

LETTER OF MR. GALLATIN.

After putting into the hands of the Secretary of State...

No. 3.—Albert Gallatin, Esq. to Mr. Secretary Canning.

Dear Sir, I have the honor to acknowledge the receipt of your letter...

The right of Great Britain, which is that of every nation, to prohibit or allow foreign commerce...

On the other hand, the United States, unless restricted by treaty, which in this case they are not...

What has been contended for is that, since to any commerce there must always be two parties, the mutual consent of both is always necessary...

The various regulations of the colonial system of Great Britain, as they never were, nor could have been intended for the benefit of the United States...

No such pretensions had in fact been advanced. The proposals made by both parties, during the negotiation of the year 1824, were avowedly founded in a fair reciprocity...

Mr. King was, in 1825, empowered to treat on all the subjects of the previous negotiation. He was instructed, in the first instance, as being a subject of more pressing urgency, to call on the British Government to remove the impediments which prevented the execution of the St. Petersburg Convention...

Of this His Majesty's Government appears to have been fully aware. On the 22d of March, 1826, Mr. Vaughan addressed an official note to the Secretary of State of the United States, in which he says—

I have received instructions from His Majesty's Government to acquaint you that it is preparing to proceed in the important negotiations between that country and the United States, now placed in the hands of the American Minister in London...

The President did deliberate on that friendly suggestion, and the nomination of a person to be associated with Mr. King was contemplated, when a letter from him, dated 21st day of March, desiring permission to return, was received...

His most obvious were of a character authorizing his departure was issued, &c. on his arrival in England the order in Council of July last had already been enacted...

Of that determination, the Government of the United States had not the least notice. On the contrary, although Mr. Vaughan's communication offered the opportunity of making known the intentions of His Majesty's Government, positive assurance was given of its being prepared to proceed in the important negotiations...

without any suggestion that the same measure would form an exception.

The acts of Parliament of the year 1825, in which that intention was to be discovered, never were officially communicated. That of the 37th of June, passed only a few days before that of the 5th of July, and not specially repealed by it...

This belief, and the reasons for it, were distinctly expressed in a letter from the Department of State to a Member of Congress, of the 12th of December, 1825, a copy of which is enclosed.

The letter was published in the American newspapers; a copy was furnished to Mr. Vaughan; and he is understood to have transmitted it to his Government.

That opinion was corroborated by the construction ultimately put on the act by the British authorities. It was thereby provided that certain privileges granted to foreign ships, should be limited to the ships of those countries which should comply with the conditions therein stated...

It now appears, that the act of the 5th of July, 1825, (6th Geo. IV. cap. 114) which contains no repealing clause of the former acts, refers, under the name of the law of navigation, to another act of the same date; (6th Geo. IV. cap. 109) that this, although it contains also no repealing clause, is understood and construed as having superseded all former acts on the same subject...

The intricacy of those several acts, and the difficulty of understanding their precise meaning, of ascertaining what parts of former acts were actually repealed, & what is still in force, a difficulty which, in the case of the Jubilee, seems to have led into error one of the highest tribunals of Great Britain, may well account for the construction put upon those acts in the United States...

Even so late as October last, Mr. Vaughan, as appears by his correspondence with Mr. Clay, was not provided with instructions that enabled him to give a satisfactory answer to the inquiries, whether, according to the British interpretation, American vessels might trade between the British colonies and foreign countries...

The proposition made during the last session of Congress, and to which Mr. Canning has alluded, affords an additional proof of the imperfect understanding, owing to the complexity of the several acts of Parliament which at that time prevailed, respecting their true object and intention.

It is not intended, by these facts and observations, to convey any reproaches against His Majesty's Government on account of the unexpected resolution which it has taken. But they satisfactorily show, that the United States could have entertained no doubt of the continued disposition of Great Britain to settle the colonial intercourse by an amicable arrangement...

Supposing even that the determination of the British Government not to renew the negotiation on that point had been communicated or known, the specific condition on which American vessels might be allowed to participate in the intercourse between the United States and the British colonies was so expressed in the act of Parliament as to have required explanations before it could be complied with.

The countries having colonies, was both distinct and reciprocal. Nothing more was asked than that they should grant to British ships the like privileges of trading with their colonial possessions, which were granted to their ships of trading with the British possessions abroad. No regard was paid to the importance of such colonial possessions. Sweden, by permitting British vessels to trade with the island of St. Bartholomew, was allowed privileges which were offered to the United States on very different terms...

That condition was, that the United States should place the commerce and navigation of this country, (Great Britain) and of its possessions abroad, upon the footing of the most favored nation.

Had the condition been limited to the commerce and navigation of the British colonies, had it been so intended and expressed, as that the United States might have satisfied it, by placing the intercourse between their dominions and the British colonies on the same footing in every respect, as the intercourse between the United States and the colonies of the most favoured nation...

But it appeared, also extremely difficult, if at all possible, to understand what was meant—by placing that commerce and navigation on the footing of the most favoured nation.

If Great Britain only asked to be placed on that footing, on giving the same equivalent which any other foreign nation may have given to the United States, in order to have privileges which she does not enjoy, the navigation law of the United States has already made provision in that respect. There is no privilege enjoyed in the United States, by the commerce and navigation of any foreign nation, which Great Britain may not obtain, by allowing to them the same reciprocal advantages which they enjoy in the ports of such foreign nation, and on which such privileges depend.

the condition of allowing to a British vessel the privilege of trading with the British colonies, that the commerce and navigation of Great Britain and of her possessions abroad, should without any other equivalent, be generally placed on the same footing with the commerce and navigation of any other foreign nation...

British vessels, and those of several other nations, may now, by virtue of treaty stipulations, or of other reciprocal regulations, import into the United States, articles of the produce or manufacture of the countries to which such vessels respectively belong, on the same terms, and on the payment of the same duties of tonnage, and on the cargo, as if imported in American vessels.

In conformity with the navigation law of the United States, the prohibition to import, in foreign vessels, merchandise not the produce of the country to which they respectively belong, extends only to the vessels of such nations as have adopted a similar regulation.

In pursuance of the treaty concluded in December, 1825, between the United States and Central America, whatever may be imported into or exported from either country in its own vessels, or to or from any foreign place whatever, may in like manner, and on payment of the same duties, be imported or exported in the vessels of the other country.

If, therefore, it was meant by the condition required, that the commerce and navigation of Great Britain, and of her possessions abroad, should be gratuitously and generally placed on the footing of the most favoured nations, the United States, in order to comply with it, and, as the price for the permission to trade with the British colonies, would have been obliged—1. to admit the importation of British merchandise in British vessels on the same terms, and on payment of the same duties, as if imported in American vessels...

If this was not the intention of the act of Parliament, if the words "commerce and navigation of this country," were meant only to include the circuitous intercourse, the expressions used to convey the meaning must be admitted to have been much too general. This last interpretation has been suggested only by the observations that have occurred in the course of Mr. Canning's correspondence with the undersigned.

The government of the United States is animated by the most sincere desire to maintain with that of Great Britain not merely the forms of courtesy and amity, but to cultivate a cordial and lasting friendship, to settle every controverted question between them upon principles of justice and reciprocity, and by an enlarged liberality in their mutual intercourse to advance the real prosperity of both.

Entertaining this desire, it has learnt with regret the resolution of His Majesty's government to close the door against those friendly explanations, and that free and mutual expositions of the wishes and views of the parties, so essential between two nations whose interests and happiness are so interwoven as those of Great Britain and the United States...

As the only alternative which this course has left, it was the President's intention to lay the whole correspondence which has passed the two governments on that subject, including the instructions given to the several American Ministers near His Britannic Majesty, before Congress at their present session.

The undersigned has been further instructed to give at the same time, to His Majesty's Government, the assurance, that notwithstanding its late decision, that of the United States will be ready, at Washington or at London, to treat of the Colonial Intercourse whenever it may be the desire or inclination of Great Britain to negotiate on that subject.

(Signed) ALBERT GALLATIN.

The Right Hon. George Canning, &c.

From the National Intelligencer.

EXTRACTS.

From Governor Tomlinson's late Message to the Legislature of Connecticut.

No subject that will occupy your deliberations, is more important than the diffusion of knowledge among the People; whether we regard its influence upon human happiness, or our republican institutions. The appropriation by the constitution of the School fund, to the perpetual support and encouragement of public or common Schools, was the result of enlightened benevolence and profound wisdom.

The system of common Schools, established by our ancestors, widely diffused the intellectual attainments and moral principles, indispensable to the perpetuity of republican Government. The division of the State into school societies, and districts, affords peculiar facilities for extending the benefits of education, while the distribution of the interest of the school fund, a-

mong the several school districts, according to the number of persons in each, between the ages of four and sixteen years, under the existing laws, secures to every youth in the State, the privilege of acquiring a common education. If the results of our system, improved as it has been, by the lights of experience, are not such as entirely to fulfil the anticipations of its founders, and the wishes of the philanthropist, it is not perceived, that the failure is to be attributed as much to any radical defect of the system, as to remissness in its execution on the part of those who have the immediate superintendence of the primary schools.

To elevate the character of our Common Schools, and to cause their utility to correspond with the magnificent means which are pledged for their support, instructors distinguished for learning, sobriety, and virtue, must be employed; and the schools as well as the instructors, subjected to a rigid examination and inspection, the duties of the visitors of schools, as prescribed by law, are highly important; and on their faithful and thorough performance, the intellectual and moral improvement of our youth greatly depends.

The emigration of our citizens has arrested the progress of the population of this State, and diminished our political Union. To retain our youthful, intelligent, and enterprising citizens within the State, their attachment to their native soil, always strong, must be strengthened, by offering combined advantages, which they will not easily find elsewhere; they must see our colleges & other seminaries of learning patronized; the public burthens made equal & light; rigid economy practised in the various departments of the Government; justice speedily and impartially administered; agriculture, manufactures, commerce, and the arts, encouraged; and the condition of the State generally improved.

Our large manufacturing establishments, and the various mechanic arts, by furnishing lucrative employment, have kept in the State, many valuable citizens, and stimulated agriculture, navigation and commerce. But the manufacture of woollen cloths deserves encouragement. The large importations of wool and woollen goods have injured both the grower and manufacturer of wool; and by depressing those interests, may reduce us to a dependence on a foreign supply.

The object of punishment is to prevent the commission of crimes, either by destroying the power, or removing the disposition to commit them. The former can only be accomplished by a capital punishment, or the perpetual seclusion of the criminal from society, and the latter by his reformation.

In effecting the reformation of the criminal, an object of high moment, and uniformly sought by the benevolent and the good, his confinement to hard labor, with strict silence while engaged in work, and absolute seclusion from the society of man, in solitary cells, during the hours of rest, has a powerful influence.

By removing the criminal from all vicious associations, and from the contagion of evil example, and the moral poison of intercourse and conversation with his fellow prisoners, hardened in guilt, and skilled in the commission of crimes, and placing him in solitude to commune with his own heart, and to meditate on his past life, his present condition, and his future destiny, deep penitence and a thorough reformation, may, with confidence, be expected; and the criminal, especially if he be a young offender, may be restored to usefulness in that community, whose laws he may have violated.

The results which have attended the penitentiary system, in other States, have satisfactorily proved, that a system of criminal law, may not only be executed without expense, but so as to yield considerable income to the State. No reason is discovered why our State Prison, instead of occasioning an annual expense of several thousand dollars, by an improvement of its

may not be made a source of profit to the State, while all the objects of punishment will be more effectually accomplished. This interesting and important subject occupied the deliberations of the General Assembly, at its last session; and the erection of a new State Prison, was directed. The building of the edifice has been commenced, and the Commissioners appointed to superintend it; whose report will be duly laid before you. As the building will probably be completed before the termination of the present year, the expediency of establishing during the present session, a system of regulation and government of the prison, is suggested to your consideration.

To the National Government is committed the power to provide for organizing, arming, and disciplining the militia. Scarcely any difference of opinion had existed among the most enlightened and patriotic statesmen, as to the necessity of giving all possible efficiency to this powerful arm of our defence; and this subject has recently attracted the special attention of the National Government. During the past year, a Board of Officers was convened at Washington, to take into consideration the present organization of the Militia System, and to propose such alterations as their skill and experience might enable them to suggest, and their judgment should approve. Their report was laid before Congress at its late session, but the principles it expressed were not made the subject of definite action.

The opinion has also been expressed by a Committee in one branch of Congress, in accordance with the principles sanctioned by the Board of Officers, that it is expedient to exempt all persons above the age of 35 from the performance of service in the Militia. A modification of the Militia System, which should limit the liability to enrolment in the Militia, to the period of life between the ages of 21 and 35 years, will considerably reduce the number of the Militia; but it will increase its efficiency. It is not deemed necessary to hold our citizens enrolled for a longer period, to accomplish any of the purposes for which the Militia may be called into the service of the United States.

The Militia of this State may be safely pronounced to be equal in organization, equipments, discipline, and efficiency, to the militia of any State in the Union. The exemption of such of our citizens as perform military service, and are armed, equipped, and dressed in uniform according to law, from the poll-tax, has had a powerful tendency to improve our Militia, and has been followed by results demonstrative of the correctness of that policy.

The reduction of the tax, by diminishing the inducement to a complete equipment, and a full compliance with the law, may impair the efficiency, and repress the ardor of the Militia. It is therefore worthy of consideration whether the burthens of that class in the community ought not to be diminished.

In my judgment, frequent musters of the Militia, as they are generally, and perhaps, necessarily conducted, produce no considerable advantage. They are injurious to the Militia, by calling them from their homes and their customary employments; occasion considerable expense and loss of time, and undoubtedly, have a pernicious influence upon the public morals. If the musters for training do not increase the efficiency of the Militia, which is the opinion of experienced military men, the deficiency of providing, that these musters shall be less frequent, seems to result. The Militia are the natural defenders of the country. They will never be dangerous to its liberty. Attached to the soil, and intelligent, they can neither be seduced by flattery, nor subverted by ambition. A band of freemen, exercising the privileges in their own hands, they may be pronounced, on high authority, to be "the Army of the Constitution." If their service be diminished and made light, in time of peace, it may be rightfully and reasonably expected, that they will with more alacrity, repair to the post of danger, in war. The lenity and justice of our laws, the peaceable and regular habits of the people, and their strong attachment to our confederated and State Governments, afford good ground of confidence that our Militia will not be called into the service of the United States, for any other purpose than national defence.

The resources of the nation have been applied by the permanent annual appropriation of two hundred thousand dollars, to procure arms to be distributed among the several States, in proportion to the number of Militia enrolled in each State, for the purpose of arming the great body of Militia, in case of any emergency requiring