Manifiesto

que presenta Dn Luis Vernet a los SS.

sus acreedores en

de Febrero de 1834

Original
Conbenio con los
acreedores firmado
extrajudicialmte

Manifiesto que presenta Dn. Luis Vernet á sus acreedores en solicitud de esperas para hacer sus pagos.

§1. Viendome por la ruina de mi establecimiento en Malvinas, causada, como es publico y notorio, por el abuso de la fuerza que sobre él ejerció el Comandante de la Escuadra de Guerra de los Estados Unidos Lexington, Capitan Silas Duncan, inhabilitado de poder llenar los compromisos contraidos con mis acreedores, me hallo en el deber de poner punto á mis negocios, como lo he efectuado, y hacer ó una cesion de bienes á favor de mis acreedores ó solicitar las convenientes esperas, para poder hacer mis pagos. —— Me he decidido á esta ultima alternativa, porque asi lo exije mi honor mi interes y el de todos mis acreedores, por las razones que voy á exponer.

§2. El Estado de mis Creditos y Debitos que he presentado, demuestra que debo 137,176 7/8 pesos fuertes y que se me deben 305,420 1/2 pesos de igual moneda, pero como la mayor parte de esta ultima suma requiere un tiempo indefinido p.a su cobranza, de alli nace la imposibilidad en que me hallo de poder satisfacer los creditos q.e hay contra mi, mientras no se efectue la realizacion de los existentes á mi favor. Y como por otra parte, quiza, nadie podrá con mas eficacia promover su cobro que yo, resulta tambien la conveniencia de concederseme esperas.

§3. Prescindiré de entrar en los pormenores de los creditos activos que son de los comunes y usuales en el Comercio; porque estos no necesitan mas explicacion que la q.e suministran mis libros de Comercio, que he sometido á la inspeccion de mis acreedores; pero sí, lo haré con el que ha nacido de mi Colonia destruida, por ser un credito que aun no está reconocido y cuya naturaleza es muy distincta de los demas, y por lo mismo necesita mas explicacion. A este efecto acompaño

la Cuenta Corriente que he llevado con la Colonia desde su fundacion hasta el 31 de Diciembre de 1831, dia en que fue invadida por el expresado Comandante (y aunque hay partidas de fecha posterior, su origen es de un embargo anterior al 31 de Diciembre de dicho año). Tambien acompaño siete colecciones de documentos marcados con las letras A, B, C, D, E, F y G que comprueban la exactitud de la Cuenta. Por ella Consta: que he invertido en la Colonia la suma de 319,075 2/8 pesos fuertes y que ha rendido en productos y en el valor de las existencias solo 111,346 6/8 pesos, y por consiguiente me queda debiendo la suma de 207,728 4/8 Pesos fuertes, de Capital líquido, fuera de los reditos, daños y perjuicios. Por todo lo que, tengo la accion a reclamar una competente indemnizacion, la que, cobrandose como lo espero, tendré como satisfacer todos mis compromisos y aun me quedará alguna fortuna. Aqui debo advertir, que del Credito activo resultante de todo lo que poseo en la Ysla, no he hecho mencion en el Estado, porque su valor depende enteramente del restablecimiento de mi fortuna, sin lo qual no puedo hacer un uso ventajoso de lo que me ha quedado alli; asi es que, en el dia me limito á tratar de conservar las existencias, a cuyo efecto mantengo en la ysla un Agente, (Dn. Mateo Brisbane) algunos Dependientes, y unos pocos gauchos, que no me cuestan gasto alguno, porque vendeu bastante ganado para satisfacer todos sus gastos.

(S-4°) Resta solo manifestar la injusticia con que fue deshecho mi establecimiento por el Comandante Duncan, y de consiguiente la obligacion en que se halla el Gobno. de los E.U. de indemnisarme los daños y perjuicios que me ha causado su Oficial, y si contrario á toda probabilidad se negase á satisfacer tan justa demanda, me reservo el derecho de reclamar esa indemnizacion del Gobno. de esta Republica. — La historia del Origen, progreso y naturaleza de mi Colonia, lleva consigo el sello de su inocencia y de la culpabilidad del Comandante Duncan; pasaré pr. á la historia. Concedidos los ganados por este Gobno. desde 1823, traté de formar Estancias en la ysla, y viendo que se podu

hacer prosperar una poblacion considerable, que se estableciese en ella, tanto por su ventajosa situacion geografica, como llave q.e es del mar Pacifico, quanto p.r la fertilidad de su suelo, su clima constantemente templado, y por la abundancia de sus producciones naturales; siempre que se fomentase la industria de los pobladores y se les diese terrenos en propiedad: propuse al Gobierno que me obligaria á establecer una Colonia de ~~[illegible]~~ y se me declarase Proprietario de los terrenos de la Isla. Mi propuesta fue admitida, y la propiedad de todos los terrenos me fue concedida, con pequeñas excepciones; y para contribuir el Gob.o p.r su parte á la prosperidad de los colonos, los declaró exentos de toda clase de derechos, contribuciones e impuestos p.r el termino de 20 años, dandoles ademas el uso exclusivo de la pesca, [illegible] Con tales garantias trabajaba con toda seguridad hacia un feliz exito de mi empresa. Mi plan desde el principio fue entrar en combinaciones con capitalistas ó compañias sobre acciones, en cuyo fondo general debia entrar el capital y trabajo personal que ya tenia invertido, tambien las tierras, apreciandolas á un precio moderado relativamente á terrenos de iguales circunstancias en otras partes; que sin embargo de ser moderado, no solo habria bastado á cubrir todos mis compromisos, sino tambien p.a haberme dejado un considerable sobrante. Los ganados no entraban en el capital de la compañia, pero debia dejarselos á su disposicion en el campo para tomar el numero que juzgasen conveniente, el q.e abonaban á quince pesos fuertes cada animal. Mis relaciones europeas estaban dispuestas á tomar parte en mi empresa sobre las bases indicadas; pero la guerra con el Brasil y la subsequente guerra civil, lo trastornó todo; especialmente la guerra civil, que infundió tanta desconfianza en la estabilidad de los Gobiernos, que no hubo ya quien quisiese aventurar sus caudales en un pais

sujeto a tantas vicisitudes. Mis mismos socios, perdiendo toda esperanza, al ver las dificultades que presentaba la empresa, se retiraron de la sociedad, vendiendome sus acciones. Asi quedé solo, para hacer frente à tamaña empresa.

(S-6.º) —— Habia empesado la obra con poco principal, auxiliado por varios amigos, ignorando las dificultades y el mucho tiempo que demandarian su conclusion. Pero una vez empezado, no podia retroceder, la inversion de nuevos capitales que preciso para sostener el primero, y asi succesivamente hasta completar la obra. Esto sucede con toda empresa de esta naturaleza, porque no da el fruto sino despues de concluida, y si antes de esto se abandona, se pierde siempre el capital empleado, por que este consiste ~~[illegible]~~ al principio solo en gastos. Mis recursos eran tan tasados, que si yo hubiese aflojado un momento en mis esfuerzos, ó si hubiese distraido la mas minima parte de mis recursos á otros objetos que no el sostén de la Colonia, ella prontamente habria dejado de existir, quedando perdidos todos los fondos empleados en ella. Resulta pues, que aunque en el curso de varios años habia aumentado mi fortuna al punto que queda referido, jamas me fue posible pagar parte alguna de mis deudas, sin causar la perdida total de la otra parte.

(S-7.º) —— Trabajaba pues no solo en beneficio mio sino tambien para mis acreedores y por mi honor, estando comprometido a fundar una colonia a mi costa. El interes personal, por si solo, jamas me habria movido á trabajar con tanta constancia. Ni nadie, que no lo hubiese experimentado, puede formarse una idea de los sacrificios y privaciones de todo genero que he arrostrado, tanto para proporcionarme los recursos necesarios para completar mi obra, quanto para vencer los obstaculos y dificultades que se presentaban á cada paso; siendo de los mayores el ~~poder~~ contratar á los pobladores, mientras no se acostumbraban y se conformaban

a adoptar dpues como suyo. En esto hacia mucho bien el ejemplo mio desde el principio y despues el de mi propia familia; la que, siempre contenta, era por si sola una grande barrera al descontento de otros. Sin embargo, si todo establecimiento en un pais desierto, presenta en su principio obstaculos grandes, por mas que le haya favorecido la naturaleza ¿ quantos obstaculos no ofrecerá el poblar una Ysla que hasta entonces se creia inhabitable? El clima de Malvinas, aunque siempre templado, parece aspero á los que estan accostumbrados á paises calidos, y estos necesitan lo menos un par de años de residencia para acclimatarse. Yn finitas personas que se habian comprometido á ser colonos, q^e habian sido transportados á la Ysla, vestidos y mantenidos, provistos de Cosas y ajuar de casa, y aun habilitados para alg^n oficio u ocupacion util p^a ellos, y todo esto á mi costo, no fue posible contenerlos, y me vi obligado á permitirles la salida de la Ysla, quedandose generalmente debiendo sumas demasiado considerables para poderlas pagar en otra parte. Estas idas de pobladores, es lo que ha aumentado extraordinariamente el costo de la Colonia pero era inevitable, ¿por q^e haber tratado de contenerlos á la fuerza habria sido una medida de una trascendencia funesta á la existencia de la Colonia, puesto que con ello no solo se aumentaria el descontento de estos, sino tambien que haria descontentos á los que estaban ya accostumbrados y felices en la Ysla, en el momento que viesen que su permanencia en la Ysla era forzosa. El descontento general que se quiria, produciria un estado demasiado violento para poder subsistir, y la Colonia pronto habria visto su fin, quedando al mismo tiempo desacreditada la Ysla p^a siempre y confirmada la idea de ser inhabitable.

(§-8°) Siendo pues imprudente el contener ningun Colono contra su voluntad, tuve que valerme de la persuasion del ejemplo y de una prudente condescendencia, amas de una infinidad de ardides que servian p^a entretenerles

el tiempo, hasta que se acostumbraron al paiz; una vez conseguido esto, raro era el que queria dejar la Isla, y si alguno se iba, volvia despues. Este servicio personal mio de infundir en los pobladores amor á la Isla, no puede sostituirse con ninguna dinero. La experiencia le ha mostrado. Los Españoles tenian en su establecimiento de Malvinas igual numero de habitantes que yo en el mio, es decir de 125 hasta 150 almas, el descontento era entonces tan fuerte, que el Rey tuvo que dar, á mas de los sueldos, grandes gratificaciones á los diferentes empleados; al Comandante 4000 pesos fuertes anuales, al Ministro tesorero 2000 y á los demas empleados en proporcion, con mas, raciones dobles á todos. Con todo esto, rara era el que antes de cumplir los dos años, que debian permanecer en la Isla, no pidiese con instancia su relevo. El Rey gastaba anualmente en el establecimto. mas de Cien mil pesos fuertes, y sin embargo adquirio el mal nombre que ha conservado tan injustamente hasta que por mis adanes ha realzado su verdadero merito. Es claro que mas pudieron mis constantes adanes y servicios personales, que los caudales del Rey de España; por que conseguí en pocos años establecer una poblacion contenta y feliz, en la que cada individuo veia aumentarse su fortuna y se habia conformado á pasar en ella su vida; poblacion que, al ultimo habia llegado al estado de poderse no solo mantener, sino tambien de progresar rapidamente, sin requerir mas desembolsos por mi parte; al contrario, mas bien empezar á recompensarme con profusion mi capital y mi trabajo personal invertido. En fin ella habia arribado á un alto grado de solidez, que al mismo tiempo que ofrecia una garantia á mis acreedores, me presentaba los mas lisongeros prospectos p.a el adelantamiento de mi fortuna.

(Nº 1) La Colonia puesta en un pie tan ventajosa, como acaba de referir, tanto para mi como para mis colonos, amas de ser utilisima para todo el Comercio que

se hace con los puertos del Pacífico, lo era para las Islas mismas; pues les dió un valor que no tenian antes, ni podian tener, p.r que se consideraban, lo repito, inhabitables. Por otra parte, la Colonia presentaba en su interior el orden y la tranquilidad; allí se respetaban las propiedades, los derechos individuales y los derechos de gentes. Asi es que, jamas se dió á los extrangeros, que visitaban las Islas, el mas mínimo motivo de justa queja; no pudiendose considerar bajo ningun principio, un motivo de queja el que yo, en mi caracter publico de Comandante politico y militar de las Islas Malvinas, nombrado p.r el Gobierno que entonces ejercia el derecho de Soberania en ellas, y en obedecimiento de las ordenes de mi Gobierno, y mas colonos en defensa de sus privilegios en las pescas, tratasemos de impedir que estrangeros, venidos de paises distantes, acabasen de arruinar nuestras pescas, como indudablemente lo hacian con la pesca de Lobos, que es el producto mas pingue con que la naturaleza ha favorecido nuestras costas. Lejos pues de haber tenido esos pescadores estrangeros jamas motivos de justa queja, nosotros eramos los agraviados y altamente perjudicados, y aquellos ~~[illegible]~~ que sinembargo de mis repetidas y amistosas amonestaciones persistian en hacernos daño, y que en su consequencia fueron detenidos p.r mi para que mi Gobierno tomase á su respecto las medidas que fuesen justas, ~~Ellos~~ debieron haberse contentado, asi como se contentaban las demas que navegaban p.r aquellos mares, con encontrar en aquella desierta region un pueblo hospitalario, siempre dispuesto y capaz de aliviarlos en las necesidades y vicisitudes que experimentaban en su transito. Esto es un hecho publico y notorio, y de facto la Colonia fue, p.r esta razon, muy visitada, tanto p.r los buques mercantes cuanto p.r los buques pescadores, especialmente los ocupados en la pesca de la ballena. ——— Pues, algunos entraban en nuestro puerto para tener un asilo seguro y comodo contra las tempestades,

tan frequentes en aquellas alturas, otros para reparar las averias q. habian sufrido; muchos venian p.a hacerse de víveres y refrescos, otros, cuyas tripulaciones, con motivo de viages largos, estaban p.r perecer del escorbuto, reparaban alli su salud, y finalmente otros, naufragados sobre las ~~desiertas~~ desamparadas Costas e Yslas inmediatas, debieron quizas su existencia à los auxilios oportunos que recibieron de la Colonia, para donde fueron conducidos y hospedados con el mayor esmero, hasta que hubiese proporcion para regresar á su pais. Esto es igualmente cierto; pues así sucedió con las tripulaciones de los siguientes buques: la goleta inglesa Hope, Capitan Cristane, naufragada sobre la Ysla de Sud Georgia — la Goleta Americana Belville, Capitan Bray, naufragada sobre la tierra del fuego — La fragata ballenera francesa Nouvelle Betsie naufragada sobre una Ysla inmediata — la fragata Ballenera Americana Potosi, que naufragó sobre la Ysla en que está la Colonia — el Cutter inglez Lively naufragado sobre una Ysla de las Malvinas ~~y finalmente, la goleta Americana Transport~~. Las tripulaciones pues de todos estos buques deben quiza su existencia á mi establecimento ó al menos le deben el pronto alivio de horribles padecimientos.

($101) ¡¡¡ Esta es la Colonia que destruyó el Comandante Duncan !!! Apelo á los hombres imparciales del mundo civilizado, y preguntaré, si despues de la ingenua relacion que he hecho del origen y naturaleza de mi establecimiento, (relacion q. se halla ~~apoyada~~ probada con las y informaciones juradas de testigos que ~~acompañan~~ se hallan en la Coleccion de Documentos C, y á los que me refiero, p.r q. contienen muchos hechos q. por no cansar á mis ~~lectores~~ ~~corresponsales~~ no repito aqui) ¿Habrá quien no se convenza que dicho Comandante no tuvo, ni pudo tener el mas minimo motivo ~~justo~~ racional p.a destruir mi Colonia, ¿ó No. Por consiguiente, este acto que un Atentado cuyas consecuencias deben ser reparadas p.r el Gobierno de quien el Comandante Duncan depende; y como por otra parte no tenemos ningun fundamento racional para dudar de los sentimientos de justicia de aquel Gobierno, hay toda probabilidad q. mis reclamaciones seran debidamente

atendidas, despues que el General Dn Carlos Maria de Alvear que ha sido nombrado Encargado de Negocios de esta Republica cerca del Gobierno de los Estados unidos, con el preciso objeto de pedir el desagravio de aquella agresion, y que deberá dentro de poco tiempo proceder á su mision, haga entablado la negociacion al efecto indicado.

§ 11. Concluiré con señalar las circunstancias mas notables que precedieron acompañaron y se siguieron á aquel atentado y de las que emanó la ruina de mi establecimiento.

Detenidos por mi los tres buques Consabidos, pescadores norte americanos, me transporte á Buenos Ayres para dar Cuenta en persona á mi Gobierno de lo que yo habia hecho. El Gobierno sometio el asunto al tribunal Correspondiente y antes que este se pronunciase sobre la legalidad ó ilegalidad de la detencion de los buques, el Comandante de la Lexington, dando oido a las falsas informaciones de un hombre interesado, y llevado de un celo mal entendido y Ciego, se preparaba a pasar con su Corbeta a Malvinas, para exercer allí un acto de Venganza sobre la Colonia por supuestos agravios. Yo lo ignoraba, pero sabia, sinembargo, que se habia dejado sorprender por los dichos falsos de un solo hombre, y deseoso que el Comandante rectificase la opinion que habia formado injuriosa á mi honor le escribi con este solo objeto una Carta, fecha 7 de Dbre de 1831, que se halla en la Coleccion de documentos letra C. En ella pedia una entrevista, para darle particularmente las explicaciones q. eran del Caso para desvanecer las calumnias que de mi habian levantado. Solicitaba ver inmediatamente á mi acusador Cara a Cara, en presencia del Comandante y de uno ó mas personas respectables de su nacion, que el mismo elegiria a su satisfaccion, para que ellos oyesen a ambas partes, examinasen escrupulosamente la materia y decidiesen en fin si las imputaciones que se me hacian eran justas ó injustas, fundadas ó infundadas, y concluí expresando la conformidad en que quedaba que

suspenderia su juicio hasta que la averiguacion que solicitaba hubiese tenido lugar, y que podria hacerse en pocas horas, asegurandole que no tenia duda quedaria plenamente satisfecho que las informaciones que habia adquirido antes eran falsas, con lo que tendria yo aquella satisfaccion que no se podia con propiedad negar á ninguna persona que pruebe haber sido Calumniado. Mi atenta carta tuvo por contestacion un insulto, me la devolvio abierta acompañada de un papel suelto y abierto, dirigido á nadie, en que decia que se le habia probado bajo juramento lo que se decia contra mi. Esta extraña sentencia de nueva legislacion, en que no se oyó sino al acusador, está bajo su firma, y se halla en la Coleccion de Documentos letra A.—

(§ 12°) Consequente á la linea de conducta empezada, el Comandante Duncan dio la vela el dia 9 del mismo mes para las Yslas Malvinas para desahogar su venganza sobre mis propiedades, dispersando la Colonia, llevandose parte de los habitantes á la fuerza y cargados de prisiones, otros con engaños, segun consta de la protesta y extendieron esto á su llegada en Montevideo, y que se halla tambien en la Coleccion de documentos letra A, el resto fugo al interior. Pero la Colonia sin una autoridad y sin defensa, que victima de los Capitanes mal intencionados que arribaron alli, y hicieron los daños y expresa la Cuenta Corriente, quedando por unicas existencias, como se vé de la misma cuenta, 67 Caballos, dos casas de piedra, (en parte destechadas) y los corrales y ranchos que se hallan desparamados en varios puntos de la Ysla.

(§ 13°) Creo haber llenado el objeto que me propuse, de convencer á mis acreedores de la Conveniencia de concederme esperas. En su virtud les presentaré en seguida el plan de Convenio, el qual hallandolo ellos conforme á equidad y justicia, lo extenderé en forma y cuando esté firmado por ellos me lo manifestaré al Tribunal de Comercio para recabar su aprobacion. Buenos Aires 1° de Feb.° de 1834.

Entre renglones = ademas = segun el decreto de 5 de Enero de 1828. Coleccion de doc.tos letra A = tuvo que = y por mis afanes ha resultado su verdadero merecto = requerir = en el = los = testado = ysla = mando = el dia = ellas = no vale. Entre renglones = firmado por ellos lo = vale.

Luis Vernet

Convenio

que propongo a mis acreedores bajo los articulos siguientes:

1º Activaré, quanto sea en la esfera de mis facultades, el cobro de mis acreencias nuevas, comprendidas todas en el expediente de reclamaciones que debo entablar contra el Gobierno de los Estados Unidos, ó en su defecto, contra el de esta Republica, p.r todos los daños y perjuicios que se me han inferido p.r la destruccion de mi Colonia en Malinias, y sus consequencias, haciendo un viage a los Estados Unidos, si fuera necesario, para su mejor consecucion.

2º Deligenciaré igualmente el cobro de mis acreencias antiguas, personalmente ó por medio de apoderados, cuando se presentasen buenas oportunidades para hacerlo, sea tratando ó sea siguiendo hasta tan tiempo que tenga fondos disponibles p.a hacerlo.

3º Se me facultará para emplear para los gastos ordinarios y extraordinarios de la cobranza una quinta parte de todo lo que cobrase de las acreencias antiguas y modernas nombradas en mi Estado.

4º De todo lo que cobrare, y en el acto que efectuare alguna cobranza, entregaré al conjunto de mis acreedores las dos quintas partes, para ser repartido a pro rata de los respectivos acreencias de cada uno, hasta que sean cubiertas las 37,176 pesos 7 reales con mas el redito del seis p.r ciento p.r cada año de su origen hasta su efectiva pagada moneda metalica que debo, segun dicho Estado. Y si despues de concluidas las cobranzas, no alcanzasen las dos quintas partes de ellas a cubrir del todo dicha deuda, quedaré exonerado de mas responsabilidad, considerandoseme haber cumplido mi obligacion, entregando dichas dos quintas, y ser acreedor a obtener una final carta de paga que se me dará; pero si en tiempo alguno faltare y

voluntariamente en hacer las entregas expresadas, quiero ser privado de las ventajas de la exoneracion que me concede este articulo, y que los restantes dos quintos así como cualquiera otra propiedades que adquiriese en lo succesivo, seran tambien responsables hasta cubrir el total de la deuda antedicha.

5.º Los Acreedores nombrarán uno ó mas individuos que los representen para que haya con quien entenderme sobre la execucion de lo estipulado en estos articulos.

6.º La hipoteca extendida en 26 de Dic.re 1825 (confirmada en 26 de Mayo 1829) a favor de mis acreedores quedará en todo de vigor y fuerza.

7.º Se extenderá escritura del convenio que celebrase con mis S.S. acreedores sobre las bases contenidas en los articulos anteriores, con las modificaciones que se estiman convenientes, y entretanto firmarán estos articulos conmigo, en Buenos Ayres a 1.º de Febrero de 1834.

Luis Vernet

Por poder de los Sres

Buchmann & Milmans - Burdeos	$ 2099.3 -	
Pedro A. Vernet - Santiago	3489.4½	
J. C. Wilmerding - Burdeos	24.1 -	
Harmelen Rietk & Co en Londres	67.4	
L. Miller - Athens	96.—	
Buck & Brumbhaus en Filadelfia	400.3½	$ 6164.5 -

Poder á J. Lopez hermano
Jerónimo Hermano

Yo Jerónimo Hermano por mi y en representacion

Del frente $ 6164.57

de los interesados en las primeras Expediciones Malvinas en los Bergs. Antelope y Fanwick y Goleta Rafaela

Federico Florimo ..... $ 1470.—

Por representacion propia

Fernando Hardy ..... $ 5020.5

Por poder de Don. Guillermo Ashby de Newbury port Ell.

Henrique Metcalf ..... $ 1866.3

Por Poder de los Sres

A. Dürsinger & Co.	Herrnhut	$ 33452.—
M. Jung M. J.	Wuchan	265.1
M. Jung H. J.	id	179.5
G. Jung M. J.	id	147.1½
G. Jung H. J.	id	158.0½
J. J. Otto Gebert	Altona	671.—
J. J. Kleist		Metalico $ 34279.—

62670.5

Adicion al Artículo 4º del convenio: Quiera bien entendido q. solo estaré obligado a repartir lo recaudado quando llegue a importar el dividendo un cinco por cto. sobre mis deudas.

Luis Vernet

Alla Vuelta — 62,670,5

Cumplido las esperas solicitadas por Dn Luis Vernet por un credito de un Mil pesos Metalicos con sus respectivos reditos y gastos de protesto que tengo contra el, con fecha el presente como mas de presente los Acreedores.

Por poder de Dn Jorge Long de Portsmouth E.U. sin reditos y gastos. Mtl $ 1000 —

Luis Vernet Guillermo Peters

Por poder de N.N.

Paodenfrancomat. Metalico $ 9142 —

Julio Bracq

El documento reformado que se halla en el Consulado lo han firmado tambien los siguientes:

Dn Ant.o Maria Peran — Metalico $ 1000,—

Ds J. M. Ludwig, Hamburgo } id „ 610,4
J. Milberg }

Dn Pedro Holterhoff — id „ 1993,7½

Ds D. P. Lohmann en Hamburgo } — id „ 2699,3
Dn Juan C. Zimmermann }

Dn P. Aregnati — id „ 2119,—

Dn M. Schpmann — id „ 5000,—

Al frente — $ 86236,2½

Del frente $ 86236.2/2

287 8.

Posteriormente han firmado los demas acreedores presentes y el síndico del Tribunal de Consulado firmó tambien por los acreedores ausentes.

Y con fecha Aug.to 25 de 1835 el tribunal del Consulado ~~la~~ aprobó las esperas.

~~Black~~

~~Gandara~~

~~Olivera~~

See Back of this package

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Statement which Louis Vernet presents to his Creditors asking time to pay his debts

Gentlemen.

Seeing myself unable to fulfill the engagements entered into with my creditors on account of the ruin of my establishment at the Falkland Islands caused by the abuse of power exercised thereon by the Commander of the United States Corvette Lexington, Captain Silas Duncan, I am in duty bound to suspend my affairs, as I have done, and to make a cession of my property in favor of my creditors or to ask of them a convenient time to make my payments.

I have decided upon this last alternative, because my honor, my interests and those of all my creditors require it, for reasons which I am going to explain.

The Statement I have presented of my ~~active~~ assets and ~~passive~~ liabilities ~~Debts~~ shows that I owe One hundred and thirty seven thousand one hundred and seventy six Spanish Dollars ~~(Pesos fuertes)~~ six and a half rials, and that to me are ~~owing~~ due three hundred and five Thousand four hundred and twenty Spanish Dollars ~~(Pesos fuertes)~~ one and a half Rials; but as the greater part of this latter sum will require an indefinite time to recover, ~~here are~~

it is impossible for me to ~~the impossibility of my~~ paying my debts as long as I do not ~~recover~~ receive what is owing to me. And as on the other hand no one will be as able as myself to ~~recover them~~ collect the same the convenience of granting me time is evident.

I shall not enter into the detail of those debts which are of the common ~~and usual~~ kind in commerce, because these need no farther explanation than what my books ~~furnish~~ which I have submitted to the inspection of my creditors will furnish, but I shall enter into particulars with regard to ~~that~~ ~~amount~~ amount invested in ~~amount~~ my destroyed Colony, for being such as ~~which~~ has not as yet been examined and whose nature is very different from that of the others, & therefore requires more explanation. With this view I accompany the account current ~~which I have kept~~ of the Colony from its foundation until the 31st December 1831, ~~on which day I was invaded by the aforesaid Commander~~ (day of its destruction including therein some ~~items~~ Items of posterior date ~~they never the less~~ which have their origen previous to the 31st Decr of said year) I also accompany "ad effectum videndi" seven Schedules of documents, marked ~~with the letters~~ A, B, C, D, E, F &c, which prove the accuracy of the account. ~~I shall prove by it~~ This account current shows that I have received ~~in~~ the Colony the sum of 319,075 2/8 Spanish dollars, and that it has produced, including the value of its ~~effects~~ remains ~~and~~ is 111,346 6/8 Dollars, that ~~the~~ the Colony ~~I remains~~ owing me ~~the sum of~~ 207,728 4/8 Spanish Dollar, which is the net cost ~~not Capital~~ exclusive of interest and damages for ~~to~~ all which I ~~have~~ am entitled to a compensation ~~a right to claim a competent~~ indemnification, which being ~~obtained~~ as I expect it will, I shall be enabled to satisfy all my engagements, and have some property over. ~~I Here I must state~~ I observe that I have not mentioned in my Statement the whole of the ~~available~~ effects which I possess on the Island, because its value ~~will~~ depends entirely on the ~~establishment of~~ recovery of my fortune

without which I am unable to make that property, ~~I possess there~~ the cattle and land available. Hence it is, that I limit myself at present to endeavour to preserve that property, for which purpose I maintain on the Island an agent (Mr Mathew Brisbane) some clerks and a few Gauchos, (cattle hunters) which cause me no expence, as they sell enough hides to defray all their expences.

It remains now only for me to shew with what injustice my establishment was destroyed by the Commandor Duncan, and consequently the obligation under which the Government of the United States is to give me an adequate compensation for the damages and losses which its officer has caused me; but if contrary to all probability, it should refuse to satisfy my just demand, I reserve to myself the right of claiming that compensation for the Government of this Republic.

§ The history of the Origen, progress and nature of my Colony bears with it the stamp of its injustice, and the culpability of Commander Duncan, for destroying it, I shall proceed to give its history.

The Cattle having been cedd to me by the Government since 1823, I converted the Island into a large grazing Cattle farm, and seeing that it might prosper a considerable settlement thereon, not only on account of its advantageous Geographical position, being the Key to the Pacific Ocean, but also on account of the fertility of its soil, its temperate Climate and the abundance of its natural production, I proposed to the Government that I would undertake to establish a Colony there if it would grant me the property ever the lands of the Island. My proposal was accepted and the property of all the lands, with some few exceptions (by the Govt. of Buenos Ayres) was granted to me, moreover to contribute to the prosperity of the settlers the Government declared them to be exempt from all kinds of duties, contributions and taxes for a term of twenty years, granting them besides the privilege of the fishery, as seen in the Decree of 5th Jany 1828 (Schedule of Document G)

With such guarantees I proceeded with security towards a happy result of my undertaking.

My ~~always~~ plan from the commencement was, to enter ~~in~~ into combination with Capitalists or Companies on shares. In the Capital ~~which~~ was to be included my own Capital and labour already invested, also the lands, valuing them at a moderate price when compared to lands of the same kind in other ~~parts~~ countries, which although moderate would not only ~~have~~ suffice to cover all my liabilities, but ~~have left~~ leave me a considerable surplus. The ~~cattle~~ ~~the~~ Cattle were not to be included in the Capital of the Company; but were to be left at its disposal, to take such number of them as it might deem convenient, paying for the same 15 Spanish Dollars for each animal. Silly connections in Europe were disposed to take ~~x~~ shares in ~~my~~ this undertaking upon the said basis; but the war with Brazil and the subsequent Civil war, ~~put all attack~~ prevented the execution of my plan; especially the Civil war, which created such distrust in the stability of ~~the~~ Government, that ~~some~~ no persons would ~~venture~~ venture their funds in a country subject to such ~~many~~ vicissitudes. Even my partners ~~losing all hope, or seeing the difficulties of the undertaking~~ lost all hope of success & separated from ~~the~~ partnership, selling to me their shares. ~~From~~ Thus I remained single handed in this ~~great~~ difficult undertaking. I had begun it with a scanty capital ~~assisted~~ assisted by several friends, and ~~upon the~~ we all had no idea of the difficulties & ~~the great~~ length of time its execution would require. But having once undertaken it, I ~~could~~ would not recede ~~from it~~. The ~~[illegible]~~ investing of more ~~capital~~ funds became necessary in order not to lose the ~~[illegible]~~ capital already employed, thus I continued to do ~~[illegible]~~ successively until the final completion of the undertaking. ~~This~~ such generally happens with all enterprises of this nature, ~~because the~~ they bear no fruit until ~~it is~~ completed, and if previously abandoned, the employed capital is always lost, ~~because it~~ consisting at first ~~mostly~~ mostly in expences. —— My resources were so very limited, that if I had for a moment ceased in my efforts or if I had withdrawn ever so small a portion of my ~~means~~ resources & employed them in objects foreign to my Colony, ~~the~~ it would soon have ceased to exist, causing me the loss of all the Capital employed in the same. Consequently although ~~I have augmented~~ my objects have engaged to the extent I have mentioned,

I never had it in my power to pay any part of my debt ~~liabilities outwards~~ abroad without causing the almost total loss of the other part.

Therefore I was labouring not only for my own benefit but also for that of my creditors & for my honor, having contracted ~~being under the obligation of~~ to founding a Colony at my expence. My personal interest alone would never have induced me to work with such perseverance, and no one who has not experienced it, can form an idea of the sacrifices and privations of all kind I endured in order to obtain the necessary resources to complete my work, and to ~~get over~~ overcome the obstacles and difficulties which presented themselves at every step. § The greatest difficulty ~~of all~~ consisted in contenting the settlers at first ~~who had got accustomed~~ ~~and~~ reconciled to the idea of adopting this new abode for their home ~~permanently~~. Towards this object my own example in the first instance ~~from the beginning~~ and that of my family afterwards ~~had~~ contributed much. My family's ~~always~~ cheerful resignation was a check to the discontent of the colonists. ~~However, if~~ This example was invaluable

for if every establishment in an uninhabited country presents at first great obstacles, howsoever much nature may have favoured it, what obstacles must not the colonisation of an Island present, which until then had been considered as "unfit for the abode of man"?

§ The climate of the Falkland Islands, although always temperate, seem rough to those who are accustomed to warm climates; and they require at least a couple of years of residence to get acclimatised. A great many persons who had engaged to become settlers, and had been transported by me to the Island, clothed, fed, furnished with house & furniture and even set up in some trade or some useful occupation for themselves, ~~and~~ could not be induced voluntarily to ~~judge their engagement and~~ ~~it was not possible to contract them again~~ I was obliged to permit them to leave the Island greatly in my debt & too much so to be able ~~to be able~~ to repay it in any other ~~part~~ way. Such departures of settlers increased ~~enormously~~ considerably the cost

of the Colony; but it could not be avoided. To have undertaken to retain them forcibly, would have been fatal to the very existence of the Colony, because ~~merely their discontentment not only would have augmented but the~~ other settlers who were already accustomed and happy in the Island would also have become discontented from the moment they became aware that their permanence on the Island was not entirely voluntary. The discontent would have become general and the dissolution of the Colony inevitable, and the old idea confirmed that the Falkland Islands are uninhabitable.

§ Therefore I could only retain the settlers in the beginning by means of persuasion, by giving them the example of endurance, by prudent concession, and by little stratagems which served to entertain them, until they got accustomed to the Country; when this was once attained, few were ever inclined to leave the Island; and when any one left, he generally returned again soon after. This system of mine for making them fond of the Island, could not be substituted by any money. Experience had already shewn this. —— The Old Spaniards had in their Establishment in this Island the same number of inhabitants as I had, say from 125 to 150. Discontent was at that time so great, that the King had to give besides high salaries, large gratifications to the different employés — To the Governor he gave a present of four thousand Spanish Dollars annually — to the paymaster two thousand, and to the other employés in proportion, besides double allowance of provisions. Notwithstanding this, they generally asked to be relieved before the expiration of the stipulated for them to remain on the Island. The King spent annually more than one hundred thousand Dollars in the establishment, yet the Islands retained the bad name they had so unjustly acquired, until through my exertions their true merits became known. It is evident therefore that my personal endeavours did more than the treasures of the King of Spain.

because I succeeded in a few years to establish a contented happy settlement ~~in which many~~ the inhabitants of which were willing to remain there ~~& to gather~~ ~~their property increase, and were resolved to spend there his life~~. My Settlement had at last ~~obtained~~ acquired the position of being able to maintain itself, and to progress rapidly, without requiring ~~further~~ outlays from me. On the contrary it ~~was beginning~~ had begun to compensate largely my trouble and expense ~~with the profusion my~~ capital and personal labour. In fine it had ~~arrived at~~ acquired great solidity, which at the same time that it offered security to my Creditors, presented to me the most flattering prospects ~~for the improvement of my fortune~~

The Colony placed in so advantageous a position for me and my Settlers, besides being very useful to the trade round Cape Horn, was so also to the Islands generally, because it gave them a value they had not ~~before~~ before, ~~and could have~~ previously, because as I have said, they were formerly reputed uninhabitable. On the other hand the Colony presented interior order and tranquility. Property individual of nations and foreigners ~~and international rights~~ was always respected. Therefore ~~the~~ Strangers who visited the Island ~~has~~ never ~~just motives of~~ complained. (It could on no account be considered a just motive of Complaint that I ~~assumed~~ in my Character of political and military Governor ~~of those Malvinas~~ Islands, appointed by the Government who at that time exercised the rights of sovereignty over them ~~yes~~ in obedience to its orders ~~I adopted~~ ~~should have~~ ~~requested the rights of my colonists to the fishery on those islands~~ ~~Colonists to adopt as of these islands~~ ~~I should endeavour and to prevent~~ ~~that~~ foreigners ~~coming~~ from a distant Country, ~~from~~ ~~destroying the fishery~~ ~~as they did~~ ~~with respect to the seal fishery~~, which is the principal wealth with which nature ~~has~~ favored ~~those islands and shores~~ these islands. Therefore far from just motives of complaint on the part of these foreigners, we were the injured parties and they, who notwithstanding my repeated friendly warnings persisted in their depredations, & who in consequence thereof were detained by me, in order that the Government might take such measures regarding them as it might deem just, they, I say, ought to have contented themselves, as others who

navigated those seas, with finding in ~~that~~ uninhabited Region an hospitable Settlement which was always willing and capable of ~~alleviating them~~ supplying their wants after long voyages. This ~~the necessities of their situation, which they encountered on their voyages~~. ~~This is a fact~~ § The above facts are of public notoriety and for this reason the Settlement was ~~often~~ much visited by Merchant ~~vessels~~ as well as fishing vessels, especially by the whale ships. ~~of many of which~~ many put into our port, as a safe retreat from storm, to frequent in that Region, ~~others put into our port or~~ others to repair damages, ~~many more~~ many to get supplies of provisions and refreshments & others, whose crews were ~~sickly~~ peritious from scurvy put in to restore their health; ~~and several vessels~~ § Moreover several ~~vessels of other~~, wrecked on the neighbouring coasts and Islands ~~often~~ owed their deliverance to the timely aid ~~which they received from the Colony~~ rendered by the colony, whither they were taken and most hospitably treated, until an opportunity would offer for them to return to their own Country. This was ~~also the case, though it happened~~ the case with the crews of the following wrecked Vessels: The english Schooner Hope, Capt Brisbane, wrecked on the Island of South Georgia ——— The American Schoner Belville Capt Bray, wrecked on Tierra del Fuego ——— The french whaleship Nouvelle Betsey, wrecked on a neighbouring Island. ——— The American whale Ship Potosi, which was wrecked on ~~the Island on which the Settlement was established~~ another part of the Island ——— and the english Cutter Lively. ——— All the Crews of these vessels very probably owed their lives ~~existence~~ to my Colony, or at all events a ~~speedy~~ deliverance from horrible ~~sufferings~~ wants. And this is the Colony which Capt Duncan destroyed !!! ~~that noble colony so outrageously destroyed by the Capt Duncan~~ !!! § I have now fulfilled my promise of giving the history of my little colony and ~~destroyed !!!~~ appeal to all impartial men and to them old men ~~of the civilized world, and ask~~, whether after this frank statement of the origin and nature of my establishment (statement which has been substantiated by the depositions of sworn witnesses, as per Documents in Schedule G, ~~which are in the Schedule of Documents G, and to which I refer as containing many facts, which, not to tire my readers, I omit here~~) I ask, is there any one who would not be convinced that the said Commander had or could have had ~~not~~ ~~no~~ ~~cause~~ ~~have~~

~~the~~ any rational motive for destroying my Colo
and I am confident the first answer is the negative, reparation is due me for the
~~certainly not~~. Therefore, ~~this act was an outrage~~
act of ~~Capt Duncan~~ Capt Duncan & its consequences ~~which ought to be~~
, by the Government under whose dependence
he acted, ~~I~~ On the other hand as there is ~~we have~~ no rational
motive for doubting the justice of that Govt,
there is every probability, that my ~~earlier~~ claim
will be ~~satisfied~~ ~~duly attended to~~, after Genl Don Carlos
Maria de Alvear, who has been appointed charge
d'Affaires of this Republic near the Govt of
the U. S., ~~for~~ the express object of ~~the~~ asking
~~the redress for~~ of this agression, ~~and he~~
~~will shortly proceed on his mission~~, may have
~~the negotiation to that effect.~~ my Claim for Compensation
initiated

I shall conclude by pointing out the
most remarkable circumstances which preced
accompanied & followed that agression &
which caused the ruin of my Settlement.

After having detained the above said Sealing
vessels, I proceeded to Buenos Ayres for the
purpose of informing the Government of
my proceedings. — The Government submitted
the matter to the proper Court of Justice, &
before it gave its decision on the legality or
illegality of the detention of the vessels, the
Commander of the Lexington, ~~going ashore to~~ listening to
false ~~informations of~~ reports made by ~~people~~ an interested person, &
perhaps ~~as~~ carried away by a mistaken Zeal, ~~this officer~~
~~proceed to~~ proceeded with his Corvette to the ~~Falkland~~ Falkland
Islands to ~~exercise there an act of violence on the~~ destroying my colony
~~colony, for supposed outrages~~. I was at the time ignorant of
his intention ~~thus~~. However, I knew that he had suffered himself
to be deceived by the falsehoods told him by ~~some~~ Captain Duncan
the said interested ~~people~~ ~~men~~, & being desirous that said Co
~~mandant~~ ~~should~~ ~~be~~ erroneous opinion he had formed ~~contra~~
~~ry~~ on the subject ~~of my claim~~, I wrote him ~~a letter~~ ~~dated~~ on the seventh
December 1831, (which I enclose ~~in~~ in Schedule ~~G~~ ~~in collection of Doc~~
~~letter C~~, asking an interview) ~~in order to give~~ (for the ~~state~~ object of giving
the letter

privately the explanation, ~~I asked~~ to refute the Calumnies which had been heaped on me by the said interested party, & requesting to ~~see~~ face to face my accuser, in the presence of the Commander & of one or more respectable persons of his own nation, to be chosen by the Commander, that they might hear both sides of the question, examine scrupulously the matter, and then decide, whether the imputation made me were just or unjust, and concluded the letter by expressing, my confidence that he would ~~pitiously~~ suspend his judgment until such impartial enquiry might have been made. That he instituted. That this might be effected in a few hours, assuring him at same time, that I entertained no doubt that he would then become fully convinced that the information he had received was false, and that he would then give me that satisfaction which can not, with propriety be denied to any person who proves that he had been calumniated. However, my letter received no other answer than an insult, the letter returned it to me unopened by the bearer who had addressed it to him, accompanying it by a few lines, also open, and without a Direction, these lines he said, that he had proofs on oath, of what was said against me. This jurisprudence, where only the accuser is heard, is signed by him, and is to be seen as said before in the Schedule of Doc. C.

In consequence with the intention already mentioned Commander Duncan sailed to the South ward of the same month to the Falkland (Malvina Island) to take revenge for pretended wrongs on my property by dispersing my settlement carrying off the Spanish families which I had brought with me, of which the Spanish families were shipped to Montevideo, in the Schedule of Doc. C, and the remainder of the Settlers, they came to the interior.

The Colony thus left without any authority, became the prey of

[illegible] the civil indeed matters
fishing rights that touched them, I also committed the depredations
mentioned in the Account Current of the Colony.
There remained at Port Louis only sixty seven horses & ten stone
houses, and on the island remained a considerable number of
endowed for Cattle & huts which were distributed over all the
parts of the Island.

I have accomplished my object
of convincing my Creditors of the convenience of
granting me time & I shall therefore now propose an arrangement, which if they deem it equitable and satisfactory shall be written out in due form & when signed be submitted by them to the Tribunal of Commerce for its approbation. Buenos Ayres 1st Feby 1834.

(Signed) Louis Vernet

N.º 12.

Manifiesto a mis acreedores

Mdzo 23/887 En seguida de esta foja estaba agregada la cta corriente de la Colonia con su propietario Don Luis Ferrari empezando — Cuenta corriente que modifica el Espediente cont.te de la Colonia —

Dicha cta se agregó p.r mientras en el Concurso de los 2 partidos de f. 1800 y f. 2634.20 $ m.n. extraidos de Mendoza — en su oportunidad se hubo del acreedor hasta de Venta

En donde que dicho cta se volvera se

[illegible]

Dos Copias simples de una traduccion del manifiesto q. presenté a mis acreedores en 1º de Febº de 1834 — que conservo por si acaso otra copia mejor traducida, q. mandada al Sor W. A. Harris, se perdiere —

300

Imperfect Translation #

Statement which Luis Vernet presents to his Creditors asking time to pay his debts.

Gentlemen,

Being myself unable to fulfil the engagements entered into with my Creditor on account of the ruin of my Establishment at the Falkland Islands caused by the abuse of power exercised thereon by the Commander of the United State Corvette Lexington, Captain Silas Duncan, I am in duty bound to suspend my affairs, as I have done, and to make a Cession of my property in favor of my Creditors or to ask of them a convenient time to make my payments.

I have decided upon this last alternative, because my honor, my interests and those of all my creditors require it, for reasons I am going to explain.

The Statement I have presented of my assets and liabilities shows, that I owe one hundred & thirty seven thousand one hundred and seventy six Spanish Dollars six and a half rials, and that to me are owing three hundred and five thousand four hundred and twenty Spanish Dollars one and a half rials, but as the greater part of this latter sum will require an indefinite time to recover, hence arises the impossibility of my paying my debts as long as I do not recover what is owing to me. And as on the other hand no one will be as able as myself to recover them, the convenience of granting me time is evident.—

This Spanish for the event that other copies which have been made should be lost. Buenos Aires 14 July 1860

I shall not enter into the details of thus afsets which are of the Common and usual kind in Commerce; because these need no further explanation that what my books furnish and which I have submitted to the inspection of my creditors. but I shall enter into particulars with regard to that arising from my destroyed Colony, for being one which has not yet been examine and whose nature is very different from that of the others, and therefore requires more explanation. With this view I accompany the account current which I have kept of the Colony from its foundation until the 31st December 1831, on which day it was invaded by the aforesaid Commander (and although there are items of posterior date, they nevertheles have their origin previous to the 31st Decr of said year). I also accompany ad efectum videndi, seven schedules of Documents, marked with the letters A, B, C, D, E, F, & G which prove the accuracy of the account. It is shown by it that I have invested in the Colony the sum of 319,075 5/8 Spanish Dollars, and that it has produced, including the value of its remains, only 111,346 6/8 Dollars, that therefore the Colony is owing me now the sum of 207,728 4/8 Spanish Dollars, net Capital, exclusive of interests and damages. For all which I have a right to claim a competent indemnification, which being obtained, as I expect it will, I shall be enable to satisfy all my engagements, and have some property over. Here I must state that I have not mentioned in my Statement the whole of the afsets which I profess

in the Island because its value will depend intirely on the recovery of my fortune without which I am unable to make the property, I possess there available. Hence it is that I limit myself at present to endeavour to preserve that property, for which purpose I maintain in the Island an Agent (Mr. Mathew Brisbane) some clerks and a few Gauchos, (cattle hunters) which cause me no expense, as they sell enough beef to defray all their expenses.—

It remains now only for me to show with what injustice my establishment was dispersed by the Commander Duncan, and consequently the obligation under which the Government of the United States is to indemnificate me for the damages and losses which its officer has caused me, and if contrary to all probability, it should refuse to satisfy my just demand, I reserve to myself the right to claim this indemnification of the Government of this Republic. The history of the origin, progress and nature of my Colony carries with it the stamp of its inocence, and of the culpability of Commander Duncan; I shall proceed to give its history.—

The Cattle having been ceded to me by this Government since 1823, I formed (Estancias) grazing farms on the Island; and seeing that it was practicable to make a considerable Settlement prosper if established thereon, not only on account of its advantegeous geografical position, being the key to the Pacific Ocean but also on account of the fertility of its soil, its temperate climate and for its abundant natural productions if made available by stimulating the industry of the

Settlers and by giving them Land in free hold, I proposed to the Government that I would undertake to establish a colony if I was made proprietor of the Lands of the Island. My proposal was accepted, and the property of all the lands with some few exceptions was granted to me. Moreover to contribute to the prosperity of the Settlers the Government declared them to be exempt from all kinds of duty, contributions and taxes for a term of twenty years, granting them also the free use of the fishery, all according to the decree of 5th January 1828 (Schedule of Documents G).-

With such guarantees I worked with security towards a happy result of my undertaking and my plan from the commencement was, to enter in combination with Capitalists or Companies on shares, in the Capital of which was to be included my own Capital and labour already invested, also the lands valuing them at a moderate price, when compared to lands of the same kind in other Countries, which although moderate, would not only have sufficed to cover all my liabilities, but have left me a considerable excess.- The Cattle were not to be included in the Capital of the Company, but were to be left at its disposal, to take such number of them as it might deem convenient, paying for the same 15 Spanish Dollars for each animal. My Connections in Europe were disposed to take shares in my undertaking upon the said basis, but the wars with Brazil and the subsequent civil war, put all back;

The Colony placed in so advantageous a position for me and my Settlers, besides being very useful to the trade round Cape Horn, was so also to this Islands generally, because it gave them a value they had not, nor could have previously, because as I have said, they were reputed uninhabitable. On the other had the Colony presented interior order and tranquility. Individual property and international rights were respected. Therefore the strangers who visited the Island had never just motives of Complaint. I could on no account be considered a just motive of Complaint, that I in my character of political and military Governor of the Malvina Islands, appointed by the Government who at that time exercised the rights of sovereignty over them, and in obedience to its orders and my Colonists, in defence of their privileges of the fisheries, endeavoured to prevent foreigners from a distant Country from destroying our fisheries, as they did with respect to the seal fishery, which is the principal wealth with which nature had favored our shores. Therefore far from just motives of Complaint on the part of these foreigners, we were the injured parties; and they who notwithstanding my repeated friendly warnings persisted in their depredations, and who in consequence thereof were detained by me, in order that the Government might take such measures regarding them as it might deem just, they, I say, ought to have contented themselves, as others who navigated those seas, with finding in that uninhabited region an hospitable settlement, which

was always willing and capable of alleviating the necessities and vicissitudes they encountered on their voyage. This is a fact of public notoriety, and for this reason the Settlement was often visited by merchant vessels as well as fishing vessels, especially by the whale ships. Many of which put into our port as a safe retreat from storms so frequent in that Region, others to repair damages, many more to get supplies of provisions and refreshments — others again whose crews were perishing from scurvy, put in to restore their health, Also several crews of vessels wrecked on the neighbouring Coasts and Islands owed their deliverance to the timely aid which they received from the Colony, whither they were taken and most hospitably treated, until an opportunity would offer for them to return to their own country. This was the case with the crews of the following wrecked vessels; — The english schooner Hope, Captain Brisbane, wrecked on the Island of South Georgia — the american Schooner Belville Captain Bray, wrecked on Tierra del Fuego — The french whaleship Nouvelle Betsey, wrecked on a neighbouring Island — The american whaleship Potosi which was wrecked on the Island on which the settlement was established — and the english Cutter Lively. — All the crews of these vessels owed their existance, very probably, to my Colony, or at all events a delivery from horrible sufferings. —

This is the Colony which Captain Duncan destroyed.!!! — I appeal to the impartial men of the civilized world, and ask whether, after this frank statement of the origin and

and nature of my settlement (Statement which has been substanciated by the depositions of sworn witnesses, as per Documents in Schedule E, containing many facts, which not to tire my readers I do not repeat here) I ask is there any one who will not be convinced that the said Commander had not, nor could have any rational motive for destroying my Colony? Certainly not.— Therefore, reparation is due me for this outrage and its consequences, by the Government under whose dependence he acted; and as on the other hand there is no rational motive for doubting the justice of that Government, there is every probability that my Claims will be duly attended to, after General Don Carlos Maria de Alvear, who has been appointed Charge D'Affaires of this Republic near the Government of the United States, with the express object to ask redress for this aggression and who will shortly proceed on his mission, may have inicated the negotiation to that effect.—

I shall conclude by pointing out the most remarkable circumstances which preceded, accompanied and followed that aggression, and which caused the ruin of my settlement.—

After having detained the aforesaid sealing vessels, I proceeded to Buenos Ayres for the purpose of informing the Government of my proceedings.— The Government submitted the matter to the proper Court of Justice, and before it gave its decision on the legality or illegality of the detention of the vessels, the Commander of the Lexington, giving ear to the false information of an interested party, and perhaps carried aways by a mistaken zeal, blindly prepared to proceed with his Corvette to the

Malvinas to exercise there an act of vengeance on the Colony, for supposed outrages. I was ignorant of this. However I knew that he had suffered him=self to be deceived by the falsehoods told him by only one man, and being desirous that said com=mander might rectify the erroneous opinion he had formed of me, I wrote him a letter on the seventh of December 1831, which is in Schedule C, asking an interview for the stated object of giving him, privately, explanations in refutation of the Calumnies which had been heaped on me. — I asked to see face to face my accuser, in the presence of the Commander and one or more res=pectable persons of his own nation, to be chosen by the Commander, that they might hear both sides, examine scrupulously the matter, and then decide, whether the imputations made me were just or unjust, and I concluded the letter by expressing that I confided upon his suspending his judgement, until such inquiry might have been made, that this might be effected in a few hours, assuring him at the same time that I entertained no doubt, that he would then become fully convinced, that the infor=mations he had received, were false, and that I would then have that satisfaction which can=not, with propriety be denied to any person, who proves that he has been Calumniated. — My civil letter was answered by an insult — He returned it to me unsealed accompanied by a writing also open and without any direction, in this he said that he had proofs on oath, of what was said against me. This singular sen=tence of new Legislation, where only the accuser is heard, is signed by him, and is as said before

especially the civil war, which created such distrust in the stability of the Governments, that none would now venture their funds in a Country subject to so many vicissitudes. Even my partners losing all hope, at seeing the difficulties of the undertaking, separated from the partnership, selling to me their shares.— I thus remained single handed in this great undertaking. I had begun it with a scanty capital, was assisted by several friends and ignored the difficulties and the great length of time its execution would require. But having once undertaken it, I could not recede from it. The introduction of more capital became necessary in order not to lose the first and so on successively until the final completion of the undertaking. But this happens with all enterprises of this nature, because it bears no fruit until it is completed; and if previously abandoned, the employed capital is always lost, because it consists at first only in expenses.— My resources were so very limited, that if I had for a moment ceased in my efforts or if I had withdrawn ever so small a portion of my means to employ them in objects foreign to my colony, it would soon have ceased to exist, causing the loss of all the capital employed in the same. Consequently although I had augmented my assets to the extent I have mentioned I had it never in my power to pay any part of my debts without causing the total loss of the other part.

Therefore I was labouring not only for my own benefit, but for that of my creditors

and for my honor, being under the obligation of founding a Colony at my expense. My personal interests alone would never have induced me to work with such perseverance, and no one who has not experienced it, can form an Idea of the sacrifices and privations of all kinds I indured in order to obtain the necessary resources to complete my work, and to get over the obstacles and difficulties which presented themselves at every step. The greatest of which consisted in contenting the Settlers before they got accustomed and reconciled to adopting their new abode for their Country. Towards this object my own example from the beginning and that of my family afterwards contributed much. My family always cheerful was a check to the discontent of others. However, if every establishment in an uninhabited country presents at first great obstacles, howsoever much nature may have favored it. What obstacles must not the colonization of an Island present, which until then had been considered as unfit for the abode of man?

The Climate of the Falkland Islands, although always temperate, seems rough to those who are accustomed to warm climates, and this require at least a couple of years of residence to get acclimatised. A great many persons who had engaged to become Settlers and had been transported to the Island, clothed, fed, furnished with house and furniture, and even set up in some trade or some useful

occupation for themselves, and all this at my expense, it was not possible to content them and I was obliged to permit them to leave the Island greatly in my debt and toomuch so to be able to repay it in any other part. Such departures of settlers increased enormously the cost of the Colony; but it could not be avoided. To have undertaken to retain them forcibly, would have had fatal consequences to the very existence of the Colony, because thereby their discontentment not only would have augmented, but those, who were already accustomed and happy on the Island, would also have become discontented from the moment they became aware that their permanence on the Island was not entirely voluntary. The general discontent, which would follow, would render the situation to violent, for the existence of the colony, which would soon see its dissolution, discredited the Island as for ever, and confirmed the old idea of its being uninhabitable.—

It being imprudent to retain any colonist against his will, I had to obtain that object by means of persuation, by giving them the example of endurance, and by prudent condiscention, and by numerous stratagems which served to entertain them, until they got accustomed to the country, when this was once attained, few were ever willing to leave the Island, and if any one left he returned again soon after. This personal system of mine for making them fond of the Island, could not be substituted by any money. Experience

had already shown this. The old Spaniards had in their Establishment in this Island the same number of inhabitants as I had in mine, say from 125 to 150. Discontent was at that time so great, that the King had to give besides high Salaries large gratifications to the different employés — To the Governor four thousand Spanish Dollars annually — to the purser two thousand, and to the other employés gratifications in proportion, and double rations. Notwithstanding this, they generally asked to be relieved before the expiration of the two years stipulated for them to remain on the Island. The king spent annually more than one hundred thousand Dollars in the Establishment; yet the Islands retained the bad name they had so unjustly acquired, until by my exertions their true merits came to light. It is evident therefore that my personal endeavours did more than the treasures of the king of Spain; because I succeeded in a few years to establish a contented happy settlement, in which every inhabitant saw his property increase, and was resolved to spend there his life. My settlement had at last arrived at the position of being able to maintain itself, and to progress rapidly, without requiring further outlays from me. On the contrary it was beginning to compensate with profusion my Capital and personal labour. In fine it had acquired great solidity, which at the same time that it offered security to my creditors, presented to me the most flattering prospects for the improvement of my fortune —

in the Schedule of Documents G.-

In conformity to the line of conduct already adopted by Commander Duncan, he sailed on the ninth of the same month to the Malvina (Falkland) Islands, to wreck his wrath on my property, by dispersing my settlement, carrying forcibly away part of the settlers and putting them in irons, taking off others (the German families) by deception, as may be seen in the protest they made on their arrival at Montevideo, before their Consul, which is also in the schedule letter G, and the remainder of the settlers (Gauchos) fled into the interior.-

The Colony without an authority, became moreover victim of other outrages from the evil-inclined Masters of vessels that touched there, and who committed the depredations mentioned in the account Current of the Colony. There remained then only sixty seven horses-ten stone houses, partly without roofs, the Corrals (enclosures for Cattle) and the huts which were distributed in various parts of the Island.

I believe I have accomplished my object of convincing my creditors of the convenience of granting me time, and shall now propose an arrangement, which if they deem it in accordance with Equity and Justice, shall be written out in due form and when signed, be submitted by me to the tribunal of Commerce, in order to obtain its approval-

Buenos Ayres 1st February 1834

(signed) Lewis Vernet