The undersigned Chargé d'Affaires of the United States, has now the hodor to address His Excellency the Marquis of Aracaty, Councellor, Minister and Secretary of State, on the important subject of the claims of American Citizens, which he was directed to make his first concern on his arrival. A desire to make himself fully acquainted with the numerous documents accompanying his instructions, required a few days delay; and which has been further increased, by the consideration that under the inevitable anxieties and occupations at this interesting moment of the departure of Her Most Faithful Majesty for Europe, His Excellency's attention would be fully occupied. He now in the performance of his duty proceeds to open the business above referred to, on which much light will be thrown by a brief reference to his instructions.

The

The Secretary of State observes, that the commercial relations between the United States and Brazil are of great importance and mutually advantageous, are constantly increasing, and are susceptible of much extension; and it is, therefore, obviously the interest of both parties that a good understanding between them should be cultivated and maintained. He then adverts to the injuries which some of our citizens have received during the present war, aggravated by the extreme violence and ill-treatment practised towards them by some subaltern officers. The extraordinary circumstances connected with the seizure of the Brig Spark produced a crisis in this unpleasant state of affairs: which however it was anticipated would terminate fortunately, after the correspondence with Mr Rebello, which resulted in the appointment of the undersigned.

The Secretary in his instructions, quotes the essential parts of the correspondence between himself and Mr Rebello; and as the latter gave the assurances of the amicable disposition of His Majesty the Emperor of Brazil, and of a prompt redress of the injuries complained of after the receipt of particular instructions carried to him by a special messenger, the most perfect confidence was entertained that the solemn pledge would be redeemed without delay, on the

arrival

arrival of a new agent from the American govern-
ment. The Secretary of State concludes his extracts
from the correspondence with the Chargé d' Affaires
from Brazils with the following remarks: "From the
"preceding review of the correspondence between Mr Re-
"bello and myself, you will perceive that the appoint-
"ment of a successor to Mr Raguet is asked for the
"purpose of enabling the government of the Brazils to
"make at Rio de Janeiro arrangements for indemnity
"due to the citizens of the United States for the wrongs
"they had suffered; and the President consents to the
"appointment of a successor to Mr Raguet upon the ex-
"press condition, that upon his arrival at Rio de Janeiro,
""a full and adequate indemnity will be promptly made
""for any injuries which have been committed upon
""the persons or property of citizens of the United States,
""in violation of the public law, under colour of autho-
""rity derived from His Imperial Majesty the Em-
""peror of Brazil." The engagement on the part of
"the Brazilian government which that correspondence
"imports, to afford indemnity, is full, clear and ex-
"plicit. It could not rest upon a more solid basis
"of honor and good faith, if it had been thrown
"into the shape of a solemn convention. The Pres-
"ident therefore cannot, and does not, doubt that you

will

"will be able to procure a prompt compliance with it."
From these expressions, Your Excellency will perceive
the confidence of the American government that all
difficulties will be completely removed; and the under-
signed fully participates in this confidence not only
on the premises above stated, but from his strong
impression of the justice and magnanimity of His
Imperial Majesty, and the assurances which he has
had the satisfaction to receive personally from Your
Excellency stamped with all the well-known sin-
cerity & your frank and honorable character.

The Secretary of State suggests, that in adjus-
ting the pending claims, the simplest mode and
one least exposed to error, is that of settling each
claim with the respective agents of it, with the in-
tervention and assistance of the undersigned, which
he need hardly assure Your Excellency will be
attentively given, and with the utmost disposition
to facilitate the adjustment in the speediest and
most equitable manner.

Among the cases enumerated more particular-
ly from the peculiar circumstances attending them,
and to which it is the duty of the undersigned
to ask the attention of Your Excellency in the first
instance are, those of the Spark, the Sperano, and

the

the Ruth. They are too well known to render it necessary for the undersigned to now trouble Your Excellency with minute details. It may be sufficient to say that in the case of the Spark, the owners claim for the value of the vessel 30.000 Dollars; and 5000 Dollars for damages they have sustained. On this case the Secretary remarks: "From the means "of judging of this demand which we possess, the "amount does not appear unreasonable." So far as the undersigned has yet examined the cases of claims, this appears the most considerable in a-mount. The case of the Sperro was for an alleged violation of the blockade of Pernambuco, at the period of the unfortunate disturbances in that province; though nothing is more evident than that the vessel was innocent of such violation, and was so pronounced by the Court in the first instance best able to judge of the circumstances from being on the spot. From the circumstance of the failure of the merchants who gave the bonds sought to be cancelled, this case is little more than a matter of form. The case of the Ruth was greatly and most uselessly aggravated by the harsh treatment experienced by the Master, Supercargo and Crew from the officer

who

who captured her. The amount of damages received in this case, the agent of the claim has informed the undersigned is now in a train of settlement, which may be immediately concluded by the intervention of the government.

The undersigned having thus submitted to Your Excellency's more immediate consideration, the three cases enumerated on account of the particular circumstances connected with them, cannot fail to remark in relation to their pecuniary importance, how insignificant it is, compared with the immense mutual interests that should bind the two nations in perpetual friendship. At the same time, as these claims affect directly some of the dearest rights of American Citizens, security of person and property, the government of the United States neither is, nor ever can be, for a moment, indifferent to their settlement. But not only from the comparative smallness of the amount, but their evident justice, the undersigned cannot harbour a doubt that the magnanimity of the Brazilian government will by a prompt redress relieve grievances, which are owing chiefly to the conduct of subaltern officers, are perhaps incidental to a state of war, but which the strongest motives of policy, as well as justice, towards a friendly nation, would

dictate

dictate should be removed. In order to do every thing in his power to facilitate the desirable end of obliterating every cause of uneasiness between the two countries, the undersigned, considering the temporary un-favorable state of exchange, will assume, should it be agreeable to Your Excellency, the responsibility of an arrangement by which the amount to satisfy these claims shall be paid in bonds of this government, receivable with common interest in one year from the date, with the condition expressed, if at that period they are not liquidated, that they shall be taken at the Custom-House in satisfaction of duties.

Confiding that the circumstances which have occasioned so much uneasiness in the intercourse between the two governments will be forever removed; the undersigned anticipates the pleasure, when this desirable object shall have been effected, of proposing to His Excellency some measures to extend and confirm the friendly relations existing between the two governments, conformably to his instructions. When the growing intercourse between the two countries is considered, the present importance even of their respective exportations to each others ports, and the vast increase that

must

must arise from the vigorous growth of our ex-
panding nations; the undersigned, though he
cannot expect to state any thing new to the en-
lightened mind of Your Excellency, is fully per-
suaded that he can make an enumeration of
facts, the wide bearing of which will be read-
ily admitted. When that fortunate moment shall
be produced, by the settlement of the topics pre-
viously referred to, the undersigned will have a
singular satisfaction in using his most sincere
efforts to extend and perpetuate an American
sympathy, and contribute to a lasting har-
mony between the United States and the Em-
pire of Brazil.

The undersigned will have it in his power
in a short time to despatch a messenger to his
government; and he would therefore respectfully
represent to His Excellency the obvious advantage
of being able to send such information as will
tend to remove entirely the uneasiness which has
so long continued: and he therefore hopes that
the objects of this letter will be taken into con-
sideration, as early as possible.

It only remains for the
undersigned to avail himself of this
opportunity to assure His Excellency
the Marquis of Aracaty of his very
high respect & consideration

W. Tudor.

Legation of the United States
July 5.th 1828.