29 de Mr. 1829

No 11

The undersigned Chargé d'Affaires of the U. S. A. has the honor to address Hi Exc.y the Marquess of Aracaty, Councillor, Minister, & Secretary of State for Foreign Affairs, & to reply to his Note of the 24th inst. relative to the claims, respecting which he called next day at the Foreign Office, & shewed to Mr Lisboa a passage that was liable to some doubt, & on which he requested him to send him an explanation, & not having received it, he will no longer defer to submit the point in writing, as it is one of the most essential moment.

The statement of Hi Exc.y as far as relates to the periods of payment, & the date of the bonds, is in conformity with the conditions as understood, & is perfectly satisfactory. but the process of the exchange is liable to some doubt, according to Mr Lisboa's opinion & that of Dr Bivar, the intention is to pay the sums awarded

according to their real value. The claims are some of them adjusted partly in milreis, & partly in "pesos fortes" that is to say hard or specie dollars. To the proposed of converting the part stated in dollars into the currency of Brazil, at par, or 800 reis to the dollar, if it be a convenience to the Government, the undersigned will offer no objection; provided, that in the payment, the true value awarded, be secured to the claimants. The undersigned will be satisfied if that portion of the awards, stated in ~~pesos~~ fortes, be paid either in or in the currency of Brazil at the exchange of the day for dollars, when the payments become due. At the present rate of exchange the claimants would lose nearly two thirds of the amount agreed to be due them, by having the dollars turned into milreis at par. Any diminution of the sums awarded by the Com^ns after rigorously abating the claims to the utmost, neither the agent on the part of the individual claimants, nor the undersigned on the part of his Govern-

ment are authorized to admit. The whole negotiation therefore turns on this point; & the undersigned earnestly solicits His Exc^y to favour him with any plan he would prefer, which will place this subject in a perfectly clear light.

The undersigned in his desire to leave nothing unexplained in this negotiation, will now advert to one or two subordinate topics in the same note of His Exc^y. With regard to those cases being adjusted, that arose previously to the assurances given by the Imperial Government being a full redemption of the pledge; it is obvious, that the Government of the U.S. never would suppose that new causes of complaint would continue to arise; but if the contrary should happen, as in many instances it has unfortunately done, with aggravated circumstances, the Government of the U.S. will most naturally have believed, that the obligation of the Imperial Government to redress them, will not only have been undiminished, but if possible be increased.

The remark of His Exc^y that the French claims were more speedily settled, because there were only three cases, while the American amount to twenty, will be obviated by further reflection. In the first place four of this number, are set aside by His Exc^y till the Court of Appeal shall have acted upon them; three others have been withdrawn by the undersigned untill further orders are received respecting them; six are settled, to which two more may be added, if the Com^ns concluded yesterday, as they promised to do, those of the Spermo & the Pioneer. there remain then only five cases to be acted upon immediately & most of these are trifling in amount, & some might be decided in half an hour. The French claims though few in number were great in value, composed of numerous Invoices, & if the Spermo be deducted, probably equalled or exceeded the whole amount of the American claims before the Com^n. In regard to the documents of the Spermo, they have been waiting the call of the Com^n ever since the case

was handed to them four months ago. The Supercargo of the Hussar at the request of the undersigned, called on the Com^rs yesterday, to answer any questions relative to that vessel, which they might wish to ask. They told him they could not take it up, till they received the orders of His Exc^y the Marquess of Anacaty for that purpose; the now returns home after waiting here four months for a settlement with no other information to give the owners, in answer to their inquiries. In the same manner many weeks have elapsed, when nothing was done in the earlier prosecution of this business because the Com^rs declared they were waiting for the orders of the Minister. Yet when they were named it was the confident expectation of the undersigned, as it has been that of his Government, that the examination would have proceeded without interruption. The undersigned cannot help flattering himself that on a consideration of these facts, they will receive directions to settle the few remaining cases without delay.

The undersigned cannot omit to notice the very courteous terms in which this Exc^y the Marquess of Aracaty is pleased to speak of his conduct during his residence at this Court; nor, at the same time, to submit one or two remarks explanatory of his anxiety, in a negotiation, which has excited a very great sensation in the United States, & occupied the attention of this Government in a proportionate degree. His Exc^y will feel that it is the duty & should be the object of every public Agent to satisfy the expectations of his own Government, in the first instance; & if in addition, he is able by his conduct to conciliate the good opinion of the Government to which he is accredited, especially if obliged to negotiate on disagreeable subjects, he may consider himself as singularly fortunate; but if he should fail of obtaining the entire approbation of the former, the sentiments of delicacy, honor & fidelity to his Sovereign which guide his Exc^y the Marquess of Aracaty will convince him, that those praises which in one case might be a lively gratification, would

be in another converted into a bitter reproach.

The undersigned will not repeat that the anxiety he has so often mentioned with regard to the conclusion of these claims, is too painful not to be sincere, & is far from being lessened by what he heard yesterday. A vessel has arrived from Baltimore bringing Gazettes to the 13th ult.: & he deeply regrets to state, that the Messenger with the Treaty had not arrived, though a vessel which sailed from here on the same day had arrived a fortnight before. There is yet a slight hope, if no accident has happened, that he may have reached New York, two or three days after, but if his passage has been protracted beyond that period, it is manifestly impossible, that the Treaty could have been acted upon by the last Congress, as that expired constitutionally on the 3d of March.

The vessel by which the despatches for Mr Rebello are forwarded, does not sail till

Tuesday morning. The undersigned
renews to His Exc.y the Marquess of
Anacaty the assurances of his very
high consideration & respect.
Legation of the U.S.A.
Rio de Janeiro March 29th 1829.

W. Tudor.