The undersigned Chargé d'Affaires of the United States has the honor to address His Excy the Marquess of Aracaty, Councillor, Minister, & Secretary of State for Foreign affairs, & to return the Commission of His Imperial Majesty appointing Plenipotentiaries for the Negociation of a Treaty, & also a duplicate original of the Commission given by the President of the U. S. for the same purpose, to be returned to the Department of Foreign affairs.

The undersigned now proceeds to open the subject of a Treaty of friendship, Commerce & navigation, which he has been empowered & instructed to form with the Plenipotentiaries of His Imperial Majesty the Emperor of Brazil: & he enters on the task with the strongest hopes of a fortunate result, knowing that he has not to propose any complicated stipulations of partial favours, but the most generous plan of entire equality & reciprocity in every thing relative to commerce & navigation, between the

United States & Brazil. For this great object he has been directed to offer, & now submits to their Excellencies as a basis for their consideration, for these principal objects, the principles contained in the fourth & fifth articles of the Treaty between the United States & Central America; which have been subsequently embraced in treaties concluded by the U. S. with Denmark, Sweden & the Hanseatic Cities of Europe. The following are the articles mentioned, substituting the Empire of Brazil for the Republics above named:

"Art. 4. They likewise agree, that whatever
"kind of produce, manufacture, or merchan-
"dize of any foreign country, can be, from time
"to time, lawfully imported into the United
"States, in their own vessels, may be also imported
in vessels of the Empire of Brazil: & that no
higher or other duties, upon the tonnage of the
vessel, or her cargo, shall be levied ~~and~~ collected,
whether the importation be made in vessels of the
one country, or of the other. And, in like manner,
that whatever kind of produce, manufactures,
or merchandize &c. of any foreign country, can be,

from time to time, lawfully imported into the Empire of Brazil, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties, upon the tonnage of the vessel, or her cargo, shall be levied or collected, whether the importation be made in the vessels of the one country or the other. And they further agree, that whatever may be lawfully exported, or re-exported, from the one country, in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported, in the vessels of the other country. And the same bounties, duties, & drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States, or of the Empire of Brazil."

"Art. 5. No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Empire of Brazil, & no higher or other duties shall be imposed on the importation into the Empire of Brazil, of any articles, the produce or manufactures of the United States, than are or shall be, payable on like articles, being the

produce or manufactures of any other foreign country; nor shall any higher or other duties, or charges, be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Empire of Brazil, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation, of any articles, the produce or manufactures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil which shall not equally extend to all other nations."

As the undersigned cannot do well express the explanation made by the Secretary of State, on the bearing of these articles, as in his own words, he begs leave to cite the following passages from his instructions: "on this "basis no higher or other duties would be impo- "sed on the importation into the ports of one "country, of any articles the produce of manu- "facture of the other, than should be paid on

"the like articles, being the produce or manufac-
"ture of any other foreign country. Nor would any
"higher or other duties or charges be imposed in
"either of the two countries, on the exportation
"from the one to the other, of any article of their
"respective produce or manufacture, than
"such as should be paid on the exportation of
"similar articles to any other foreign country,
"Nor would any prohibition be imposed on
"the exportation or importation of any ar-
"ticles the produce or manufacture of either
"country, to or from their respective ports,
"which should not equally extend to all other
"nations. Such would be the principle of the
"basis under consideration, in respect to the
"commerce between the two countries. It
"would leave each at perfect liberty, as each
"ought to be, to impose such duties as its want
"or its policy might seem to require; whilst
"it would restrain either from laying on
"the produce or manufactures of the other,
"higher duties than are exacted from other
"nations, on similar articles of their produce
"or manufacture. It would consequently

"remove the existing inequality prevailing
"in the ports of the Brazils to the disadvantage
"of the United States, of which we have more just
"cause to complain, since there is no similar
"inequality operating in our ports, to the pre-
"judice of the commerce of the Brazils, which
"would the Government of the Brazils think
"it were to make a difference of nine
"or ten per Ct against the Coffee of the Brazils
"in the ports of the United States." "

"As to the navigation between the two
"countries, the basis is founded on the most
"perfect equality & reciprocity. According
"to its principles, whatever can be imported
"into, or exported from, the ports of one country,
"in its own vessels, without any regard to the
"place of origin, may, in like manner, &
"upon the same terms & conditions, be im-
"ported, or exported in the vessels of the other
"countries. This is the most perfect freedom
"of navigation. We can conceive no privile-
"ge beyond it. All the shackles which the sel-
"fishness, or contracted policy of nations had
"contrived, are broken & destroyed by this"
"broad principle of unlimited liberality."

In further elucidation of the subject while commenting on the absurd legislative system of restrictions, which are still too frequently seen, the lingering remains of legislation in ignorant ages, the Secretary of State remarks; "If one maritime power, in its "intercourse with another, endeavours to secure "to its own navigation peculiar advantages, "by laying burthens upon the navigation "of that other, from which its own is free, "countervailing legislation is the neces- "sary consequence. Restriction begets "restriction, untill the parties, after a long "course of vindictive legislation and "counter legislation, find themselves "arrived at the end, at a point of equality, "it is true, but it is an equality either of "mutual interdiction of all intercourse, "or of burdensome restrictions, essen- "tially impairing the value of inter- "course. When that point is at last reached, "the discovery is made, by the contracting "parties, that they had better have set "out with equal and reciprocal freedom "from burthens, & that each has injured

"himself as much, if not more, than
"the other, by the shackles which were
"attempted to be put on his navigation.
"It is to be hoped that the Government
"of the United States and the Brazils
"will avoid this unfriendly process of
"imposing burdens and restrictions
"upon the navigation of each other, and
"in their first Treaty of Commerce, exhibit
"to the World an example of equal justice
"& liberality, worthy of imitation."

It would be superfluous for the
undersigned to trouble their Excellencies
the Plenipotentiaries of His Imperial
Majesty, with a diffuse comment on the
spirit or operation of such a basis; as
that Treaty, as well as, the similar ones,
are well known to them, & have no doubt
occupied their reflections. The beneficial
influence which these liberal princi-
ples must inevitably produce on every
State which adopts them, may be calcu-
lated upon most especially by Brazil
& the United States. There are besides
collateral motives & considerations,

connected with them, of the most extensive
importance, but which have come so
recently into action, that are even yet
not fully developed, & are perhaps in
consequence, imperfectly understood
by the world at large. A free discussion
of these would perhaps throw some lights
on the advantageous effects, that may be
produced by the present negotiation, and
the undersigned will be able to meet their
Excellencies at any time they will desig-
nate for a conference on these points, in
which they may probably settle the first
principles, & mark out a course for the
progress of the negotiation, which it is very
desireable to bring to maturity with all
the dispatch, which a due consideration
of such a momentous subject will admit.

The undersigned avails himself
of the occasion to tender to their Excellen-
cies the Ministers of Foreign Affairs
and of the Marine, the assurance
of his very high consideration & respect.
Legation of the U.S. of
August 27th 1828

W. Tudor.