The undersigned, Consul of the United States of America, presents his respects to His Excellency Luiz José de Carvalho e Mello, Minister and Secretary of State for Foreign Affairs, and has the honour to bring into the view of His Imperial Majesty's Government the following statement:

The American Brig Exchange of Boston, Capt. John Somerville, sailed from that port on the tenth day of September last, bound with a cargo of flour, hams, cod fish, gunpowder and other merchandize, the property of Bixby, Valentine & Co., and other citizens of the United States of America, bound to the port of St Salvador in Brasil and arrived, on the twenty first day of November following, when off the port of Vera Cruz at the distance of ten miles from the land she was boarded by an armed boat manned and armed under the Brazilian Imperial flag,

who demanded of the master the papers
of his vessel, and ordered that he should
accompany him on board of the said Brig.
The master complied with both these
requisitions and the commander of the
Imperial vessel, which is supposed to
be the Piraya having examined the
papers, and retained in his possession
the most important of them, sent the
aforesaid officer with a number of armed
men on board the Exchange, who took
possession of her as a prize
and put the chief mate and three
seamen on board the Prize brig and
prisoners, leaving behind only the master
one seaman and the cook, and ordered
her with an officer and prize crew on
board to the port of Barna, where she
arrived on the 23 of the same month.
The ground of this most ex-
traordinary proceeding, was alleged
by the captors to be as the master has
been informed, that the gunpowder
which was on board the Exchange, was
not entered on the manifest of the cargo

furnished by the custom house at Boston
Loxidle and frivolous a pretext for the
violation of the laws of nations on the
part of the commander of a public ship
of war, is scarcely to be credited and
such acts do not in the commencement
meet with the displeasure which they
justly merit, it is respectfully suggested
that the commerce of friendly nations
may be vexed and interrupted, and
the Government be involved in the da-
=mages resulting from unlawful cap
=tures which the inability of the captor
will prevent them from paying.

After the arrival of the Exchange
at Bapra, which was at a moment of
political inquietude, her case was re-
=presented by the American Commissioner
to the President of the Province, with so re=
=quest that she should be released, but
that respectable Gentleman, who mani=
=fested every good feeling on the occasion,
not considering himself authorized to
take upon himself the responsibility of
such a step, declined his interference, and

referred the case to the Tribunal established for the adjudication of prizes. In consequence of the adoption of this course the master of the vessel fearing that if his cargo were left in the hands of the captors it might be liable to spoliations and to injuries from which it would be exempt under the protection of the Government and knowing that a part of it consisted of perishable articles which might be rendered value-less unless landed from the vessel petitioned the proper authorities for an order to discharge it, at the Custom House. This order was granted in due form and although confirmed by the Most Excellent President himself its execution was resisted by the captors and although a resort to military force was authorized, yet as late as the last advices, a submission to the common and of the civil authorities, had not taken place. The undersigned has the honour to transmit herewith, a copy of the proceedings which took place in

relation to this affair, which although not attested by a notary Public, will serve to shew, the arbitrary proceedings of some, and the disobedient conduct of others, who finding themselves out of distance from the Court of admiralty, against injustice of which they so loudly clamoured, seem disposed to usurpe other pretensions in a mode, which perhaps would not be tolerated here. A copy of the deposition also of Capt Jenkins stating the circumstances attending his capture is herewith likewise transmitted.

The undersigned will not intrude upon the valuable time of his Excellency, by the adducing of arguments to prove, that the owners of an American vessel have a right to trade her north where, cargo when, please, and to navigate on the high seas in whatsoever direction their interest may lead them. Nor will he attempt to shew, that by the Revenue Laws of Brasil, a violation of them cannot take place on the high sea

of nations. The extreme plainness of the case of the Exchange, directed as it is of all matter which can create a doubt as to the illegality of her detention — added to the impossibility of conceiving at a time when neither blockades, nor hostilities are pretended, of the existence of any circumstances which could justify the capture of an American vessel laden with American property, by a Brazilian Ship of War — a Ship of war would ever warrant her seizure within the jurisdiction of the country, as a prize of war — renders it unnecessary for the Undersigned, to do more, than to submit a statement of the case, and to solicit the redress, which is so manifestly appropriate.

The Undersigned begs His Excellency to accept the assurance of his great respect, and to offer to him upon this occasion the compliments of the season, which he shall take an early opportunity to present in person.

Rio de Janeiro. January 19. 1826.

Chas. Stewart
Consul. U.S.A.