The Undersigned, Chargé des affaires of The United States of Amer=ica, presents his compliments to His Excellency The Viscount of Inhambupe, Counsellor, Minister and Se=cretary of State for Foreign affairs and in pursuance of what he had the honour to state in his commu=nication of 2d Inst. now brings into the view of His Imperial Majesty's Government, the following represen=tation.

To a Gentleman so well acquainted as His Excellency, with the principles of Publick Law, it is not necessary to enter into detailed arguments to prove, that, in order that Foreign Ministers may be in a capa=city to perform the functions of their honourable and responsible sta=tions with "fidelity firmness and freedom of mind", they are considered

as under the especial protection of the laws of nations, and that every violation offered to their persons, their property or their reputations, is an offence not against municipal, but against Publick Law. Without the most ample security of person, the Independence of the Minister, who not unfrequently is the medium of communicating to a Foreign Court, unwelcome truths, would be destroyed through fear. Without security of property in which is comprized the peaceful occupancy of his dwelling, his time would be consumed in litigation and strife, and he himself a stranger in the land, become the victim of bad faith and chicanery; and without security of reputation, the foul breath of calumny and falsehood might assail his good name, and hold him up as an individual destitute of integrity and honour, and

entitled neither to the respect of the community, nor the confidence of the Government, near which he resides. This protection too, extends to ministers of every grade, and this not only after the presentation of their credentials, but from the moment they arrive, or, if they be already in the country, are known to be invested with a diplomatic character, for if this were not the case all misdeeds might be defeated during the period which must necessarily elapse, between the time of the arrival, or known appointment, and the presentation of the Minister.

It needs scarcely be observed, that the very nature of this protection renders a Foreign Minister wholly and absolutely independent on the Jurisdiction and authority of the State in which he resides, and not only exempts him from the liability of being made a

party in any suit at law, as Defen-
=dant, but equally secures him from
the necessity of appearing as a Plain-
=tiff, or a Witness. Were this not the
case the peace and tranquillity of
himself and family might be dis-
=turbed by a thousand insults and
vexatious proceedings, which would
render of no avail his diplomatic
privileges; and instead of appearing
in the exalted character of the Inde-
=pendent Representative of a Sovereign
or a State he would be reduced
to the humble condition of a supplia-
=nt & retainer in a Court of Law. From
this view of the subject it follows
that insults and offences commit-
=ted against Foreign Ministers are vi-
=olations of the laws of nations, and
as such are to be punished by the
proper authorities of the Govern-
within the jurisdiction of which they
have been committed.

It will however be observed that this Independence with which a Foreign Minister is invested, does not deprive any citizen or subject of the Government near which he is accredited, of the means of seeking redress for any injury which he may sustain. The course open to a complainant is a cheap and expeditious one, and in those countries where suits at law are expensive, and may be sustained for years without a decision, an immediate recurrence to his Government is manifestly of positive advantage. It is difficult to imagine, that a gentleman deemed worthy of the confidence of his nation, and exercising the important functions of a Minister at a Foreign Court, should so far depart from the rules of honour and propriety, as to refuse the redress which

might be deemed to be proper, by a Minister of State, to whom a complaint had been formally made — who had fully investigated the nature of it — had examined the evidence by which it was supported — who was satisfied of its justice, and of its exemption from all fraud, intrigue and bad faith — and who finally had afforded to the party complained of, an opportunity to produce his counter evidence, and to justify his proceedings, should however any such be found, the laws of nations, to which alone he is amenable, provide a remedy. A demand can be made upon his Government for such redress as may be due in the case, and the recall or dismissal of the Minister from the Court to which he has rendered himself offensive, may be required or resorted to.

So fully impressed have all civilized nations been, with the ne=cessity of the Independence and Protec=tion above described, that Laws have been enacted or decrees promulgated, denouncing punishments more or less severe upon those who endanger the peace of their nation, by violating the immunities of Public Mi=nisters. By the laws of The United States, it is declared as follows=

"If any writ or process shall at any time hereafter be sued forth or prosecuted by any person or persons in any of the Courts of The United States, or in any of the courts of a particular state, or by any Judge or Justice there=in respectively, whereby the person of any ambassador or other publick Minister of any foreign Prince or State authorized and received as such by the President of the United States, or any domestic or domestic servant

of any such ambassadour or other publick Minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized, or attach=ed, such suit or process shall be deem=ed and adjudged to be utterly null and void to all intents, construction, and purposes whatsoever.

"In case any person or persons shall sue forth or prosecute any such suit or process, such person or persons, and all attornies or solicitors prosecu=ting or soliciting in such case, and all officers executing any such suit or pro=cess, being thereof convicted, shall be deemed violaters of the laws of nations, and disturbers of the publick repose, and imprisoned not exceeding three years and fined at the discretion of the Court."

With the particular pro=visions contained in the laws or decrees now in force in this Empire by which the privileges of Foreign

Ministers, are, in conformity with Public Law, defined and guaranteed, The Undersigned is not acquainted. He presumes however that they cannot fail to prohibit such proceedings as those of which he is about to complain, and he has no doubt but that His Excellency will see the propriety of adopting such measures as are called for by the insulted majesty of the Laws of nations, and by the offended dignity of The United States, thus assailed in the person of their Representative.

The appointment of The Undersigned as Chargé des Affaires of The United States of America, near the Government of His Imperial Majesty, was officially communicated to the Latter, by The Brazilian Minister at Washington, in the month of May last, was announced in the

Diario Fluminense of that month and has ever since been of publick notoriety. His credential letter was delivered to the Minister of Foreign Affairs on the 26th of October and finally his presentation to His Imperial Majesty took place on the 29th of that month.

With these preliminary remarks, the following statement is submitted to His Imperial Majesty's Government, without comment. The course open to the officer whose duty it is to prosecute for the crown, is a plain one, as the records of the office of the Judge hereinafter referred to, will furnish all the evidence which is requisite to substantiate the complaints.

On the 22d day of Septembe last, a process issued by Judge Bellozo then Juiz de Fora, upon the petition of the Proprietor of the dwelling house No. 70 Rua de Catete, occu-

=pied by The Undersigned, was served upon him, whereby he was commanded within three days to make a contract with the said Proprietor for the rent of the said house, acknowledging him as the sole owner, under pain of being forcibly ejected, and of paying for the time he should continue to reside therein, twelve hundred milreis per annum, rent.

On the 21 day of October following, an officer of justice entered the same dwelling house, and served upon The Undersigned another process issued by the same Judge Below, upon the petition of another Individual, whereby he was commanded to abandon the said dwelling house, within twenty four hours, and to deliver the keys to the Court, under pain also, of being forcibly ejected.

On or about the 22 of Novem=

=be succeeding, the same Officer of Jus=
=tice, again entered the said dwelling
house, and exhibited a document
which he declared was a sentence
pronounced against the Undersigned
for the abandonment of his said House,
With the transaction which oc=
=curred on the 2d. Inst. His Excellency has
already been made acquainted.

The Undersigned in making
this formal Representation to His Impe=
=rial Majesty's Government cannot
but express the pain he has felt
by the necessity which has impo=
=sed upon him the unpleasant duty,
one, which he would most gladly
have avoided - of thus recording for
the pages of diplomatic history, the
fact that the Representative of the
first Nation which had acknowledged
the Independence of this Empire and
the only Gentleman, who up to the
present day, has been accredited
at this Court, upon credentials ad=

=dressed to the Government of His Majesty
The Emperour of Brasil, has been com-
=pelled to make a solemn appeal
under the laws of nations, for protec-
=tion against violations of his rights,
so often repeated, as to render forbear-
=ance no longer a virtue.

It now remains only for the
Undersigned to repeat to His Excel-
=lency, what was contained in a
communication made to Judge Bel-
=log, on the 24th of November last, and
which was in part quoted in a
note, addressed to The Viscount de
Cayru, the respectable Predecessor
of His Excellency under date of 7th Ja-
=nuary, viz: "The Undersigned, being
upon the nature of His Publick em-
=ployment by the laws of nations,
Independent of the civil authori-
=ties of the country, cannot be made
a party in any suit in a Court of

Law. But, if any subject of His Im-
=perial Majesty considers himself ag-
-grieved by any act done by the Un-
=dersigned, who is not conscious of ever
having wronged an individual since
his residence in Brasil, he can have
an ample opportunity of seeking
his redress, through the proper chan-
-nel, the Department of Foreign Af-
-fairs."

The Undersigned renews upon
this occasion to Your Excellency, the assu-
-rance of his respect and high considera-
-tion.

Tudor Russell

Legation of The United States of America.
Rio de Janeiro. March. 4. 1826.