The undersigned Chargé d'Affaires of the United States and their Plenipotentiary for the formation of a Treaty of Friendship, Commerce & Navigation, has now the honor to address their Excellencies, the Plenipotentiaries of His Imperial Majesty for the same purpose, and to submit to them the plan of a Treaty, conformably to their request in their late conference on the subject, and desirous to bring the negotiation to a conclusion as soon as possible, he would have transmitted this projet sooner, if he had not been a part of the time incapacitated by indisposition from laboring upon it.

The undersigned wishes to remark to their Excellencies, that the inclosed is nearly an exact copy of the Treaty between the United States and the Republic of Central America. After examining the various Treaties before him, he found none of them so perfect in their stipulations, and so clear and simple in their provisions, as that Treaty; and as it was formed by the Secretary of State, with the assisting counsels of the President, who has perhaps

more experience on these subjects than any other living Statesman, it seemed to him a vain effort to attempt any improvement of such a model. Besides, a Treaty is not a literary effort where variety might be required. The articles of the Treaty before mentioned, have been already incorporated into several others, with little or no variation, and it would perhaps be a fortunate event if one model could be adopted for all Treaties between Nations. In reading over this Convention it is impossible not to be struck with the extreme fairness & openness of its provisions: nothing is concealed or unequal, but the most perfect reciprocity and equality are studiously laid down, with the wisest liberality: indeed if it had been the work of the most impartial, upright and enlightened arbitrator, to form a system for the two parties, it could not be different from what it is. The general good of mankind and the prosperity of every nation will be established, when all governments shall have the magnanimity to found their negotiations on such generous principles: it is grateful to perceive that they are making a progress, and they will receive a very important accession, should a Treaty of this description be formed

between Brazil and the United States.

The only alteration made in the inclosed copy of the Treaty referred to, beyond those of a mere verbal nature, is in the 20th Article, where among the provisions to prevent neutral vessels suffering vexation and injury, while examined by armed vessels at sea - it says, that the boat sent to examine shall carry "two or three men only" - now it would be impossible for Ships of war to follow this regulation, as they have no boat which is rowed with less than six men; & in most situations at sea no Commander would trust a boat with a less number besides the officer, it has therefore been altered to read, "the smallest boat shall be sent."

In the conference before mentioned, their Excellencies in speaking of the commercial basis, which contains the most free & perfect reciprocity, suggested, that an exception with respect to Portugal should be introduced. The undersigned is directed by his instructions to object to this in the most decided manner, and he flatters himself that the objection will appear to their Excellencies well founded, and that on reflection they will agree that such an exception is not required either by the interest

or the obligations of Brazil, while it is not only injurious to the United States, but goes directly to vitiate the admirable principles of reciprocal liberality which it will not only be mutually advantageous to establish, but which it is obvious will have a salutary influence for Brazil, in her future negotiations with some European powers, when in the course of a very few years the existing Treaties with them will require renewal.

Vej^a
Dat^a = Art: 6^o
Da 2^a = Art: 14^o

The exception in question is not made in the Treaties with Austria or France; and yet the advantages held out by these powers to the commerce of Brazil, cannot be compared with those which are afforded by the United States. If exists, it is true in the Treaties between Brazil and England, and also in that of the Hanse Towns: in the former as the Secretary of State remarks to the undersigned, a particular reason for it is stated, growing out of the peculiar relations between that country and Portugal, and which is not applicable to the United States. In the case of the Hanse Towns, as the reciprocity they had it in their power to offer to the commerce and navigation of Brazil was so extremely limited, it was natural that they should not

have hesitated to accede to the stipulation. But these cities do not form a precedent for the United States. What comparison can be instituted between those cities, containing only their own, three immediate ports; & the vast extent of populous coast, extending from the gulph of Mexico to the Bay of Fundy, which the United States offer to lay open to the flag of the empire of Brazil on a perfect equality with their own? The simple statement of this difference is so striking, that it can not be necessary to enlarge upon it.

The exception suggested will not be urged by Their Excellencies as regards Brazil itself, because while the United States offer a free, unlimited participation of all their numerous ports to the commerce and navigation of Brazil, on terms of the most absolute equality with their own, Brazil would not contend for a reserve, that would be so unjust. As regards Portugal, it will be observed, that this question only embraces commerce: it does not interfere with the great variety of ways in which His Imperial Majesty may reward the individuals of that nation, who are faithful & loyal in their duty towards him: and at the present moment when that country seems to have deviated into

such strange perversity, and ingratitude to his
Imperial Majesty for his beneficient conduct
towards them, and to such an astonishing dis-
regard of the rights of their young and interesting
Queen, they seem hardly entitled to the grant
of any particular favors. Perhaps however even
as a matter of State policy it might be expedient
to give them a lesson, that Brazil cannot be out-
raged with impunity, and that if they chuse to
reject the goodwill of His Imperial Majesty, that
all the existing treaties when they come to be
renewed, will omit the existing stipulations in
their favor. Without however dwelling on this
topic, which the undersigned has merely
touched incidentally, he wishes only to state the
impolicy of an exception of this kind, which goes
to vitiate the whole nature of the liberal system
proposed; and the time assuredly, is not remote,
when every nation will perceive that these
partial stipulations, however well intended, only
prove entangling & embarrassing, eventually,
as they give rise to a thousand points of jeal-
ous and difficult adjustment, and of course
entail on the part of others, countervailing
regulations.

The undersigned may here be allowed to
allude to a great topic which was mentioned
in their conference, and which it is conceived
should induce the Plenipotenciaries of His
Imperial Majesty to look at this negotiation
with wide & prospective views. The United
States with a present population of twelve
millions, actually offer one of the greatest mar-
kets of consumption in the world, to the produce
of Brazil; the habits of that population make
many articles which are considered only luxuries
in Europe, the necessaries of life with them, which
are in daily use by all classes; and as this popu-
lation is increasing with a rapidity hitherto
unexampled, the fast increasing produce of
Brazil will meet with a growing market
to consume it; and it is obvious how easily
extended and mutually beneficial the inter-
course of two nations under such circum-
stances may become in the course of only
a single generation.

It seems evident that in establishing
a liberal basis, Brazil will not only derive
the advantage of reciprocity in commerce
and navigation with a country so extended

as the United States, but it will increase the strength of her position, when at an early period, Treaties with various European Nations will require renewal, to insist with them on a reciprocity that does not now exist. The colonial system still adhered to by some nations is excessively injurious to all the States of this Continent, and to none more so than to Brazil, on account of the nature of her products. Against this system, the Empire of Brazil has a natural ally in the United States, and their simultaneous resistance to it must finally induce its amelioration, and the abandonment of its unjustifiable pretensions.

It is only necessary to add further, that in the liberal principles proposed by the United States, and which have already been adopted by several Powers, they have been guided by no narrow calculations of partial advantage, nor checked by any timid apprehension of injurious consequences; satisfied on general grounds, that the more commerce (the great instrument of modern wealth and improvement)

is left unshackled, the more its advantages will be felt. And as Treaties are limited to the short periods of ten or twelve years, there will be sufficient time for an experiment, and if any unforeseen, intolerable inconvenience should arise, it may on the expiration of that short term be remedied. And the States men of Brazil will doubtless be governed by the same consideration.

The undersigned avails himself of this occasion to beg Their Excellencies the Plenipotenciaries to accept the assurances of his very high respect and consideration.

W. Tudor.

Legation of the U. S. A.
September 15th 1828.