Nº 11

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Wm Tudor

21 Julho de 1828

The undersigned begs His Excellency the Marquis of Aracaty to accept the renewed assurance of his high respect & consideration

W. Tudor.

Legation of the U.S.A.
Rio de Janeiro July 25th. 1828.

The undersigned, Chargé d' Affaires of the United States of America, has the honor to acknowledge the receipt of His Excellency the Marquis of Aracaty's despatch of the 18th: instant, and to return thanks for his kindness in sending the same in season to forward a copy to his government with despatches by a special messenger. In conformity with the desire expressed by His Excellency, he proceeds, at the present time, to dwell more particularly on the cases of the Sperno and the Spark.

The first of these cases, that of the Sperno, is extremely clear and simple. That ship arrived on the 11th: of August 1825 off the harbour of Pernambuco, which had been in a state of revolt, and in consequence of it, had been declared to be blockaded. But the blockade was removed on the 29th: of the preceding June, and the vessel was forced into the port, by the violence

of

of a storm; her commander and crew being altogether
ignorant of an order for the revival of the blockade, and
which did not in fact take place, until after she en-
tered the port and was seized. The vessel was ex-
amined, and left unmolested, by two successive Bra-
zilian commanders. A third, however, seized and libel-
led her; but she was fully acquitted by the first
court, and damages awarded against the Captors.
An appeal was entered, and bonds were exacted,
on releasing the vessel to await the final decision;
which decision, most unexpectedly, reversed the
former one — and condemned the vessel. This
case is manifestly a violation of the laws of nations,
and of the principles of blockade, admitted by the
government of Brazil. The parties who gave the
bonds, it is understood, have since failed. The
undersigned is directed to obtain the cancelling
of these bonds; and now requests, Your Excellency
will order them to be cancelled, and delivered
up to him. The damages, sustained, cannot now
be stated, owing to the agent of the owners having
returned to the United States; but this part of the
subject can be hereafter investigated, and settled,
when the documents are received.

The principal facts relating to the Spark

are

are stated in a condensed form, in the enclo-
sed memorandum. It is impossible to imagine
a more complete series of testimony, than that
which exists, as to the character of the vessel,
and the object and intentions of the owners — to
dispose of her to the government of Brazil, after
being encouraged to send her to Rio Janeiro,
for that purpose, by an officer of the Brazilian
Navy, and the Brazilian Chargé d'Affaires in
the United States. The undersigned does not wish
to dwell on the peculiar and irritating cir-
cumstances attending the seizure of that vessel:
and as Your Excellency admitted your readiness
to pay for her, and she has now been actual-
ly for a year in the service of His Majesty,
there are many peculiar motives for an im-
mediate settlement of this case, and which will
be too obvious to the delicacy of Your Excel-
lency's sentiments to require being enlarged
upon. With respect to the amount asked, there
is the most ample testimony to show, that it
is not extravagant; and no addition will be
made to the price asked, on account of inte-
rest, though nearly eighteen months have elapsed
since it was fixed, and though she has been

now

now, for so long a period actually in the service of His Imperial Majesty, against his enemies.

In regard to the Rhoda, the agent for the owners will be ready, at any moment, to attend upon Your Excellency, or any one whom you may appoint to investigate and settle the amount of damages to be paid; and other cases will be taken up in succession, as speedily as it may be convenient to Your Excellency. The undersigned regrets, that it is not in his power to give, at once, a list of all the cases and the amounts claimed, but will shortly be able to do so. He is, however, happy to say, that, neither in number nor value, do they reach an amount which will be, at any moment to the government of Brazil; and which really is reduced to insignificance, when compared with the object of doing justice to the citizens of a friendly nation, and contributing to that harmony and extensive intercourse between them, which temporary occurrences have unfortunately interrupted, but which great permanent interests most clearly indicate that it is the true policy of both nations to cultivate.

Memorandum relating to the American Brig Spark, actually the Quinze de Agosto in the Imperial Navy of Brazil.

The Brig Spark was formerly one of the Navy of the United States, and was remarkable for being the fastest sailer in the service. She was sold under a regulation adopted of reducing the Navy to particular classes, to which she did not correspond.

The vessel was purchased by her late owner, and completely repaired, in the most careful and substantial manner, and at great expense; and, in consequence of encouragement received, from Mr. Rebello, and an officer of the Brazilian Navy, to send her to Brazil for sale, was despatched to Rio Janeiro, with that object. She had the most ample testimonials, from several distinguished officers of the American Navy, as to the character and condition of the vessel, accompanied by certificates of the Brazilian Consul. On her arrival in Rio, she was generally admitted

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to be the handsomest vessel in the harbour.

Pursuant to the original design, she was offered to the Brazilian government at a less price, by one-third, than a vessel of the same description could have been procured in the United States, if sent for expressly. The Minister of Marine would not give the price asked; and the Captain, disappointed in his expectations, was obliged to proceed further. The vessel was then regularly cleared at the Custom-House, and sailed for Monte-Video.

In the mean time, the Brazilian steam-boat had proceeded out of the harbour, in waiting for the Spark; and captured her, leaving the harbour, under the allegation that she was a pirate; although she had on board twelve respectable passengers, among them several females: a singular preparation for a piratical cruise. Violence and insult were used towards the officers and crew, some of whom were put in irons, etc.—— After a most rigid search—breaking up various parts of the vessel, and destroying property—not the slightest evidence could be found, as in fact none ever existed, to justify the alleged suspicion. Finding it in vain to procure a settlement, the Captain made a protest, abandoned

doned the vessel, and returned to the United States.

After a time, this brig was taken into the Brazilian Navy, and has now, for a year past, borne the flag of His Imperial Majesty.

The owner of this vessel is a man of irreproachable character, and his whole property is involved in her.