



THE RIO HERALD.

N. 2.

RIO DE JANEIRO, SATURDAY 15 MARCH 1828.

PRICE 520.



The tree of Justice, like that of Liberty, is congenial to every soil and will flourish in any Climate — Both are united so closely that the one cannot long exist without the other — of the two probably justice is the more delicate plant and requires the fostering care of power to bring it to maturity; it is subject to be choked by the weeds and thorns of ambition, bribery, and chicanery which surround it, or devoured by the noxious vermin which continually prey upon its vitals, leaving nothing but rottenness behind.

Every impartial observer must have remarked the miserable state to which Justice, both civil and criminal, has been reduced in this country — Has he not seen the poor man bereft of his property by the rich, under the sentence of an ignorant or corrupt judge? Has he not seen the murderer, the midnight robber, and the perpetrator of every crime at which humane nature revolts, acquitted, and pronounced to be innocent, if he have the good fortune to command a few hundred Mil Reis in cash, or a powerful protection to appear in his favor? But when we talk of the administration of Justice, we have only to quote what His Imperial Majesty said of it in his speech at the opening of the last Session of the Legislative Assembly. — We are equally destitute of either code, or regularity in processes adequate to the spirit of the times: one law contradicts another, the Judges vacillate in their decisions, clients suffer, the bad evade punishment, the salaries of the Judges are inadequate to place them beyond the influence of vile and sordid interest, and it is therefore requisite that this Assembly deliberate with the greatest promptitude and care upon so important a branch of the public happiness and tranquility. Without a proper system of finance, and a due administration of Justice it is impossible for a nation to exist. — This speaks volumes upon

the subject and it is only to be wondered at that the assembly did not during the session take some measures to remedy the evil so justly complained of, and presented to them in such forcible language by His Majesty. We have no doubt, however, but the subject will receive the early attention of the Assembly in the approaching session, and we would offer for their consideration as a remedy, the independence of the Judges, and trial by Jury in civil as well as in criminal cases. Poverty is the greatest evil under the sun, especially when the situation which a man holds in society, compels him to support a state and expence beyond his means; but, when unfortunately the person who is placed in these circumstances happens to be a Judge of the land, the evil is not only increased, but the baneful effects are felt far and near. The honest and confiding of the community become a prey to designing and rapacious — The murderer and the assassin walk boldly in our streets without suffering the punishment due for their crimes; the sacred rights of civil, personal and political liberty are trampled under foot and all the objects and happiness of society are subverted. — Such are the hideous results of poverty when it produces injustice and corruption in the judges of the land. Trial by jury would prevent many of these evils even when corruption abounds: if by chance an individual should have cause of complaint against the finding of a Jury, still he has the consolation that corruption has not contributed to his distress — But trial by Jury must be established with safeguards to prevent it from being perverted; least in place of being the bulwark of liberty, and the refuge of the persecuted, it become a powerful engine in the hands of despotism to enslave the people under the sacred sanction of law.

We recommend these few hints to the con-

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sideration of the Legislative Assembly, in their approaching session, and trust that a subject fraught with the welfare and happiness of their country will merit their serious attention. It is in vain that they establish a new code of Laws, unless means be adopted, to insure the execution of those laws by honest judges, and the benefits of trial by Jury be secured to the people.

The Decree by which the Emperor of Brazil abdicates the Crown of Portugal in favor of his daughter Donna Maria da Gloria, now Queen of Portugal, has put an end to all the doubts, wishes, and hopes hitherto entertained by the different parties in this Capital. The Portuguese who have always indulged the hope of seeing Brazil again under the dominion of Portugal, have by this Decree, seen their dearest wish frustrated; the separation of the two Countries is now decidedly effected, and each has its separate Sovereign.

The Brazilians, notwithstanding the repeated proofs given by the Emperor, of his love for this country, and respect for, and observance of its constitution, still allowed a party to exist amongst them, who presumed to doubt of the constitutional disposition of His Imperial Majesty; these have received a new, and it is to be hoped, convincing proof of the attachment of their August Sovereign, to whom the nation is indebted for the immense, and innumerable benefits which it has received since the glorious day on which it declared itself independent.

The difference which a few years have brought about, in the political situation of Brazil, is astonishing. Not long ago the Colony of a Country, whose government, from mistaken policy, endeavoured to smother all ideas of liberty in the breast of the Brazilians, and which paralyzed the diffusion of knowledge, by crippling the liberty of the press; a colony without an Army, without a ship of war fit for sea; a treasury without a vintem, and overwhelmed with debts; a corrupt ministry, and the nation in a great measure disaffected with the government: such was the state of this country, when its present Sovereign magnanimously rescued it from the perdition with which it was threatened by anarchy, and has by indefatigable attention and unremitting zeal nearly completed the arduous task which his patriotism induced him to undertake.

How great a contrast now presents itself! Brazil an independent Empire! blessed with a liberal Constitution, the gift of its Perpetual Defender; houses of Legislative Assembly; a free press; a treasury in comparative affluence; dock yard and arsenals well stored, and a

general confidence in the present government.

We hail with pleasure the happy contrast here presented, and sincerely hope *Independence*, which has in so short a time produced so many blessings to Brazil, may daily become more naturalized to the soil, and that the excellent fruits it has already produced may only be the precursors of those which it will, when more matured, yield to Brazil.

The report which was circulated last Saturday of a general action having taken place between the Brazilian and Buenos Ayres armies, and which we announced in our last paper appears to have been premature. It is nevertheless true that Government have received despatches by the two last vessels of war entered from the south, stating that the two armies at no great distance from each other, were in a mutual state of observation, and that on our side all necessary precautions had been taken to prevent any of the enemy's manoeuvres from taking effect. The first arrivals are consequently looked for with great anxiety, and we should not be surprised should any general action take place, that it will prove decisive.

The court martial lately held on the Captain and principal Officers of the Frigate Paula, lost some time ago near Cape Frio, has condemned Cap. Francisco de Brito Vittoria to one year's imprisonment in the fortress of the Ilha das Cobras, suspension and loss of promotion for three years, and the officers under his command to different punishments, it having been proved that the loss of the said Frigate was partly owing to their neglect and carelessness. This sentence was confirmed on the 15 Ult.^o by the supreme military court of Ju.

Mild as this decision is, it gives us nevertheless a proof of the determination of the present minister of marine, to see his orders punctually executed, and not to allow the service to be treated with neglect; at the same time it holds out to other naval officers an example in the execution of their duty. We are confident that a continuation of the same measures will make better officers. The high pitch of glory to which the navy of Great Britain has been raised is entirely owing to its rigorous state of discipline, and to the prompt punishment inflicted on those who deviate, either willingly or by neglect, from the line of conduct prescribed to them.

His Excellency the minister of marine has ordered an inquiry to be made on board the corvet Maria Isabel: some reports having lately

been spread against the conduct of the Captain in the encounter with a Buenos Ayres privateer.

We are anxious to learn the result of this inquiry, and till we do so, shall refrain from making any remarks.

CORRESPONDANCE.

Sir, — An administrative board for managing the transactions connected with the funding of the National Debt having been formed; and the third installment of the first loan being paid, allow me to suggest to the public, but more particularly to the merchants and brokers here established, the propriety of forming a *Stock-Exchange*. Till this be done the *bona fide* price of stock will never be correctly known, and while one merchant may be buying at 65, another may be paying 69. Were there a regular stock exchange established the premium could not vary, on any one day, more than $\frac{1}{8}$ to $\frac{1}{4}$ per cent, and all would have an equal chance — When I say vary I do not mean to say that the variation would not be more than $\frac{1}{8}$ to $\frac{1}{4}$ per cent per day, but I do mean to say that the rate of stock at the close of each day's business could be known within $\frac{1}{8}$ p. cent.

The best informed, and those who have had the most experience in such transactions are, I know, decidedly of my opinion, as to the utility of forming a stock Exchange in this city — I have also reason to know that there are many of the first merchants waiting only till a suggestion, similar to this, be made in a tangible shape to render every assistance in their power to carry it into execution.

Should you deem these remarks worthy a place in the forthcoming number of the *Rio Herald*, a paper to which I wish every success, you will oblige by inserting them, your obedient servant.

L.

Mr. Editor. — A paragraph having appeared in your paper of the 8 inst. relative to Captain George Manson; as a friend of that gentleman, I shall briefly remark, that he would have acted highly inconsistently had he laid before the public the information you requested, as the Government most assuredly is the proper channel through which such should be conveyed. They have since published his dispatches in the *Diario Fluminense* of the 10 inst. and were by no means dilatory, for they required translation, and were only in their possession about four days previous to their being sent to the press.

As to Captain Manson personally, it is but

justice to him to observe that the services he has performed during the last three or four years have been various and trying, it is therefore satisfactory to know that he has ample proofs to shew whence originated his unfortunate capture.

A. Z.

— On Sunday 9 Inst. a serious accident happened at Praya Grande; two portugueze were amusing themselves by racing on the beach, one of their horses took freight at a boat which was hauled up for the purpose of being cleaned, and precipitated his rider upon it, which killed him on the spot.

— The disturbances and partial riots between the Irish lately arrived, and the negroes, ultimately assumed a serious aspect, and was it not for the reasonable intervention of the competent authorities must have ended in much disorder and bloodshed. On Sunday the 9 Inst. a serious affray took place near the *Carioca*; several of the Irish stationed themselves in different parts of the street, and amused themselves by knocking down every black who passed them; in the *Rua da Ajuda* there was a general engagement during which several were wounded on both sides, and many windows were broken; but we have no reason to apprehend the repetition of a similar occurrence; considering the measures adopted, of dispersing the parties quite sufficient to prevent it; and we can but admire the promptitude with which it was effected.

It is one of the boasts of England that it has a free press; the boast is a legitimate and a proud one. Thanks to the constitution, the same blessing is granted to Brazil; a blessing which cannot be too much appreciated by any nation, and as proof how much its absence is to be regretted, we subjoin the following extract from an English paper.

« A more fettered being than an Austrian author surely never existed. A writer in Austria must not offend against any government, nor against any Minister, nor against any Hierarchy if its members be influential, nor against the Aristocracy; he must be neither liberal, nor philosophical, nor humorous; in short he must be nothing at all. Under the catalogue of offenses, are comprehended satire, and witticisms; nay, he must not explain things at all, because they may lead to serious thoughts. If he venture to say any thing upon these subjects, it must be done in that devout and reverential tone, which befits an Austrian subject who presumes to lift the veil from these ticklish secrets.

Who would ever have heard of Chattam, Pitt, Burke, Brougham, Canning, etc. had they lived under such a despotic Government.

Extracts from a series of letters written during a Journey from Rio de Janeiro to Minas Geraes.

The only places worthy of notice on the road after passing Padre Correás farm are the passage of the river Parahiba, a wide rapid river, where the passengers are obliged to present their passports; the Fazenda do Governador de Linhares, which is a large sugar estate; and the passage of the Paraybuna, a considerable river, over which there is a handsome stone bridge; and a fine large building has been erected on the north bank, to which the establishment of the Parahiba is to be removed. We passed but few other farms after leaving that called Governo of any consequence, and did not see any cultivation, because the proprietors do not choose to cultivate the land which lies contiguous to the road, probably to avoid depredations. The road all the way until a Farm-house called the Bordo do Campo, within three leagues of Barbacena, is mountainous and through a continued forest, but at Bordo do Campo we entered upon magnificent downs here called Campos, agreeably hilly, but not mountainous; covered with herbage, and interspersed with woods of various extent, and Coppices. How luxuriant must be the prospect here in the summer season, when vegetation is at its height; the cattle have now taken shelter in the woods. The air is keen, and brisk, and instances of remarkable longevity frequently occur. The Mercury in the Thermometer varied from 40 to 74, it is now 57 at noonday. The view of the country round Barbacena is beautiful, altho' the want of buildings is to be regretted. Partridges, Quails, and all kind of the most esteemed game are in great abundance, and are likely to remain so, because there are at present no sportsmen to molest them. This is the finest country for shooting and hunting I ever saw. It is Newmarket, Epsom, or any other of our Downs in England upon a vast scale; extending in a N. W. direction from hence to Matto Grosso, and the Spanish territories at Chiquitos; and north to the city of Mariana, and away to Bahia: its extent in a westerly direction is supposed to exceed 500 leagues. The great chain of mountains called the Serra de Mantiquera, (the Pyrennees of Brasil) forms the boundary of these immense plains from the province of S. Paulo to that of Bahia; the south and east side being mountainous, and covered with forests of boundless extent in many parts.

(to be continued)

— We observe in a morning paper that the Diamonds remitted by the Redpole Packet were sold by public auction on the 7th December, by order of his Excellency Vicount Itabayana; they were put up in 23 lots, and brought from L. 1. 2. 9. to L. 2. 19. per Carat according to quality. The gross amount of the sale was about L. 5296. —

Arrivals from 8 to 14 March 1828.

March.		From.
8	Cadmus	Eng. B. W. Maldonado
9	Marquez de Angeja	J. A. Ribeiro Lisbon.
»	Grande Céron	J. Nouvel Bourdeaux.
10	Carolina	Martison Rio Grande.
11	Willen den Eerste	Langhetée Antwerp.
13	William Tell	F. O. Bassett New-York
»	Express	Baltimore.
14	Dove Packet	Falmouth.
»	Columbian	Geddes Liverpool.
»	Brothers	ditto.
»	Henrieta	Loebbe Hamburgh.

Sailed from 8 to 13 March 1828.

8	Mary Bibby	Whidborne Pernambuco.
9	Ann	Bone Montevideo.
»	Peace	Bruce Bahia.
»	Perseverance	Scarlett London.
»	Alexander	Munday Valparaizo.
»	Phantom	Stockton ditto.
»	Dido	Huldt Setubal.
11	Principe Eugenio	Lottero Bah. e Pernb.º
12	Orion	Moore Pernambuco.
13	Jamvarim	Ballain Jersey.
14	Hebe	Foremane Cape G. Hope.

TO THE PUBLIC

We have to apologize to you for the imperfect state in which the 6th number of the Rio Herald reached you. The unavoidable haste with which it was printed prevented us from correcting the errors in proof. We will make it our pleasure, as well as duty, to deliver the Rio Herald in the best possible style; but we beg to remark, that perfection with compositors who do not understand one word of English is not to be expected, even with the greatest care we can bestow.

The Editors.

— Published by Thomas B. Hunt Rua d'Alfandega N.º 47 to whom all communications must be addressed. — Annual subscription 10,000ors.

Printed by P. Plancher-Seignol Rua do Ouvidor N. 95.