States Government the claim of the Representatives of Mr. Louis Vernet and others for compensation for the damages inflicted upon the Argentine Settlement on Port Soledad by the United States Frigate "Lexington," under Captain Silas Duncan, in 1831.

599 *Ibid.* p.476

600 The reference was very specific to *British & Foreign State Papers*, vol.31 p.1005. A strange response, considering that what Lord Aberdeen said in 1841 was, after acknowledging Moreno's letter of December 18, 1841 – *“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.”* cf. December, 1841

601 Quoted in Fitte 1966 p.477

602 Peterson 1964

603 Fitte 1966 p.477. Shortly after, Dominguez left Washington to take up a post at Madrid.

*As I have before had occasion to mention, the Argentine Government have always resented the action of the United States Government in all that concerns the occurrences of that period in the Falkland Islands; and, having determined to address a new complaint to Washington respecting this long standing grievance, they appear to have thought it a proper logical consequence that they should reassert, against the Crown of England, their pretensions to the Sovereignty of the Falklands.”*⁶⁰⁴

Britain's subsidy of the Falkland Islands mail service ceases; the last of the monies provided by London.

*“The islands had been a loss-making concern for Britain from 1834 onwards, but by the mid 1880s, after half a century of British rule, they began to pay their way.”*⁶⁰⁵

September 4th, in the Falklands, *Luigraf*, with a cargo of marble statues, is wrecked on Ruggles Island.

December 8th, Argentina's demands regarding the actions of the USS *Lexington* are mentioned by US President Cleveland in his State of the Union Address.

“The Argentine Government has revived the long dormant question of the Falkland Islands by claiming from the United States indemnity for their loss, attributed to the action of the commander of the sloop of war Lexington in breaking up a piratical colony on those islands in 1831, and their subsequent occupation by Great Britain. In view of the ample justification for the act of the Lexington and the derelict condition of the islands before and after their alleged occupation by Argentine colonists, this Government considers the claim as wholly groundless.”

*“.., President Cleveland in 1885, in a message to Congress, committed himself to the view that the Islands had been abandoned before and after the supposed occupation by the Argentine colonists, and that the Argentine claim had therefore no reasonable foundation.”*⁶⁰⁶

December 9th, Argentina's newly arrived Minister in Washington, Vicente Quesada writes to the US Government in response to the Presidential address. He complains that his country's claim cannot be called “wholly groundless”, without first being adjudicated.

“The Argentine government, in use of its right, regulated the fisheries of the Patagonian coasts and adjacent islands, even of course, Malvinas. V. E. is aware of those laws and regulations, which were cited by one of the Argentine ministers, General Alvear. Consequently, my government has the right to enforce its laws and regulations, which were repeatedly violated by American vessels. The governor or military commander of the Falklands then resorted to enforcing their compliance. Those who violated him were subject to unavoidable responsibility, and were referred to the Buenos Aires prison judge. Such jurisdiction was not an act of piracy, and never deserved that qualification by the United States government, which did not deny de facto possession of the Malvinas (Isla) Soledad. ... What is important to recognize that it was not a piratical colony or that the situation of those islands was in derelict condition. Moreover, the Secretary of State himself declared: "You may be certain that the United States will never allow any European nation to take possession of an inch of land anywhere in America." So that Argentine law can not be mitigated, modified or unknown by the subsequent fact that Great Britain, by an act of heresy, has taken possession of those islands, because force is not right, nor does it destroy the previous fact of the offense to the Argentine pavilion. The terms of the President's message may seem to justify this abuse of force, and are opposed to the doctrine of Monroe, which

604 *Monson to Salisbury August 22, 1885 in FO 6/503/326.* Monson had been replaced by Francis Pakenham. See February 10, 1886

605 Pascoe 2022 vol.3 p.92

606 Foreign Office *minute* by J. V. Perowne dated December 27, 1941 in *PRO FO 371/25979*

forms the international creed of this great republic. ... This claim, Secretary of State, affects the most essential principles that constitute the Spanish American nationalities, which have been founded within the Spanish territorial demarcations, establishing as a conservative element uti possidetis of 1810." 607

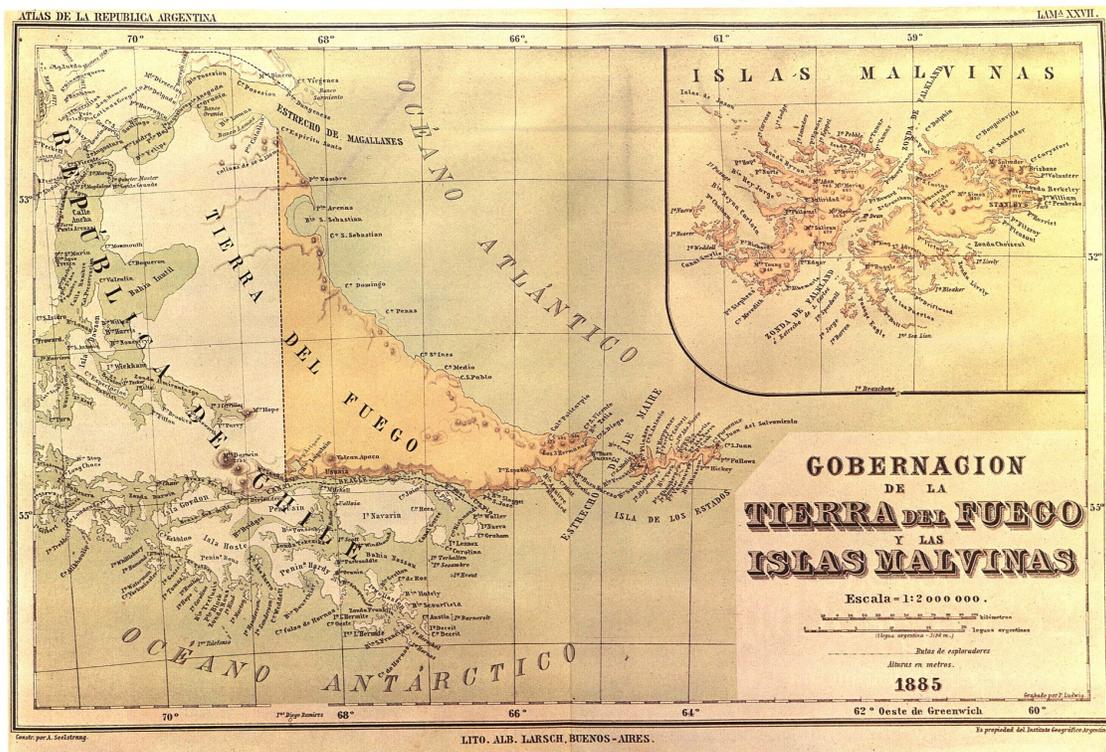
"Not aware that his conduct might be considered improper, upon the following day Vicente G. Quesada,.. addressed a note to Secretary Bayard in which he undertook to correct the President's statements and also to elaborate an argument to the effect that the action of Baylies in supporting the seizure of the Falkland Islands by England was "in flagrant opposition to the declarations of Monroe."..." 608

"... the State Department long ago expressed the view that the reinsertion of a British presence on the Islands in 1833 was not a new attempt at colonization, and that the Doctrine is thus inapplicable." 609

December 14th, Minister Quesada writes to Ortiz from Washington to say that, following the President's message, he does not believe that the US Government will opt for arbitration. 610

"My opinion is that the Government of the United States will not do justice. Moreover, I do not think they will answer Mr. Dominguez's note, nor mine, for it is accustomed to being autocratic in international relations. They do not observe the use of diplomacy, they (just) express their will because they are strong."

At the end of the year, in Buenos Aires, the *Instituto Geográfico Militar de la República Argentina* finally publish the new map announced on December 8, 1884.



607 *Recuerdos de Mi Vida Diplomática : Mission en Estados Unidos (1885-1892)* Vicente Quesada 1904

608 *Hispanic-American relations with the United States* W. Spence-Robertson 1923

609 *Prepared Statement of Thomas O. Enders, Assistant Secretary of State for Inter-American Affairs before the Subcommittee on Inter-American Affairs August 5th, 1982*

610 Fitté 1966 pp.484-485

1886 – January 16th, in London, Arthur Cecil Stuart Barkly is gazetted as Lieutenant-Governor in the Falkland Islands while Governor Kerr is on sick-leave in the UK. ⁶¹¹

February 10th, in London, responding to instructions from the Foreign Ministry, Argentina's Minister, Dr. Garcia, presses for a response to the memorandum attached by Dr. Ortiz to his January 2nd, 1885 letter.

“A despatch was therefore addressed to Her Majesty's Charge d'Affaires at Buenos Ayres, instructing him to remind the Argentine Minister for Foreign Affairs verbally of the notes to Senor Moreno of the 8th January, 1834, and the 15th February, 1843, and especially to Lord Aberdeen's note of the 5th March, 1842, in which he was informed that the discussion was closed so far as Her Majesty's Government were concerned; and to inform him that they could not consent to reopen the matter.” ⁶¹²

“Rosebery informed the new British ambassador in Buenos Aires, Francis Pakenham, that Britain regarded the matter as closed and would not consent to reopen it; Pakenham thereupon informed the Argentine foreign minister orally.” ⁶¹³

February 12th, in the Falkland Islands, Arthur Cecil Stuart Barkly arrives at Stanley on *Luxor*.

February 18th, from Buenos Aires, Foreign Minister Ortiz writes to Quesada in Washington.

“Your Excellency has acted prudently in raising with energy the unspeakable words that the president applied to the Malvinas question, which amounts (to) a denial of justice and an absolute ignorance of our right, especially when it is a claim not yet debated. It is to be hoped, however, that Mr. Cleveland's well-known enlightenment and good sense must impose a different turn on this subject in the course of the negotiation, when a more detailed study shows its justice and foundation....” ⁶¹⁴

March 18th, in the USA, Secretary Bayard writes to Argentina's Minister Quesada, responding to the Argentine Minister's complaints regarding the Presidential address of December, 1885.

“This Government is not a party to the controversy between the Argentine Republic and Great Britain; and it is for this reason that it has delayed, with the tacit consent of the former, a final answer to its demands. For it is conceived that the question of the liability of the United States to the Argentine Republic for the acts of Captain Duncan, in 1831, is so closely related to the question of sovereignty over the Falkland Islands, that the decision of the former would inevitably be interpreted as an expression of opinion on the merits of the latter. Such an expression it is the desire of this Government to avoid, ...” ⁶¹⁵

All agree that the territorial sovereignty of the Argentine government was derived from the crown of Spain, and it follows that the government of Buenos Aires, after having attained its independence, could not in law claim sovereignty as successor to His Catholic Majesty over any territory whose titles Spain recognized to belong to a foreign power. But it is a matter of uncontested history that the claim of Great Britain, of the sovereignty of the Falkland Islands, was categorically declared and sustained during the discussions with Spain in 1770 and 1771,..” ⁶¹⁶

611 Barkly was appointed on half pay of £500 *per annum*. For a biography, see https://www.falklandsbiographies.org/biographies/barkly_arthur

612 Bernhardt 1911

613 Pascoe 2020 p.249

614 Quoted in Fitte 1966 p.486

615 Quoted in Moore 1906

616 Quoted in Quesada 1904. *cf.* 1770 & 1771

As the resumption of actual occupation of the Falkland Islands by Great Britain in 1833 took place under a claim of title which had been previously asserted and maintained by that Government, it is not seen that the Monroe doctrine, which has been invoked on the part of the Argentine Republic, has any application to the case. By the terms in which that principle of international conduct was announced, it was expressly excluded from retroactive operation. If the circumstances had been different, and the acts of the British Government had been in violation of that doctrine, this Government could never regard its failure to assert it as creating any liability to another power for injuries it may have sustained in consequence of the omission. ... But it is believed that, even if it could be shown that the Argentine Republic possesses the rightful title to the sovereignty of the Falkland Islands, there would not be wanting ample grounds upon which the conduct of Captain Duncan in 1831 could be defended....

*On the whole, it is not seen that the United States committed any invasion of the just rights of the Government of Buenos Ayres in putting an end in 1831 to Vernet's lawless aggressions upon the persons and property of our citizens.”*⁶¹⁷

Researcher's Comment: The second paragraph above, put another way, would say that while Argentina gained its territorial sovereignty from Spain, it could not lay claim to a territory where Spain had previously recognised a foreign claimant. Bayard also confirmed that Monroe's Doctrine did not apply to territory where there existed a prior claim of title – even if contested.

*“In sum, he argued that it had not been demonstrated that the United States was responsible for the events which had occurred in the Falkland Islands from 1831 to 1833. He declined to accept Dominguez's proposal to submit the matter to arbitration.”*⁶¹⁸

*“The Monroe Doctrine was cited in 1886 by the Argentine Minister in Washington as applicable to the de facto British possession of the Falkland Islands. But the United States Government had, neither at that time nor since, considered the British assertion of rights of sovereignty over the Falkland Islands, as affording any ground for the application of the Monroe Doctrine.”*⁶¹⁹

*“Bayard's reaction echoed Frelinghuysen and re-echoed Webster. Admission of the claim for reparation would be tacit recognition of Argentina's sovereignty over the islands; and sovereignty was a question for Great Britain and Argentina to resolve. ... Moreover, this was not a case in point for an application of the Monroe Doctrine, because that principle pretended no retroactive features.”*⁶²⁰

March 20th, from Washington DC, Minister Quesada forwards Bayard's message to Foreign Minister Ortiz in Buenos Aires.⁶²¹

On the same day, from Port Stanley, Lt.-Governor Barkly reports to London.

*“The year 1885 is memorable in the history of the Colony as being the first in which no pecuniary aid has been received from the Imperial Government...”*⁶²²

617 Quoted in Moore 1906

618 Spence-Robertson 1923 p.174

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

620 Peterson 1964

621 Fitte 1966 p.492. Mentioned in Ortiz's response.

622 *Reports on Blue Books, 1883, 1884, and 1885, London 1886, p.200*

May 6th, from Buenos Aires, Ortiz responds to Quesada in Washington. ⁶²³

“I see from this answer the various arguments by which the Secretary of State has believed it reasonable to decline the proposals made by the Argentine Government with the purpose of submitting the matter in question to an arbitral award, deciding for an indefinite postponement whose term would only end in the case that Great Britain recognized the Argentine Republic in their rights of sovereignty to the Falkland Islands. Finding ... that all the reasons adduced by Mr. Minister Bayard suffer from inconsistency and many of them of inapplicability to the question that is discussed, in order to enable Your Excellency to give the corresponding answer, I will enter (into an) examination of your main arguments, highlighting, with great clarity, the facts from which our titles derive for the aforementioned islands and especially the Great Malvina or island of Soledad, which is the place where Captain Silas Duncan committed acts of piracy...”

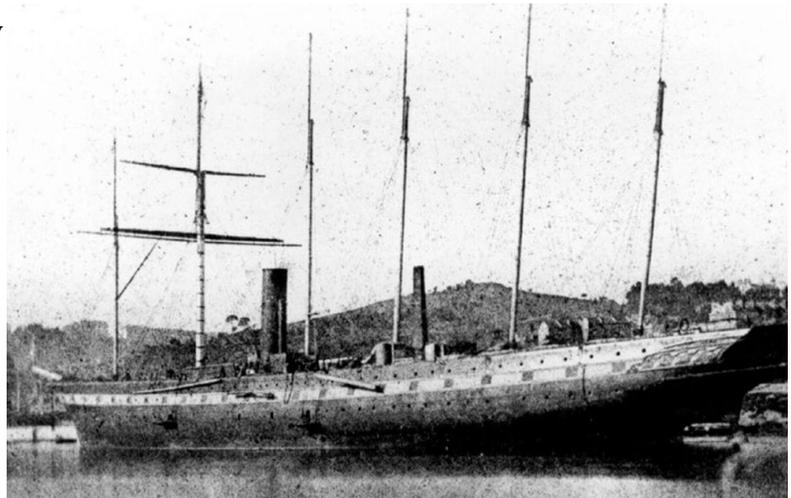
Ortiz then provides a detailed account of Argentina's view of the history of the islands from 1764. ⁶²⁴

“All these observations, and the others flowing from the point of view in which I have raised the question, Your Excellency will express with his asserted intelligence in the reply to Mr. Bayard, concluding by asking that (that) Government, ..., to take them into consideration... The controversy over the rights is by itself a sufficient cause for arbitration, and ..., the appointment of a third party becomes more necessary after the facts had been established with the strictest fidelity. Finishing, Your Excellency is sufficiently instructed...” ⁶²⁵

May 25th, en-route to Australia with emigrants, *SS Great Britain* puts into Stanley for repairs. These being found to be uneconomical, she is sold as a hulk to the *Falkland Islands Company* for the storage of wool, grain and coal. ⁶²⁶

June 2nd, Stanley suffers another peat slip which destroys St. Thomas's Church and the school. ⁶²⁷

“From Port Stanley, June 3rd, 1886: ... About 9pm another peat slip took place similar to that of 1878 but more disastrous in its results. It started from the top of the hill, and descended with



immense force to the harbour, and moved one house several yards and nearly overturned it, smashing all fences and walls that stood in its path, carried all outbuildings down to the water, and found its way into the back premises of many buildings. The Church is half buried, and the back wall cracked and bulged in, so as to be unsafe. A lad named Ratcliffe in trying to escape when the first rush came, was

623 Fitte 1966 pp.492-496

624 Taken mainly from Manuel Moreno's protests to the British in 1833 and 1834.

625 All in Fitte 1966. Quesada took his time in answering Bayard's letter. *cf.* May, 1887

626 Designed by Isambard Kingdom Brunel and launched in 1843, the *SS Great Britain* remained in Stanley harbour until 1937 when she was towed out and beached in Sparrow Cove. Recovered in 1970 and returned to Bristol, England.

627 See November, 1878

caught in some wire fencing, and although several people had hold of him, and nearly lost their lives in trying to rescue him, was horribly smothered, and his body only recovered after daybreak this morning. There is a report that a man is missing, supposed to be dead in a house that is nearly buried, and a search is being made for him..."⁶²⁸

*"... a regular river of half-liquid peat flowed down the mountain, and ran across the very middle of the town into the sea. It has blocked up several streets, touched a house or two ... and killed two people."*⁶²⁹

Bishop Waite Hockin Stirling launches an appeal for the construction of a cathedral for Stanley.⁶³⁰

July, at the Port of London, a cargo of Falklands mutton arrives; selling for 5d a pound.⁶³¹

The *Falkland Islands Meat Company* contracts to deliver 60,000 sheep carcasses a month to Australia.⁶³²

August 6th, from Buenos Aires, Minister Pakenham reports to London that he has complied with his instructions and informed the Foreign Ministry verbally that Her Majesty's Government would not consent to reopen the matter of Falkland islands sovereignty.⁶³³

September 7th, in Tierra del Fuego, an expedition led by Julius Popper, finds gold dust on San Sebastián Bay's beach. The expedition is attacked by 80 Selk'nam tribemen; 78 of who are killed by the new Winchester rifle.

September 28th, in the Falklands, *Sidney Dacres* sinks at Billy Rock.

October 12th, in Buenos Aires, Dr. Ortiz is replaced as Foreign Minister by Quierno Costa.

December 17th, Lt.- Governor Barkly leaves Port Stanley on *HMS Ruby* following the return of Governor Kerr.

1887 – March 11th, ignoring Minister Pakenham's verbal message of August – or being unaware of it – Argentina's new Foreign Minister instructs Minister Luis Dominguez, in London, to remind the British that the memorandum of January 2nd, 1885 remains unanswered.⁶³⁴

May 4th, in Washington DC, Vicente Quesada submits to Secretary Bayard a lengthy note on the subject of the Falklands Islands; "... after securing the approval of the Argentine secretary of foreign relations."⁶³⁵

"(His Excellency) ... declines, for the time being, the proposal to submit this question to arbitration, on the following ground:

"(That) the question of the responsibility of the United States to the Argentine Republic for the acts of captain Duncan of 1831, is so intimately related to sovereignty over the Falkland Islands that (the USA) would inevitably come to be interpreted as an expression of opinion about the legality of the latter. ..."

It is, however, absolutely indispensable to enter into an exhibition of these titles, because the possession in which the Argentine government had of that island, entitles it not to be deprived by force, its

628 *Frederick E. Cobb to the Falkland Islands Company, London, June 3, 1886* in Pascoe 2022 vol.3 p.154. Ratcliffe was, apparently, just 7 years old.

629 This from Governor Barkly in a letter to his father.

630 See 1890

631 *Australian Town and Country Journal* July 24, 1886

632 *The Queenslander* September 18, 1886. This journal estimated there to be 600,000 mature sheep in the Islands.

633 See February, 1886. The process seems to have been inexplicably slow.

634 The date these instructions arrived in London is unclear, but Minister Dominguez was, without doubt, slow to react. See November 1887, below.

635 Spence-Robertson 1923 p.174. Quesada was apparently very proud of this Herculean effort; and equally as disappointed when there was no reply. History repeating itself? See 1832 when Luis Vernet prepared a very lengthy report arguing the Confederation's case only to see it returned by the US envoy, unopened.

population destroyed and prisoners made of its dwellers, in the midst of the deepest peace. The title of bona fide occupier, continued possession by official and public acts, imposes on other nations the duty to respect that possession, and inhibits them from resorting to acts of hostility, ...

The fact of the offense was that (Argentina) de facto possessed the island, by virtue of titles as serious as the cession by purchase, by the French, the first settlers (Soledad). ... the possession of the Eastern Malvina or Solitude, was never disputed by Great Britain until the unsubstantiated protest of Sir W. Parish in 1829.

Protest is not a means of acquiring dominion, and therefore such protest did not weaken the title of first occupant on which the possession was founded that the Argentine government, as successor of the Spain, had of the Eastern Malvina in 1831. ... Before 1829, Great Britain did not claim right on the island (of) Soledad de Malvinas, owned by the French in 1764 and from then until 1810 by the crown of Spain. The first time he made official pretensions about it was in the protest of 1829, so that the violent occupation of it in 1833 is in clear violation of the Monroe Doctrine. ... The undersigned hopes to set forth the facts from the inauguration of the Malvinas Solitude in 1820, to the assault by Captain Duncan in 1831, with sufficient clarity to expect that, Your Excellency in view of this demonstration, (will) persuade himself of the injustice of sustaining an indefinite postponement of the question, ...

The honor, justice, and aspiration of the American people and Government have to set an example of impartiality and prudence in international relations with the republics of the continent: everything proves that, having proved the facts, proved the right and justified the foundations then the United States Government must accept the proposed arbitration to end a debate so long postponed.”⁶³⁶

“England in 1833 took forcible possession of the Falkland Islands on the basis of her former ownership of these lands and proceeded to establish a colonial government there. The Argentine Republic, ..., endeavoured to interest the United States government in the controversy, urging that the principle of the Monroe doctrine was at stake. In this connection it was maintained that the question of the sovereignty of the two islands, East Falkland, the home of Port Soledad (formerly Port Louis), and West Falkland of which Port Egmont was the chief settlement, should be kept wholly distinct; that, whatever the British claims might be to West Falkland (these too were disputed), England, previous to 1829, had never made any protest whatever to the exercise of Spanish sovereignty in East Falkland. In (Quesada's) letter it is stated that "la posesión de la Maluina del este o Soledad, no fue jamas disputada por la Gran Bretania, hasta la infundada protesta de Sir W. Parish en 1829".⁶³⁷ ... this is a mistaken view. On the only four occasions on which the representatives of the rival powers met previously to the seizure of Port Egmont by the Spaniards in June, 1770, e.g. McBride's visit to the French settlement in Dec., 1766, Hunt's two encounters with the Spanish vessel from Port Soledad in Nov. and Dec., 1769, and the visit of Don Fernando de Rubalcava to Port Egmont in Feb., 1770, the English office in charge of Port Egmont protested against the presence of the Spaniards and declared the Islands to be British possessions.”⁶³⁸

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

<https://falklandstimeline.files.wordpress.com/2018/01/quesada-to-bayard-may-4-1887.pdf> Also Fitte 1966 pp.497-540

637 *“The possession of East Maluina, or Soledad, was never disputed by Great Britain, until the baseless protest of Sir W. Parish in 1829.”* Worthy of note that, in 1829, Buenos Aires had accepted Britain's protest without comment or argument.

638 *Anglo-Spanish Relations in America in the Closing Years of the Colonial Era* V. L. Brown 1922 p.405 citing *Vicente E. Quesada, Argentine minister, to Thomas F. Bayard, United States Secretary of State, Washington, 4 May, 1887* (*Vicente E. Quesada, Recuerdos de mi vida diplomática*, Buenos Aires, 1904, p. 226)

*"In his note that minister presented a strong case in favor of undisputed Spanish jurisdiction over the eastern Falkland Islands, including Soledad, after the French evacuation in 1764 (sic). He declared that the revolutionary government of Buenos Aires took possession in 1820, transmitting documents to prove Argentina's jurisdiction before 1830 and excerpts from the juridical proceedings against Harriet. In his brief Quesada argued that the forcible occupation by England of Soledad in the Falkland Islands was in violation of the Doctrine of Monroe; for by that occupation England took possession of this island for the first time."*⁶³⁹

The US Government does not reply.

*"The Ambassador could not be more disillusioned. In his memoirs he said about the United States government that: "Autocratically used to doing so in international relations, they do not observe the use of diplomacy, and they express their will because they are strong." ... The United States did not recognise Argentine sovereignty in the Falkland Islands. 55 years after the aggression of Captain Duncan, it was considered as an action "against pirates" and therefore (they) found no reason to even apologize."*⁶⁴⁰

May 11th, in Buenos Aires, the Foreign Ministry inform the Argentine Congress that no answer has been received from Great Britain regarding the memorandum presented on January 2, 1885.

June 27th, in the Falklands, the British barque, *Star of Scotia* is wrecked at Bull Point.⁶⁴¹

July 30th, in Buenos Aires, Minister Pakenham receives a copy of the January, 1885, 'Memoria' with a note stating that it remains unanswered.⁶⁴²

Captain R.D. Inglis RN (retired) applies for a sheep farming lease on South Georgia.⁶⁴³

September 29th, in Buenos Aires, the Chamber of Deputies reconsider the compensation claim submitted by the Vernet family in 1778; rejected in 1779 and rejected again in 1882 by the Senate. Unable to reach a conclusion, the debate is adjourned in order that the Foreign Minister can be summoned.⁶⁴⁴

September 30th, Argemntina's Chamber of Deputies reconvenes. Foreign Minister Norberto Quirno Costa takes the floor.

"I have no objection to giving the chamber the explanations it asks ... The question of the Falklands can be considered in two respects: that which refers to the claim against the government of the United States for the outrage committed on those islands in 1831 on the occasion of the destruction of the colony founded by Mr. Vernet; and that which refers to the sovereignty and jurisdiction of these islands. The government of Buenos Aires, in charge of foreign relations in 1828 (sic), granted Mr. Vernet the Falkland Islands with all their adjacencies; even the island of Estados, which is at a distance, I think, from sixty or seventy leagues west of them. ...

Mr. Vernet established a colony there; and after having introduced strong capital, later, in 1829, the same government appointed him political and military commander of those islands, ordering him to enforce the rights of sovereignty that corresponded to the Argentine government, by virtue of the rights acquired by the revolution of 1810. Mr. Vernet, on the orders of his government, notified several vessels of various nationalities that it was forbidden to fish for amphibians at the various points adjacent to

639 Spence-Robertson 1923 p.174. See 1831

640 Reid 2014

641 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.* En-route to Ireland, seven lives were lost.

642 Field 1928 para.167. Presumably, from the Argentine Foreign Ministry.

643 Headland 1992. When informed that the island was invariably covered in snow, the application was not pursued.

644 The circumstances surrounding the claim's re-submission are not apparent.

these islands, provided it was within ten leagues of the sea. In view of this notification, several vessels withdrew; but after a year or a year and a half, some North American ships returned, and in spite of the strict orders and notifications made by Commander Vernet, they insisted on their fishing. Then the political chief seized the ships and sent them to Buenos Aires, ... Pending the question of seizure before the court I mentioned, an American ship, the "Lexington," sailed from the port of Buenos Aires and seized all the settlers of the Malvinas, completely destroyed the colony, which was abandoned. This is the origin of the claim made before the United States, on the double basis of the damages caused to the settlers and of the injury inflicted upon national sovereignty.⁶⁴⁵

The Argentine government has not neglected this claim; on the contrary, it has tried to finish it in different occasions. General Alvear, the Argentine minister in the United States in 1839, received special instructions to follow the steps and request the appropriate reparation. Later, in 1866, the then Argentine minister in that country, Mr. Sarmiento, also dealt with the matter. And lately, in the past administration, strict instructions were given to the Argentine legation in Washington to pursue the claim.

The current administration, on the other hand, has done the same and the matter is currently under discussion, having changed several notes between the Washington Foreign Ministry and the Argentine legation accredited there. Consequently, in view of this explanation, I do not believe, under any circumstances, that Mr. Vernet's claim could undermine in any way the dispute with the United States. Regarding the island of Estados, since the concession granted to Mr. Vernet comprised not only the eastern Malvina island, but also that of the Estados, it was a single concession. As I was saying, Mr. Vernet's claim can not harm us in the management of the United States Government. Far from that, it is further proof that the Congress recognizes the right with which the government of the province of Buenos Aires proceeded by making these temporary concessions to strengthen their sovereignty and their rights over the islands of the southern region.

Regarding the question of sovereignty, it is also pending, and has been charged with activating our Argentine legation in London. Mr Domínguez has in recent days passed a note to the Ministry saying that he expects the English Cabinet to relieve itself of some urgent matters, such as the Irish questions, in order to return to this business and demand the reply of the memorandum which was passed on the occasion of a claim made by the English legation in Buenos Aires, concerning a map published by the Geographical Institute. Thus, both the question of compensation in the United States and the question of sovereignty over the Falkland Islands are in the hands of the respective governments.”⁶⁴⁶

The Chamber of Deputies decide to consider the cases of East Falkland Island and the Isla de los Estados (Statenland) as separate issues; concluding that Vernet's heirs are deserving of compensation only for the loss of the latter. However, before the session ends, Deputy Calvo raises the issue of the historical right of the Province of Buenos Aires to act for the Republic in its foreign affairs – a subject of debate by the Senate in 1882.⁶⁴⁷

“The Province of Buenos Aires, at that time, was the de facto representative of the nation, and each of its acts correspond, in its responsibilities as in its profits, to the nation, - the nation, which began in the year 1810, and who had up to five governors in a day, who had the triumvirate, the supreme directors,

645 Not true. *Lexington's* commander took away most, but not all, of the settlers at Port Louis. The guns were spiked and the powder burned, but there was no destruction of property.

646 *Diario de Sesiones de la Cámara de Diputados* 1887 pp.29-36. Britain considered the matter as settled.

647 Compensation for Statenland was approved by the Senate that same day and without a vote. cf. 1882 & 1888

the unitary constitutions, the governors of Buenos Aires in charge of the external relations, the governors of Cordova declaring a republic to the province of his command and refusing to recognize them Treaties made by the national government; that had in the province of Tucuman a governor: that was called supreme president of the federal republic of Tucuman, and maintained wars with Salta and the neighboring provinces: almost all government of fact.

All this is historical and forms a series of positive facts produced by de facto governments; and if we gave the stranger the right to examine, in theory, such and such a government could do such and such, then we would completely destroy all our history, all our previous rights. There is no country of the earth that has not gone through the vicissitudes of these events, under the monarchy, under the republic or under anarchy. But for any international event, for any point of international law, the country is represented by the de facto government that commands the country. And if we begin to doubt what the government of Buenos Aires has done, the several times, (because it has not only happened in these times,...) several times, I say, that his provincial government has represented the nation in the exterior; if these acts were unknown, then we would destroy our rights in what interests us most. As would happen in the question of the Falklands: if we did not know the administrative act that the government of the province of Buenos Aires, as a de facto government of the Republic, executed at this time, we would destroy the whole claim, because we would destroy the fact of our own possession as a sovereign nation.

*I wish, Mr. President, to simply establish this fact. This can not be argued in international law. The de facto governments that intervened between the declaration of 1810 and the constitution of 1853 were, for the former, those who had the representation of the country. It does not alter our rights, that there have been tyrants such as Rosas, that there have been personal caudillos, and supreme dictators such as Pueyrredon,... We are a sovereign people and a compact nation, for the stranger; whatever our temporary internal regime. Having established these points, I do not want to divert the attention of the chamber. But I wanted to leave it firmly established that Buenos Aires did well for by doing so, it saved us the territory which, if Vernet had not occupied it, might have been lost forever, for it would have been considered *res nullius*.”⁶⁴⁸*

Researcher's Comment: Calvo's plaintive speech was just that – a speech. Not a decision. What had been decided by the Chamber in 1879 and the Senate of 1882 remained the official position; ie. that between 1821 and 1828 Buenos Aires had been acting as a provincial government and not on behalf of the national Government (had there actually been one). Buenos Aires had been acting beyond its powers in the 1820s.

October 10th, a law granting land to the heirs of Luis Vernet, in lieu of Statenland is promulgated.

“Art. 1° Given in property to the heirs of Luis Vernet, an area of twenty square leagues in the national territories of the Chaco, is granted as compensation for the Island of Estados.”

The question of quite where, is passed back to the Government for its determination.⁶⁴⁹

November 3rd, in London, Luis Dominguez writes yet again to Lord Salisbury reminding him that no response has been received to Dr. Ortiz's 1885 memorandum.⁶⁵⁰

648 *Diario de Sesiones de la Cámara de Diputados 1887* pp.29-36. cf. 1882

649 The Chaco is a north-eastern region of Argentina bordering Paraguay. I am unable to confirm whether Vernet's heirs were ever actually offered land there, or whether they accepted any.

650 In obedience to an instruction of March, 1887 from Buenos Aires. Quite why he had waited, is not clear. See August 1886 & March 1887

November 9th, in Buenos Aires, Britain's Minister Pakenham writes to Foreign Minister Quirno Costa to reconfirm that London considers the issue of Falkland Islands' sovereignty as being “closed.”

*“On 9 November 1887 the British government first replied to Quirno Costa in a letter from Pakenham, who said that he had been charged with reminding the Argentine foreign minister of the British notes to M. Moreno of 8 January 1834, 15 February 1842, and especially Lord Aberdeen’s note of 5 March 1842, which indicated that for Britain the matter was closed.”*⁶⁵¹

November 14th, in London, Sir Thomas Lister, Undersecretary of State at the Foreign Office, responds to Argentina's Minister Dominguez to inform him that the British Government consider the matter of the Falkland Islands closed. Dominguez’s attention is drawn to previous correspondence from 1834 and 1842.

November 18th, Minister Dominguez informs Buenos Aires of the official response regarding his enquiries.

Britain’s *Colonial Office Year Book* specifies that South Georgia is one of the Falklands - 'Dependencies.'

*“... numerous laws passed by the Falkland Islands Government during the period 1843 – July, 1908. were made for “the Falkland Islands and their Dependencies” The particular territories comprised in the “Dependencies of the Falkland Islands” were not named in the various Letters Patent,..”*⁶⁵²

*“In January 1890 the Admiralty Intelligence Department reported on the defence of the Falklands. It estimated that the value of British trade passing round Cape Horn (excluding the value of the ships) in 1887 totalled £30,269,000, divided between Australia (£16.25 million), San Francisco (£6.25 million) and the western parts of South America. The chief threat to the Falklands was seen as a raid by a single cruiser due to the distance from hostile powers and the Royal Navy's ability to intercept larger forces. A number of military experts assessed the extent of the defences required. A garrison of between 1,000 and 3,560 men with fortifications costing between £140,000 and £375,000 was recommended. The Admiralty favoured Captain Bowden-Smith's proposal to build a fort in Stanley harbour to defend a coal depot and ordinance stores, which could be enlarged if a naval refitting station were built. It should be able to accommodate 250 to 300 men in time of war armed with light artillery and machine-guns.”*⁶⁵³

1888 – January 20th, in Buenos Aires, replying to Pakenham's letter of November 9th, Argentina's Foreign Minister, Quirno Costa maintains that the Foreign Ministry has; “... put forward the following arguments, which they said might be proved by authentic documents:..”⁶⁵⁴

*“1. That by the Declarations of the 22nd January, 1771, Spain consented to replace the British Settlement of Port Egmont in its former position, reserving the right of sovereignty over the Falkland Islands;”*⁶⁵⁵

*2. That in 1774, when Great Britain abandoned the Settlement of Port Egmont, without leaving a single inhabitant of British nationality in the island, the Spaniards, who had bought the French Colony of Port Louis in the Island of Soledad, exercised from that time supreme rule over all the group until 1810, the British Government making no protest or claim on account of any superior title;”*⁶⁵⁶

651 Pascoe 2020 p. 252

652 *Agent for the Government of the UK to the Registrar of the International Court of Justice at the Hague, May, 1955*

653 Ellerby 1990 p.52

654 Listed in Bernhardt 1911. cf. 1771, 1790, 1834 & (for Bernhardt) 1911

655 What the 1771 Convention actually said was “... the engagement of his said Catholic Majesty..., cannot nor ought any wise to affect the **question** of the prior right of sovereignty of the Malouine islands, otherwise called Falkland Islands.”

656 When the British garrison withdrew from Egmont, a claim of right was left nailed to the blockhouse door under two Union flags. After 1774, Spain never again raised its flag over the western islands. Also, British sealers moved into the buildings shortly after the garrison had sailed; a continuing British presence. See 1774.

3. That by Article IV of the Treaty of 1790 between Great Britain and Spain His Britannic Majesty contracted the obligation to use all efficient means to prevent the navigation and fisheries of British subjects from serving as a pretext for illicit practices, the Spanish Government expressly stipulating that British subjects should not navigate or fish in these waters within the distance of 10 marine leagues from any part of the coast occupied by Spain, which was tantamount to acknowledging the right of occupation of the Falkland Islands by that Crown at that date;⁶⁵⁷

4. That the Spanish Government having withdrawn and the national sovereignty being assumed by the Argentine Government that Government proceeded to the administrative organisation of the territories and islands forming an integral part of the United Provinces, establishing a military government in the archipelago of the Malvinas (Falkland Islands) by Decree of the 10th June, 1829, and founding an agricultural and pastoral colony with private capital;⁶⁵⁸

5. That in 1833 the Argentine Colony planted in the large island of La Soledad was attacked by His Majesty's ship "Clio," who took violent possession of that territory where the British flag had never floated;⁶⁵⁹ and

6. That the Argentine Government, through their Representative in London, Señor Moreno, raised a well founded protest against this "unqualified act" carried out in time of peace and against the legitimate right of the Argentine Republic to the sovereignty of the Falkland Islands...⁶⁶⁰

Researcher's Comment: This letter is generally considered to have been a formal protest although it did not employ that diplomatic term. Taken as a protest, it was the first in 38 years (see 1849). Worthy of note:-

- 1) there had been no reservation of right in 1771, merely the reservation of the "question" of right (see 1771);
- 2) having failed to gain effective possession, Spain did not exercise authority over the western Islands after 1771;
- 3) the Nootka Convention's application to the archipelago is moot, but the accord was (and is) seen as a defeat for Spain. Much misinterpreted in Argentina. If the treaty was applicable to the Islands, then the secret clause prohibited establishment's by third parties such as Argentina (see 1790), effectively giving Spanish permission for the 1833 action by the UK;
- 4) an inheritance 'assumed' by Buenos Aires, but not recognised by any other established nation either in 1816 when the United Provinces declared independence nor in 1829 when Buenos Aires made its pretensions public. An interesting legal theory, not recognised in international law in the 19th century and much disputed today);
- 5) a peaceful ejection of trespassers from Buenos Aires took place in January, 1833, following two written warnings by Britain to the Confederation (see 1829 & 1832). Some settlers remained;
- 6) Moreno's intermittent protests had been dealt with by the British Government at the time he made them.

657 Art. 4 of the 1790 Treaty was only applicable to the Southern Pacific (South Sea) to the west of South America. The treaty did not seemingly include the Falkland Islands. See 1790

658 Not true. Spain withdrew its garrison in 1811. There was no 'administrative organisation' of the islands before 1829 and that was limited to East Falkland Island (Soledad) and was also ineffective. See 1829 to 1833

659 Not true. An armed, and mutinous, garrison sent by Buenos Aires to exert control over the islands in the wake of the 1831/32 'Lexington Raid' was ejected peacefully by the Royal Navy. Genuine settlers found there, were permitted to stay.

660 Minister Moreno made protests in 1833, 1834, 1842 and 1849. All rejected by the British Government. See Lord Palmerstons reply to Moreno of 1834.

*“In replying ... the Argentine Government expressed surprise that Lord Salisbury, the British Prime Minister, should declare a discussion closed when it was a question of sovereignty with both sides adducing titles and rights.”*⁶⁶¹

*“In the 90 years between 1850 and 1940 Argentina only made one formal diplomatic protest over the sovereignty of the Falkland Islands: that made by the Argentine Foreign Minister, Norberto Quirno Costa, in 1888.”*⁶⁶²

*“Quirno Costa asserted ... that the matter had not been closed in 1842 but merely interrupted, and that once it had been raised in 1849, Lord Palmerston had solemnly declared that the matter remained in the situation indicated by the Argentine representative, ... But just like Francisco Ortiz, Quirno Costa had interpreted Palmerston’s reply of 8 August 1849 incorrectly. ... Perhaps Palmerston’s reply was too subtle, or too arrogant, or too slapdash; at all events it was misunderstood by the Argentinians, and the misunderstanding continues to this day, as shown by various Argentine authors...”*⁶⁶³

January 25th, Minister Pakenham merely acknowledges receipt of the Minister Costa's letter.

*“In its outward form, then, that was the first formal Argentine protest to Britain over the Falklands since December 1849, over 38 years earlier. But although Quirno Costa's letter fulfilled the outward conditions which any protest must satisfy, its validity had been so undermined by Argentina's actions during those 38 years that it was without legal force.”*⁶⁶⁴

April 13th, in Buenos Aires, Jenner, Britain’s *charge d’affaires*, is instructed to address a note to the Argentine Government stating that; *“... that Her Majesty's Government declined to enter into any discussion of the right of Her Majesty to the Falkland Islands which, in their judgement, was not open to doubt or question.”*⁶⁶⁵

*“By 1888, that view had become not merely reasonable, but indisputably valid.”*⁶⁶⁶

On the same day, Argentina’s Minister in London expresses the hope; *“... that Her Majesty’s Government would reopen the discussion on the Falklands.”*

*“The Argentine Government maintains its protest with respect to the illegitimate occupation of the Malvinas Islands; it does not abandon, and never will abandon, its rights to these territories; and at all times, until justice is done, it will regard them as forming an integral part of the Argentine dominion, founded on priority of discovery, on priority of occupation, on possession initiated and exercised, on tacit and explicit recognition, and on acquisition by treaty of those titles which belonged to Spain.”*⁶⁶⁷

April 19th, Fr. Patrick Diamond and Mgr. Jose Fagnano, of the Salesian Fathers, arrive at Stanley to administer to the Catholic population.

*“Fr. Diamond was able to continue on the work which was carried out by Fr. Foran. Fr. Diamond built the parish priest house and directed the children's school. He also baptized sub conditione over twenty-five Protestant adults.”*⁶⁶⁸

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

662 Britain's *charge d'affaires* at the UN, Philip Parham to the Secretary-General August 2, 2010 in UN Document A/64/887

663 Pascoe 2020 p.253. For a full account, see 1849.

664 Pascoe 2022 vol. 3 p.160

665 Field 1928 para.173

666 Pascoe 2022 vol.3 p.161

667 *The South American Journal* April 14, 1888, quoted in the *Scottish Geographical Magazine* 1888 v.4 issue 5. Which Spanish-Argentine treaty is not stated, but is either that of 1859 which did not include the separated Province of Buenos Aires, or the final treaty whereby Spain recognised Argentina (including Buenos Aires) in 1863.

668 Murray 2005

April 21st, in London, Lord Salisbury confirms in writing to Argentina's Minister that the question of the Falkland Islands is 'closed'.

June 12th, in Buenos Aires, Minister Costa writes to Britain's *charge d'affairs* Jenner.

"... the Republic does not consider that its sovereignty is compromised ... by the silence that the British Government keeps with regard to the proposals to submit the matter to arbitration made by the Argentine Government, ..." ⁶⁶⁹

"Quirno Costa replied to Jenner's note on 12 June 1888, saying that he had communicated that reply to the President of the Republic, and that it was so little in harmony with previous communications on that matter that the President had charged him to make it clear to the British Foreign Secretary that despite Britain's refusal to discuss any rights it may have to the islands in question, the government of the Republic did not regard its own rights as having been compromised by that declaration, nor by the silence maintained by the British government towards suggestions of arbitration made by the Argentine government, which maintained and always would maintain its rights to the sovereignty over the Malvinas Islands, of which it was violently deprived in peacetime." ⁶⁷⁰

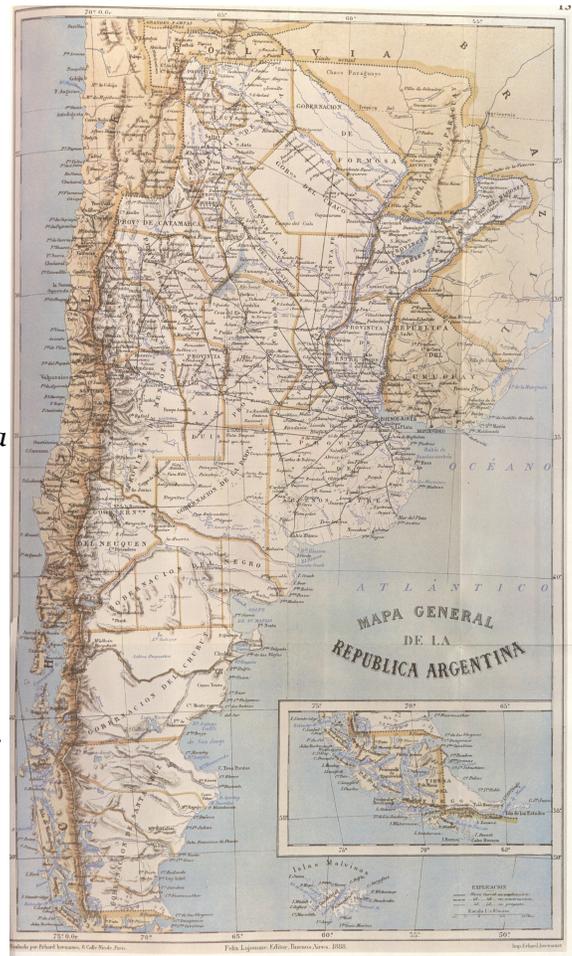
June 14th, Jenner reports Quirno Costa's response to the Government in London.

"And there the matter rested. Britain did not reply; Argentina never again made a formal protest to the British government on the question of the Falklands, .." ⁶⁷¹

In Buenos Aires, Dr. Francisco Latzina, National Director of the Argentine Statistics Institute, publishes a book - *Geografía de la Republica Argentina*. ⁶⁷²

The Argentine Geographical Institute awards the book its 'Bernadino Rivadavia Grand Prize'. ⁶⁷³

Also published are two maps by Peruvian geographer Mariano Felipe Paz Soldán, in exile in Buenos Aires. The first is entitled *Mapa Orohidrográfico de la República Argentina*. ⁶⁷⁴ The second, *Mapa general de la República Argentina* (detail below).



669 Acknowledged by Jenner on the 14th, without comment.

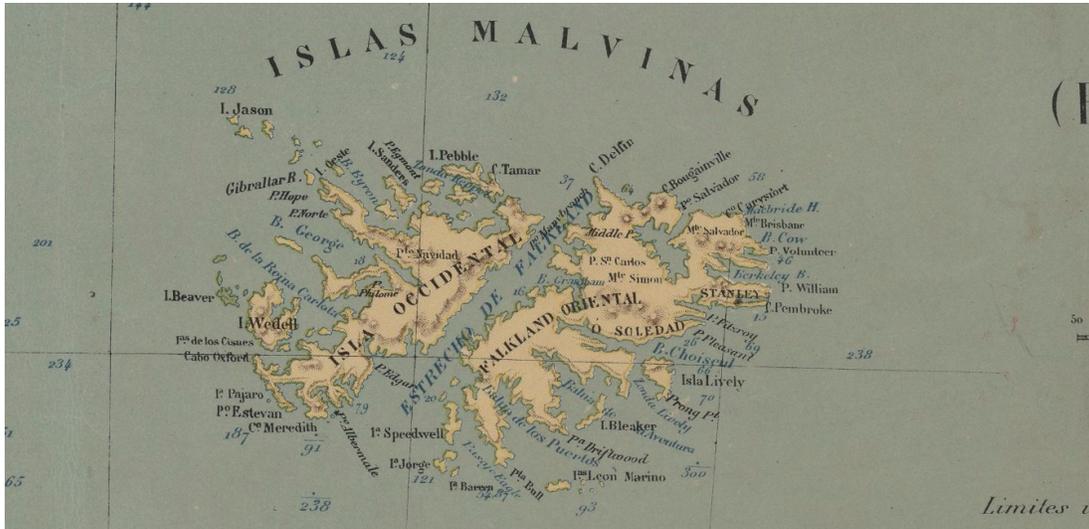
670 Pascoe 2022 vol.3 p.161

671 *Ibid.*

672 750 pages long, the Falkland Islands received only two references. The first claimed that, in 1771, Spain implicitly recognised the right of England to the Falklands. The second that Pinedo, in 1832, claimed the Islands for Argentina.

673 The Committee awarding the prize, consisted of Estanislao Zeballos (Chair), Bartolome Mitre, Julio Argentina Roca, Domingo Faustino Sarmiento, Guillermo Rawson and Lucio V. Mansilla.

674 See - <https://falklandstimeline.files.wordpress.com/2019/03/1888-mapa-orohidrografico-de-la-republica-argentina-paz-solden-atlas-buenos-aires.jpg>



1889 – February 16th, from Port Stanley, US Consul Henry Lasar writes to Washington DC requesting a transfer to a more moderate climate.

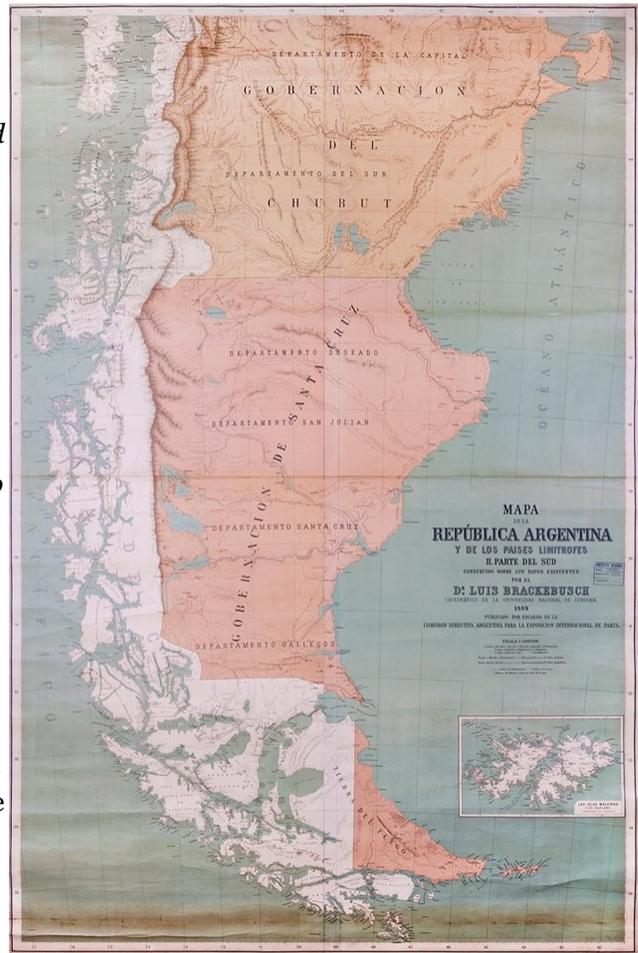
*“He said that since whaling and sealing in the islands had been forbidden for years, the whaling and sealing ships had ceased to call at Stanley.”*⁶⁷⁵

March, Queen Victoria donates £30 towards Bishop Stirling's church fund.⁶⁷⁶

In **May**, Lowther Brandon finds the monthly *Falkland Islands Magazine*.

May 6th, in Paris, France, the *Exposition Universelle* opens. Prepared for the exhibition is an official map - *Map of the Argentine Republic and the bordering countries: Part II of the South, built on the existing data by Dr. Luis Brackebusch, professor at the National University of Cordoba, 1889, published on behalf of the Argentine Directive Commission for the Exhibition International of Paris.*

In a box is depicted the Falklands archipelago, uncoloured as is Chile (the only other country shown) Attached are the words; *Islas Malvinas o de Falkland, (Cuestionadas por Inglaterra).*⁶⁷⁷



675 Pascoe 2022 vol.3 p.184

676 *The Queenslander* March 30, 1889

677 *“Questioned by England.”*

May 22nd, Britain and Argentina sign an extradition Treaty. ⁶⁷⁸

“Art. 1 The High Contracting Parties engage to deliver up to each other, under certain circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other party.”

“It is signed on May 22 and enters into force on December 25, 1893. Although it speaks of British colonies, it does not say a word about the Falklands. A protocol of December 12, 1890, neither.” ⁶⁷⁹

A second Welsh colony is founded in Patagonia; Cwm Hyfryd, in the foothills of the Andes. ⁶⁸⁰

September 23rd, in Stanley, Charles Dean is appointed Consul by the King of Denmark. ⁶⁸¹

October 2nd, in Washington DC, the *First International Conference of American States* opens at the Wallach Mansion with representatives from 17 Latin American states. ⁶⁸²

“The purpose of these quinquennial conferences was laid down by the United States in 1889, when the first meeting was held in Washington “to preserve the peace and promote the prosperity of the American States”.” ⁶⁸³

November 16th, at the Washington conference, Argentina demands that the USA protests Britain's occupation of the Falkland Islands. ⁶⁸⁴

1890 – February 13th, in Britain's House of Commons, the MP for Donegal, John MacNeill argues for colonial self-rule.

“I would urge upon the Colonial Office the desirability of extending the principle of self government still further amongst the colonies... In the Colony of the Falkland Islands self government would be a blessing to it, and a benefit to ourselves. ... The colony now comprises 1,583 villagers. I have received from some of the colonists piteous complaints of the petty despotism from which they are suffering. They have no power of helping themselves, no representative Government, and the Council of the Governor can simply do anything they choose. This state of things should not exist in an ordinary Crown Colony, much less in a colony composed of our own kith and kin, ...”

March 6th, in Stanley, the foundation stone of Christ Church Cathedral is laid by Bishop Stirling and Governor Kerr. The Cathedral is to utilize the stones of the demolished Holy Trinity Church and cornered with red brick. ⁶⁸⁵

April 1st, the Falkland Islands Government Savings Bank opens for business in Stanley.

April 19th, the Conference in Washington DC closes; its final act being to establish the International Union of American Republics. ⁶⁸⁶

678 *Treaty Between Great Britain and the Argentine Republic for the Mutual Extradition of Fugitive Criminals 1889.* A further extradition treaty would be signed in 1893. On neither occasion did Argentina make any reservation or protest.

679 Aramburu 2014

680 Bethell 1989

681 *The London Gazette No.25977*

682 Also known as the Pan-American Conference. Compulsory arbitration to resolve regional conflicts was one of the main topics; but the result was inconclusive following Argentina's opposition.

683 *Time Magazine* March 24, 1923

684 *The Sydney Morning Herald* November 16, 1889.

685 The Holy Trinity Church had been severely damaged in the peat slip of 1886, resulting in it being demolished. Bishop Stirling raised £3000 in the UK towards a replacement Cathedral with a similar amount being raised in the Islands. Queen Victoria donated £30. See 1892

686 None of the countries represented at the Conference went on to ratify any of the agreements.

May 4th, in the Falklands, *Foam* is wrecked at Carcass Reef. ⁶⁸⁷

The *Falkland Islands Magazine* is produced for the first time.

“It was destined to become the islands’ hitherto longest-lasting publication, apart from the Falkland Islands Gazette, which has appeared several times every year since 1 January 1891 but contains mainly official announcements. The Falkland Islands Magazine appeared for 41 years from 1889 to 1930, with a temporary revival in 1932-3 after a two-year break. It showed that the islands had come of age, in that there was now a regular forum in which islanders could air their opinions and read local and international news.” ⁶⁸⁸

August 10th, in the Falklands, *St. Mary*, out of Maine, is wrecked between Burnt Island and Elephant island.

“... she struck the reef opposite Kelp Lagoon, where she lies a shattered wreck. The crew landed at Fitzroy (Captain Packe's). The Master remained on board the vessel. On the 12th he was found lying dead in his berth and at the Coroner's inquest held in Stanley on the 16th, the verdict returned by the jury was "Heart disease accelerated by worry and excitement." ... ” ⁶⁸⁹

Argentina, suffering a recession, defaults on its loans precipitating what becomes known as the *Baring Crisis*. ⁶⁹⁰

“Despite official intentions to avoid default, the burden of the debt service was unworkable. Annual interest on the debt amounted to 40 percent of 1890 fiscal revenue. In the short run default could not be averted, and the only hope was to achieve a dignified resolution via a debt rescheduling agreement with the foreign creditors. In November the government sent a mission to London to arrange a moratorium with Barings. The timing of this mission was hardly auspicious, since the Bank of England had only just intervened to save the merchant house from Argentina’s earlier and ongoing default. Nonetheless, the Bank of England and the Argentine government concluded an agreement to overcome the crisis and, by January 1891, a new loan was advanced to Argentina to enable it to repay the annual installments of interest on the external bonds.” ⁶⁹¹

In **December**, the Legislative Council passes a controversial Ordinance which permits the sale of Crown Land to the *Falkland Islands Company* at 3s per acre, instead of the 4s determined by an earlier Ordinance. The price is not reduced for other purchasers. ⁶⁹²

687 *The Sydney Morning Herald* August 1890. *Foam* had carried mail between the archipelago and Montevideo from 1863 until 1873 when she was retired and sold to Andrez Pitaluga.

688 Pascoe 2020 p.255

689 *The Falkland Islands Magazine* September, 1890. Some reports suggest its master, Jesse T. Carver, committed suicide.

690 Barings Bank was over extended in South America, and in Argentina in particular. Facing bankruptcy, Barings was bailed out by a consortium which guaranteed its debts.

691 *A monetary and financial wreck: The Barings Crisis 1890-1891* Gerardo della Paolera & Alan M. Taylor 2001

692 Ellerby 1990 p.35

1891 – January 1st, at Port Stanley, the first Falkland Islands official *Gazette* is published.

“In consequence of the destruction of the Government Official Gazette Board on which it has been customary to publish both official and private Notices, His Excellency the Governor has been pleased to authorize the issue of a Government Gazette by authority.”

Also a formal, internal, postal service is established.

The Falklands new Governor, Sir Roger Tuckfield Goldsworthy arrives at Port Stanley. ⁶⁹³

In **April**, a population census identifies 1,789 people present on the Islands.

Sealing 'districts' are established at the Falkland Islands to facilitate licensing and conservation. ⁶⁹⁴

Julius Popper, a Romanian-born Argentine engineer, adventurer and explorer, publishes a map of Tierra del Fuego that refers to the sea lying to the east of Patagonia as the Mar Argentino (Argentine Sea).

“... the epicontinental sea that extends from the estuary of the Río de la Plata to the north to the island of the States to the south, and from the Argentine continental coast to the 200-meter isobath, including the Malvinas Islands and part of the bank Burdwood or Namuncurá...” ⁶⁹⁵

April 14th, in Stanley, Governor Goldsworthy is sworn in.

June 6th, a Chilean ship, *Maipu*, arrives in Stanley harbour carrying 200 armed soldiers.

“... Her Officers and all on board were most reticent as to the reason of her putting into Stanley and her future movements; in fact their statements were so contradictory that they could not but be regarded with suspicion. His Excellency the Governor very kindly sanctioned their being supplied with a limited quantity of coal and water...” ⁶⁹⁶

June 11th, *Maipu* departs and is seen to rendezvous with another ship. They both sail away to the south-west. ⁶⁹⁷

In Buenos Aires, Francisco Latzina, Director of the Argentine National Statistical Bureau, publishes – *Diccionario Geográfico Argentino*.

“... in which he listed all the geographical places in Argentina, “with the names of all the rivers, streams, lakes, mountain ranges, valleys, plateaus, capes, bays, gulfs, islands, etc.” But his list does not include the Falkland Islands, neither under “Isla”, “Islas” nor “Malvinas” (nor under “Falkland”).” ⁶⁹⁸

Construction of the new Cathedral continues. The interior is lined with wood dado and paved with wooden blocks. The west window, a peal of five bells, and the four faced clock are donated by the Dean family.

693 *The London Gazette* No.26131 February 3, 1891. For a biography, see -

https://www.falklandsbiographies.org/biographies/goldsworthy_sir

694 Dickinson 2007 p.82. Five areas were identified; subsequently reduced to three in 1895

695 *La Soberania Alimentaria en el Mar Argentino* Fernando Glenza 2015. I am unable to confirm this. The only map I can find attributed to Popper clearly marks the eastern seaboard of Tierra del Fuego as *Océano Atlántico*.

696 *Falkland Islands Magazine* June 1891 vol.3 no.2

697 There was civil war in Chile at this time, and these vessels were believed to belong to one of the factions. The officers of *Maipu* had offered no threat to the islands, but the incident was sufficient to spur the Governor towards the organisation of a local defence force. See below.

698 Pascoe 2020 p.256

1892 – February 2nd, the Governor of the Falkland Islands is informed; “... *that the Senior Naval Officer on the S. E. coast of America had been instructed to afford such protection to the seal fisheries at the Falkland Islands as is compatible with the other duties of the station.*”⁶⁹⁹

February 21st, in Stanley, Christ Church Cathedral is consecrated by Bishop Stirling.⁷⁰⁰

February 25th, in London, *Letters Patent* are issued by the British Government regarding the; “*Settlements in the Falkland Islands and their Dependencies*” designating them a Crown Colony.⁷⁰¹

March 2nd, the *London Gazette* officially reports the change in status of the Falkland Islands.⁷⁰²

“... *the Queen has been pleased to direct Letters Patent to be passed under the Great Seal of the United Kingdom, erecting Her Majesty's Settlements in the Falkland Islands and their Dependencies into the Colony of the Falkland Islands, constituting the office of Governor and Commander in Chief, and providing for the Government thereof. The Queen has also been pleased to appoint Sir Roger Tuckfield Goldsworthy, KCMG (now Governor of the Settlements in the Falkland Islands) to be Governor and Commander in Chief of the Colony of the Falkland Islands and its Dependencies.*”⁷⁰³

Islanders' celebrate their new status with a 17 gun salute.

Researcher's Comment: The first colonial legislation providing for the government of the Falkland Islands had received Royal Assent on April 11, 1843 – *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.*⁷⁰⁴ That enactment was followed by the appointment of Richard Clement Moody as the first Governor and Commander in Chief over the Falkland Islands settlement.⁷⁰⁵ However, that legislation did not employ the word colony; only referring to 'settlements'. Before 1843, the archipelago had been viewed as a *Possession of the Crown*; a status little changed after 1843. It is apparent, that the Falkland Islands did not become a formal British Colony until 1892.

March 4th, at Port Stanley, HMS *Beagle*, commanded by Captain Richard Penrose Humpage, anchors in the harbour.⁷⁰⁶

March 10th, in the Falklands, *Viscount* is wrecked on Sea Lion Islands.

March 14th, in Britain's House of Commons, during a debate on the issue of deficiencies in the Royal Navy, Admiral Mayne speaks to MPs.

“*I see no mention this year of the Falkland Islands, but I do hope the First Lord will take the advice of those who have been there frequently, before he attempts to make these islands the head quarters of the South Pacific. If he had been there as often as I have, and had spent three years in the Straits of Magellan, he would think no more of the proposal. Before you can get from the Falkland Islands to where commerce or civilisation is to be seen, you have to go over 2,000 miles.*”

699 FO 97/541. This file does not contain any information as to what had caused such an instruction to be given.

700 Albeit without the tower being completed. Stirling had arrived as the Superintendent for the Patagonian Missionary Society on Kepple Island in 1863; ordained at Westminster as Bishop in 1869. Stanley finally received City status in 2022. cf. 1863, 1865, 1887 & 1890

701 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

702 *The London Gazette No.26264*

703 *London Evening Standard Saturday March 5, 1892*

704 6 Vict.c.13 in *The London Gazette No. 20213*

705 *The London Gazette No. 20236.* Moody had initially been appointed Lieutenant-Governor over the settlement at the Falkland Islands in August 20, 1841.

706 Headland 1992

*It cannot be thought of as a depôt for the South Pacific, and if we unfortunately make a depôt there, unless we keep a large garrison it will be an exceedingly fine place for the enemy to go and seize our coals. It would be much better to buy up one of the hundreds of islands in the Straits of Magellan, or some of the other islands about there, rather than go on making this depôt at the Falkland Islands, which would be utterly useless.”*⁷⁰⁷

March 18th, in Parliament, the issue of the land monopoly held by the Falkland Islands Company is raised. It is argued that islanders are being denied an opportunity to purchase land at the same rate as the FIC.

“Baron H. De Worms: The hon. Member asked me — Whether the Secretary of State for the Colonies has received several Petitions and Memorials from the inhabitants of the Falkland Islands urging that as the leases of Crown lands for grazing purposes are now falling in, provision should be made that no individual or company should hold land exceeding a certain definite limit; whether he can inform the House of the circumstances under which an Ordinance was passed by the legislative Council on the 9th September, 1890, authorising the sale of certain lands; what was the constitution of the Council on that occasion; and whether, having regard to the fact that the present Governor, Sir R. Goldsworthy, possesses the confidence of the Colonists, the Secretary of State for the Colonies will grant the inquiry which has been so frequently demanded into the administration of the affairs of the Falkland Islands?

My reply was— The Secretary of State has received one Petition, but not several Petitions, from certain inhabitants of Stanley in the Falkland Islands, alleging that the holders of leases of Crown lands for grazing purposes are occupying more land than is comprised in their leases, some of which are falling in, but are subject to rights of renewal, and praying that such surplus land may be secured for the benefit of Colonists other than the existing lessees. The object of the Ordinance, which was passed on 2[...]th December, 1890, was to enable the Government to sell to the Falkland Island Company certain lands, of which they were lessees at the rate of 3s. per acre, instead of 4s. per acre, the rate fixed by a previous Ordinance as the selling price of country lands. The Council consisted of the Governor, the Colonial Secretary, the Colonial Surgeon, and two unofficial members, Messrs. Cobb and Felton. The statement of the hon. Member in the concluding portion of his question, that the Governor possesses the confidence of the Colonists, disposes of his suggestion that an inquiry into the administration of the Colony is necessary...

*Mr. MacNeill: I would like to ask one question of very serious interest. The right hon. Gentleman knows perfectly well my opinion that these lands are sold to a monopolist Company at 3s. per acre, whereas they are sold at 4s. an acre to others. The right, hon. Gentleman knows that two-thirds of the Council are official members, and the gentleman who is not an official member is a member of this Falkland Islands Land Company, which enjoys a monopoly. ... I state, from information that has come to me, and from information in possession of the Colonial Office, that this monopolist Company has endeavoured to take the land from these people, and that the late Governor gave the monopolist Company this land. ... I have brought this matter before the House and have received no satisfaction. The people of those Islands are in great want and misery, they have an ample opportunity, if only permitted, of working out their land and of truly earning an honest livelihood.”*⁷⁰⁸

707 HC Deb 14 March 1892 vol.2 cc778-98

708 HC Deb 18 March 1892 vol.2 cc1249-92

*“It would appear that the increase in non-official Legislative Councillors resulted in greater influence for the vested interests in the Colony, rather than representation for the working class. For example, in 1892 the question of collusion between the Government and the landowners was raised in the House of Commons.”*⁷⁰⁹

*“(Goldsworthy's) time in the Falklands was dominated by the land issue - the contest between the two dozen major landowners who were reluctant to part with any of their acres and those, led by Goldsworthy, who hoped to see land made available to colonists who sought opportunities to better themselves. His predecessor Governor Kerr had sold land on generous terms to the leaseholders and when Goldsworthy attempted to impose a proper survey on the farms (whose extent was grossly underestimated in their leases) in the hope of releasing two million or so surplus acres, he met with stubborn resistance from the landowners, who collectively resigned their positions as Justices of the Peace. This was a challenge he could not overcome and he effectively backed down, leaving emigration to Patagonia as the only option for ambitious colonists.”*⁷¹⁰

April 5th, at Stanley, Governor Goldsworthy, assured of the availability of a Royal Naval vessel for the protection of the fisheries, recommends that further local regulations be approved.⁷¹¹

“3. Except the Ordinance fixing a close season from 1st October to 1st April I cannot find any Ordinance or proclamation dealing with this important question here.

4. It is true that since 1841, licences to kill seal have been granted (vide enclosure) but I cannot find any law by which the issue of such licences was justified. ...

*What I venture to recommend is immediate Legislation to protect the seals for such period as may in the opinion of those conversant with the subject, be necessary to enable the seals to recuperate as was done in the case of the Penguins which are now once more very numerous. ... if something is not done and that immediately, the seal fisheries of the Falklands will be a thing of the past, but I must add that any Legislation will be useless if the naval authorities only give the same perfunctory protection in the future as in the past.”*⁷¹²

April 20th, in the Falklands, Andrew Edward Luis Baillion is appointed Italian Consul.⁷¹³

May 7th, Dennis Brundritt is wrecked on Centre Island.

June 13th, at Stanley, thirty-seven recruits for the Falkland Islands Volunteers are sworn in by the Governor.⁷¹⁴

July 2nd, in London, the Foreign Office writes to the Colonial Office with regard to the protection of the sealing grounds at the Falklands.

*“If... the matter is one of urgency for the present year, Lord Salisbury would not wish to raise any objection to the Governor's proposals.”*⁷¹⁵

“The Foreign Office reminded the Colonial Office that when on former occasions legislation of this nature had been proposed attention had been drawn by the Foreign Office to the fact that the United States fishermen had

709 Ellerby 1990 p.35

710 David Tatham in Tatham (ed) 2008

711 FO 97/541. cf. 1855 & 1883

712 Ibid

713 *The London Gazette*, No.26281

714 A consequence of the *Maipu* incident of 1891; Royal Marines Sergeant William Quianlan was sent out from the UK to assist in their training. Renamed in 1918 as the Falkland Islands Defence Force (FIDF), they are still going.

715 FO 97/541. cf. 1855 & 1883

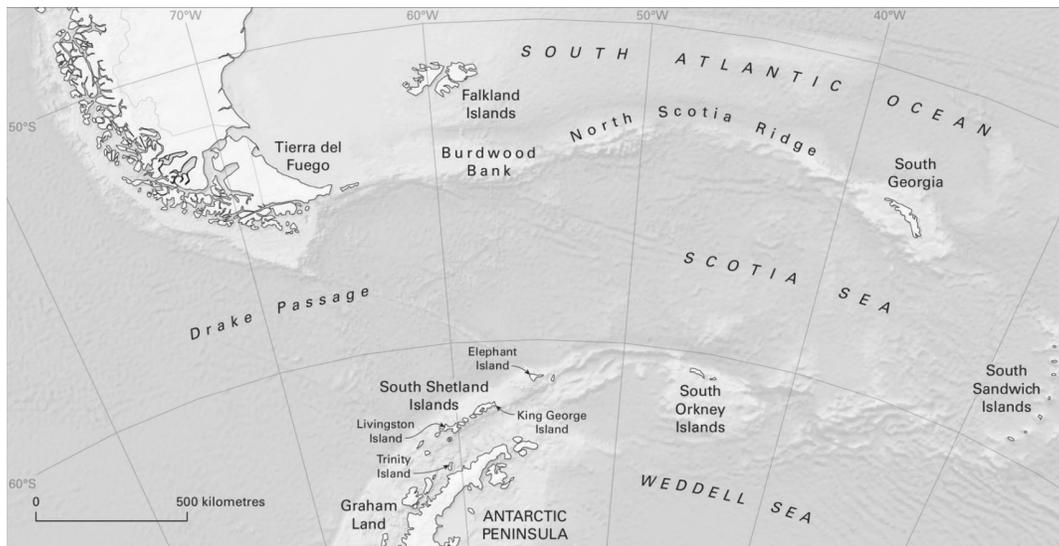
*for years enjoyed the privilege of fishing in the territorial waters of the Falkland Islands, and that the issue of regulations limiting or interfering with that right might give rise to protests from the United States Government. It was, however, considered that the attitude of the United States in regard to the seal fishery in the Northern Pacific (the Behring (sic) question) rendered such protests less likely at that moment, and that the contemplated legislation would not be inconsistent with the contention of Her Majesty's Government provided it was strictly confined to territorial waters.”*⁷¹⁶

A decision is made to await the result of the Bering Sea Arbitration.⁷¹⁷

In **August**, a Buenos Airean newspaper reports that Messrs. Linck & Co., have applied for a right of fishery in Argentine waters between 40°S and 65°S; intending to erect a fishery station in the Falkland Islands.

*“In 1892 the Argentine Government rejected an application by Messrs. Linck and Company for a fishing concession in the South Atlantic, with a fishing base in the Falklands and a twice yearly steamer service between Buenos Aires and Stanley, because it would have involved recognizing the status quo.”*⁷¹⁸

*“Enquiry by Her Majesty's Minister at Buenos Aires elicited the fact that the fishery station was to be established on the South Shetlands and not on the Falklands. From the expose des motifs and the articles of the concession, which had been laid before the Argentine Chambers, it appeared that the firm desired to acquire fishing rights off the South Shetlands, South Orkneys, Graham (sic) and Sandwich Islands, all of which, it was contended, belonged, by their geographical position, to the Argentine Republic. The firm (Messrs. Linck & Co.) stated that these islands were regarded by the ships which visited them from time to time as territories belonging to no jurisdiction because no act of sovereignty had been performed there; and the firm urged that there were reasons of the greatest importance why the Argentine Government should take possession of them and execute acts of sovereignty and occupation therein.”*⁷¹⁹



September 22nd, Andrew Baillon is appointed Swedish and Norwegian Consul at Port Stanley.⁷²⁰

716 *The United States and the Question of the Falkland Islands* A. F. Orchard Sept, 1928 in FO 371/12736/324. This memorandum appears to be an assessment from the Foreign Office library.

717 Washington claimed exclusive jurisdiction over sealing in the Bering Sea and this dispute, with Britain, went to arbitration. The award, in 1893, was in Britain's favour. cf. 1855, 1883 & 1899

718 Ellerby 1990 p.58 citing *Goldsworthy to Knutsford August 16, 1892* in FO 6/503

719 Field 1928 para.261. No action was taken by Argentina, and no fishery station was founded by this company.

720 *The London Gazette* No.26328

1893 – January 23rd, in Stanley, Baillon adds the Consulship of Germany to his list of appointments. ⁷²¹

In **March**, in London, a search is made of records with regard to the sovereignty of those islands referred to by *Messrs. Linck & Co.*

“Investigations ... failed to reveal anything in our correspondence with the United States, Chile or the Argentine Republic to indicate that this country had ever asserted a claim of sovereignty over the South Shetland and South Orkney groups on the ground of priority of discovery. At this time Sir J. Bramston, then Assistant Under-Secretary of State for the Colonies, wrote to Sir T. Sanderson that a Mr. Leigh Smith had just returned from an exploring expedition in the Antarctic Ocean and had reported that the South Orkneys and South Shetlands abounded in seals and that the ships of the expedition had brought back 13,000 sealskins from those islands. Sir J. Bramston added that the Admiralty knew nothing about the islands except “that Ross was supposed to have taken possession of them for England” and he enquired whether, if this were true, England was prepared to assert her title by public notification, and if, on the other hand, they were no man’s land, we were prepared to forestall other nations and take them. Sir T. Sanderson wrote on the docket of Sir J. Bramston’s letter, “I should think it was quite undesirable to annex these islands.” ...” ⁷²²

June 17th, in the Falklands, *Argyllshire*, a British barque, is wrecked on Flat Jason. ⁷²³

In **December**, a Norwegian, Carl Anton Larsen, in *Jason*, deposits a cargo of seal oil at Port Stanley. ⁷²⁴

1894 – February 21st, Thomas Augustus Thompson is appointed Judge, and Police Magistrate in Stanley, before becoming deputy-Governor and a member of the Legislative Council.

March 13th, *Jason* (Larsen) return to the Falklands before sailing to meet up with *Castor* and *Hertha*.

April 19th, at South Georgia, *Jason*, *Castor* and *Hertha* explore the coasts. ⁷²⁵

July 27th, at Port Stanley, John H. Miller is gazetted Consul for the USA. ⁷²⁶

August 23rd, Andrew Baillon is also appointed Consul for Chile. ⁷²⁷

1895 – in London, Carl Anton Larsen receives the *Grant Award* from the *Royal Geographical Society* for his exploration work in *Jason*.

December 17th, at Port William, *Glengowan* anchors with its cargo of anthracite coal and coke on fire. ⁷²⁸

⁷²¹ *The London Gazette* No.26367

⁷²² Field 1928 paras. 262-264. The South Shetland Islands had been claimed for Britain in October, 1819 by Captain William Smith of the merchantman *Williams*. The South Orkney Islands were discovered in 1821 by the American Nathaniel Brown Palmer and an Englishman, George Powell; named by James Weddell in 1823. *cf.* 1819, 1821, 1823 & 1904

⁷²³ *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

⁷²⁴ *Exploring Polar Frontiers: A Historical Encyclopedia* William J. Mills 2003 vol.1. For a biography, see - https://www.falklandsbiographies.org/biographies/larsen_carl

⁷²⁵ Discovered in 1675 by a London merchant, Anthony de la Roché. Claimed by Capt. James Cook, for Britain on January 17, 1775.

⁷²⁶ *The London Gazette* No.26537. His predecessor, Henry Lasar, appears to have left the islands some years before

⁷²⁷ *The London Gazette* No.26547

⁷²⁸ After two days the vessel was driven on-shore in Whalebone Bay, but all efforts to extinguish the fire failed. Abandoned on the 21st. At a court of inquiry on January 27, 1896, the actions of the ship's master were criticised. *Report and Opinion of a Court of Inquiry, held at Stanley, East Falkland Island, on the 27th and 28th days of January 1896, under Ordinance No. 6 of 1894, ... to inquire into the loss by fire of the British ship "Glengowan" in the harbour of Stanley.* No. 16951 Board of Trade.

1896 — in **February**, Carl Anton Larsen writes to the *Royal Geographical Society* in London.

*“Larsen, whose previous Antarctic voyages had given him the idea of establishing a shore-based whaling operation in the southern ocean, wrote to the Royal Geographical Society in London in February 1896 and asked about leasing a site on South Georgia Island. He had gained fame after leading a Norwegian expedition to Antarctica in command of the Jason from 1892–4 when he discovered the Larsen Ice Shelf.”*⁷²⁹

In **April**, Larsen writes to Governor Goldsworthy requesting permission to erect a whaling station on South Georgia.⁷³⁰

*“... he clearly regarded the island as British.”*⁷³¹

April 17th, Chile and Argentina reach an agreement.

*“... should differences arise between their experts as to the boundary-line to be traced between the two States in conformity with the Treaty of 1881 and the Protocol of 1893, and in case such differences could not be amicably settled by accord between the two Governments, they should be submitted to the decision of the Government of Her Britannic Majesty;..”*⁷³²

April 22nd, at Cape Hprn, the crew of *Bankville*, severely damaged in a storm, are rescued by *Pass of Balmaha* and taken to Port Stanley.⁷³³

May 14th, *City of Philadelphia* is wrecked on Billy Rock. Attempts to rescue the crew and passengers fail.⁷³⁴

September 28th, at Port Stanley, a survey ship, *HMS Barracouta* arrives for a 3 month stay.

December 11th, *HMS Retribution* arrives at Stanley

*“... every day they land about 40 men with an officer in charge for rifle practice at Sappers Hill, ... and there, I hear, they and the Barracouta men before them, are quite altering one side of the hill, constructing ranges, &c., for practice... Indeed, the air is full of rumours of a varied nature: we hear there are going to be forts erected over at Navy Point...”*⁷³⁵

December 25th, from Montevideo, *HMS Basilisk* arrives at the Falklands.⁷³⁶

*“As the Argentine Government will not allow the crews of our men-of-war ashore for rifle practice and drill, the vessels on the south-east coast of South America will in all probability spend annually about six of the summer months in Stanley. If Stanley is made a coaling station for the fleet on both sides of South America and connected to the outside world by telegraphic communication – both of which changes seem to loom in the near future, H.M. ships of war will likely be here more or less all the year round.”*⁷³⁷

⁷²⁹ *The Fate of Louise: A Maine-built 'down-easter' at Grytviken Harbor, South Georgia Island* Charles Lagerbom 2012 in *The Mariner's Mirror* Volume 98, no.3 August 2012. Also Headland 1992 p.62

⁷³⁰ *Pesca: A History of the Pioneer Modern Whaling Company in the Antarctic* Ian B. Hart 2001. cf. 1900 & 1904

⁷³¹ Pascoe 2020 p.270

⁷³² See June, 1971 & February, 1977. A strange choice if Argentina was in dispute with the UK.

⁷³³ *Court of Inquiry held at Stanley, East Falkland Island, on the 2nd day of May, A.D. 1896, to inquire into the abandonment, when in a sinking condition, of the British Barque 'Bankville'*. No. 16916 Board of Trade

⁷³⁴ Divers were subsequently employed in an attempt to identify the vessel; finding the body of a woman in the rigging.

Criticised regarding the failed rescue, the Falkland Islands Company purchased a steam tug, *Samson*, it being better able to cope in heavy seas. *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

⁷³⁵ *The Falkland Islands Magazine* January 1897 no.93 vol.8

⁷³⁶ *Ibid.* Remained until January 2, 1897.

⁷³⁷ *Ibid.*

1897 – January 31st, *Pass of Balmah* is stranded on the William Islets while its captain lies dunk. ⁷³⁸

In February, both HMS *Beagle* and HMS *Acorn* arrive off Stanley.

March 4th, HMS *Basilisk* returns to Stanley.

“It is many years since three men-of-war have been anchored together in the harbour at the same time.” ⁷³⁹

“A report in 1897 estimated the cost of providing coaling facilities, fixed defences and a 600 foot dry-dock to accommodate battleships at over £500,000. However, only a small stores depot and limited repair facilities were approved.” ⁷⁴⁰



British Empire 1897

William Grey-Wilson is appointed Governor of the Falkland Islands. ⁷⁴¹

738 Court of Inquiry held at Port Stanley, East Falkland Islands, on the 9th, 10th, 11th, and 12th days of February, A.D. 1897, ... to inquire into and report on the stranding of the British ship "Pass of Balmaha," on William Islets, in Port William, East Falkland, on the 31st day of January 1897. No. 17202 Board of Trade. This vessels seems to have become a German raider operating under the name *Seedler* during WWI

739 *The Falkland Islands Magazine* March 1897 no.95 vol.8

740 Ellerby 1990 p.52

741 *The London Gazette* No.26829. For a biography, see - https://www.falklandsbiographies.org/biographies/grey-wilson_sir

In the USA, the Bureau of the American Republics officially lists the Falkland Islands as a British possession. Argentina's Minister, Martin Merou, protests to the US Department of State. ⁷⁴²

March 27th, in his last communication as Governor, Sir Roger Godsworthy, complains about resistance to his ideas of smaller farms, which would allow more of the Islanders to benefit from the land.

"I can unhesitatingly affirm that a Governor can never hope to succeed in doing justice to the Colony where he finds himself handicapped on every side by the influence that the Falkland Islands Company can bring to bear – where they exercise a monopoly detrimental to the Colony's best interests and progress ..." ⁷⁴³

October 20th, the new Governor, William Grey-Wilson, arrives at Stanley.

"According to the Colonial report for the year 1897, the inhabitants of the Falkland islands are to be envied. There is no public debt, there are no export duties. The only import charges levied are upon liquor and tobacco, and for months together the common gaol, which can only accommodate eleven prisoners at most, is untenanted... The people are patriotic, and have established a Volunteer corps, of whom we regret that only about fifty per cent are returned as efficient. Their equipment, however, appears inadequate, for, instead of Lee-Metfords, such as we serve out to Volunteers in England the Falkland Rifle Corps boasts only the Martini-Henry. ... In the Falkland islands, says the colonial report, there are no troublesome forests to clear away, no deep and dangerous rivers to be crossed, no dingoes to harass and destroy the stock, no prolonged droughts, and, above all, no rabbits to annoy the farmer ... In view of all these advantages it is somewhat depressing to learn that the colony, despite its solvent and prosperous condition, affords no inducement to capitalists desirous of opening up new industries nor to intending immigrants." ⁷⁴⁴

1898 – the Government of Argentina offers a reward to anyone discovering coal on South Georgia. ⁷⁴⁵

July 19th, in Stanley, a new US Consul, John E. Rowen, arrives to replace John H. Miller. ⁷⁴⁶

"Gentlemen, my official duties here end with to-day, I take pleasure in introducing my successor, the Hon. John E. Rowen, United States Consul for this Port, whose credentials I shall present to your Governor this afternoon. A word to my successor: It may be your fault, Sir, should your sojourn here not prove even more pleasant than mine has been, because I am by no means a saint or Chesterfield, but I have had a good time, am leaving good friends and no enemies." ⁷⁴⁷

September 19th, William and Edwin Rutter, Hector Allen and Albert Henrickson appear at the Police Court in Stanley charged with setting fire to grass "to the public danger." Cautioned that any future offence " .. would be punished by a whipping." ⁷⁴⁸

December 23rd, at Port Stanley, HMS *Swallow* anchors in the harbour. ⁷⁴⁹

742 Peterson 1964. The Bureau was not an agency of the US government.

743 Dispatch No.22 March 27 1897; *Outward Letters Book B24; Falkland Islands Government Archive; 1897.*

744 *The Falkland Islands Magazine* November 1898 no.7 vol.10

745 Headland 1992 p.62. The Governor made some inquiries but nothing seems to have come of this.

746 Appointed April 30, 1898. *The London Gazette* No.26966

747 *The Falkland Islands Magazine* August 1898 no.4 vol.10

748 *The Falkland Islands Magazine* October 1898 no.6 vol.10

749 Remained until January 15, 1899

1899 – January 13th, at Port Stanley, HMS *Flora* arrives from Montevideo.

January 18th, HMS *Basilisk* moors in Stanley harbour. ⁷⁵⁰

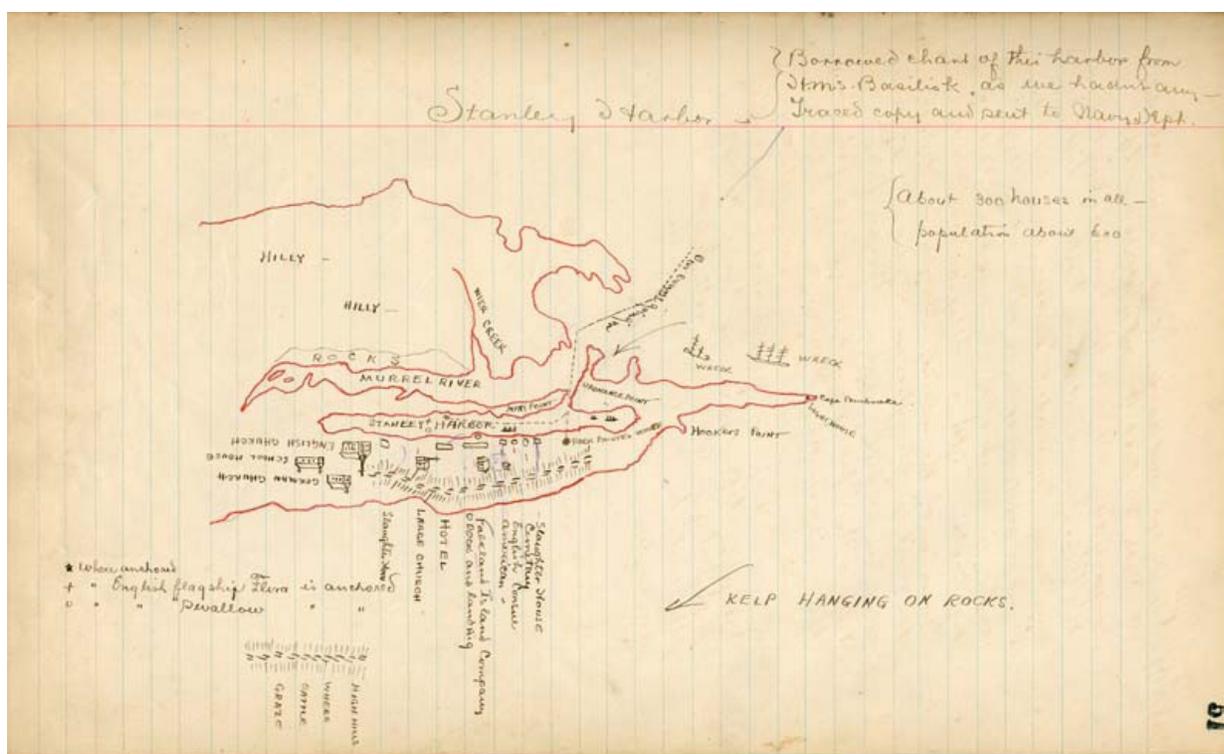
February 2nd, HMS *Beagle* arrives from Montevideo.

February 15th, Argentina's President, Julio Roca, and Chile's President, Federico Echaurren, meet to discuss outstanding border issues. They agree that unresolved disputed area would be passed to Britain for arbitration.

"It would have been contradictory to appoint a territorial arbitrator with whom Argentina had a territorial dispute, so Argentina's acceptance of Britain as an arbitrator over Argentina's territory indicated acceptance of Britain's possession of the Falklands." ⁷⁵¹

March 8th, at Stanley, USS *Badger* arrives to collect the body of Rear Admiral Spotts who died aboard the USS *Brooklyn* in March, 1882; buried in Stanley Cemetery.

"The Falkland islands, belonging to Great Britain, form a group in the South Atlantic, consisting altogether of above 100 islands. ... population about 2000. ... The harbour is excellent" ⁷⁵²



March 10th, at Stanley cemetery, Rear Admiral Spotts body is disinterred and identified by Colonial Surgeon, Dr. Hamilton.

"The body was in a lead coffin and was in an almost perfect state of preservation." ⁷⁵³

750 Remained until January 30, 1899. Returned again on March 16.

751 Pascoe 2020 p.263

752 USS *Badger* Logbook. See - https://www.genealogycenter.info/military/spanishamerican/viewpage_ussbadger.php?realpage=130&display=USS_Badger_048

753 *The Falkland Islands Magazine* March, 1899 no.11 vol.10

*“... the body of Rear Admiral Spotts was intact and could be recognised. His brown beard and moustache were trimmed when he died and he was bald headed. People would think he had only died a few days since instead of 17 years ago. ... He was dressed in full uniform...”*⁷⁵⁴

March 11th, the body of Rear Admiral Spotts is handed over to the US authority.

*“At 12.45 a funeral party was assembled... On shore the funeral party were joined by a body of seamen and marines; also a band from HMS Flora & Swallow; Officers from these ships, the Commodore Commanding the British Squadron, the Governor of the Falklands, the U.S. Consul and a body of the Falkland Islands volunteers.”*⁷⁵⁵

*“The Captain, Officers and a large detachment of Marines and bluejackets landed from the Badger and were joined by Commodore C. J. Norecock R.N., and Captain Keary R. N., with Officers, Marines and Bluejackets from HMS Flora and Swallow. His Excellency the Governor and his Officers also joined the procession and the Volunteer Corps. As the procession marched through the Settlement from the Dockyard to the cemetery and back again, it presented an imposing appearance.”*⁷⁵⁶

March 12th, USS *Badger* sails.⁷⁵⁷

March 30th, the Falklands Seal Fishing Ordinance 1881 is replaced with a new order requiring sealers to pay a £10 licence and royalties on the catch. The close season is retained.

*“... no controversy with the United States Government seems to have arisen as a consequence.”*⁷⁵⁸

In **May**, at the Falklands, the Admiralty commence the building of a small stores depot and repair facilities.

Argentina President, Julio Argentino Roca, in his annual message to the Argentine Congress, announces that the border dispute with Chile in the south of the country, is being considered by Britain as arbitrator.⁷⁵⁹

*“... for Argentina to accept Britain as arbitrator over Argentina’s territory was incompatible with maintaining a territorial dispute with Britain over the Falkland Islands.”*⁷⁶⁰

In Buenos Aires, Francisco Latzina publishes the third edition of his popular *Diccionario Geografico Argentino* in which he lists all the geographic place names within Argentina. Referring to the Falkland islands, his book says:

*“The islands belong today to England, even though, geographically speaking, they are a dependency of Patagonia. They were seen for the first time by Sebald in 1599, and then by Strong in 1688, who gave them the name of Falkland Islands. The Malvinas remained uninhabited until 1764, at which time France occupied them. Bougainville took to these islands an expedition which he had formed in Saint-Malo, whence comes the name of Malvinas. Spain then claimed these islands and France returned them. The Argentine government, successor to that of Spain and heir to its rights, sent to these islands in 1820 a señor Vernet as governor, who was displaced from his position by England in 1833. The Malvinas offer ports for shelter and for supplies of provisions, coal and water.”*⁷⁶¹

754 USS *Badger* Logbook

755 *Ibid.*

756 *The Falkland Islands Magazine* March, 1899 no.11 vol.10

757 Leaving behind two deserters; one of who attempted to signal the ship as it departed.

758 Orchard 1928. *cf.* 1854, 1883, 1892 & 1911

759 *Los Mensajes 1810-1910* Heraclio Mabragna 1910 vol.5 p.343

760 Pascoe 2020 p.262

761 *Diccionario Geográfico Argentino* Francisco Latzina 1899, 3rd ed. p.391. Inaccurate. *cf.* 1592, 1593, 1600, 1690, 1764, 1767, 1820 & 1833

June 25th, *John R. Kelly* is wrecked at Port William.

July 29th, a *Permanent Court of Arbitration* is established by the '*Convention for the Pacific Settlement of International Disputes*', following the first *Hague Peace Conference*. Signed by a diverse range of countries including most of Europe, the UK, USA, Russia, China, India, Japan, Persia, and even Siam, the signatories; "*Resolved to promote by their best efforts the friendly settlement of international disputes.*" ⁷⁶²

Falkland Islands banknotes are introduced, pegged to sterling.

A post office opens at Fox Bay, on West Falkland.

At the close of the 19th century, Britain was fully established in the Falkland Islands. The USA had backed down over any historic rights of fishery it could claim, and Argentine attempts to reopen the question of sovereignty had failed. Met by a diplomatic brick wall.

The economic relationship between Argentina and the UK was such that it was in both nations' interests to maintain the status quo. Argentina remained a little frustrated however. Its colonization of Patagonia was complete and Argentina's rule extended past the Magellan Strait to Cape Horn. However, Buenos Aires did not view the country's expansion as being over, and would turn its attention to the white continent – as well as the sub-Antarctic islands.

Paper 9 considers Argentina's Antarctic pretensions and how the UK, in partnership with the USA, brought about a multi-lateral compromise that bound Argentina's pretensions.



Bibliography <https://falklandstimeline.files.wordpress.com/2019/04/bibliography-1.pdf>

762 The USA and Mexico were the only American nations to sign the convention; which came into force on September 4, 1900. Argentina did sign a second Convention in 1907.