Rio de Janeiro 5th Septr 1826

M. le Vicomte,

I beg to inclose the Copy of a Letter addressed to me by Mr John Poe the Master of the British Brig, "Anne", detained by the Brazilian Blockading Squadron in the River Plate; and sent here for adjudication although her Cargo was laden, and the Vessel had sailed from Liverpool, long before it was known in Great Britain that the Ports of the Republick of the River Plate were blockaded; or even that there existed any War between that Republick and the Empire of Brazil.

This Vessel had never seen a Brazilian Ship of War, until after she came to anchor in the outer Roads of Buenos Ayres; and consequently had not been warned off: which the

To,
His Excellency
The Visconde de Inhambupe
&c &c &c

the Law of Nations requires to be done by a Belligerent as a necessary preliminary to his having any right to detain.

Yet the Auditor General, in the very commencement of the proceedings against this Vessel in his Court, judicially declares her to be a prize; and it is perhaps in consequence of this judicial Declaration that the persons employed in the Arsenal consider themselves entitled to treat her as such, and to seize and retain her Launch for the Imperial Service.

I do not hesitate to assure Your Excellency that in Great Britain it is not customary, before condemnation, (unless at the joint request of all parties interested,) to dispose in any manner whatever either of the detained Vessel, or of her Apparel and Equipment, or of any part of her Cargo. And that this rule extends to prizes captured from the Enemy, unless the Cargoes be perishable.

So that, in point of fact, the

British

British Admiralty Court treats Ships captured from the Enemy with greater forbearance than the Auditor General of Marine shews to the detained Ships of a friendly State, and that State, Great Britain. And I ought not to allow Your Excellency to believe that a continuation in such a line of conduct towards their Merchant Ships can do otherwise than create a feeling in the minds of the British Government, and Nation, which it is most desirable to both States, because most compatible with their true Interests, should never exist.

Without meaning at all to aggravate the Complaints which it is my duty to allege against the proceedings in the Auditor General's Court, I beg Your Excellency to be pleased to remark, that the period allowed to the Master of the "Anne" to give in an Answer, is declared to be, three days from the date of the Citation: and that the Citation, dated the 30th August, was only

only served on the Afternoon of the 1st September. When the allotted period for giving in the Answer was already expired.

I have the honour to renew to Your Excellency the Assurances of distinguished Consideration with which I am,

M. le Vicomte,

Your Excellency's

most obedient

humble Servant,

H. Chamberlain

Copy. H Chamberlain

Rio de Janeiro 4 Septr. 1826

Sir,

I have the honour to inform you, that, on Friday the 1st. Instant, the new long-boat, belonging to the Brig Anne, was taken away from alongside, by people from the Brazilian Dock-Yard, and has been since retained by them. I have also to acquaint you that on the same day I received a Lawyer's Letter, written by order of the Conselho Supremo Militar, in consequence of Mr. Appleton, the Brazilian Prize Agent, having applied to the said Conselho Supremo Militar to be allowed to sell the Anne and her Cargo, alleging motives which are without foundation, and that I have answered him through my Lawyer, that I refuse my consent to such Sale. I have further to remark, that the said Letter was dated the 30th. of August, requiring my

Henry Chamberlain Esqre.

&c ~ &c ~ &c.

requiring my answer in three days, and that it was only sent to me, on board the Brig, on the afternoon of the day abovementioned.

I have the honour to be,

Yr ~ Yr.

/Signed/ John Poe

Master of the Anne