The undersigned, Charge
des affaires of the United States
of America, presents his respects
to the Marquis d'Aguiar, Coun=
sellor of State, and tenders to
His Excellency, upon his recent
appointment as Minister
and Secretary of State for Foreign
Affairs, the compliments which
he should have offered in per=
=son, had he found His Excel=
=lency at home, when he had
the honour to call upon him
on the 19th Inst.

During a residence near
this Court, since the 8th of Septem=
=ber 1822, the day succeeding
that upon which His Royal
Highness the Prince Regent of
Portugal, now His Imperial Ma=
=jesty the Emperor of Brazil, iden=
=tified Himself with the inte=
=rests of America, by proclaim=
=ing the Independence of this Empire
it has been the pain[illegible] lot

of The Undersigned, to appear
on too many occasions before
the governors of His Imperial
Majesty, in the character of
a complainant for injuries
inflicted upon the seamen
or commerce of The United States,
by officers acting under the
authority of that government
but who have not been in-
=fluenced by that spirit of
amity towards the American
nation, which has been so
uniformly professed by His
Imperial Majesty's ministers.
Each change of administra=
=tion therefore, has been regard=
=ed by The Undersigned, as an
event, which, by some decis=
=ded and peremptory orders
of the Government, would put
an end to the causes which
had occasioned such reitera=
=ted complaints, and which
would consequently exempt
him from those duties belong=

sig to a diplomatic station,
which can never be executed
but with regret. Thus far how-
=ever, he has been disappointed.
Within the last six months,
occasions for complaint have
been multiplied. A number
of american vessels have been
captured by the blockading
squadron in the River Plate
upon grounds even deemed
by His Imperial Majesty's Govern-
=ment to be untenable, while
their crews have been forcibly
taken out and turned on shore,
or have been detained as prison-
=ers of war or bound the captu-
=ring vessels. Against these un-
=lawful captures, the undersign-
=ed has remonstrated, but he
has remonstrated ~~in vain~~ in vain.
It is true that an assurance
was given by His Excellency
The Marquis of Abrantes, in
his note of 10 December, that
measures had been taken

to prevent for the future, cap=
tures similar to those which
had been represented against,
yet none was given, that
the vessels taken in opposi=
=tion to the principles assumed
in the new instructions, would
be given up. On the contrary,
they have all been held under
continued detention, whilst
their crews have been scatter=
=ed abroad, or have been maintain=
=ed at great expense on shore,
after their liberation upon con=
=finement.

In this state of things,
The Undersigned could not
but hail the nomination of
The Marquis d'Aneslay to the
Foreign Department, as ominous
of a change of measures. Nor
has he in this pleasing antici=
=pation been mistaken. The
three notes of His Excellency
dated on 18th Inst, evince that
spirit of conciliation towards

The United States, which the
latter is so desirous to cultivate,
and The undersigned now re-
=poses in the confidence, that
the future relations between
his government and that of
Brasil, will be such as can-
=not fail to result, from a
rigid observance by both
parties, of those" rules of equity
and Universal Justice," which
are declared to actuate the
government of Her Imperial
Majesty, and which should
ever be adhered to by the Pow-
=ers of Nations.

With these preliminary
and general remarks, The Un-
=dersigned begs leave to call
the attention of His Excellency
to a decision that took place
before the Superior Court (Con-
=selho Supremo Militar) on 10"
Inst. but of which he was not
apprized, until after the date
of his last communication. This

decision was in the case of the
american Ship Spermo of New-
=York, Clarke Master, charged
with an alleged breach of the
blockade of Pernambuco in
1824, and as it involves an im-
=portant question connected
with the doctrine of blockades,
already sufficiently discussed
by The Undersigned in his cor-
=respondence with the two im-
=mediate predecessors of His Ex-
=cellency, in notes dated on 13"
December 1825, 14" and 30" Novem-
=ber 1826, and on 3 current, it
is deemed advisable to state
the whole case anew, in order
that it may be submitted
to His Imperial Majesty, for
His Sovereign and definitive
judgment. Fortunately the
case is one, which is not de-
=pendent upon facts assented
by one party and denied by
the other. The material circum-
=stances are admitted by both,

and on any of them will be
within the recollection of His
Excellency, as having occurred
at the time when he so ably
discharged the important func-
=tions of Ministed of the Home
Department. They are as follows.

1. The Government of His Im-
=perial Majesty ~~Majesty~~ under
date of 29th February 1824, com-
=municated to the Agents of For-
=eign Governments residing at
this Court, its intention "to place
in a state of effective blockade"
by a naval force ordered to be
fitted out, and to sail as soon
as possible, the port of Pernam-
=buco, in case the factions, who
then governed the affairs of that
Province, should not acqui-
=esce in the orders of the Emperour.

2. In conformity with that
intention, a squadron under
the command of Commodore
John Taylor, sailed from this
port, on the 3d of March, and

on the 8th of April following instituted a blockade, which notice was given by him to the foreign consuls on shore. The fact was subsequently, viz. on the 23d of April, communicated by His Imperial Majesty's government to the foreign agents, as a blockade established according to the law of nations.

3. On the 11th of June succeeding, was published in the Diario Fluminense, the celebrated and political proclamation, addressed by His Imperial Majesty to the people of Pernambuco, in which is announced His Majesty's intention to withdraw the naval forces from before their port, and in pursuance of instructions received from his Government in accordance with the declaration thus made, Commodore Taylor raised the blockade on the

29" of that month, gave Offi=
=cial notice of the Same to the
Foreign Consuls, and returned
with his ships to the Port of
Rio de Janeiro.

4." Under date of July 9,
the Imperial Government announ=
=ced its intention to renew the
blockade, in a note addressed
to the foreign agents, of which
the following is a copy.

"Exigindo o bem do es=
=tado, á vista de motivos pon=
=derosos que sobrevierão depoi
da publicação da Proclama=
=ção de Sua Magestade O Im=
=perador aos Pernambucanos,
que continue o bloqueio do
Porto de Pernambuco, apesar
de na sobredita Proclamação
se declarar que elle devia cef=
=sar: tenho de assim o commu=
=nicar á V. M.ce para sua in=
=telligencia, ficando por tanto
com o seu devido effeito o que
á V. M.ce participei pelo meu

Officio de 23 d'abril do corrente
anno áquelle respeito."

5. In accordance with this
new intention, a second
squadron under the command
of Captain Antonio Inze de
Carvalho, was expedited on
the 12" of July, for Pernambuco,
which port he arrived
somewhere about the first of
August.

6". On the 13" of August, a
communication, dated on the
12", was made by the said
Captain Carvalho to the Con-
=sul of Her Britannic Majesty
at Pernambuco, declaring the
port to be in a state of block-
=ade. None such was made
by him to the american Con-
=sul, and it does not appear
in the documents of the suit
(autos) that any notifica-
=tion had been given to the
publick, or to any other indi-
=vidual or authority, prior to

the 17th of that month.

7. On the 18th of August, Admiral Cochrane arrived at Pernambuco, and on the 17th of September, a termination was put to the blockade, by the surrender of the place to the Imperial authority.

Thus far the facts are within the entire knowledge of His Imperial Majesty's Government as being matters of record. Those which remain to be told are established by the evidence given on the trial, and are as follows.

8. The Ship Spermo laden with a cargo of flour and other merchandize not contraband of war, sailed from the port of New York in the month of June, 1824, for Pernambuco.

9. On the 10th of August, at ½ past one o'clock P.M. she arrived and anchored off that port in the outer roads at the distance

about two miles from the light house, and one mile from a ship and brig of war bearing the Imperial flag. This date, as established by all the testimony of the captors, differs from that given by the Master of the Speranza who, using in his protest, the nautical time instead of the civil time, declared it to be the 11", inasmuch as the 11" of the month, in the computation of mariners, commences at noon of the 10".

9": After lying at anchor without receiving any visit from the said vessels of war, or having any communication with them, until 7 o' clock of the following morning, the master of the Speranza, conceiving his ship to be in great peril from a gale of wind which had been blowing ever since he came to

anchor, and during which
he had spunted his best bower
cable, hoisted a signal of dis=
=tress. This signal was not re=
=garded by the ships of war,
nor by any person on shore un=
=til one o'clock P.M. when a
pilot came to his assistance
who seeing the vessel in dan=
=ger of being lost, and find=
=ing it impossible to weigh
the only remaining anchor,
ordered the cable to be cut
at 2 P.M. and steered the
ship into the harbour, where
she was made fast to ano=
=ther vessel, and by that
means prevented from go=
=ing ashore. It is true, that
she was fired at by one of
the vessels of war, but
her master did not deem
it incumbent on him to leave
to, in his actual condition.

After the Gale of Pernam=
=buco, and the entrance into the

harbour, of the Imperial Naval
forces, then under the command
of the Chief Division Dan'l
Jewett, Captain Carvalho in=
=stituted, before the Juiz de Fo-
=ra, a process against the said
ship Sperro for a breach of
blockade, and the facts of the
case were represented by the
undersigned to His Imperial
Majesty's government, as soon as
he became fully possessed of
them in a note dated on
the 3rd of March 1825, but A-
gainst which security the redress
which was so manifestly
due. In a subsequent com=
=munication dated on the 19th
of December of that same year,
the delay of the suit was
remonstrated against, and
a speedy appeal to the inter-
=ference of His Imperial Majes=
=ty's government was urged
but it was productive of
no other result, than a pro=

=mise that the Judge de Per=
=nambuco, to whom the case
had been remanded by the
Conselho Supremo Militar
in consequence of a defect in
his original decision, should
be recommended to act with
promptness. He note last
cited, to which His Excellency
is respectfully referred, con=
=tains the history of the suit
up to the period of its date,
and it remains now to re=
=late its subsequent progress.

After a lapse of some ad=
=ditional months, a decision
took place at Pernambuco,
on the 11th of April 1826, before
the inferior tribunal, by which
the ship was declared to be
bad prize, and the captors
were condemned to pay all
the costs, damages and losses.
This decision, which is as
honourable to the intelligence
of the Judge who pronounced

it, as it is to his integrity, and which displayed not only a sound and clear knowledge of the laws of nations, but a spirit of equity and justice, is expressed in the following terms —

" a vista pois do alle-
=gado e provado por huma
e outra parte, sendo certo,
como se vê dos documentos
fol 27 e seguintes que no dia
17 de agosto, he que foi o Blo-
=queio declarado formalmente,
de maneira que antes delle
dia, não se podia dizer o
porto bloqueiado, attenta
outrosim a contraprodu cen-
=cia das testemunhas do Au-
=tor, e a necessidade extrema
em que se vio o Reo, collisão
em que, segundo a sãa juris-
=prudencia lhe era mesmo
licita a violação do Bloqueio,
se elle verdadeiramente
existisse, por quanto sendo

involuntaria ficava izenta
de toda e qualquer imputa-
=ção, Julgo improcedente a
Justificação, não boa a preza
feita, e condemno o Autor
nas custas, perdas e dam-
=nos, e appello para a Respei-
=tavel Tribunal do Conselho
Supremo Militar, para onde
se remetta este Processo, ci-
=tadas as partes. Recife 11
de Abril de 1826.
(Sign) Luiz Angelo Victorio do
Nascimento Crespo."

From this just and right-
=eous sentence, the Captors
whose whole fortune and
prospects were thereby involv-
=ed, made an appeal. The
papers were transmitted to
the Conselho Supremo de Mi-
de Janeiro, and the Learn-
=ed Tribunal, after delibera-
=tion for six additional months,
solemnly reversed the decision
of the inferior Court, condemned

the Ship and Cargo, and
sentenced the claimants
to the payment of the costs.
The undersigned has
not yet been able to procure
a copy of this sentence, and
consequently, in submitting
this statement to the Govern-
ment of His Imperial Majesty,
he will not suffer himself
to indulge in any of the nu-
merous reflexions, which
such a decision is so obvious-
ly calculated to call forth.
He will merely say, that
such an extraordinary judg-
ment pronounced by the
Supreme Court of admiralty
of the Empire of Brazil, was
wholly unexpected by him,
and that he entertains not
the least doubt, but that
His Imperial Majesty will
immediately order the same
to be set aside, and
the original sentence of the

Court below, to be affirmed.

The Undersigned offers upon this occasion of first addressing His Excellency, the Marquis d'Queluz, the assurance of his great respect, and high consideration.

Landy Rogers

Rio de Janeiro.
January 24. 1827.