15 de Abril 1828

N.º 226.

Illmo. e Exmo. Snr.

Certos Negociantes de Liverpool, naõ sa-
tisfeitos com as grandes vantagens liberali-
zadas ao Commercio Britannico pelo Tra-
tado concluido ultimamente entre o Bra-
sil, e a Gram Bretanha, pretenderaõ des-
ligar-se da obrigaçaõ em que estavaõ em
virtude da Convençaõ feita em Londres aos
19 de Dezembro de 1812, de legalisarem nos
Consulados Brazileiros os Cockets das Mer-
cadorias embarcadas para os portos desse
Imperio, e prevalecendo-se da ambiguida-
de do Artº 23. do referido Tratado dirigiraõ
a este Ministerio hum Requerimento, guar-
dando-se, de que o Consul do Brazil re-
sidente n'aquelle Porto, continuava à le-
galisar os Cockets, e à perceber emolumen-
tos por essa formalidade, quando o Artº
citado exigia unicamente a legalisaçaõ
dos Manifestos Inglezes destinados para
os nossos Portos.

Lord Ludley dirigio-me, em consequen
disto a Nota inclusa por Copia sob n.
e eu respondi-lhe nos termos constantes
da Copia sob n.º 2; demonstrando-lhe na
somente a legalidade da pratica segu
da nos Consulados Brazileiros, mas
taõbem a necessidade que ha da legal
zaçaõ dos Cockets, para que nas Alfan
degas do Imperio se possa distinguir
entre as Mercadorias importadas de
Reino quaes sejaõ as de origem Britan
nica (que devem pagar 15 por % de dire
de entrada em virtude do sobredito T
tado) e quaes as de origem estrangeir
que naõ gozaõ desse favor, e devem co
sequintemente pagar os direitos de 2
por % que lhes competem. Immedia
tamente passei á ordenar aos nossos
Consules, que, em ordem á facilitar
esta necessaria distinçaõ nas Alfandeg

do Brazil, possessem d'óra em diante aos Cockets das mercadorias Inglezas a seguinte verba = Estas mercadorias saó de origem Britanica = e nos das mercadorias Estrangeiras, esta outra verba = Estas mercadorias naó saõ de origem Britanica = E elles assim o tem praticado.

Naó havendo Lord Dudley respondido à minha. Voto, quero persuadir-me de que elle cedeo á força de minha demonstraçaõ, e reconheceo o dólo do requerimento que lhe foi aprezentado. Todavia julguei que me cumpria dar conhecimento à V.Ex.a desta occorrencia, e he o que faço por este meo Officio.

Deos Guarde á V.Ex.a Londres em 8 de Febereiro 1828

Illmo e Exmo Snr. Marquez do Aracaty.

Vizconde de Itabayana

The Undersigned, His Majesty's Principal Secretary of State for Foreign Affaires, has the honour to inform the Vicomte d'Itabayana, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, that he has — received from certain Merchants at Liverpool a representation relative to the demands made by the Brazilian Consul at that Port, upon his attestation of the Documents which it is requisite should be produced by the Masters of British Vessels arriving in the Brazils, in order to entitle them to the Privilegs concedid to His Majesty's Subjects by the Treaty of the 17.th of August last. = It has been stated to the Undersigned by those Merchants, that upon their "attending "with the Master of the British Ship "Columbian", "bound "from Liverpool to Rio, for the purpose of authenticating by "his oath before the Brazilian Consulate of that Port, the "Manifest of the Vessels Cargo, they have been informed that "no official information has been received by him (the Consul), "either from his own Government, or from the Ambassador "in London of the Treaty in question (that of the 17.th of August) "but that when such Treaty is ratified by the Emperor of "Brazil, he shall consider himself entitled to demand and be "paid, the same fees as he has hitherto demanded, unless he "receives from his own Government instructions to the contrary."
"In this state of thing we have been compelled to pay the "Brazilian Consulate his demand, amounting to £24.15.0."
The annexed paper will show the Vicomte d'Itabayana, Items of this demand. — He will perceive by it that so far from confining himself to requiring the Manifest alone to be

to be sworn to before him, for the witnessing of which he would doubtless be authorized to require a reasonable remuneration, he constrained the parties to attest in the like manner each individual paper attached to the Manifest, and exacted for each paper the fee of four shillings and six pence. —

Upon referring to the 23.d Article of Treaty of August 17., the Vicomte d'Itabayana will at once perceive that this — " proceeding of the Brazilian Consul is an infraction of its stipulations. — The Article requires that the Cockets shall be attached to the Manifest — and then, — not that each individual Cocket, but, — that the Manifest with the Cockets annexed should be sworn to before the Brazilian Consul; — in other words that only one Document should be sworn to; — from which it of course follows that only one fee for that ceremony should be exacted. — The Undersigned takes this opportunity of observing that the British Consuls General and Consuls in Brazil, are restricted from — " charging more than one fee for the same description of — " Documents; — which fee is not to exceed two Dollars. —

The Undersigned confidently expects that the Vicomte — " d'Itabayana will immediately give orders to the Consul at Liverpool to abstain for the future from such unauthorized proceedings, — and to refund to all parties from whom he has required the observance of these objectionable forms, the sums levied by him upon them severally, in contravention of the Provisions of Treaty. — The Undersigned has the honour to renew to the Vicomte d'Itabayana, the assurance of his highest consideration. — The Vicomte d'Itabayana &c &c &c. Dudley

Foreign Office, January 12. 1828.

Items of the demand amounting to £ 22„15„0 made by the Brazilian Consul at Liverpool ont the British Ship ~ „ "Columbian"

103	Cockets at 4/6		£ 23,3,6
	Bills of lading	4/6	
	Bill of health	9/-	
	Manifest	9/-	
	List of Place of Produce	9/-	
		1,11,6	
		£ 22,15,„	

Londres, ce 31 Janvier 1828. - Mylord - J'ai eu l'honneur de recevoir la Note que Votre Excellence m'a adressée, pour m'informer „ que quelques négociants de Liverpool et ~ „ nommement les Chargeurs du navire anglais, le Columbian, expédié pour Rio de Janeiro leur ont représenté, que le Consul du Brésil, y résidant, s'agit en opposition à l'Article 23 - du Traité de Commerce conclu dernièrement entre nos Cours respectives; car il vise les Manifests et les Cockets des ~ „ marchandises embarquées pour le Brésil et prélève des emoluments sur ce double visa, quand d'après l'Article en question, il ne devrait legaliser qu'une seule de ces pièces, c'est-a-dire, le Manifest, et percevoir un seul ~ „ emolument„ - Certes, Mylord, telle est la marche suivie dans tous les Consulats Brésiliens établis en Angleterre: mais cette marche, bien loin d'être une innovation, n'est

que la continuation de celle qui a été adoptée entre le Portugal et la Grande-Bretagne par l'Article 2.d de la convention faite à Londres le 18 Decembre 1812, dont copie ci jointe. — Par suite de cette stipulation, les Manifests et les Lockets des marchandises destinées aux Ports du — „ Portugal et Brésil ont été soumis, depuis l'année 1812 — „ jusqu'à présent, au Visa des Consuls Portugais et Brésiliens qui constamment perçoivent un emolument très-modique sur la légalisation de chacune de ces pièces; tandis que les Consuls Britanniques prélevaient un emolument de $\frac{1}{2}$ p$^{0}_{0}$ sur le montant des factures des marchandises importées. — Cette formalité du Visa des Manifests et Lockets avoit — „ l'avantage non seulement d'assurer et faciliter la perception des droits dans les Douanes Portugaises et Brésiliennes, mais aussi de prouver l'origine des Marchandises chargées sur les bâtimens anglais, afin qu'elles pûssent jôüir de la réduction de droits d'entrée qui leur fut accordée par le Traité de Commerce de 1810. — Et une longue experience de 15 ans ayant fait connaitre à mon Gouvernment que l'intérêt de ses Douanes réclamait la continuation de cette double formalité, il a tâché de renouveler, come il a fait dans — „ l'Article 23 du Traité de Commerce qui vient d'être conclu, la stipulation contenue dans l'Article 2.d de la Convention de l'année 1812, avec la seule modification „ que le Manifest qui étoit autrefois attesté, sous serment prêté par le Capitaine du navire en présence d'une Autorité Britannique, doit l'être desormais par devant les Consuls Brésiliens „ —

Par ce court exposé, Mylord, je crois avoir prouvé d'une

d'une manière incontestable non seulement que la
marche suivie dans les Consulats Brésiliens est entièrement
conforme à ce qui a été stipulé dans les Articles précités
de la Convention de 1812, et du Traité de Commerce ~~
signé à Rio de Janeiro le 17 Août de l'année dernière;
mais aussi que l'intérêt de mon Gouvernement, ainsi que
celui du Commerce Britannique demandent la ~~
continuation de la formalité du vise des Manifests et
Cockets par les Consuls Brésiliens. - Cette demonstration,
claire et précise Vous fera sentir, Mylord, tout le tort de
la représentation que les Chargeurs du navire anglais,
le Columbian, Vous ont adressée. - Dans cette attente, j'ai
l'honneur d'être, Mylord, avec une haute consideration
= De Votre Excellence - Le très-humble et très-obeissant ~~
Serviteur = Le Vicomte d'Itabayana = A Son Excellence
le Très-Honorable Lord Dudley and Ward, Principal
Secrétaire d'Etat de S. M. Britannique au Département
des Affaires Etrangères.

Agreement between the British and Portuguese Commissioners, on four Points connected with the execution of the Treaty of 1810. Signed at London, 13th December 1812.

Art. 2d. It is agreed, that on the importation of any goods or merchandize from the United Kingdom into any of the Ports in the Dominions of His Royal Highness the Prince Regent of Portugal, all such goods shall be accompanied by the original cockets, signed and sealed by the proper

officers of the British Customs at the Port of shipping, and that the Cockets belonging to each ship, shall be numbered progressively, the total number stated on the first and last Cocket, by the proper officers of the Customs, at the final clearance of each vessel at the British Port, and it is further agreed, that prior to the final clearance by the searchers at the shipping port, the Cockets for each ship must be collected and fastened together, to which shall be annexed a paper, with the number of the Cockets, sealed with the official seal, and signed by the searchers; the Cockets, so collected, shall be produced, together with the manifest sworn to by the Captain, to the Portuguese Consul, who shall certify the same on the manifest, the Cockets, thus secured together, and the manifest, so authenticated, to be returned to the searcher, in order to the final clearance of the ship.