11 abril 1840

Brief Statement of the nature and Origin of my Claims on the Govts of the United States, Great Britain & Buenos Ayres

1st On the Govt of the U. S.

For the value of my Colony, destroyed by the Commander of the U. S. Corvette Lexington, Captain Silas Duncan, on the 31st Dec 1831 & damages.

The Colony had been founded at my expence, by special authorisation of the Govt of Buenos Ayres, as per extract of the original grant, see extract N.1 at foot of this, which among other privileges, grants that of the seal fishery in favor of the Colonist, to the express exclusion of Strangers. In June 1829, the Colony being established, I was appointed Civil & Military Governor of the Falkland Islands, with orders to prevent Strangers of killing the seal. I gave notice of these orders by means of printed circulars, to the masters of foreign fishing vessels who appeared about the Islands sealing. They promised to desist, some of them kept their word, others not, of the latter I detained three. They were tried in Buen. Ayres by a proper Court and legally condemned. Thus my conduct in the detention of the said vessels was justified, and the destruction of my private property by the aforesaid officer of the United States was a wanton, unnecessary act, for which his Government is responsable.

In October 1832 Genl Alvear was appointed Minister for the U. S, to claim reparation for the act of Captain Duncan and an indemnification to me for the losses & damages thereby sustained.—

In June 1838 Genl Alvear proceeded on his mission. In June 1839 said minister had recently presented his first note to the Govt of the U. S. initiating the claim, but not having with him Copies of the laws of the fisheries, which the detained vessels had transgressed, & which the Govt of the U. S. asked to see, prior to answering Genl Alvears note, there has as yet no answer been given. However, as the desired information has lately been sent, it is probable an answer will be obtained from the U. S. Government about the month of June 1840. But God knows whether after all this delay an evasive answer may not be obtained, or some new doubts arrise, which I, as the principal concerned, if present, may have it in my power to explain satisfactorily in a very short time. And at all events the chance will then be open to me to bring my claim before a Court of justice in case of not succeeding to obtain it through negotiation, which first named operation, although expensive is by far the most certain means of obtaining payment, if the claim is just, as mine unquestionably is, there having existed no just reason for destroying my private property at the Falkland Island, for supposing even that the Government of Buen Ayres had had no right to give such orders as it did, even then Captain Duncan or rather his Government ought to have claimed a satisfaction from the Govt of Bs Ayres, and by no means attack my private property.

The loss for which I claim indemnification from the Govt of the U. S. is the cost of the Colony destroyed, the amount of which appears from the General account Current I kept with the Colony, Document No 2, which contains on the debit side all the expenditures and on the Credit side all the income it produced, as also the value of the remains of the Colony, which remained in my possession and were usefull to me for the continuance of the

Cattle business, in the full enjoyment of which I continued even several years after the British Govt took possession of the Islands. The Balance of the account current amounting to Sp Dollrs 207,728.4 is consequently the Cost of the Colony, or rather the value of what was destroyed.

2dly. A Claim on the British Government

Claim A

In the year 1836 the British Government denied my right to the Wild Cattle which had been granted me many years ago by the Govt of Buen Ayres considering them as aborrigines of the Falkland Islands, and consequently as much the property of the British Crown as the Islands themselves. But this being evidently a mistake, as can be proved by numerous documents existing in the archives of this city, testifying to the fact that the cattle now existing at the Falkland Islands are the procreation of those which the Spaniards placed upon them, shipped from the River Plate from the years 1766 to 1787 in their men of war which were successively sent to that station during those years, it follows: that I have a just claim to the property of those Cattle, and that by a fair explanation being given by me on the subject and supported by the proofs which I possess, there is every chance of inducing the Government to do me justice, by either allowing me again to make use of the Cattle as a property of mine or to make me a suitable indemnification for the same if deprived thereof. (See Doc. No 3.)

Claim B

Document No 1. shews that the Government of Buen Ayres granted me the land of the last Falkland Island on condition of founding thereon a Colony at my expence, and moreover granted me the privilege of the fisheries & other advantages. The British Government tacitly consented to this during a number of years, & suffered me to go to the great expence & trouble of establishing the Colony & benefitting thereby the Islands by proving to the world that they were "habitable" being formerly considered unfit for the abode of man. I have a letter from Mr Parish in which he states that he has

informed the British Government this to be a fact, & unquestionably a view of the history of these Islands confirms the same. Therefore, if the British Government should not be inclined to allow me to reap the fruits of my toils and expences, by confirming the grants made as recompence of my having established the Colony, it ought at all events to make me an indemnification for such privation & this constitutes my 2d Claim on the British Government.

Claim C

The Claim for the value of the remains of the Colony is the clearest claim I have on the British Government - because they have actually taken possession thereof and are making use of the same for their own benefit & purposes. The British Government when they stated that I could have no right to the proceeds of Cattle in which I had no property, acknowledged at same time that I had a claim for the value of my private property taken possession of, (see extract No. 4). Thus the principle of this claim being acknowledged, it will be the first to which I shall attend after my arrival in England.

The amount of this claim will be for the same amount as was passed to the credit of the American Claim, being the remains which had not been destroyed, & for which I credited said claim, because the British Govt had not then taken possession thereof, but permitted me to possess the same during three years after they took possession of the Falkland Isld which was in Jany 1833. The value of these remains consisting in houses, horses, Corrals, Salt, Salting and fishing implements &c &c, as placed to the credit of said Claim is 41,894 Spanish Dollars. To this is to be added the value of Ox hides, seal skins & money arising from the sales of beef acquired previous to the British Govt having taken possession of the Islands, amounting to about 1000 £ Stg, which remained in the hands of the British Lieut Commandant of the Colony (see Doc No. 5 & 6) as per letters I possess of the same, & which the Admiral Sir Graham E Hamond has acknowledged to be also my property, as per Doc. No. 8. I have every prospect of obtaining at last payment of Claim C if I present myself personally before the British Govt, which will furnish me the

See Documents No. 3, 4, 5, 6, 7, & 8

means of prosecuting the other claims besides returning the sums lent me with interest & with such premium as may have been agreed upon.

Claim D

For the Amount of Losses sustained after the British Govt had taken possession of the Islands & previous to a British officer being sent out with a garrison. The murder of my Agent Capt Mathew Brisbane in Augst 1833 and that of his assistants was the cause of these losses in as far as my property was ransacked by the murderers & my affairs thrown a 2d time into utter ruin see Doc No 5. Besides this two english fishing vessels the Cutter Exquite Capt Kellock & the Cutter Susan Ann Capt Ferguson both of London, committed at that period great depredations upon my property, killing sheep hogs and tame horses for the skins only.

3dly A Claim on the Govt of Buen Ayres

For money expended by me in public service at the Islands, amounting as per acct 10039 Spanish Dollars & 22519 ℔ 5 rl Currt money. A similar account, resting upon the same vouchers, was paid me two years ago, & amounted to 2300 ℔ Silver money. The present debt can not be recovered under existing circumstances, Govt having use for its funds for purposes which appear to them more urgent.

This government is also responsable for the Claims on the other Govts provided they should contrary to expectation not be realised.

Buen Ayres 18th April 1840.

Lewis Vernet