

Duplicate

Louis Verneq Equin

Buenos Ayres

Philadelphia October 20th 1832.



My dear friend,

On the 16th August I wrote you last, original and duplicate via England. I have since received your letter of 7th 23rd June and 31st July; that of 24th July you refer to has not yet come to hand; Mr. Peckin has sent me the document which you call the act of condemnation. I have already mentioned in my last that you may cover letters to me here to Mr. Henry (Dinking, in Baltimore) Mr. A. & S. Turnbull (because Messrs. and Henry may be absent) New York J. W. Schmidt Esq. or Mr. Geo. H. G. and in Boston Mr. Samuel Peckin.

The latter end of August I learned from a friend in New York that the Sch. Superior, Conguar Mt. had arrived there as far back as the beginning of June, with a quantity of skins valued @ \$5000., and had been entered by Mr. Sela, & Burrow as his property; I was at a loss now what course to pursue. To attack the property would have exposed us to great risk for I should have been obliged to give security to a large amount, and if we had not succeeded in making out our case, Mr. Burrow would infallibly have prosecuted me for heavy damages; to make out the case in our Courts of justice would entirely depend upon documents to be procured from Buenos Ayres and I was aware of the difficulty of procuring such documents from any foreign and particularly a Spanish Country, in that regular form which the Secretaries of our Courts require; there is therefore a great risk in making out the case however or just the same may be. After reflection and consultation I determined to adopt a middle course, merely to give Mr. Burrow notice, which comes to the same if Mr. Burrow remain what he now is in good credit and standing the only difference being that I do not take actual hold of the Vessel and Cargo or security for the same. I accordingly wrote a letter to Mr. Burrow of which you have seen his answer herewith Copy (A). The matter must now remain until you furnish me with the needed documents to base an action upon, what these consist in and the manner in which they must be executed to be available in our Courts, I have obtained a claim or audum of from Consul of which here with Copy (B); his opinion is decided that if we get these documents and in the form described we shall recover. You being a foreigner will have the advantage that we can bring the suit in the Supreme Court at Washington where we would certainly have a better chance than in the Courts at New York but it will cost some money, I am determined if I bring suit at all to employ the very first Counsel, and there will be well paid, an agreement may be perhaps made for a prospective remuneration when the suit is gained, but

at

all events retaining fees will be required amounting to several hundred dollars. You must secure at least \$500 in Suit is brought at all, while to be sure is but a small sum compared with the amount in question.

My translation of the document of the sentence signed by Doctor Jacinto Carden, which Mr. Perkins sent me, contains merely that "the detention and seizure of said vessels with their respective cargoes is declared to be legal and just." This is no condemnation, nor a condemnation in your favour so that thereby the Vessel because your property: it justifies your proceedings, but still the Court may not have thought proper to condemn the Vessel, or if condemned it does not follow that they become your property. I am surprised you have not mentioned what has become of the Harriet, whether she has been delivered over to you, restored to her owner or in whose possession she is? If there is not an unqualified condemnation in your favour and by the proper tribunal, you cannot expect to recover from the owner of the Superior upon the Contract.

Therewith of the business of the Superior, I hope I have made myself plain and also that you will understand the Memorial and you will be able to obtain the needed documents in the proper form; I can readily conceive that you have a difficulty in obtaining proper advice and therefore endeavour to be particular. As to your claim for damages from the Government of the U.S or Captain Duncan I repeat that it is the affair of your Government to obtain them by Treaty or Convention from the U.S Government; you can only push the matter with all the influence you have with your government; nothing has transpired here of what Mr. Daylin is doing, if you knew any thing that can be depended upon about it I wish you had communicated it; every thing will depend upon the talent and energy of your Government, the American are shrewd negotiators, and of course they will endeavour to make the best of a bad affair, that Mr. Daylin should side with Capt. Duncan is a matter of course whatever his private opinion and the communication with his government may be he must take his part in the eyes of the world. Captain Duncan is now in this country whether by recall or in what manner I know not but most likely by recall, if so the presumption is that the U.S Government does not approve his activities. Your having had communication with Capt. Duncan before he set out upon this odious expedition gives the affair a still worse complexion, I cannot at all reconcile it in my mind upon what principles the man has acted, a remark in one of the publications you sent me that it would not have occurred if it had been a possession of England, France or Russia I think very low, but might doer give right, and least of all should it between Republics who profess to act upon principles of justice.

Should the plea of a disputed possession of the Falklands by Buenos Ayres be set up, I consider it a very weak one; as far as I can judge without any ground, but even admitting there was found claim for it, it does not justify

act of revenge and destruction and remain a great insult to the Buenos Ayres government; as said before all will depend upon the talent and energy of your government; I am persuaded if the case was reversed the government of U.S. would not rest until it had obtained complete satisfaction and damages and justly so.

I mentioned in a former letter that I thought an action of damages against Capt. Purnan would be hopeless, I am since informed that in some cases the Gov. of the U.S. have paid the damages their officers had incurred, this would leave a bitter chalice in case of Sumner; I am not yet prepared to give you a Memorandum of the documents that would be required for such an action, at all events, it is your best course in the first instance to seek to obtain redress through your government which carries more weight with it than the Claim of an individual.

October 26th 1832.

The foregoing of the 20th inst^o. has lain by till now for want of opportunity I have since received your letter of 24th July.

It seems to me you lay too much stress upon public opinion to support your cause, as far as regards your individual character it certainly is of importance but your character is now perfectly cleared in the estimation of all who have heard of the transaction, the Sentence of the Court alone is a complete justification of all that you have done; but you are under a mistake if you think public opinion would have an effect upon the acts of government to grant you redress, this you can only obtain upon facts legally proved and urged by your government; you can is not of such a nature as that it could excite a popular clamour to influence the government.

What prompts me particularly to write to you to day is that I have received an intelligence which I could not believe if I had it not from undoubted authority; it is that England has prosecuted to the Govt. of the U.S. an official Protest or Notification that it is the rightful Owner of the Falkland Islands, that Spain has only held them upon sufferance ever since the year 1774. I will not enter into any remarks about the vicinality of this political arrangement which has been kept secret for 58 years, it will no doubt soon come to light and may occasion a serious disturbance between the governments, you and I can do nothing in it and have patiently to wait the event. But this is a most unfortunate discovery for your cause, besides that it may take away your right of Ownership to your lands, my Counsel thinks it will bar (if not actually) virtually your claim, here; at all events, nothing can be done in them till this matter is settled which it may take years to do. It remains for you to judge whether under these circumstances, it is worth your while to prosecute the documents for the suit against Burrow; you will probably hear here of this new claim and act according to circumstances, whether I can learn

here

that would be useful to you I shall not fail to communicate
my family an all well and desire all their most affectionate regards
to you I remain as ever
Your sincere friend.

