

COLONIAL INTERCOURSE.

DOCUMENTS

From the Department of State, (accompanying the President's Message to Congress.)
From the National Intelligencer.

MR. CLAY TO MR. GALLATIN.

Extracts from General Instructions, No 1,
dated 19th June, 1826.

"Your predecessor, Mr. Rufus King, purposes leaving London in the month of June, and on that account, as well as on account of the important negotiations with which you are to be solely charged, the President wishes you to lose no time unnecessarily, in proceeding to Great Britain. On your arrival there you will deliver a copy of your credential letter to the Minister of Foreign Affairs, and on your presentation to the King you will communicate the original to his Majesty. On that occasion you will express to him the earnest desire of the President to maintain the amicable relations which happily subsist between the two countries; that on the part of this government nothing will be omitted to preserve them in full vigour, and, if possible, to add fresh strength to them; and it will give great satisfaction to experience corresponding dispositions on the other side.

You will find among the papers now put in your possession, the personal instructions by which you will regulate your conduct. Mr. John A. King, secretary of the Legation to whom is allowed the option of retaining that appointment, and who will have been left by Mr. Rufus King in charge of our affairs, if he shall have taken his departure before your arrival, will deliver over to you the papers and records of the mission. In communicating the general instructions by which you are to be governed, the first subject to which I am to direct your attention is that of the negotiation, opened by Mr. Rush on the 23d of January, 1824, and which was suspended on the 22d of July, of the same year, with an understanding between the parties that it was to be renewed at some convenient early period. Owing to circumstances beyond our control, it has not been resumed as soon as the President had wished. Upon Mr. King's arrival last summer in England, he found the members of the British Cabinet dispersed over the Kingdom, and on the Continent. His Britannic Majesty was indisposed, as was Mr. Canning also. Mr. King has laboured under ill health during the greater part of the time of his abode in England. It was not until the Autumn that the British Cabinet assembled at London; and the first object which engaged Mr. King's attention was, the state of the mixed commission at Washington, under the tripartite convention of St. Petersburg. He was for some time occupied by a correspondence and conference with Mr. Canning on that subject, until it was transferred to this city. Moreover, the British Parliament had recently passed laws affecting in a most important extent, the trade of the British Colonies, in our neighbourhood, the interpretation and practical operation of which, it was desirable to test by some experience. These explanations of the causes of the delay which has arisen in the resumption of Mr. Rush's negotiation may be made, if you shall find them necessary, to the British Government. That of the United States has not been indifferent to the deep interests, and to the harmony between the two countries, which are involved in the negotiation. And it is satisfactory to reflect that no prejudice to either party is believed to have accrued from the lapse of time, which, on the contrary, will have afforded to both a more ample opportunity of deliberately reviewing the past, and of entering again upon the negotiations under

better lights, and with a spirit of mutual conciliation and concession, the best pledge for bringing them to a fortunate conclusion.

We have received information that Mr. Huskisson and Mr. Addington, formerly the British Charge de Affairs at Washington have been named to conduct the negotiation on the part of the British Government, which has intimated an expectation that, on our side, there would also be two Commissioners. In not conforming to that expectation, no disrespect is intended to the British Government. It belongs to every nation to determine for itself what shall be the number, and to designate the particular individuals, to whom it chooses to commit the conduct of its foreign negotiations. Nor has the practice been uniform to employ the same number on each side. Great Britain does not, indeed, insist upon the appointment of two, as a matter of usage, or of right. In appointing you alone, this Government is influenced by the confidence which it reposes in you, and by considerations of economy and expediency."

"4. The trade between the United States and the British American Colonies.

You will recollect that the British Government declined treating on this subject, in the negotiation which resulted in the convention of 1815. That convention left each party at liberty, by his separate acts, to regulate the trade according to the view which he might entertain of his own interests and policy. Accordingly, the Government of each has since adopted various measures, which have so restricted and embarrassed the intercourse between the United States and the British Colonies, that it is almost impossible to comprehend them, and the officers of the British Government have not concurred in the construction of the last act of the British Parliament in relation to the subject. This act has been differently interpreted, both in the same British ports and in different British ports. A principal object of those measures has been, on the British side, to secure and perpetuate a monopoly of the navigation concerned in the trade, and on ours, to obtain a fair and equal participation of it, on terms of just reciprocity. The experience of both has been such, that it ought to inculcate on their respective councils moderation and liberality.

Mr. Rush submitted, in the progress of his negotiation, at the third conference, two articles for the regulation of this trade, which were not accepted by the British Plenipotentiaries. These articles embrace three leading principles: 1st. That there should be a mutual abolition of all discriminating or alien duties, so as to place British and American vessels employed in the trade, and their cargoes, on a footing of perfect equality: 2d. That the productions of the United States, admitted into a British colony, should be subject to no higher duties than similar productions of another British colony; and 3d. That the trade should remain restricted as it then was by the acts of Congress and Parliament, according to which it was limited to a direct intercourse. The British Plenipotentiaries were willing to accede, in behalf of their Government, to the first and third, but not to the second of those principles; and they brought forward, at the sixteenth conference, a counter project, consisting of six articles. On the 27th day of June, and the 5th of July, 1825, the British Government passed two acts, the first of which is entitled "An act for further regulating the trade of his Majesty's possessions in America and the West Indies, and for the warehousing of goods therein," and the second, "An act to regulate the trade of the British possessions abroad." According to these acts, the discrimination between Great Britain and her American colonies as being subject, in regard to for-

foreign nations, to different commercial codes, is in some degree abolished; and they are incorporated, to a considerable extent, together, and their trade thrown open to foreign nations. The legislation of Great Britain for her colonies, has been very complicated, and we may not have a just conception of the provisions of those two acts. But, if they are correctly understood here, they allow, 1st. That whatever may be lawfully imported into those colonies, in British vessels, may be also imported in foreign vessels into a specified number of ports, called free ports, at the same rate of duty for the vessel and cargo; 2dly. That the foreign vessel is restricted to a direct intercourse between the country to which it belongs and the British colony, adhering, in this respect, to the old principle of her navigation laws. In some of their provisions, particularly in the imposition of duties on articles of American produce, which was before free, (Indian meal and Indian corn, for example,) these acts operate more prejudicially to us than the previous state of the British law. But, notwithstanding, on a full consideration of the whole subject, the President, anxious to give a strong proof to Great Britain of the desire of the Government of the United States to arrange this long contested matter of the colonial intercourse, in a manner mutually satisfactory, authorizes you to agree—

1st. That there shall be a reciprocal and entire abolition of all alien or discriminating duties upon the vessel or cargo, by whatever authority imposed, so as to place the vessels of the United States and those of Great Britain, whether colonial or British, concerned in the trade, upon a footing of perfect equality and reciprocity.

2d. That the United States consent to waive the demand which they have heretofore made, of the admission of their productions into British colonies at the same, and no higher rate of duty, as similar productions are chargeable with when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorrel. It will not be necessary, however, to insert the general waiver in the convention, but only to provide for the exception, if that should be agreed to, as hereinbefore mentioned; and

3d. That the Government of the United States will not insist upon a participation in the direct trade between the United Kingdom of Great Britain and Ireland and the British American colonies. But they do except and require, that their vessels shall be allowed to trade between those colonies and every foreign country with which the British vessels are allowed to trade. In agreeing to leave Great Britain in the exclusive possession of the direct trade with her colonies the President is sensible that our navigation may be exposed to some disadvantage in its competition with the British. The latter may make double voyages charged with mixed cargoes from the parent country, or from the United States and the Colony. But the disadvantage would be so great as to render it impracticable that we could maintain any thing like a fair competition, if British vessels at the pleasure of their owners, were, and ours were not, permitted to share in the trade between the British colonies, foreign countries and the United States. Perhaps Great Britain may ask, if we trade between British colonies and foreign countries, that British vessels should be allowed to export the produce of the United States to those countries, or to import foreign produce from them into the States. There would be some plausibility in such demand, if it were confined to colonial vessels; and if there could be devised any adequate security against fraudulent denominations of British European vessel-owners to qualify them to enjoy the privilege of trading between the United States

and foreign countries, through British colonies. It is evident that, without such a limitation, efficaciously enforced, (which is believed to be altogether impracticable,) there would be no equivalent, for a privilege to all British vessels, European and colonial, of sharing in our trade with all foreign countries, in the limited privilege to American vessels, of sharing the trade between those countries and British colonies. Your discussions on this subject may take such a direction as to present a favourable occasion for testing the extent to which the British Government is disposed to carry the modern liberal commercial doctrines, which it professes and has proclaimed to the world. With that view, and for settling at once all difficulties on the question, whether the vessels of the United States shall be permitted to engage in the trade between the British American colonies and foreign countries, you are hereby authorized to propose, as a general regulation, applicable to the British dominions in Europe as well as in this hemisphere, or wherever situated, that whatever can be lawfully imported into one country, in its own vessels, may be also imported into it, in the vessels of the other country, the vessel and the cargo paying, in both instances, the same and no higher or other duties. This will leave the capital and industry of the two nations concerned in navigation, to a free competition, upon equal terms; and that is understood to be the policy which the British Government has recently announced. On this broad and extensive principle, a treaty with the republic of the Centre of America was concluded on the sixth of December last, and was subsequently ratified by the President with the advice and consent of the Senate, it is believed given unanimously. We have not yet heard of its ratification by the other party, and of course, its promulgation at present would be premature, but a copy of it is now placed in your possession. A treaty with Denmark, embracing the same principle, under some modifications and limitations, was signed at Washington on the 26th day of April of the present year, to the ratification of which the Senate has also consented and advised with equal unanimity. Sufficient time has not yet elapsed to receive the Danish ratification, but a copy of this treaty is also confided to you! If Great Britain will assent to neither principle; if she insist upon engrossing the whole trade, not only between her colonies and her European dominions, but also between those colonies and foreign countries, to the exclusion from both of the navigation of the United States, it will then be necessary to insert a clause in the convention, expressly reserving to each party the right, by existing, or other laws, to restrict the trade between the United States and the British colonies to the direct intercourse between them.

(To be Continued.)

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