20 Aug^{st}. 1828

No 11

The undersigned Chargé d'Affaires of the United States acknowledges the receipt of the note of His Exc^{y} the Marquess of Aracaty, Councillor of His Imperial Majesty, Minister, & Secretary of State for Foreign Affairs, dated yesterday, to which he loses no time in replying.

The undersigned is well aware that there must be an accumulation of business at the present time in the department of Foreign Affairs, & especially that the interesting negotiations for peace will occupy much attention. He offers his respectful congratulations that this negotiation has commenced, & most sincerely hopes for the sake of humanity, & for the good will which the United States entertain towards both parties, that those negotiations will result in a termination of this unfortunate war, which has been productive of such extensive evil.

But however important this & other objects of present attention may be, they

cannot be more so eventually, than the
questions at issue between the United States
& Brazil; while these latter have a priority of
date & cannot any longer be deferred to any
others. His Ex.cy the Marquess of Aracaty
will recollect that in April 1827, the govern-
ment of Brazil considered its relations
with that of the United States in a situation
of such delicacy, that a vessel was hired
expressly to carry a special messenger
on the part of this government to make
explanations: that in consequence of the
orders he carried, the Brazilian Chargé
d'Affaires made the most earnest request
that a new Agent from the United States
might be sent to Rio Janeiro, & gave the
most positive assurances that all
difficulties which had arisen, should be
most promptly & completely removed on
his arrival. Unavoidable circumstances
retarded the coming of the undersigned
many months longer than had been expected &
of course increased the urgency of a speedy
arrangement; yet he has now been two
months at this Court, and only a single point
(which from the peculiar circumstance

connected with it should not have experienced
an hours delay Thas been settled.

The government of the U.S. has seen with
equal surprize & sensibility, for years past,
a succession of outrages upon the persons
& property of its citizens, by various persons
in the service of His Imperial Majesty;
those outrages far more offensive from
their character than their amount, have
been from time to time represented to the
government of Brazil, with very little effect,
untill at length the relations between
the two countries, were rather abruptly
brought to a crisis of great delicacy. At this
moment the government of the United States
with its characteristic moderation, listened
to the representations of the government of
Brazil, & relying with implicit good faith
on the assurances of the most prompt & ample
redress, which were so emphatically given,
sent a new Minister to the Imperial Court,
which after the efforts of two months has met
with no success except in a solitary case. If
your Excy reflects on the situation of the
United States it will be evident that in very
peculiar, owing to the course pursued by the

Imperial Government, & the other nations may be pursuing similar objects, (an allusion to what is notorious may be allowed for the purpose of illustration) none of them are situated like the United States. The Marquess of Anacaly will be able to judge from his knowledge of the character of the government & people of the United States, whether it will be the most dignified or the wisest course, to trifle with their feelings in the presence of the world, by vague delays & unsatisfactory professions.

Since his last letter, the undersigned has received further communications from his government, & the tone of these, & of others as his Exc^y has been previously informed, renders an immediate decision necessary. In his last letter the undersigned mentioned the intended sailing of the Macedonian. Under existing circumstances Commodore Biddle has resolved to return to the United States, without waiting for the ship that is destined to relieve him, & is making preparations to sail in a week. His Exc^y the Marquess may be assured that the despatches forwarded by this frigate will

have a decided effect. If his Imperial Majesty's Council have changed their opinions, & now decline redeeming the pledges given upwards of a year since, it is necessary that the government of the United States should understand the fact, & they will so understand it, if information of the positive arrangements of all the principal points cannot be given. Nothing that the undersigned can say would have any influence to delay definitive measures, which facts only, & not assurances, can now prevent.

The undersigned cannot forbear to express his astonishment, that, after the strong & reiterated assurances of the Marquess of Aracaty of the desire of the Imperial Government to draw closer & closer the ties of friendship between the two countries, the information of his having received full powers to negotiate a Treaty of Amity, Commerce & Navigation between the United States & Brazil, & his readiness, as soon as the pending claims are adjusted to meet a person duly authorized for this great purpose by His Imperial Majesty, is not even alluded to,

after all the previous intimations of his Exc.y on this subject, remains absolutely unnoticed! Is he then to infer that such a Treaty with the United States is a matter of indifference to the government of Brazil?

Profoundly impressed with the imminent situation of affairs between the two countries, animated with the most sincere desire to terminate amicably every pending subject of uneasiness; to restore the harmony which has been interrupted, & prepare the way for the extension of future intercourse, the undersigned will recapitulate the points that require immediate adjustment, to produce these desirable results. By doing this in the plainest manner, he wishes to give an unequivocal proof of the integrity of his wishes to bring the negotiations entrusted to him to a friendly conclusion.

He enumerates these points in the following order:

1°. First. The cancellation of the bonds relative to the Speranza.

2°. Second. The immediate nomination of some person to meet the agents of the respective claims, for their examination, & final settlement, by taking the bills of this

Government for the amount to be agreed upon,
which shall be settled by the arbitration of
impartial persons, if the parties cannot
decide the point.

Third. In what manner the Imperial = 3° =
Government will make payment for the
claims after the amounts are settled. With
a desire to promote the convenience of this
government, the proposal was made in
the letter of July 5th, to take bonds on interest
payable in one year from the date, but not
then liquidated, that they should be received
at the Custom House in payment of duties.
In the settlement of the Sparks case, the propo-
sition was materially varied, by taking the
notes without interest payable in three terms
of six, twelve, & eighteen months: and to remove
as much as possible every impediment, a similar
arrangement will be acquiesced in for the
remaining claims. It is more requisite
that a distinct statement should be made
on this point, as from some expressions
in the note of the Marquess of Aracaty
of the 8th inst. it might be inferred, that
the claimants were to look to the estates

of the captors for indemnity. But this Exc.y
the Minister of Foreign Affairs will be
perfectly aware, that such a suggestion,
if in reality it was contained in the above
letter, is wholly inadmissible. The claims
now brought forward are not in the shape
of pleas in the tribunals of Brazil against
the captors; but have become a subject of
national concern: the government of the
United States asks for justice towards its
citizens of the government of Brazil. It
looks only to that government for redress.
& knows nothing of the captors, whom the
government of Brazil, as a matter of interior
policy exclusively, may consider amenable
or otherwise to itself alone.

4° = Fourth. These points being arranged, the
undersigned requests an answer on the
subject of forming a Treaty of Commerce.

The undersigned intreats His Exc.y the
Marquess of Aracaty to consider these
essential points as speedily as possible;
& to favour the undersigned with a definitive
answer, that he may transmit the same
to his government by the Macedonian, which
departs in a few days. He begs leave to

assure his Exc.y the Minister of Foreign
Affairs, that this is the last time he shall
bring forward these questions, & that the
decision of his Imperial Majesty's Councils
now made will be considered as final.
It neither comports with the dignity and
magnanimous moderation of his govern-
ment, nor with the character of the nation
he has the honor to serve, to continue
any longer in solicitation of that justice
which was promised last year: & if the
present communication should un-
fortunately not produce a satisfactory
result, he will have no other alternative,
but to forward copies of all the correspon
dence that has taken place, and wait
in silence the ulterior orders of the
President of the United States.

As this may be therefore the
last communication he may have
the honor to make, he avails himself
of the occasion, to express to his Exc.y
the Marquess of Aracaty his conviction
of the personal sincerity with which
his reiterated assurances of friendly

feelings have been made; to express his regret that they have been hitherto so far ineffectual, & must be, if unaccompanied by a complete adjustment of the objects under litigation, wholly unavailing on the policy of the American government whose honor is irretrievably engaged in the result of this negotiation: and he requests his Exc.y to again accept the assurances of his high consideration & esteem.

W. Tudor.

Legation of the U. S. a.
August 20.th 1828.
Praya Flamingo. N.o 31.