

city. At the time Brown attacked the Imperatrice, she had three hundred soldiers on board.

"When Lobos is asked why he does not engage Brown, he says 'Brown has long guns, and therefore the advantage.' Why not run down and grapple with him—you would certainly have the advantage at least of being superior in numbers?" "He would bear me."

The Sylph, Farrin, arrived at Baltimore, in 39 days from Rio Janeiro, brings the following statement of the affair:

A running fight took place about 15th April, between Admiral Brown's B. A. ship and the Brazilian ship Netheroy, off Montevideo, in which the latter was considerably cut up.

On the 3d May, at 12 at night the B. A. squadron arrived off the harbor of Montevideo, the Imperatrice of 60 guns lying at anchor near the Mount. Admiral Brown, with his ship and a brig, attacked her in a raking position, kept up a brisk cannonading for near an hour, occasionally wearing or staying to keep his position. At this period two of the Brazilian squadron came to the relief of the Imperatrice; when Admiral B. and his squadron hauled off and proceeded up the river. The Brazilian ship was considerably disabled, the captain killed, the loss of men was considerable, the exact number not known.

During this action, Admiral Lobo, with the whole of his squadron, with the exception of the above ships, weighed anchor and stood to the Southward, and returned after an absence of two days, to obtain provisions, &c. and it was supposed they would then immediately return to their blockading ground. It was said at Rio that Admiral Pintos had proceeded on to the river, in the frigate Peranga, to relieve Admiral Lobo.

One of our letters, and the most interesting, from Rio, received by the Sylph did not come to hand in time for our publication of yesterday—we therefore avail ourselves of its contents for this number.—*Balt. Gaz.*

Rio Janeiro, May 30.

"The United States Ship Cyane. Captain Elliot, which arrived here from Buenos Ayres, brought information that Buenos Ayres was then under blockade. A short time previously, Admiral Brown, of the Buenos Ayrean squadron, made an attack upon the Brazilian squadron, and succeeded in capturing two of their schooners. It was thought that he would have captured the Empress Frigate, if she had not have taken refuge under the lee of the British Frigate Doris, then lying in the port of Montevideo. The Cyane unmoored and stood out, and if the Doris had followed the example, there cannot be a doubt that the frigate would have been compelled to surrender at discretion. As it was, she was nearly cut to pieces, her commander killed, and upwards of one hundred of the crew killed and wounded. The advantageous position taken by Admiral Brown enabled him completely to rake the frigate without her returning a single effective gun; and this would soon have led to capture, or entire destruction of the Empress, but for the circumstance above related. A good fifty gun ship, placed in the hands of Admiral Brown would soon clear the La Plata of the imbecile Brazilian; as it is, Brown must rely upon his prowess for the increase of his squadron by captures from the enemy, whose fleet, all mustered, consists of thirty-six sail, whilst Brown cannot count half that number.

Reflecting the political concerns of this country, I cannot say much, as they seem to be involved in considerable obscurity, and precautions are taken to prevent foreigners from becoming acquainted with the real state of things at Court. The intelligence of the death of the good old King of Portugal was brought here by a frigate from Lisbon, and as you may suppose, caused a great sensation among the people. To quiet all apprehensions a proclamation was issued,

informing the populace that it was the Emperor's intention to remain in the Brazils, and that his daughter Maria should govern in Portugal under a liberal constitution. I presume such a one as inflicted on the Brazilians, which has all the shadow, but precious little of the substance of liberty. By the way, talking of free institutions, I think it would be rather hazardous to introduce any thing under the name near to *cousin*, Ferdinand of Spain, whose fears of that contagion would induce him to establish, by the aid of his good friends, the French, a *condon sanitaire*, upon the borders of Portugal, lest some of his innocent subjects should be again infected with a disease that seems to be constitutional in a Spaniard."

The Cyane was about returning to the United States, but having received new instructions by the brig Eliza Reilly, just arrived from Norfolk, was about to proceed again to the La Plata. Her officers and crew were all in good health.

There was no prospect of the termination of hostilities between Buenos Ayres and Brazil.

Dr. Babbitt died on board the Cyane, at Rio, 30th of May, with the small pox—no other person had been attacked with it.

From the National Intelligencer.

### THE MILITIA.

The Circular from the Secretary of War, which follows, relates to a subject of no minor concern, though it does not at this day excite the interest in the public mind which it must ever do in the day of danger or of trial to the Republic. Any one who has observed the practical operation of our Militia System, and even he who has not taken particular note of it, must know how the want of organization and of discipline must detract from the strength and efficacy which it ought to have, and which, in the theory of our Government, it is supposed to have. The Secretary of War appears to have taken measures wisely, under the resolution of Congress, to obtain information of the defects and desiderata of our Militia System. When this information is collected, it appears, a Board is to be organized, to be composed of Officers of the Army and of the Militia of the United States, to compare the results, and report plans of discipline, &c. by which the defects of the present system may be remedied; which Board is to convene in this city on the 1st of October next.

### OFFICIAL CIRCULAR.

WAR DEPARTMENT,

July 11, 1826.

SIR,—Among the political maxims which the experience of the people of the United States has adopted as unquestionable, there is no one more universally subscribed to, than that a well-organized and a well-disciplined Militia is the natural defence of a free people. Uniting most sincerely, in common with my fellow citizens, in this opinion, I am anxious to see a system adopted by the National Legislature, which will realize the hopes of us all, in reference to this great arm of national defence.

By a resolution of Congress, at their last session, I am enjoined to cause to be prepared a complete system of Cavalry tactics of exercise and instruction of Field Artillery, including manœuvres for Light or Horse Artillery, for the use of the Militia of the U. States, to be reported for consideration or adoption by Congress at its next session.

The wisdom of this measure is made manifest by the objects, which are twofold; first, the establishment of the best system, and 2dly, that it shall be uniform. The importance of the last is scarcely inferior to the first: for who can well appreciate the inconveniences resulting from different systems in the same Army? The Militia differing among themselves, as also with the regular Army, with which they may be called to act; and yet it is, I believe, too true, that but

little uniformity prevails: if practicable, this defect must be removed.

I am duly sensible how difficult it is to establish a uniform system. The difference of condition, physical and moral, in the different states, and the preference which each has for that which from time they have been accustomed to, present serious obstacles to a homogeneous system throughout all the states, yet I would fain hope not insurmountable.

All our national institutions, and much of our legislation, are founded in that mutual spirit of deference and forbearance which have so signally distinguished the people of these states, and therefore one may indulge the hope, that, in an object of such vital importance as a well-regulated Militia, minor objections will be sacrificed to the attainment of so great a good.

To enable me to execute the duty assigned me by Congress, it is most desirable that I should acquire all the information within my reach, and while so doing, the opportunity seems a reasonable one, to ascertain the different systems, both of organization and instruction, which prevail in each state; and also, the defects and remedies which observation and judgment may have suggested, that, by a comparison, a system may be extracted which will, most probably, unite the greatest number in its favor; which system, when matured, will be submitted to the wisdom of Congress, who have had for several sessions this interesting subject under consideration, and who are alone competent to apply some of the remedies required; a portion of the control over this subject being retained to the states. It is with this view that I address you, as also the Governor of each of the States and Territories, and such distinguished citizens known to me, from whose experience I expect to derive much valuable information.

following questions:

1. What is the number of your Militia?
  2. Are they organized in strict conformity to the law of Congress? If they differ—in what?
  3. Are the regular or volunteer Militia most efficient?
  4. Is there a preference given for entering volunteer corps?
  5. Does the establishment of the volunteer Militia operate injuriously on the regular Militia?
  6. What proportion do the volunteers bear to the regular Militia?
  7. Would it promote the efficiency of volunteer corps, if they had the power by law of making by-laws for their own government?
  8. Would a classification of the Militia be an improvement; one to be called the *active*, the other the *sedentary*?
  9. In making the classification, should age, or the single or married state form the distinction?
  10. If age, what the proper periods?
  11. Would it be an improvement to issue commission only to inferior grades, in time of peace? If so, what should be the highest?
  12. Is not the period of service for three months only, on one tour, attended with great sacrifices of life and treasure, and productive of inefficiency?
  13. If so, to what period might be properly extended?
  14. What are the regulations of your State as to training the Militia?
  15. From your experience, are frequent musters advantageous to the great body of the Militia?
  16. Would it be an improvement to confine the instruction to the officers exclusively?
  17. Is the system of *Infantry* tactics directed by law, universally pursued?
  18. What system of exercise and instruction of Artillery have you practised or followed? What are its defects and remedies?
  19. What system of Cavalry tactics have you adopted? What are its defects and remedies?
- As from some of the States and Territories returns of the Militia have not been made, the first of these que-

ries became necessary in a general letter.

Although the training of the Militia is confided to the States, it is important that their regulations in this particular should be known at this Department, and it will be attended with good effects, that the system of exercise should be known by all the States.

If any thing suggests itself worthy of communication, though not called for by any particular question, it will be highly acceptable.

As in your State, I doubt not, you have many citizens, unknown to me, whose information and experience would be very valuable, I have presumed so far on your goodness as to ask you to direct and forward the inclosed letters to persons of that description.

I have to beg your earliest attention to this subject, as a Board will be immediately convened to perform the specific duties assigned me. To this Board I shall unite one or more Militia Officers.

I have further to request, that the correspondence which may be addressed to me on these subjects, may be endorsed "Militia Service."

With the greatest consideration and respect, I have the honor to be, your most obedient servant.

JAS. BARBOUR.

A decision has just been made in the United States Circuit Court at Philadelphia, which from its importance demands notice. In the case of *Martin v. U States Bank*, the facts set forth were that the plaintiff was the owner of a number of notes of the Bank of the U. S. amounting in the whole to 500 dollars, which his agent, after the publication of a notice by the Directors that the Bank would not pay out notes, unless all the parts were produced, divided into halves at Cincinnati, Ohio, and forwarded in two parcels, by different mails, for Philadelphia, one of which parcels never arrived. The demand of the plaintiff was for the full amount of the notes, and Judge Washington, in delivering his opinion, treated the question as if the notice were brought home to the plaintiff; and decided that the holder of a bank note has a legal right to cut it with a view to the security of the debt of which the note is the best evidence, and that the Bank, which is the debtor, cannot, by any declaration, however notified, affect the legal rights of its creditor, who has not assented to the conditions of that declaration. Judge Peters concurred in opinion, and Judgment was rendered against the Bank for the full amount of the notes.

It has been usual we know, for the Banks in this section of the Union to pay only half the amount of any note where but one half was presented, and the reason given in justification of this course we deem at least plausible, viz. that this precaution enables them in the most convenient and certain way, to prevent imposition. And it seems to us, that if the usage of paying the whole amount for half notes, warranted by the decision above, should be adopted generally, two individuals might call on a Bank at different times with the respective halves of any number of notes and each receive the whole sum.—*R. Reg.*

We have seen a letter from Mexico, under date of the 25th of May, which states that there is every probability of Mr. POINSETT soon being successful in concluding a commercial treaty between Mexico and this country, favorable to our interests.—We have been informed also, that at a public dinner given on St. Patrick's day in the City of Mexico, on Mr. Poinsett's expressing a wish for the emancipation of the Catholics of Ireland, he was warmly replied to by Mr. WARD, the British Charge des affaires, who defended the policy of his government, to which Mr. Poinsett rejoined with calmness and courtesy, and was heartily cheered both by the native and the British subjects present. We are besides given to understand that the Executive Council of Mexico was strongly inclined to fit out an expedition against Cuba.