To The Viscount D'Asseca.
Counsellor, Minister and
Secretary of State for
Foreign Affairs.

Rio de Janeiro Decem. 19. 1825.

Most Excellent Sir

On the 2 day of March last
in my capacity of Consul of The United
States I had the honour to address
to the Respectable Gentleman, who pre=
=ceded Your Excellency in The Department
of Foreign Affairs, a communication
relative to the case of the American
Ship Sperno of New York, which had
been unjustly seized at Pernambuco
in the month of October preceding
on an alleged breach of blockade.
I had also upon the same occasion,

the honour to urge the early attention of His Majesty's Government towards the case of this Ship, as one of unauthorized aggression, on the part of the Officer who made the seizure, and solicited in behalf of the owners, her restoration with adequate damages, or an immediate trial before some competent Tribunal. To this representation, calculated as I had flattered myself with the documents which accompanied it to prove to the satisfaction of His Majesty's Government, that the proceedings against the said Ship were without the least foundation in law or justice, I received a reply under date of the 22d March, declaring that the case of the Sperano "must be decided in the competent tribunals by the means marked out in the laws.

In consequence of this determination of His Majesty's Government, the American Claimants, fully persuaded of the justice of their course, omitted no exertions that were calculated to bring the case to a speedy conclusion. This Year however their endeavours have been fruitless and as I have received the commands of my Government upon this subject, which involves a principle upon the doctrine of blockades, highly important to the interests of its citizens, and which at this particular moment especially, calls for investigation, it becomes my duty to invite the serious attention of Your Excellency to the same, in the conviction that it will be found to be, such a case, as demands the interposition of His Majesty's Government.

The Representation above

referred to of 3 of March, contains a state=
=ment of the facts and of the early pro=
=ceedings in the cause, and I therefore beg
leave to refer Your Excellency to the
same, with the assurance that the
legal documents (autos) of the suit, not
only substantiate all the material
points therein asserted, but even con=
=firm by the very evidence of the cap=
=tors themselves, the fact that the Sperro
entered the harbour of Pernambuco,
on the 11th day of August 1824, the day
before the date of Captain Cavalho's
declaration of blockade.

But the injustice, origi=
=nally practiced in the case of the Sec=
=ure of this Ship, does not at present
constitute the whole ground of com=
=plaint. The Government of the United
States, when it sees its citizens inter=
=rupted in their pursuit of a lawful

commerce, and deprived of their property by officers for whose conduct their Government is responsible, and is told, that for the redress of their wrongs the aggrieved parties must be turned over to the ordinary process of law, that Government, I say, has a right to expect, that tribunals of known and unstained competency do really exist, and that Justice will be administered by the proper authorities without oppressive and unnecessary delay. How far this reasonable expectation has failed, and how far the Party injured in the case referred to, has a right to complain, your Excellency will be enabled to judge upon the following statement.

On the 5th of March, the Judge of Pernambuco, who had assumed to

himself, the jurisdiction in the case of the Sperno, after having for five months permitted the suit to be prosecuted, declined, came to the decision, that he was not competent to try such a case, as that it was one of that peculiar class which belonged to the cognizance of the Conselho Supremo Militar at Rio de Janeiro. This decision was objected to by Captain Carvalho, who had always opposed the wishes of the Master of the Sperno, to have the accused tried at the seat of the Imperial Government, but was confirmed by the Judge on the 21st of same month, and the autos were in consequence all transmitted, after the lapse of two or three additional months, to the Supreme Military Council, which received them in the latter end of June. But the delays which

have just been adverted to, are still the only ones which have taken place in prejudice of the owners of the ship in question. That Respectable Tribunal, the Supreme Court, perhaps not aware that a valuable ship, exposed to total destruction by the approach of a hostile fleet, was executing the nearest of its deliberations, did not decide until the 26th of October, upon the validity of the irregular sentence pronounced by The Judge at Pernambuco. On that day, it was determined, that the case of the Penmo could only be brought before their Body by appeal, and that Judge at Pernambuco had departed in his duty and that, to comply with the laws, it was requisite, that the case should be remanded to him, for a decision in the first instance, Reflections however, upon the pre-

=judices, expenses in both tribunals, =
which would devolve upon the parties
by such a course, that Consideriate Tri=
=bunal, consisting of eleven members pre=
=sent, unanimously resolved to repre=
=sent the affair to Her Majesty the Empe=
=ror, and to solicit of Him, the same
permission to try the cause here, which
had been granted in the case of seno=
=ther vessel. To this solicitation, His
Majesty, on the 26th of November, was plea=
=sed in His Wisdom to direct, that "the
law should be observed," (observe-se a lei)
by which decision, the case is to be
sent back to Pernambuco, and thus
after a lapse of fifteen months, the
aggrieved party will find, that his
resort to the means granted out in
the laws, has involved him in a mul=
=titude of damages and expenses; many of
which can never be reimbursed by

the decision which must ultimately be given in his favour, and without having advanced him one step towards the redress so manifestly his due. But this is not all. The Judge of Pernambuco may still adhere to the original grounds of his refusal to pass sentence, and thus a decision may never be obtained, until the Ship shall have become a prey to the climate and the worms. Justice too long delayed, ceases to be Justice, and it is for this reason, that I urge anew upon His Majesty's Government, the solemn consideration to which this case is entitled, and again repeat the very just demand, for the restoration of the said ship with adequate damages, or an immediate trial before some competent tribunal. This com=

-munication, I should have had the
honour to make it an earlier day
but was prevented by the impossibi-
-lity of procuring, prior to the 15th inst.,
from the proper Department, a certified
copy of the Consular and Imperial
determination above referred to.

I have the honour to be
With the highest Respect
Your Excellency's
Most Obedient and
Humble Servant