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Consulate of The United States of America
Rio de Janeiro. March. 11. 182

To His Excellency
Jozé Bonefacio de Andrada e Silva
Minister & Secretary of State
For Home and Foreign Affairs –

Most Illustrious and Excellent Sir

I had the honour on the 18.th ultimo, of calling the attention of your Excellency to the case of the American ship Sea Plant, Boyd Master in a communication in which I stated that that vessel by the visitation of Heaven had been driven to the shores of Brasil, for the purpose of claiming that hospitality, which had never been denied by a civilized nation to a stranger in distress, and that after a ruinous delay, arising upon the difficulty of procuring carpenters to repair her extensive damage the officers of the customs had refused to permit her to reload, without the payment of a duty of two per cent upon the value of her cargo, in consequence of her having remained in port more than the three months allowed for refitting by the existing laws, although

the Emperour had by a solemn decree extended the time an additional month. I had also the honour of attempting to prove to your Excellency and I had flattered myself, satisfactorily from the tenor of your Excellency's reply, so promptly communicated on the following day, that the decree of His Imperial Majesty of the 15th of January could not be construed otherwise than as an extension of the exemption from duties to which the owners of the Tea Plant had been previously entitled, inasmuch as by the laws already in force, no more than the said two per cent could have been exacted even if the vessel had remained in port a year or more without any special permission from the Government.

The exposition which was made of the case to your Excellency, I had hoped (independent of the claims founded upon the manifest wishes of the Emperour) would have carried with it such force, as being an appeal to the general laws of humanity and nature, that a reversal of the decision of the officers of the customs would have been the result. It has therefore been with great pain that I have learned, notwithstanding the determination of your Excellency to recommend to the Secretary of the Treasury, a decision favourable to my views of the subject, that that officer has confirmed the previous one given, by insisting upon the payment of the duties.

It is in consequence of this determination that I am again compelled to address myself to your Excellency, for the purpose of bringing the matter into the immediate view of the Emperour. If the agents of the Tea Plant have been in the slightest degree guilty of fraud or misconduct — if they have violated the revenue laws of the country, or have connived with the officers of the customs, in depriving the Government of its just dues, they are amenable to the Laws. But if their only offence be that they have been unfortunate, let not their misfortunes be aggravated by the imposition of a tax which never be regarded by enlightened nations otherwise than as a tax upon the decrees of the Almighty.

In the view of the subject here given your Excellency will perceive, that the owners of the Tea Plant do not rest their claim for an exemption from duties, upon the ground of generosity. The sum at stake is small, but a principle is involved in the ultimate decision upon this question, which must deeply affect the character of the Brazilian nation, in her intercourse with others. To the people the commercial interests of which I have the honour to represent, whose commerce with the Pacific Ocean and the Southern continent of America, is every year becoming more extended, it is of particular importance

that they should have an assurance when they take refuge from shipwreck in any port on the extensive coast of Brasil that they will find themselves amongst friends, who will mitigate their sufferings, and extend towards them the same liberal hand, and the same exemption "from any other charge than for the storing and safe keeping of the cargo, and fees to the officers of the customs as in other cases," which they in their generous laws display to the entire world.

I shall not at this time trouble your Excellency with a detail of grievances under which the said ship Jean Plant has laboured during her prolonged detention here. Suffice it to say that owing to the want of decision, of intelligence and of a desire to be accommodating, on the part of some persons, whose co-operation was requisite to her re-loading, a length of time has been and will have been consumed, adequate in those countries where facilities to trade are readily given, to the loading of many ships of her tonnage. I state these facts, because I know that your Excellency has much at heart the commercial reputation of the Empire, which can never be advanced, but by a wise liberal and active administration of the affairs of the Custom house —

I have the honour to be
with the highest respect
your Excellency's Obt Servt

Charles Pagnell
Consul. U. S.