Copy. No 29

The Undersigned His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary has the honor to acknowledge the receipt of the Note of His Excellency the Marquis of Aracaty, Minister and Secretary of State for Foreign Affairs, dated the 9th instant, wherein His Excellency denies the liability of the conduct of the Brazilian Naval officer in burning the British ship Lord Eldon, to be considered as matter for immediate Diplomatick investigation.

The undersigned begs leave to express his entire dissent from the principle set forth by His Excellency, and feels himself obliged to renew his demand for such redress, and reparation as the Imperial Government may think proper to offer for the wrong done to the subjects of a friendly power. a wrong, which, if it had been done under the direct orders of the Imperial Government must have been considered as an act of hostility His Excellency cannot but perceive that the act in question has nothing in its nature in common with the detention of neutral Vessels allowed by the Government of Great Britain and all other States

to be exercised by Belligerents in the cases of Blockades.

The Lord Eldon had confessedly passed to the port whereinto she was attacked and burned, without the smallest interception from Admiral Baron do Rio de Prata's Cruizers.

The Lord Eldon had never been warned off by any Brazilian Vessel, a proceeding necessary according to His Imperial Majesty's orders, and the publick declaration of the Imperial Government, as a preliminary even to the detention of the neutral vessels.

The passage of the Lord Eldon without being observed by the Brazilian Squadron is an evidence amongst a multitude of others of the inefficiency of the blockade itself; and the destruction of that ship having the British Ensign flying, and after her nation had been ascertained by the Brazilian officer, who boarded her, is a flagrant act for which in the opinion of the undersigned redress can alone be sought for, at the hands of the Government of H. I. M. There does not appear one

single fact to afford a pretence for the justification of the officers of H. J. M. concerned in the transaction — It is not a case of detention of a neutral; it is one of the destruction by open violence of a British Ship, an act which no body can be permitted to do with impunity

The under signed begs leave to reiterate the request made in his former note, that His Excellency will take such measures as he may deem expedient for the satisfaction of the injuries complained of.

The Under signed does not now mean to combat the Doctrine that Vessels legally detained, or those which may appear to have been legally detained, are to be made the subjects of investigation in the admiralty Courts of this country, but he denies that a vessel attacked, burned and destroyed by a ship of war, can be other than a matter for which Government are directly responsible to one another.

The Undersigned hopes His Excellency will, as soon as convenient obtain from the Minister of Marine the information which His Excellency

Excellency desires to have touching this affairs, as it is one of an importance that requires to be reported to the British Government without delay.

The Undersigned has the honor to offer to His Excellency the Marquis of Aracaty the assurances of his con=sideration and high consideration

Rio de Janeiro Novbre 16th 1820.

= Pomonly =

Está conforme.

Bento da Silva Lisboa