4 de Agto de 1828. 67 Nº 11 6

The undersigned Chargé d'affaires of the United States has the honor to acknowledge the receipt of his Excellency the Marquess of Aracaty's note of this day, & loses no time to assure him that it is out of his power without a gross violation of duty to assent now to an arbitration in the case of the Spark. He requests the Marquess of Aracaty to revolve in his mind the whole series of circumstances connected with that vessel = the very delicate crisis that it was the immediate cause of producing in the relations between their respective countries, the special messenger that was dispatched by the government of Brazil to the United States; & the unqualified assurances that were given in consequence by the Chargé d'affaires of his Imperial Majesty, that every just cause of complaint should be

at once removed on the arrival of a
new agent, & the President consented
to appoint such an agent on the just
ground that the records being all in this
country, greater facility would be enjoyed
in examining the claims, & that no delay
should take place in their settlement. His
Excellency will further recollect that in
his first letter on this subject he quoted
the opinion of his government, that the
price asked was not extravagant - that the
Minister of Marine offered 30,000 Dollars
eighteen months ago, but too late for accep-
tance; & that as the agent of the claim has
agreed to take the payment in bills at
six, twelve & eighteen months, & therefore
near three years interest, would in equity
be due on the amount, tho' no addition
has been made to the claim on this account.

The undersigned could not have
avoided the most unpleasant anticipa-
tions regarding the negociation committed
to him, at the unexpected difficulties
that have arisen in the case of the Spark,
which neither he nor his Government

entertained a doubt would for obvious
reasons would have been terminated in
preference to all others, with a mag-
nanimous alacrity. Had he not re-
ceived a letter from the Agent by which
it appears that he has had an interview
with the Minister of Marine this after-
noon, in which after a renewed discussion
he suggested to his Exc.y that as the govern-
ment had recently paid into the bank
a million of Spanish dollars, all difficulty
might be removed with regard to the ex-
change by a simple payment in those
dollars, or else to take the bills as before
proposed at 1750 reis to the dollar which is
the actual exchange of the day. His Exc.y
the Minister of Marine fully agreed that
the affair should be finally settled on Thurs-
day, either by the payment in dollars or the
bills as proposed. The undersigned confi-
dently that his Excellency will sustain the determi-
nation of his honorable colleague. His
Exc.y the Marquess of Aracaty as an
enlightened statesman will appreciate

the position that slight, pecuniary considerations are utterly insignificant in comparison with establishing great permanent relations of amity & commerce between two nations, such as may be the beneficent result of an equitable settlement of the injuries which the citizens of the United States, have received in the course of the present war

The undersigned trusting that the case of the Spark will be finally settled on Thursday, according to the promise of his Exc.y the Minister of the Marine Department, will now only trouble your Excellency on two other points. In previous letters & in conversations he has stated the affair of the bonds relating to the Sparmo. His instructions are most pointed to an equivocal to obtain the cancelling of those bonds, & there is the more instant necessity of attending to this case, as a similar one that of the Brig Exchange of Boston is just now on the point of being decided, after having like the Sparmo.

four years in litigation:— I how ever suspicions must have been the allegations of the captors, when in these cases the Court has hesitated for four years to reverse the sentence of a previous tribunal.— The undersigned is compelled to urge his Exc.y to give him an early answer respecting these bonds: if they are at Pernambuco, his word will be a sufficient guarantee that they shall be considered void, & be cancelled as soon as they can be obtained. The undersigned also renews the request in the most earnest manner that his Excellency will appoint some person to meet with the agents of the remaining claims, to examine them for a final adjustment; & in regard to them, if the persons cannot agree in the amount it can be fixed by the arbitration of impartial persons.

The undersigned trusts that the Marquess of Aracaty will do him the justice to say, that he has not been importunate in prosecuting this

negotiation. But it is now upwards of
six weeks since his arrival at this Court
& not a single point of the business en-
trusted to him has been settled. this the most
prompt arrangement was promised
to & expected by the American government.
Advices which he has just received from
the United States now induce him to
solicit this Excy with the greatest respect
but in the most earnest manner the
settlement of the cases of the Spermouth
Spark, which case it is evident, is altogether
peculiar, & cannot be considered or related
as a precedent: & also the nomination
of some person by this Excellency to meet
the agents of the other claims for their
examination previous to their final
adjustment. An opportunity for the
United States offers within three or four
days. & he would be wanting in that
frankness which is due towards this
Excellency if he did not state to him
distinctly, that unless he is enabled
to transmit to his government some
decisive information relative to the

settlement of these claims, he must in forwarding copies of the correspondence that has taken place, express his opinion with indeed the deepest regret that he has no hope of his mission being attended with any success.

The undersigned has the honor to reiterate to His Excellency the Marquess of Aracaty the assurance of his very high respect & consideration.

W. Tudor.

Legation of the U.S.A.
August 4th 1828.