Consulate of The United States of Americ

Rio de Janeiro. Feb. 18. 1823

To His Excellency
Jose Bonifacio de Andrada e Silva
Minister and Secretary of State
For Home and Foreign affairs.

Most Illustrious and Excellent Sir

I have the honour to communicate to your Excellency the following statement of facts relative to the American ship Sea Plant, Thomas A. Boyd master, and to solicit that your Excellency would be pleased to direct in relation to her, the measures which may appear to be just and proper.

That vessel on a voyage from Gibraltar to the Pacific Ocean, encountered in the month of September last in the vicinity of Cape Horn, several Islands of ice, against one of which she struck in the night with such violence, as almost to crush her into pieces. The damage occasioned by this accident reduced the ship almost to a wreck and finding it impossible to prosecute her voyage, she made the best of her way to Rio de Janeiro, in order to avail herself of that hospitality, which civilized nations take pleasure in exercising towards

strangers in distress, and for which the people of Brazil were particularly celebrated even during the most rigourous enforcement of the colonial laws to which they were subjected by their former dependence on Portugal. In conformity with the characteristic generous and honourable feeling just adverted to, it seems that an established law of the land, allows any vessel arriving in distress, the privilege of depositing her cargo in the custom-house, and of re-loading the same within three months, without being subject to the payment of duties, and in the case of the Sea Plant, she was by especial favour allowed to deposit her cargo on board of a store-ship, under the inspection of the custom-house. It further appears, that this term of three months although sufficiently long for vessels under ordinary circumstances was not so for the Sea-Plant, owing to the great extent of her damage, and to the difficulty of procuring carpenters, who were nearly all required for the public service, and in consequence thereof a petition was presented to His Imperial Majesty, by the Master, soliciting the indulgence of an additional term. This request

was promptly and liberally acceded to by the
Emperour, who was pleased to manifest his ac-
quiescence by a decree dated on the 15th of January,
in which an additional month was allowed.
Owing however to some misconception of the tenor of
this decree, which immediately led to a second
petition to His Imperial Majesty, which remains
yet unanswered, the re-loading of the vessel, which
has been ready for fifteen days to receive her
cargo, has been retarded, and the owners of a va-
luable ship have been doomed to see, a voyage
sufficiently disastrous upon the perils of the Ocean,
rendered more so, by delay, the accumulation
of expenses, and the daily deterioration of their
property. It seems, that some of the Officers of
the Customs, whose assent to the re-loading was
requisite before it could be commenced, refused
to grant it, unless a duty of two per cent ad valo-
rem was paid. This decision of the Office, was mani-
festly at variance with the decree of the Empe-
rour, for, as by the existing laws of the country,
merchandize imported in a ship in distress, may
remain under the inspection of the custom house
even for a year or more, without being liable

on exportation to the payment of more than the
said two per cent, the decree could not have been
intended otherwise than as a favour bestowed
upon the applicant by extending to him for an
additional month, the humane exemption from
duties, to which he was entitled for the first three
months, by the established laws.

With this exposition of particulars as
communicated to me by the Consignee of the Sea Flower,
a respectable resident merchant, I beg the case
into the view of his majesty's Government, in the
persuasion that the propriety of removing all
obstructions to the re-loading of the ship in ques-
tion, upon the terms clearly intended in the Empe-
ror's decree, will be self-evident, and that short
the unexpired term may be adequate to the com-
pletion of the work, the suffering party will be
deemed fairly entitled to an extension of time
inasmuch as his defalcation will have arisen from
causes over which he had no controul.

I have the honour to be
With the highest Respect
Your Excellency's
most. Obliged & Most
Obt. Servt
Chas. Rogers
Consul. U. S. A.