The undersigned avails himself with pleasure of the opportunity to repeat to his Excellency the Marquess of Aracaty the most sincere assurances of his very high respect & consideration

W. Tudor.

Legation of the United States
July 28th. 1828

The undersigned, Chargé d' Affaires of the United States, has the honor to acknowledge the receiption of the two notes of His Excellency the Marquis of Aracaty, postponing to Wednesday the conference which had been requested, and which His Excellency had verbally fixed for this day; and the undersigned was on his way to the Foreign-Office, when he received the notes above-mentioned. He, however, very cheerfully defers the conference to the time appointed as more convenient to His Excellency, when he will not fail to be punctual, as his anxiety for the interview is very unexpectedly increased, in a manner which he owes it to the Marquis of Aracaty and to the negotiation entrusted to him, to explain.

In a passage in his instructions, which the undersigned inserted in a former letter at greater length,

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the Secretary of State quoted from Mr Rebello's communications the following passage, which that gentleman had made, in consequence of special instructions:- "a full and adequate indemnity will be promptly made "for any injuries which have been committed upon "the persons and property of citizens of the United States, "in violation of the public law, and under colour of "authority derived from His Imperial Majesty the "Emperor of Brazil." And the concluding remarks of the Secretary are, as follows:- "The engagement on "the part of the Brazilian government, which that correspondence imports to afford indemnity, is full, clear "and explicit. 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 President, therefore, cannot, and does not, doubt that you "will be able to obtain a prompt compliance with "it."

The more the undersigned reflects on these expressions, which of course are constantly present in his thoughts, the more uneasiness he feels, lest he should be considered remiss in his duty in the prosecution of a negotiation, which circumstances have brought to a crisis of great delicacy. The remark that his anxiety has been unexpectedly

increased,

increased, is owing to the result of the interviews between the Agent of the Spark and His Excellency the Minister of Marine, to whom that case was committed. That case the undersigned had really, perhaps erroneously, understood from Your Excellency would be settled, without difficulty, for the original amount claimed, and which has not been increased, though the vessel has been a year in the service of His Imperial Majesty. The Minister of Marine offered the Agent a sum which <u>is equivalent to one-half the amount claimed, and little more than one-half the sum offered by the Minister of that Department upwards of a year ago</u>. The undersigned trusts that there must be some mistake on the part of the Minister of Marine on this subject; but if it should be otherwise, when all the peculiar circumstances relating to this case are considered; and, also, that the subject of cancelling the bonds relating to the Spermo has remained unnoticed by Your Excellency, the undersigned must wholly despair of being the fortunate agent to realise the just expectations of his government.

The undersigned has thought it due to Your Excellency to trouble you at some length on this topic, previous to the appointed conference. He has

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endeavored to ascertain the amount of the claims on the part of American citizens, and he is persuaded that they will be less than 200.000 dollars, and, probably, not exceed 150.000 dollars; the greater part of which has been admitted in principle by an Imperial decree, and the arrangement for their liquidation only remains to be settled; and this, the undersigned repeats, he is ready to facilitate to the utmost of his power. His Excellency the Marquis of Aracaty will have seen, by the intercourse that he has already had with the undersigned, that he makes no pretensions to diplomatic skill, and professes nothing but the most sincere desire to contribute to the harmony and mutual advantage of Brazil and the United States; and his hope of success is founded, wholly, on the justice of the points he is instructed to sustain; the plain powerful reasons of State that urge their adjustment; and his conviction that the government of the United States will never produce a claim, that it would refuse to admit, if it were made on itself.