

# THE British Packet, AND ARGENTINE NEWS.

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[Vol. 2.

## BUENOS AYRES.

WE lay before our readers a list of the neutral vessels detained by Brazil for breach of blockade, and sent to Rio Janeiro for adjudication. There are eighteen in all, viz.—8 English, 5 French, 3 American, 1 Swedish, and 1 Danish: the state of their processes will be found noted against the name of each vessel. There are other vessels in Monte Video, whose processes are remitted to Rio Janeiro under appeal for final adjudication, but of which we have not received a correct list.

The Court that takes cognizance of these cases for final adjudication, is called the "Conselho Supremo Militar," and is composed of six naval and military men. Shortly after the detention of the vessels enumerated, the agents of the captured applied for an alteration in this Court, pointing out that it consisted of people who were friends of the captors, and were unacquainted with international law. In consequence of this application, there were nominated five judges who were to sit as assessors and join in the sentences. The military part of the court have never exhibited but one character throughout these proceedings,—an anxiety to consider all as "fish that came to net." The members of the law betrayed more compunction: they entertained and gave way to their legal doubts, and, moreover, expressed their opinion that the captures had been made on a principle much too despotic to be exercised by Brazil at this early period of her existence as an independent nation. The captured, however, derived but a trifling advantage from these compunctions: one or two of the judges took but little interest in the affair, and quietly sided with that part of the court which they considered the most powerful, whilst on all occasions (there being six in the determination to condemn, and five doubtful,) there was a certain majority against the captured. The consequence was, as might be supposed, a variety of sweeping condemnations, as will be seen by the list we refer to.

Such proceedings could not but awaken the attention of foreign Ministers resident at the Court of Rio Janeiro. The spirited and determined conduct of the representative of the United States of North America, is too well known to need description or commendation. The citizens of all nations have derived from it this advantage, that it enabled their representatives to demand the same law that had been exacted

by the North Americans: and their remonstrances were so far attended with success, that a decree was issued by the Government, directing the suspension of all the sentences of the "Conselho Supremo Militar," until they could be revised. For this revision a special court is now established, consisting of several legal men, who are to deliver their opinion: and the ultimate decision is to be pronounced by the Emperor in Council. On the 3d instant, no decision had been come to: we apprehend that so much procrastination forebodes ill, and that in defiance of all the assurances which have been verbally given, the fate of these unfortunate vessels and cargoes will depend much on the spirit and feeling of the time (whether hostile or friendly,) at which their ultimate fate shall be decreed.

As soon as the detention of the British brig *Ann* was known in England, the concerned in vessel and cargo represented the case to the Secretary of State for Foreign Affairs, and prayed the interposition of Government; but this obtained a reply to the following purport,—“That England had never permitted the interference of foreign powers with the proceedings of her Admiralty Court, and that they could presume to exercise none with the Admiralty Courts of other nations; but that if justice were denied to a British subject, it might be a case for the interference of H. B. M.'s Government.”

The shippers were somewhat disconcerted at this reply: an interposition of so tardy a nature being ill calculated to avert the evils of which the case was susceptible. A person acquainted with the institutions of these countries might, with all respect, have tendered an answer in the following terms:—The Admiralty Court of Great Britain is presided by a civilian of the profoundest learning and experience; the great respectability of whose character precludes the most distant idea of venality. His whole efforts are exercised to give correct judgment; applying most judiciously the principles of international law, and the policy of the times, to the peculiar case under his consideration. In Brazil, on the contrary, the tribunals inherit the corruption of the mother country; the judges are ill informed; the judgment-seat subserves to lucre, partialities, party, and the passions; the examination of witnesses is in private; witnesses are suborned; the processes are capricious and dilatory; and the profession so debased, that few dedicate themselves to it who are not broken in character and fortune. Before such tribunals to expect uninfluenced judgment is contrary to experience, and it is

folly to look for it. The court before whom we are to appear are the comrades of the captors; their notions savour of violence, and they are most probably swayed by a participation of the booty. If judgment is to be bargained for, the captors can make sacrifices out of that which shall be condemned, and cost them but the labour of laying their hands on, much greater than we who have paid for the whole with sterling money. How, then, shall these disadvantages be counteracted but by the interposition of our Government? The rules of conduct which apply in England, are utterly inapplicable to Brazil.

If we require an example to prove the truth of this reasoning, let us review the decisions of the Court we have described. — We are well aware of the decided and firm tone of the Minister of the United States, — “Beware, injure not a citizen of that Republic, or full and ample indemnification will be exacted from you.” Consider then the sentence pronounced on the American brig *Ruth*. This brig was taken in October, 1826, and on the 9th February 1827, the following sentence was delivered:

“We confirm the sentence, in so far as the capture was adjudged improcedent on account of this having been made on the high sea, and when no effectual intention had been evinced of violating the blockade, which is not proved by the fact of leaving Gibraltar with the destination of Buenos Ayres, knowing of the blockade; for as this might have ceased, the crime of breach of the blockade cannot be inferred from having sailed from a port so distant for a port blockaded, once that it was not effectually violated; nor was the capture realized in a situation to violate. But on the high sea, where the captured might have taken another destination, directing himself to another port, or even to the blockading squadron, to know if the blockade did in fact still exist; and as there is no proof of this essential reason to justify the capture, it was conformable with law to adjudge it imprudent. Inasmuch, however, as regards the condemnation of costs, as by right the party overcome ought to pay them, we so far revoke the sentence, and the captors are condemned in costs.—*Rio Janeiro, 9th February, 1827.*”

Thus in three months was the vessel released from her difficulties, her cargo sold, and in October of the past year she was again trading on the coast of Brazil, when she was captured by a privateer of this Republic.

Now no British vessel has obtained so much in a period of less than thirteen and fourteen months: the ships rotting,—the cargoes deteriorating,—the Masters detained from their families, ruined in circumstances, and, we fear, in some instances ruined also in morals, from the want of occupation, and the effects of uncertainty and anxiety.

Observe, however, how different the judgment on the British brig *Henry and Isabella*, which was condemned, and the captured adjudged to pay costs:

“On examination of these autos of capture of the brig *Henry and Isabella*, it appears that this brig leaving Guernsey in June or August 1826, according to the log book, translated and attached; not declaring withal the port from whence she came, nor the destination, giving rise to persuasions and conjectures that induce presumption of deceit and bad faith regarding the violation of the blockade; for if her destination were for the port of Monte Video, as is deduced from the certificate of her despatch, there was no reason to conceal the port to which she was bound, &c. &c.—*Rio Janeiro, 26 September, 1827.*”

Here is a British brig condemned upon conjectures and persuasions that induce presumptions, when her destination is declared in her clearance! Such a judgment can only be equalled by the following, which was pronounced against the French brig *La Gabrielle*, taken off the mouth of the river, intending to bear up for Monte Video on account of damage:

“Without regard to the embargoes, which are rejected in matter and form, let the sentence be fulfilled; seeing that it is proved by the log book that with the winds which then prevailed, as appears by the same log-book, it was by no means possible to get to Monte Video or River Plate, but with much greater facility might have destined themselves and borne up for St. Catherines. Let the embargants pay the costs.—*Rio Janeiro 12th September, 1827.*”

This is a French vessel and her cargo, without any discrimination, condemned for a crime which the judges themselves allege in their sentence she was not in a situation to commit. We shall only trouble our readers with one other case, which is that of the French brig *La Genie*, in order to shew that judgments are not given upon the matter contained in the autos, but on the ex-parte and private representations of the interested:

“On examination of these autos, and as it appears by them that the French brig *La Genie* sailed from St. Maloes the 6th June, 1826, (108 days after the blockade was published,) with the direction of Buenos Ayres, for which she carried twelve letters, being taken in the latitude of Maldonado for violation of the blockade; once that the captain being cited to produce his defence, and follow up the other terms at this process, has alleged nothing in his favour contrary to the intention presumed, and which appears by the log-book: for so much, and furthermore with reference to the autos, the brig *La Genie* and her cargo is adjudged good prize to the captors, and the captured are to pay the costs.—*Rio Janeiro, July 11, 1827.*”

A certified copy of this sentence being demanded, the following is the legal attestation of the Scrivener of the Court:

“I, Antonio José Fernandez, Escrivão of Contentions in the Tribunal of the Supreme Council of Justice in this Court and Empire of Brazil, certify, that on examination of the autos to which the annexed petition refers, in them is not to be found any letters upon the tenor of which to pass the certificate required. This declaration is truth; and I grant this act, referring for confirmation to the said autos.—*Rio Janeiro, 31st July, 1827.*”

How was it possible, then, for the Tribunal to know that twelve letters existed on board, when neither the originals nor certified copies of them appeared on the autos?

Having presented our readers with these instances of the judicial purity and wisdom of Brazil, we shall proceed to lay before them the rule of blockade as directed by the Brazilian Government themselves when the blockade was first established; and which we are to suppose was, in spirit, what had been avowed and communicated to the foreign Ministers at the Imperial Court:

“Most Illustrious and Excellent Sir,

“Having ordered Your Excellency to blockade the ports and coasts of the Republic of Buenos Ayres, I forewarn Your Excellency, in order to avoid complaints for the future, that Your Excellency is to proceed with due circumspection towards the ships and vessels of allied powers, who pretend to enter into the said ports; using force only against those who, disregarding the intimation of Your Excellency, desire by any means to break the blockade,—*Palace, Rio Janeiro, 17th December, 1825.*

(Signed.)

“VISCONDE PARNAGUA.”

“To Sr. Rodrigo José Ferreira Lobos.”

The moderation of these orders was rather confirmed than diminished by the subsequent instructions of the 24th December 1825, 6th April and 29th November 1826. Upon what principle, then, has the officer in command of the blockading squadron acted, in making the detentions we have enumerated? Has he acted on private instructions,—instructions which the Government of Brazil dared not promulgate; or on the arbitrary and rapacious caprice of his own will?

There was a report current at the time the command of the blockading squadron was conferred on the officer who continues to hold that post, that “he had obtained indemnity from the Government of Brazil, in the cases of all captures he should make under the decree of blockade;” — and we submit it to our readers,

whether such reports have or have not acquired corroboration from his subsequent proceedings.

PRIZE VESSELS SENT TO RIO JANEIRO.

BRITISH.

July 10, 1826, William and Henry. Liberated ship and cargo, but not yet given up.  
 18, Stag. Condemned, and now under revision.  
 20, Ann. Liberated vessel and cargo.  
 Aug. 28, Atlantic. Condemned, now under revision.  
 Dec. 26, John. Condemned by first sentence.  
 Henry and Isabella. Do do do.  
 George. Do. now under revision.  
 Utopia. Liberated, first sentence.

FRENCH.

Aug. 28, Courier. Condemned.  
 Jubah. Do. under revision.  
 Sept. 13, La Genie. Condemned.  
 Dec. 26, Jules. Do. first sentence.  
 La Belle Gabrielle. Do. do. subsequently liberated.

AMERICAN.

July 10, Leonidas. Liberated, cargo condemned and sold.  
 Aug. 28, Ruth. Liberated.  
 Dec. 26, Mathildes. Condemned, first sentence.

DANISH.

Aug. 28, Fortuna. Liberated.

SWEDISH.

Dec 26, Andres. Liberated.

The accounts from Monte Video lately received state, that Norton, in the Nitchteroy, having on board 300 troops, and many officers, has sailed for Rio Grande; and for the same destination, the armed transport or corvette Alma Grande, mounting 20 guns. Clare is the captain of her; and he afterwards proceeds to Rio Janeiro to take command of a new corvette, expected from North America. We are not quite certain who is the present commander of the blockading squadron: some assert it to be John Boots; others, that it is an Englishman named Clarence, of the Curioca, lately promoted.—It is of little consequence which. The frigate Imperatriz, Prytz, continues cruising from Monte Video to the Salado, in company with smaller vessels. The frigate Princess Imperial, brig Rio de la Plata, (the latter leaky, and commanded by January, a North American,) and the three-masted schooner, Rose, were at Monte Video a few days since. The latter is employed as a sort of "advice boat" in the river, but generally travels in company, else it is probable she would soon change masters. Two English brigs (one supposed to be from the Mediterranean), and a Colombian brig, arrived at Monte Video some days ago. Only two privateer boats are out from that port, viz.—a red whale-boat, and the lugger boat. Their trade, when wood was at a high price, proved very profitable: at present it is not so, as plenty of wood comes in from the country, and droves of cattle. Beef, from 4 to 6 rials the arroba, and bullocks sold at 7 and 8 dollars each: wood and coals were never known so cheap. The Brazilians allow lime, wood, cattle, &c. to come into the town; but prohibit hides, tallow, horns, hair, &c.: of course the privations of war are not felt. We suppose the belligerents find this state of things of mutual advantage, and understand each other.

Antonio Ribelo, late of the Sarandi, is at Monte Video. He was prize-master of a vessel taken by the privateer General Mancilla, and retaken by Norton in his late trip off the Salado. Shannon is still in close confinement.

The British brig Matilda, from St. Catherine's to Monte Video, with wood, got on shore at Bold Point, near the latter port, on 10th instant. The British brig of war Cadmus, and boats from the line of battle ship Ganges, American frigate Macedonian, and Brazilian frigate Princess Imperial, proceeded to her assistance. Part of the cargo was thrown overboard and she was got off, and arrived at Monte Video on the night of 10th. A French ship and a brig likewise arrived on 10th, and a barque, nation not ascertained.

Jan. 12.—Wind S. E. Arrived, and anchored in Three-fathom Hole, British ship packet Hope, Captain Wright, from Falmouth 26th November, Rio Janeiro 4th, and M. Video at 2 p. m. of the 11th inst. Passengers from England, Miss Robertson, (sister to J. P. and W. P. Robertson, Esqrs., of this city,) and servant. Passengers from Rio Janeiro to Monte Video, Messrs. Edwards, Brothers, and a Spanish gentleman. The Dove packet, from this 28th August, and Lord Melville from do. 11th September, had not arrived at Falmouth. The ship Emulous, Captain Croke, is appointed the next packet for Buenos Ayres.

Arrived, in the afternoon, the British brig of war Cadmus, Captain Thompson, from Monte Video, which port she left at 11 o'clock p. m. on the 11th inst. Captain Samuel H. Inglesfield, of the Ganges, came passenger in her. The Cadmus has on board Pepe Onzas and his companions.

Sailed, 3 zumacas, to the northward.

13.—Wind S. E. At day-break, part of Admiral Brown's flotilla under sail in the Outer Roads: an American barque and French ship in sight: blockading squadron at anchor, hull down. The barque came to anchor in the Inner Roads, and proved to be the William Wallace, Birkhart, from Santos 4 days, with sugar, yerba, &c. to W. P. Ford & Co.: was off the Salado on 12th, and had communication with the shore. No Brazilian vessels of that port.

The French ship anchored in Three-fathom Hole, and is called the Mandarin, Des Etangs. Left Monte Video at 6 A. M. on 12th instant. She is 300 tons, draws 13 feet water, mounts 12 guns, (eight 12lb. carronades, and four swivels,) and brings a cargo of wine and dry goods. Neither of the above vessels saw the blockading squadron, but took Admiral Brown's escuadrilla at first for Brazilians.

The British brig Minstrel anchored in the Inner Roads. At night, a light was seen in the direction of Colonia, supposed from a vessel on fire.

14.—Wind S. E. The national brig of war Balmorce anchored in Three-fathom Hole from the Inner Roads. Arrived, a brig and 2 zumacas from the Parana.

Sailed, at eight o'clock p. m., National schooner of war Maldonado, Admiral Brown: Sarandi. Captain George Bynon; Ninth February, Captain Rosales; schooner brig Eighth February, Captain Espora; schooner Juncal, Captain Fournier; and privateer schooner El bravo Coronel Olabarria. The four first-named vessels sailed to convoy the Juncal, proceeding to North America upon a particular service.

15.—Wind S. S. W. Arrived, American brig Thomas Morris, Breck, from Rio Janeiro 7th instant, to Messrs. Thwaites: cargo wine, brandy, gin, tobacco, iron, soap, flour, and 50 bales of dry goods. Was off Salado on 13th; saw no Brazilian vessels. Chased by two brigs on 14th. On 16th, at half-past 3 A. M. was close to a Brazilian brig, which likewise chased, fired two shots, and did not relinquish the pursuit until she had passed the Outer Roads.

Arrived, National schooner of war Eleventh June, Captain La Rosa, and Gun Boats No. 5 and 11; from the Caracoles! The schooner of war Guanaco, which was driven on shore near the Conchas, has been got off.

French ship Mandarin came into the Inner Roads. The blockading squadron made sail down the river early in the morning.

16.—Wind N. E. At anchor in the Outer Roads (the National schooners of war Maldonado, Ninth February, and schooner-brig Eighth February, (the latter without fore-top mast.) Soon after day-break they got under weigh, and anchored in Three-fathom Hole. Considerable apprehension was entertained respecting the schooner Sarandi, a person from the coast having stated that four schooners had been fighting 5 hours with the whole of the Brazilian squadron, and that the Sarandi had lost one of her masts, and supposed to have gone for Ensenada. However, at 10 A. M. she hove in sight, and came to anchor among her companions, not having received the least damage. She had been detached in chase of a Brazilian schooner, in hopes to cut her off; others came to her aid, and the Sarandi returned. At 11 A. M. Admiral Brown, captains Espora and Rosales landed, and it was learned that an action had taken place, the particulars of which we have given in another place. The schooner Juncal has sailed for her destination; and the privateer El Bravo Coronel Olabarria, gone into Ensenada.

Arrived, American brig Sarah, from Falmouth (England,) 26th November: cargo, China goods. Did not see the blockading squadron. At 11 A. M. the latter came in sight, and anchored to the eastward, hull down.

Arrived, a Gun Boat with a convoy of small craft from the northward.

17.—Wind S. E. Arrived, two zumacas from the Parana; and a boat with five deserters from the schooner Guanaco.

18.—Wind S. E. Arrived, schooner of war Guanaco, from Las Conchas. — Pepe Onzas and his companions have been placed on board the National brig of war Balcarce.

A British brig arrived at the Salado on 15th instant. — Sailed on same day from the above port, privateer schooner President, Prouting, on a cruise; American brig Enterprize, Varney, for Marseilles; and French brig Le Jeune, for a port in France.

The Hope packet brought London papers to 24th of November. They are chiefly filled with the details of the destruction of the Turkish and Egyptian fleets at Navarino, by the combined British, French, and Russian squadrons. The Turkish force consisted of 3 sail of the line, 4 double banked frigates, 19 frigates, 27 corvettes, 27 brigs, and some other vessels and fire ships; out of which all were destroyed except 20, which capitulated. The Turks fought desperately, and the slaughter on board their vessels has been very great; as their ships got disabled they set fire to them. The combined squadrons acted with great courage; their force was 10 sail of the line, 10 frigates, and several vessels of a smaller class. The British had 75 killed, and 197 wounded; amongst the former several officers, including Captain Bathurst, of the Genoa line of battle ship: the French, 43 killed, 144 wounded: Russian loss not ascertained. The vessels have suffered a great deal.

It was whispered during the week, that Great Britain was about to break up the blockade. The report, however, has 'died away'. The wonder is, that England or any other neutral nation has for so long a period endured the farce of blockade, as represented off this port.

The British sloop of war which we announced in our last as having arrived at Monte Video, from England and Rio Janeiro, is the Aie t. of 18 guns, Captain Burgess. She is to be attached to the squadron on this station.

The Cadmus has been to Rio Negro, Patagonia. She was at first taken for a Brazilian, and preparations made on shore for defence. The corvette Ituzainig6, Captain Mason, arrived off the bar of that port on 29th ult. from a cruise, and was blown off again in a gale of wind. She is considerably damaged from bad weather. Has made 7 prizes; one of them, a zumaca with ship timber, arrived at Rio Negro on 26th ult. A Brazilian ship with piece goods, like wise prize to the Ituzainig6, was stranded in the bay of San Blas; part of the cargo saved.

Late Cruise of the four National schooners of war, under the command of Admiral Brown.

On the evening of the 14th, sailed in company with the Juncal and privateer schooner; our object being to convoy the Juncal. At 11 o'clock P. M. on the east part of the Chico Bank, in 2½ fathom water, the wind headed us and we tacked; at the same moment saw the lights of the enemy's squadron upon our bow. We wore, standing E. N. E. At day-break on 15th instant, the north coast in sight, as also three sail of the enemy standing up the river. During the night we had lost sight of the privateer.

When opposite the Arroyo Payon, the Juncal made all sail down the river: we wore, and stood up the north channel. At half-past 9, the enemy's squadron in sight, formed in three divisions: the 1st consisting of two brigs and a brig schooner; 2d, two corvettes and a brig; 3d, two schooners and a brig schooner. At the same time six sail came out of Colonia. We wore again, and steered towards Ensenada; wind E. The first division of the enemy coming up, we opened fire at half past 4 o'clock P. M. on the brig Caboclo, which she returned, but soon found it necessary to retreat; wore, and stood towards the Carioca. The brig Piraja took her station directly astern of the Maldonado, within half grape shot; but finding herself roughly handled, her sails and rigging cut, she followed the example of the Caboclo, and retired. The remainder of the enemy's squadron were now approaching under all possible sail. The fore-top mast of the brig schooner gave way. We bore up and ran along the land under easy sail. The enemy followed, each firing broadsides, which were received with bursts of laughter by our little squadron, the shot reaching about half way. Two brigs had the meanness to drag the colours of the Republic in the water. This act created no other feeling amongst us but contempt: it is, however, worthy such poltroons, and their despicable master the Emperor. We returned the compliment by heaving the Brazilian flag over the stern.

The enemy continued firing until half past 7 P. M. When opposite Ensenada, the Sarandi made sail after a schooner separated from the squadron. The enemy observing this, proceeded to protect her. Off Point Lara, they had stationed a brig, brig schooner, and a schooner: if their purpose was to intercept us, they were again disappointed. At half past 11 P. M. having fulfilled the object of our expedition, we anchored in the Outer Roads, except the Sarandi. She had gone off Colonia, in the hope of picking up a straggler; and on the morning of the 16th was so close in (distant about two miles and a half,) as to see the soldiers and centres on the lines.

In this "petit diversion" we have not sustained the slightest damage. The Brazilians fired oceans of shot; some went over, others on one side, or fell short, but none hit us. Fifteen vessels, including 2 corvettes, 3 brigs, 3 brig schooners, and schooners, and yet could effect nothing! They will shelter themselves in the old paltry subterfuge of "shallow water." We know that the brigs Piraja and Caboclo have suffered; our schooners fired some excellent shots, and brought down blocks, rigging, &c. by wholesale.

Admiral Brown's official despatch does not in essentials differ from the above. He highly eulogizes the second in command, Captain George Bynon, and all the officers and crews of his little squadron; and states that few battles during the war have been better sustained in the River Plate. The Admiral expresses just indignation at the miserable proceeding which the Brazilians adopted in dragging the Republican flags through the water; and that against his character and principles, he had retaliated. The Minister of War and Marine, Don Juan Ramon Balcarce, has, in the name of the Government, addressed a note to Admiral Brown, returning thanks and expressing their gratification at the result of the late expedition, which, as it regards the convoying of the Juncal, was of the first importance to the country; and requesting the Admiral to convey the contents of the note to the commanders, &c.

The importance of the facts detailed in our leading article of this day, must apologize for its length.