The undersigned Chargé d'Affaires of the United States, has the honor to acknowledge the receipt of two Notes of His Exc.y the Marquess of Aracaty, Counsellor, Minister, & Secretary of State for Foreign Affairs, dated the 22.d & 23.d inst.t. The first of these communicates to him, that His Imperial Magesty the Emperor has designated as Plenipotentiaries to form a Treaty, their Exc.ies the Marquess of Aracaty, Secretary of State for Foreign affairs, & the Secretary of State for the Marine department Miguel de Souza Melho e Alvim; & adds that this official notice is perfectly satisfactory to the undersigned in point of fact, & eminently so, that he shall have to negotiate personally with your Exc.y yet in point of form, which in a transaction of this solemnity, it is desireable to follow with all the exactness of established usage, there should be communicated to him a commission signed by said Imperial Magesty the Emperor, as a counterpart to the commission signed by the President of the United States & countersigned by the Secretary of State which he had the honor to transmit

to His Excy. On consulting the Treaties
between his country & the principal powers
of Europe, he finds invariably this preva-
ology in the beginning: "The President of
the U.S. having named A.B. his plenipoten-
ciary, & the Sovereign of England, France
Russia &c having named C.D. &c his pleni-
potenciary for the formation of a Treaty,
& the said Plenipotenciaries having met
& exchanged their full powers in due form
& order, proceeded to agree upon the following
articles" &c. As this therefore appears to
be the established practice between nations,
he requests your Excy will have a com-
mission prepared to be signed by His Impe-
rial Majesty the Emperor, that nothing
may be defective even in the forms of a
negotiation, which if happily concluded,
it may be hoped, will lead to the mutual
& permanent advantage of both coun-
tries. An excessive pressure of corres pon-
dence at the present moment, may make
it necessary for him to defer for two days,
making a communication as to the basis
proposed by his government, which however
shall be done at the earliest moment possible.

By His Exc^{y}'s Note of the 23^{d}, the undersigned is much gratified to find, that an investigation has satisfied His Exc^{y} that the views of his government were well founded in the case of the Superb; & the cancellation of the bonds relating to that vessel will be an additional step towards removing all difficulties, which he will have great pleasure in communicating to the Secretary of State by the Macedonian.

The undersigned regrets to state to His Exc^{y} that he has received a letter from the owner of the Schooner Hannah, dated at Montevideo, which vessel is under detention, even turned ashore, vessel robbed &c. & yet it is quite evident that there is no circumstance to criminate said vessel, & it will only be adding a new claim on the Imperial government. Another case also had arisen that of the Schooner Amity, condemned, respecting which he has not yet received all the documents. There has likewise occurred an atrocious act of beastly violence, perpetrated by soldiers in custody of a vessel on the steward. that it would sully the darkest page in particularize; & which being introduced

in a general protest, will inspire disgust & horror wherever it is known, & nothing punished by the officers will serve to fix a general stigma for the outrage of a few wretches. There seems to be great caprice & irregularity in the proceedings at Montevideo, & one vessel is condemned under the same circumstances that another is cleared. Besides the illegal practice of taking the crew out of the vessel & putting on board soldiers, which is contrary to the laws of nations, the worst consequences follow: every kind of pillage goes on with impunity, & the soldiers being ignorant of the management of a vessel, & only intent on plunder, it has happened not in one case only, but in many, that a vessel has been so deeply injured, that on restoration by the tribunals, it was found the expence of repairing them was greater than their value, & therefore a total loss ensued, furnishing of course a just claim against the government. Considering these circumstances the undersigned would respectfully suggest to your Exc[y] the expediency of forwarding some orders by the packet now about sailing: & if the preliminaries of peace be agreed upon, as the public in general seems

to cherish the hope, that directions may be given to the officers there to cease hostilities against neutrals, which are only causing additional subjects of complaint & expense without serving any legitimate purpose whatever.

The undersigned renews to his Exc.y the Marquess of Aracaty the assurances of his very high respect and consideration.

W. Tudor.

Legation of the U. S. A.
Aug.t 24.th 1828.