The undersigned Chargé d'Affaires of the United States of America, has the honor to acknowledge the receipt of the letter of His Exc.y the Marquess of Aracaty of His Imperial Majesty's Council, Minister and Secretary of State for Foreign Affairs, dated the 15th inst.t and will now submit some observations in further explanation of the topics which it embraces.

The motives of the request which he made in former letters relative to some of the recent condemnations at Montelideo, were connected with a sincere wish to avoid the necessity of making new claims for indemnity, & to avert a useless loss to the government of Brazil, as well as to procure more speedy relief for his countrymen; because the circumstances of those captures clearly shewed, that the condemnations were illegal; and while the Captains were still here, & the vessels & cargoes were yet entire, or at least but slightly injured, they might be hoped be restored, by an order of His Imperial Majesty in Council,

and the proces of the appeal might still be
continued in the Court, leaving the risk of
the decision & the delay to weigh upon the
captors, instead of the captured. And that-
to justify the expediency of such a pro-
ceeding an examination of these cases
should be previously made on the autos
which are kept by persons enjoying the
confidence of the government; and if
they should have pronounced that the
captures were illegal, such a course
would have been justifiable, and have
saved additional claims; for tho' the under-
signed can entertain little doubt, that
the sentences will be reversed by the Tri-
bunal of appeal, yet the delay will pro-
bably occasion in those cases, a ruin to
many others, a nearly total loss of the
property, by the unskillfulness, careless-
ness or infidelity of the soldiers who are
placed in charge of the vessels. The under-
signed can only express his regret, that
the course alluded to with regard to these
cases is impracticable.

Your Ex.cy remark, from an examina-
tion of the Sumarios recently received

from Montevideo, that some of the com-
plaints made by the undersigned have
been founded on erroneous representations
since no ill treatment appears by those
records to have been given to the captured.
Without doubt there may be some exaggera-
tion in the complaints of persons who are
suffering under acts of violence, & in danger
of being utterly ruined: but at the same
time there will be much evasion and con-
cealment on the part of those, who fear the
consequences of having their violent and
criminal conduct exposed. The undersigned
has remarked in these recent cases at
Montevideo, very remarkable contradic-
tions, in stating the occurrences that took
place, and he cannot undertake to assert
that his countrymen are right in every
point; but from the examination he has
given the cases, it is proved, that the captors
were very grossly erroneous in many
of their statements, and yet on those state-
ments the condemnation took place.

With respect to the ill treatment com-
plained of in the cases of the Hannah and
the Fell Fale, it was, in the former vessel

chiefly confined to the officers & crews being
turned ashore destitute of all resources,
& robbed as they say of part of their clothes.
This practice of turning the crews ashore,
from neutral vessels under detention,
has been the general practice in Monte
Video, tho' it is attended with great hard-
ship to the men, and is entirely contrary
to the laws of nations: and is the great
cause of the loss that have been occasio-
ned to so many instances, leaving the
vessels without any one who has an inte-
rest in taking care of them & facilitating
pillage, & the consequence has been that
when the vessels have been restored, after
a considerable detention, they have been
found little better than wrecks, and in
some instances not worth refitting. But
in the case of the Fell Tale there was an
accumulation of outrages, which were
too notorious to be concealed, & too gross to
admit of palliation. After the vessel was
taken into port, the crew were turned destitute
ashore, & the vessel was so far dismantled,
that it would have required a considera-
ble preparation to have been able to get

her to sea. yet on some malicious denun-
ciation being made, that the crew intended
to run away with her (a heavy dull sailing
vessel that in the best condition could run
away from nothing) they were taken up,
& the mate & crew thrown into a hideous
prison, amongst the worst & most desperate
criminals, kept there nine days, and then
discharged without any satisfaction for
such inexcuseable violence. Even if the
fact of their intention had been as true, as
it was unfounded & ridiculous, their im-
prisonment in any shape was unjusti-
fiable: it was the part of the captors to take
precautions if they apprehended danger,
and surely there was force enough at
Montevideo, to guard against the effort
of half a dozen, unarmed men. If such
conduct be pursued against unoffend-
ing neutrals, what remains to be prac-
tised against enemies, or even against
pirates? - there was no worse prison, or
worse treatment to give them - Besides
it was in this vessel that the horrible out-
rage, already made known to your Exc^y
was practised by the soldiers on the steward,

and the same wretches adding cruelty to
bestiality, cruelly scourged on a succeeding
day the poor man who was in their power.
These detestable facts not only appear in
the Protest of the Captain, but were the sub-
ject of a memorial addressed to the under-
signed, by all the respectable American
citizens in Montevideo, & which they will
doubtless have sent home to be made
public in the United States. Nor is this
disgusting & infamous crime a solitary
case: it appears by the declaration of the
Captain of the Budget, that a similar
one occurred on board that vessel. The
undersigned laments to be obliged to
state such odious circumstances as
these to Your Exc.y, but when the captors
deny & seek to conceal their shameful
outrages & violence his duty compels
him to state the injuries his countrymen
have received, however disagreable the
task may be, when attended with such
circumstances.

While called to advert to these occurrences,
the undersigned reluctant to molest Your Exc.y
with a detail of the whole of them, which may

be at present unnecessary will however briefly allude to one, which has of late become more prominent, & occasioned many difficulties and in the case of the Brig Budget is made a matter of considerable moment. Admiral Pinto Gueder, Baron of the Plate, is considered by all foreigners, whether justly or not, the unders signed is unable to say, as possessed of nearly despotic power in Monte Video. The Admiralty Court is thought to be wholly under his control, and to obey his dictation so entirely, that no expectation of an impartial trial is even entertained. In the course however, of the legal examinations, the interpreter is a very important agent, and foreigners ignorant of the language are materially affected by his capacity & fidelity, and he ought to be an individual independent of either party, & sworn to a faithful discharge of his duty. What is the fact? The important office is exercised by a person by origin a Swede, & said to be imperfectly versed in both the English & Portugese idioms, and that either through malice or ignorance he has frequently made very erroneous translations of what the witnesses said in examination. He is besides an officer of the Imperial squadron, directly

interested in the condemnation of the vessels captured, & presumed to be wholly under the controul of the admiral. These circumstances have naturally caused great suspicion and discontent at his agency; and in the case of the Brig Budget, the Captain distrusting this interpreter refused to answer any questions put to him, & referred to his official protest under oath, for his explanation of all the circumstances; & this conduct was alleged against him in the process. Yet if the points above stated are well founded, any sentence that might be predicated on his translations would be vitiated by the employment of such an interpreter.

The undersigned will now advert to another subject that of the small claim before the Commissioners in the case of the Ship Panther Captain Austen. Dr Bicar appeared to have some doubts regarding that case, as he thought their commission was restricted to prize causes. This case is one however, which the undersigned is directed to produce, and the Commissioners are perfectly competent to examine it on its merits which are indeed very obvious. In the correspondence

correspondence between the Secretary of State & Mr Rebello, particular stress is laid by the former on the position, that all subject of complaint & injury are to be redressed, which is fully admitted & promised by Mr Rebello: and it is probable that this particular case was in the mind of the Secretary at the time, as it is the only one at present in the hands of the undersigned which is not connected with a prize cause. The facts are very simple; the Ship Panther on her way home from the Pacific Ocean, in ballast, but with a large crew called at Rio Janeiro, in 1824 for provisions & water. There was some mistake of form, made accidentally by Mr Clapp, the consignee in entering the vessel. There was on board about 8000 dollars belonging to the Captain & crew, the produce of their wages & private adventures. This fact came to the knowledge of some custom house Officers, & they determined to get possession of this property. Their proceedings from first to last, were extremely irregular & unjustifiable: the conduct of the Captain a man of fair and honorable character, was open, frank, and dignified: he was conscious of no error, had

no evil intention, and disdained any subter-
fuge or evasion; and because he neither could
nor would give bonds to an enormous amount
he was thrown like the vilest criminal into
a common prison and remained there
nearly a month. At length he was liberated,
the property was restored, & the proceedings
were declared at the time by the Judge to
be an "outrage": and the claim now made
which is less than three small contos, is
only for the demurrage of the vessel. Your
Exc[y] will perceive that it is the principle
and not the amount, which is here a question.
The Government of the United States never
has believed, in spite of so many passionate
representations to the contrary, that the
government of Brazil either did, or would, coun-
tenance any acts of violence on the part of
its subaltern officers, whether military
or civil, towards the citizens of a friendly
nation: had indeed such a belief been entertained, a different course would have been
followed. No stronger proof could be given
of amicable feelings, & confidence in a
similar disposition on the part of the Impe-
rial Government, than the course adopted

when such cases of extreme violence, as those of the Panther, the Ruth, the Hero, & latterly of the Fell Jale existed: these were considered the unauthorized, wanton acts of individuals which would be disavowed & remedied by the Imperial Government, as soon as they were regularly made known to it, and therefore in a tone of friendship a simple reparation of the injury sustained is asked for: but under a different impression, & with just feelings of anger, the signal punishment of the officers who committed such acts, would have been demanded in the first instance; a measure which the Government of the United States, as well as others, have taken, when it was thought that the offenders were countenanced by their own Government.

The undersigned in conformity to his promise in his last conversation with Your Excy in closed a copy in extenso, (confidentially) of the despatch he shewed him from the Secretary of State, which was received upwards of three months since. If Your Excy observes, that it is dated March 19th, & that the Secretary then considered that all these

cases of claims would have been settled.
you will be convinced, that any efforts
the undersigned may have used were not
owing to personal impatience on his part,
but to anxiety to comply with his instructions,
and to do away as early as possible, every exci-
ting subject of uneasiness between the two
countries. For this purpose, the few remain-
ing cases in his possession, will be put
into the hands of the Commissioners, in the
course of this week, & he hopes, they will be
directed to act upon them without delay.

The undersigned avails himself
of the occasion to request His Exc.y the
Marquess of Ancaty to accept the
assurances of his very high respect
and consideration.

W. Tudor.

Legation of the U.S. of A.
November 18.th 1828.