Recebido em 7 de Junho de 1871

30 de 40

The Undersigned, Chargé d'Affaires of the United States of America, in reply to the note of the 18th of this month, from the Most Excellent Snr. Francisco Carneiro de Campos, Commendador of H. M. the Emperor, Minister and Secretary of State for Foreign Affairs, has the honor to observe, that the information received by His Excellency, from the Vice President of the Province of S. Paul, does not appear to set forth the whole case, concerning which the Undersigned had the honor to ask the intervention of the Snr. Minister of Foreign Affairs. If the correspondents of the Snr. Vice President, by the expression "nao se procedeo á arrecadaçao," meant only to say that the duties on the goods left by Capt. Cooper had not been actually collected, the statement is, so far, correct. Neither the Undersigned nor the U. States' Consul has represented the actual collection to have been made. Mr. Fonseca represents that the Juiz dos Orfaos at Santos claimed the duties refused to. Mr. Fonseca questioned the liability of the goods to the duty; but was informed that they would be assisted on, unless released by the construction given

by the superior authority to which Mr. Fomm proposed to appeal. The Juez conceded to this course; and allowed the property to remain in the hands of Mr. Fomm, for convenience and safe keeping, till the higher powers should decide the question between them; upon condition, however, that the said property should be forthcoming, in case of a decision in favor of the claim. For the performance of this condition, Mr. Fomm pledged his word to the Juez dos Auzentes; which a man of honor must feel as binding as his obligation in writing.

Mr. Fomm is, and has been desirous of remitting the funds to the owners, but is restrained from so doing by the claim still pending, and by his pledge and responsibility. The Dy. will perceive that if this gentleman should remit, without a decision in his favor, or some authentic relinquishment of the demand, by the competent authority at Santos, the remittance would be at his own peril, and it is, therefore, very desirable, both on account of his owners and himself, that he should be effectually released from his pledge and liability, in some way, as speedily as possible.

The Undersigned regrets that he is compelled to renew his application to H. Exp. the Sec. Minis= =ter for a decision on the question of the liability of this propor= =ty to the 10 P. cent duty.

As few things can give the Undersigned greater pleasure, in his present situation than demonstrations of the friendship and good will of the Imperial Government towards the U. States of America, and himself personally, he cannot but be duly sensible of the polite expression in the conclusion of H. Excellency's note. It is with great satisfaction that the Undersigned expresses his conviction that the people and Government which he has the honor to represent, near this Court, reciprocate, with sincere cordiality, all the sentiments of friend= =ship entertained toward them by the Brazi= =lian Government and nation. It is in the power of the most Excellent Sec. Ministro of Foreign affairs to add another instance to the proofs of his regard, by interposing his au= =thority or influence, to hasten the rendition of an award in the case of the Bay Exchange. which has been long pending before the Com= =missioners; whose decision has been anxiously expected by the agent of the claimants, and

delayed by some cause, to him unknown.

The present occasion is embraced to make this request, and to repeat to His Excellency the assurances of great respect and high consideration for him, which the Under-signed continues to entertain.

Legation of the United States of America
Rio de Janeiro May 30th 1831.

Thomas A. Brown

To His Excellency,
the Sr. Francisco Carneiro de Campos
Councellor, Minister and Secretary of
State, for Foreign Affairs.

164