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## THE POLICY OF FREE TRADE.

In adverting to the policy of free trade, we do not wish to consider the subject in its political bearings, nor as the peculiar doctrine of a party; but we merely wish to throw out a few cursory suggestions as to the practical bearings of free trade.

It is an admitted principle of trade, with regard to the subject of exchange, that both parties to a fair exchange must be gainers. With this view, it is easy to conclude that every voluntary exchange must be for the mutual benefit of both parties. This seems perhaps axiomatic, but it is just as incontestible as it is axiomatic. Experience teaches us that a merchant, let him trade in any manner he may choose, will never give more than he gets, or that in following out the workings of the law of exchange, he will never voluntarily or knowingly make what is called a losing bargain.

Under a free exercise of the exchange system, where one party wants, and transfers to another, that which is not of immediate value to him, it is evident that both parties become gainers in the bargain. For it is clear that each party becomes the judge of the intrinsic and relative value of the articles which are mutually exchanged. One of the contracting parties may be better enabled to decay from a certain article a higher value than could be yielded by the article against which he exchanges it, than the other, whilst the other, in his turn, may see an immediately realizable value in the article which he accepts in exchange. Under such a circumstance both parties become gainers in the bargain. And it is in this view that we hold, and we think reasonably so, that if we trade freely with a country that holds no free trade with us, it does not necessarily follow that our merchants must lose in their dealings. The guarantee of success with the merchant, then, lies in his peculiar aptitude for commerce, in his merit as a trader.

The elements of a practical trade therefore, is to be found more in the business tact and aptitude of the trader, than in the legislation which governs any special articles of trade. It is left with the trader to determine whether the goods which he gives in exchange are of less value to him than those which he receives.

It is under this principle, without entering deeply upon the argument of the policy, that we can safely assert that Free trade, carried on through a system of fair exchange, even with a country that does not afford us the like benefit, not only does not become a losing-trade, but is really the only trade from which a permanent profit can be derived; for it is evident that this profit does not depend upon the vagaries of legislation, which may one day give a factitious value to an article, of which it may be deprived by a counter-legislation on the next; whilst when its value depends upon the experience of the merchant, or the nature of the article itself, there is a greater assurance of the permanence and the realization of its value.

There are many other considerations which might be urged in connection with this subject, but as it is not our purpose to dwell upon the question only in so far as its practical bearings are concerned, we will be satisfied with the few crude suggestions which we have thrown out with regard to the profitableness of free trade.

FINE LOT OF CLOTHING.—A the lot of summer clothing is offered for sale at very low prices, at No. 63 Magazine street, near Gravier. See advertisement elsewhere.

BANK OF AMERICA.—This bank, as will be seen by referring to another column, is drawing on Paris.

## Interesting Correspondence.

The *Evening Delta* publishes the following interesting correspondence between the various foreign Consuls in this city and Gen. Butler, upon the subject of General Order No. 41:

*New Orleans*, June —, 1862.

To Major-General B. F. Butler, Commanding Department of the Gulf:

*General*—The undersigned foreign Consuls, accredited to the Government of the United States, have the honor to represent that General Order No. 41, under date of the 15th inst., contains certain clauses against which they deem it their duty to protest, not only in order to comply with their obligations as representatives of their respective Governments, but also to preserve and in friendly relations with the United States, but also to protect, by all possible means, each of their fellow-citizens as may be morally or materially injured by the enforcement of an order which they consider as contrary both to that justice which they have a right to expect at the hands of the Government of the United States, and to the laws of nations.

The "Order" contains two oaths: one, applicable both to the native born and to such foreigners as have not claimed and received a protection from their Governments, &c.; the second applicable, it would seem, to the latter as soon as may have claimed and received the above protection: thus, unnaturalized foreigners are divided into two categories, a distinction which the undersigned cannot admit.

The "Order" says that the required "oath will not be, and the never been, forced upon any;" that it is too sacred an obligation to be exacted in its tenure, and bring with it so many hostile and privileges to be profaned by *wanting the service*;" that "all persons shall be deemed citizens of the United States who shall have been residents therein for the space of five years and upwards, and, *if foreign born*, shall not have claimed and received a protection of their Government, duly signed and registered by the proper officer, more than sixty days *previous* to the publication of this Order."

Whence it follows that foreigners are placed on the same footing with the native born and naturalized citizens, and in the alternative, either of being deprived of their means of existence, or forced implicitly to take the required oath, if they wish to ask and do receive "their favor, protection, privileges, *passport*, or to have money paid them, property or other valuable thing never delivered to them, or any benefit of the power of the United States extended to them, except protection from personal violence.

Now, of course, when a foreigner does not wish to submit to the laws of the country which he is a resident, he is invariably and very severely at liberty to leave that country—but leave he does not even enjoy that privilege—for to leave he must procure a passport, and obtain which he must take an oath that is to be unwilling to take; and yet that oath "is so enacted, and of such a nature, that it does not be profaned by unwilling lip service."

It is true that the "Order" excepts those foreigners who claimed and received the protection of their Government more than sixty days previous to its publication; but this exception is merely nominal, because the very great majority of foreigners never had any cause hitherto, *in this country*, to ask, and therefore to receive, "a protection of their Government." Besides, this exception implies an interference with the internal administration of foreign Governments—is not contrary the laws of nations. Whether the foreign residents here or have not complied with the laws and edicts of their own Governments, is matter between them and their Consuls, and the undersigned deny the right of any foreign power to meddle with, and still less to enforce the laws of their respective countries, so far as their fellow citizens are concerned. When a Consul extends the high protection of his Government to each of his countrymen as are neither naturalized nor have merged into the mass of the people of the country in which they reside, he is to be supported by a friendly Government; for it is a law in all civilized countries that if foreigners must submit to the laws of the country in which they reside, they, and *a fortiori*, their Consuls, must, in exchange of that respect for those laws, receive due protection, that protection, in fact, which the foreigners have been unduly engaged in this country upon the present Order. Most foreigners are deprived of that protection unless they become citizens of the United States, and this is done without a warning and in opposition to the laws of the United States, and also to the mode in which foreigners may become citizens of this country. The undersigned must remark that it is just how can have no retroactive action and can be enforced only from the day of its promulgation, while the Order requires that acts should have been done, the solemnity of which was then unknown, especially in this country. The required oath is contrary to the rights, duty and dignity of foreigners, who are all "free born," but also to the dignity of the Government of the United States, and even to the spirit of the Order itself.

1st. Because it virtually *forces* a certain class of foreigners, in order to save their property, to swear "true faith and allegiance" to the United States and thereby to "renounce and abjure" that true faith and allegiance which they owe to their own country only, while naturalization is and can be but *an act of free will*; and because it is declared for any "free man" to do through modes of *material interest*, these several acts which are repugnant to his conscience."

If the Order merely required the English oath of "allegiance," it might be urged, according to the definition given by Blackstone, (*4 p. 376*) that said oath signifies only the submission of foreigners to the political laws of the country in which they reside, but the oath, in worded in the "Order," is a virtual act of naturalization. A citizen of the United States might take the oath, although Art 6 of the Federal Constitution and the act of Congress of June 18, 1798, do not require so much. But no consideration can compel a foreigner to take such an oath.

2d. Because, if according to the Order the "highest order known will ratify that of an unwilling submission," it would be the very reason why it should be so, and not in order to compel upon the unwilling, whether openly or secretly.

3d. Because within the Order advocates the "neutrality imposed upon foreigners by the sovereigns," it virtually tends to violate that neutrality, not by forcing them openly to take up arms and lawfully shed their blood in defence, even in a cause that is not their own, but by coercing upon them, if they wish to redeem their property, to descend to the level of spies and denunciators for the benefit of the United States.

The undersigned will close by remarking that their countrymen, since the beginning of this war, have been neutral; as such they cannot be considered and treated as a conquered population; the conquered may be submitted to exceptional laws, but neutral foreigners have a right to be treated as they have always been by the Government of the United States.

We have the honor to be, General, your most obedient servants.

(Signed) ISAMUEL CALLEJON, Consul de Espana.
CH. MIJAN, French Consul.
Jos. DEPREDORY, Consul of Belgium.
M. W. BENACHI, Greek Consul.
p. JOSEPH LAMAYA, Consul of Italy.
B. TETTAGNI, Vice Consul.
AD. PIAGGY, Swiss Consul.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., June 16, 1862.

*Gentlemen*—Your protest against General Order No. 41 has been received.

It appears more like a labored argument, in which the imagination has been drawn on for the facts to support it. Were it not that some of the remarks or expressions of the document show that it was composed by some one born in the English tongue, I should have supposed that many of the misconceptions of the purport of the Order which appear in the protest, arose from an imperfect acquaintance with the peculiarities of our language.

As it is, I am obliged to believe that the faithlessness of the Englishman who translated the Order to you, and wrote the protest, will account for the apprehensions under which you labor in regard to its terms.

The Order prescribes:

1st. A form of oath, to be taken by those who claim to be citizens of the United States, and *those only*, who desire to hold office, civil or military, under the laws of the United States, or who desire some act to be done in their favor by the officers of the United States in this Department, other than protection from personal violence, which is afforded to all.

With that oath, of course, the Alien has nothing to do!

But there is a large class of foreign born persons here, who, by their acts, have lost their nationalities.

Familiar examples of that class are those subjects of France, (Frenchmen,) who, in contravention of the "Code Civile," have, without authorization by the Emperor, joined the standard of the "Confederate States," (*s'affilierait à une corporation militaire étrangere*) or received Military Commissions, (*fonctions publiques conferées par un gouvernement étranger*,) from the Governor thereof, or who have left France without intention of returning, (sans esprit de retour,) or, as in the case of the Greek Consul, have taken the office of opener and examiner of letters in the Post-office of the Confederate States, or the Peruvian Consul, who is still leading a recruited body of his countrymen in the rebel army.

As many of such aliens had been naturalized, and many of the bad men among them had succeeded the fact of their naturalization, it became necessary, in order to meet the case of those bad men, to prescribe some rule by which those foreign born, who might not be entitled to the protection of their several Governments, or had heretofore become naturalized citizens of the United States, might be distinguished from those foreigners who were still to be treated as neutrals.

This rule must be a comprehensive one, and one easily to be understood, because it was for the guidance of subordinate officers, who should be called upon to administer the proper oaths.

Therefore, it was provided that all who had resided here five years—a length of time which would seem to be sufficient evidences that they had not the intention of returning (esprit de retour), and who should also have, in that time, claimed certificate of nationality, called commonly a "protection" of their Government, should, for this purpose, be deemed *prima facie*, of course, American citizens, and should, if they desired any favor or protection of the Government, swear from violence, take the oath of allegiance. But it is complained that the order further provides that they must have received that "protection" sixty days previous to the date of the order, so as to have the "protection" avail them.

The reason of this limitation was that as some of the Consuls had gone into the rebel army, and some of the Consuls had been aiding the rebellion here, and as "protections" had been given by some of the Consuls to those who were not entitled to them, for the purpose of enabling the holders to evade the blockade, it was necessary to make some limitations to secure good faith.

Indeed, gentlemen, you will remember that all rules and regulations are made to restrain bad men, and not the good.

For instance, if I allowed the "protections" given note as evil for this purpose, that Prussian Consul might give them to the whole of his militia company that five to get back: and they might come, claiming to be neutrals, as did that British Guard who sent their arms and equipments to Beauregard.

The naturalization laws of the United States were in abeyance for want of United States Courts here. Therefore, provision permitted all foreigners who had resided here five years and not claimed the protection of their Governments,