31 Nov.

The Undersigned, Chargé d'Affaires of the United States of America, has had the honour to receive the notes addressed to him on the 9th & 24th of this month, by the Most Excellent Senr. Francisco Carneiro de Campos, Councellor of His Majesty the Emperor, Minister and Secretary of State for Foreign Affairs; and tenders to his Excellency the expression of his great gratification at the readiness, with which His Excellency has renewed his application for information and Eclaircissement, relative to the cases of the Brigantines Orient, Margaretta, and Hardy, and the demand of 10 P. cent, on the Effects consigned to the late Captain Cooper. The Undersigned cannot but be much pleased, to find, by the note of his Excellency the Minister of Foreign affairs, that his Excellency the Minister of Fazenda has ordered the duties, paid by the Hardy and Margaretta, to be refunded. The Undersigned, however, is of the opinion, in which he hopes the Government of his Imperial Majesty will concur, that the owners have an Equitable claim

for damages, on account of the detention of these vessels; and the Undersigned wishes to reserve the privilege of producing Evidence, hereafter, to prove the Extent of those damages.

In the cases of the Orient, and of the property consigned to Capt. Cooper, the Undersigned trusts that the early report of Their Excellencies, the Ministers to whose departments those subjects more immediately belong, will prove to his Excellency the Minister of Foreign Affairs, that the representations of the Consul of the United States, have been entirely correct.

The paragraph in his Excellency note of the 9th current, regarding the Brig Thule, appears, to the Undersigned, to require some observations.

The Undersigned has not been to learn in a sense of the proper and legitimate duties of the administrative part of His Imperial Majesty's Government, as to suppose, for a moment, that its Ministers would be justified, in interposing either personal or official influence, in the regular proceedings of the judicial tribunals. But the Undersigned asks leave to observe, that

the information which he had received led him to believe that, before the question was referred to the Judiciary, the authority of the Judge of the Custom House, and of the Minister presiding over the revenue, was competent to have ordered a restoration of the Slaves, just seized, without even a plausible pretext, by a petty revenue officer: and the Undersigned conceived himself justified in believing that such an act in the Thule's case would not have preceded a singular instance of the Exercise of such power. This impression was fortified by some unanswered remarks, found in a Note of our Consul, to the Sec. Caetano de Sin, written in reply to the Note of that Minister, to which His Excellency the present Minister of foreign affairs has been pleased to refer. The paragraph alluded to, in the Consul's note is as follows.

"I was impressed with the idea, that his Excellency the Minister of Fazenda presided over the affairs of the Custom House; it is certainly to him that appeals are made, from the decisions of the minor authorities; which, in many cases, coming under my

own immediate knowledge, I have known him to reverse, I know that if it was his pleasure, he could transfer the case of the Thule to another tribunal, but as, at the time I communicated the affair to your Ex-=cellency, it was wholly and solely a Custom House transaction, originating with, and resting with the Officers of that Department, I did not doubt he would immediately check an act of such palpable injustice, and not refer it to a tedious, vexatious, and precarious Law-suit."

The Undersigned, having thus exposed to his Excellency the Minister of Foreign affairs, certain circumstances, that occasioned some of the observations, on the subject of the Thule, contained in his note of the 7th instant, to his Excellency, believes, that if he were mistaken, he has shewn that he had some cause for believing, that authority might legally have been interposed, to prevent the injury which has occurred, and that his Excellency will not impute to the Undersigned a dis-=respectful importunity, in pressing this case on the attention of His Imperial Ma-=jesty's Government.

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The Chargé d'affaires of the U. States understands that the agents of the owners intend to proceed, in the first place, in the judicial tribunals of the Country, against the Captor, for the dam=ages sustained by the improper seizure; but without very strong hopes that this person will be able to render adequate compensation. Information is, therefore, respectfully asked, whether his Excellency the Minister of Foreign affairs intends that the Undersigned shall understand from his Excellency's note of the 9.th current, that the owners' hopes of indemnity, in the last resort, shall be confined to a restoration of the flour, (supposed to have suffered, by time and climate, in the stores of the custom house, and depreciated by a fall in the market;) and to a suit at law against the government's own subordinate officer, in case the property of that officer should appear insufficient to respond in damages, for his oppressive conduct, and the trespass be committed?

The undersigned hopes that such is not the intention of his Imperial Majesty's Government; but if it should be so,

he is unwilling to suffer that his silence shall be deemed an acquiescence; and wishes to communicate the determina= =tion to his government.

The Chargé d'Affaires of the United States, takes great pleasure, in acknowledging, in behalf of his government, the obliging expression of the Minister, whom he has the honor to address, that the press= =ure of business will never prevent his giving due attention to matters, touching the interests of the citizens of the U. States, towards whose government, his Excellency observes, His Majesty the Emperor desires to give every testimony of the Great Consi= =deration which it deserves. The under= =signed receives the prompt attention of his Excellency to the case of the Margaretta, Hardy, Orient, and Consignment to Capt. Cooper, as proofs of the friendly disposi= =tion of his Excellency towards the country= =men of the undersigned; who feels author= =ised to assure His Excellency that the Government of the United States of America entertains the most friendly

disposition towards that of His Majesty
the Emperor; and is ever ready to give
continued evidences of the Reciprocal,
and Great Consideration, with which its
regards His Imperial Majesty. But
while the undersigned must feel, with
great sensibility, every demonstration of
friendship which his Imperial Majesty
and his government bestow upon the U.
States, he thinks he may be allowed to
remark, that neither the dignity of the
Nation nor the policy of the government,
of whose affairs the Undersigned has
Charge, near the Court of Brazil, will
permit him to seek for their Merchants
and Navigators in the Ports and on the
Coasts of that Empire, any advantages
that are not in truly just; and based
on a reciprocity as perfect as possible:
inasmuch as it is a prominent part
of the policy of the Government of
the United States to render justice,
invariably, to the nations with whom
they have intercourse — to require
no more of them; and to expect no less

Sun to Dr Abaio 1831

The daily expectation, for some time
past, of receiving a Copy of the decree, in
the case of the Thule, and a wish not to
burthen His Excellency the Minister with
more correspondence than might appear
to be quite necessary, have prevented the
Undersigned, until now, from having the hon-
=or of addressing his Excellency, in answer to
the note of the 9th & 24th. of this month.

The Undersigned again tenders to his
Excellency the Sr. Francisco Carneiro de
Campos, the profession of his distinguish-
=ed regards and great Consideration,

Praya Flamengo.
Rio de Janeiro March 31. 1831.

Thos. Le Breton

To his Excellency,
Francisco Carneiro de Campos,
Councillor, Minister, and
Secretary of State, for Foreign affairs.
&c, &c, &c.