ers however may not have bestowed upon those remarks, that attention which they appear to merit, from the importance and singularity of the combat; and a review of the subject may be of utility both to our naval and commercial characters.

To the editors of the Federal Gazette.

A friend in Washington has furnished me with the inclosed translations of diplomatic papers now in circulation at that city, with liberty of giving them publicity here; you may, if agreeable, insert them in your useful paper.

A SUBSCRIBER.

Baltimore, 23d January, 1806.

A translation from the French, of the Marquis de Casa Yrujo's circular, addressed to the different foreign ministers accredited near the United States.

Philadelphia, January 21, 1806.

SIR,

The want of correctness which appears to prevail throughout the article, relative to Spain, of the message which the president of the United States sent to congress on the 3d instant, compelled me to transmit on the 6th of said month, to the secretary of state, the note of which I have the honor of inclosing to you a translated copy. The extreme publicity given to said message, as well as to the documents relative to the above-mentioned article, sent to congress some time after, caused me to hope that government, from the ostensible purity of its intentions, would also have published my note, as its publication would have tended to present the affairs in question under their true point of view. I have been waiting in silence for more than forty days in expectation of this act of justice, but I have waited for it in vain; and as no hopes any longer remain of, seeing it verified, I have tho't it my duty, sir, to transmit you a copy of this document, for the information of your court, with the object, that whatever may have been the light under which the president of the United States may have tho't proper to present the conduct of Spain, it may be known that the king my master, in his political relations with the U. States, has always manifested that good faith, so well known, which is the true character of his government, acting towards them always with justice, and very often with generosity.

Accept, sir, the sentiments of high consideration, with which I have the honor to be, your most obedient humble servant,

(Signed,)

THE MARQUIS OF CASA YRUJO.

P. S. I authorise you, sir, to give copies not only of my note, but even of the present letter.

[TRANSLATION.]

Philadelphia, 6th December, 1805.

SIR,

The zeal with which I have endeavored to preserve the harmony & good understanding betwixt Spain and the United States, has caused me to read with particular regret the article of the president's message, sent to congress the 3d inst. respecting the political relations betwixt the U. States and the king my master. As in the exposition to which I allude, there exist in my opinion, several mistakes of a delicate and important tendency, although I render to the president due justice in regard to the motives which may have caused this apparent want of correctness, yet my character imposes on me the task of entering into an examination of some of his assertions, and of demonstrating that either from the want of exact information or owing to defective translations, they appear in some cases not altogether correct.

In the article of the president's message relative to Spain, after mentioning that the negotiations for the settlement of the existing differences had not had a satisfactory issue, he says, "spoliations during the former war for which she had formally acknowledged herself responsible, have been refused to be compensated, but on conditions affecting other claims *in no wise connected with them.* Yet the same practices are renewed in the present war and are already of great amount." It is very well known that in a state of war, there exists and will probably ever exist, a certain abuse of force, confided to subaltern hands. Even the U. States themselves have not been an exception to this general rule, and during the short period of hostilities with France, in the year 1798, notwithstanding no privateers were armed and that their protecting forces consisted only of a small number of frigates, neutrals experienced from them many injuries, well authenticated by the numerous claims on this government by the injured powers, principally on the part of Denmark and Sweden.

Probably there might have existed last war some abuses of this nature, although very rare, on the part of the royal navy of Spain; but the king, my master, animated by that love of justice, which characterises him, authorised his principal secretary of state to sign a convention with the American minister near his person, in which were stipulated reciprocal compensations for the damages and injuries their respective subjects and citizens might have sustained from officers, or individuals of either, contrary to the right and laws of nations. This stipulation, similar to that of the same nature in the treaty of friendship, navigation and limits, concluded in 1795, *and scrupulously complied with* by my sovereign, would now have had the same effect by the ratification of the convention, had not an article been inserted therein tending to impose on Spain the obligation of a responsibility both detrimental and important in its result, as well as unsupported by reason and justice under the existing circumstances. My court has in a direct manner, as well as through me, repeatedly manifested to the American government its readiness to carry the said stipulation into effect, whenever the article in the same convention relative to the above-mentioned responsibility, should either be suppressed or altered in a manner more conformable to justice, and has been so far from refusing to satisfy said compensations on account of other *claims in no wise connected with them*, that it was precisely because they are *connected* that the said convention has not been carried into effect, as was and still is the wish of the king my master.

It is true that the two subjects by their nature are not *connected* with each other in themselves, but it is also true, that this *connection is very great*, when we consider that an endeavor is made to form out of these two things, distinct in themselves, component parts of the *same whole*; thereby, placing the king, my master, under the disagreeable dilemma of either refusing to ratify a stipulation which he conceives to be just, and therefore wishes to fulfil, or else of taking on himself a responsibility, more or less direct, in favor of the United States to which it is well proved they have no right to pretend.

In regard to what concerns the new spoliations, I can assure you, sir, few are those that can strictly merit this denomination on the part of Spanish vessels, as many of the captures, which so frequently figure in the American papers, arise either from acts of contraband, or from a want of having on board the documents required by the treaty of 1795, or even from other circumstances which the captains and owners of said prizes will take good care to conceal; besides, on this head, the citizens of the United States would receive that justice which they have already experienced on the same subject, in virtue of the treaty of 1795. I cannot but observe, that although I had the honor of communicating to you, sir, two months ago, that the strictest injunctions had been given by the king, my master, not to interrupt the navigation of American citizens, when employed in lawful trade, no mention is made by the president of this circumstance, as highly important in its effects towards the American commerce, as it is necessary to demonstrate his just and pacific intentions.

Without any view to recrimiation, I find it necessary to observe, that although the violations of the rights of neutrals are infinitely more frequent and extensive on the part of England, whose vessels of *the royal navy* have almost continually blockaded the ports of the United States, and what is more, when this power daily establishes new principles on the rights of neutrals, which, in reality, tend to undermine and annihilate them—the name of Great-Britain is no where to be found in the columns of the president's message.

These circumstances in themselves would not authorize any animadversions on my part, were it not for a most essential one which immediately affects the interests of the king, my master—I allude to the *many thousand American sailors* violently forced from the shelter of the flag which ought to protect them, and compelled to fight on board of British ships of war against the subjects of the king, my master. I cannot but call the attention of the government of the United States towards such a conduct, that in their wisdom, they may adopt the necessary measures to correct an abuse, which at the same time that it violates their neutrality is extremely prejudicial to Spain.

The president adds, "On the Mobille, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches." Altho' this assertion is not accompanied by any observation whatever, which might cause it to be viewed as a national offence, I must observe, that according to my information, the duties on imports and exports are very moderate, only 6 per cent.* that every power has a right to regulate as they please these objects within the boundaries of their jurisdiction, and that this exercise of sovereignty is practised by the American government at Fort Stoddert; that is, within their lines, without any pretension on the part of Spain to interfere in their regulations. But even admitting it may be troublesome, it never surely can be pretended as a national offence.

He afterwards says—"Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to." This assertion is not strictly correct; for it is, and always has been, the wish as well as the intention of Spain, *to adjust amicably* the limits of Louisiana; but however friendly *(amicable)* may have been her disposition towards it, she cannot sacrifice thereto either the dignity or rights of her crown; so that it was not, as the president supposes, owing to the want of a desire of *adjusting amicably*, that this business was not concluded; but rather from the nature of the proposals, which were in themselves inadmissible. The paragraph continues—"While the right is *unsettled*, we have avoided to change the state of things, by taking new posts, or strengthening ourselves in the *disputed* territories, in the hope that the other power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not easily be controuled; but in this hope we have now reason to lessen our confidence." In truth, I cannot comprehend what the president can call *unsettled right*; and still less, if he wishes to apply it to that part of W. Florida comprehended within the Missisippi, Iberville, the lakes, and the river Perdido. The right of this territory cannot be considered as *unsettled* or doubtful; for independent of that right arising from actual possession and from the treaty of *retrocession* of Louisiana to France, there is another conclusive circumstance, well known to the American government, which ought and must dissipate every doubt, if any could ever exist on this subject. The most distinguished civilians agree, that the true interpreters of a treaty, doubtful in any of its clauses or expressions, are the *contracting parties* themselves, when this can be obtained. Spain and France, who were the contracting parties in the treaty of *retrocession*, on which is founded that of sale, of the 30th of April, from whence the pretensions of the American government emanate, have explained it in the manner already known to you, sir; namely that it was not the intention of Spain to cede to France more than she had received from her, as the title and word *retrocession* made use of therein, clearly imply; and that France never would have pretended or hoped to obtain one inch of land east of the Missisippi, Iberville and the lakes. The true *intention* of the *contracting parties being thus expressly manifested*, I shall content myself by copying a single paragraph from *Vattel*, among many other similar ones which I could produce from other civilians, in support of the rights of the king, my master, on this subject. In paragraph 274 of "The Interpretation of Treaties," Vattel says—"When we manifestly see what is the sense that *agrees with the intention of the contracting powers*, it is not permitted to turn their words to a contrary meaning. *The intention sufficiently known furnishes the true matter of the convention, of what is promised and accepted, demanded and granted. To violate the treaty, is to go contrary to the intention sufficiently manifested, rather than against the terms in which it is conceived; for the terms are nothing without the intentions throughout to dictate them.*" According to this, the position taken by the president, in the said paragraph of his message, that the right (no doubt alluding to the territorial right) was *doubtful* or *unsettled*, is inadmissible, and of course all the inductions & consequences he draws from this supposition, fall completely to the ground. Besides, whatever alteration or change might have taken place in the territories of his Catholic majesty could never have been, as I have had the honor to inform you, sir, but the effects of a new plan of frontiers, which the retrocession of Louisiana would of course render necessary; or else it might proceed from the circumstance of Spain's being engaged in a war with England; but never with a view to disturb the peace and good understanding betwixt Spain and the United States.

The president continues saying, "inroads have recently been made into the territories of Orleans and the Missisippi; our citizens have been seized and their property plundered in the very parts of the former, which had been actually delivered up by Spain, and this by the regular officers and soldiers of that government."

Although I have not on this subject more information than that received thro' the American newspapers, whose accounts cannot be supposed very impartial, nevertheless supposing them correct in all their extent, from those I have read, it is neither proved, nor do I think it possible to believe, that the *officers* and *soldiers* of the king, my master, have crossed the American line, to commit within the jurisdiction of the U. States, the pretended insults. *The first example of these inroads was given by several American citizens*, who, in August, 1804, penetrated through the territory of Baton Rouge, and aided by the brother Kempers, and other malcontents of the Spanish side, made an attempt to surprise, and render themselves masters of the fort of Baton Rouge, and actually arrested some magistrates and other persons of note. On this subject I had the honor of speaking and writing to you sir, in due time, but I am hitherto without the least answer. If the seizing of *American citizens* ("*our citizens have been seized*") has any reference to the arrest of the Kempers, I must in the first place declare, that according to my late information these Kempers are not *American citizens*, because when they settled themselves in the Spanish territory, they became *subjects of the king*, and of course had lost their rights as American citizens; and in the second, that the arrest of these persons, according to a letter from Natchez, of the 8th October last, published in the United States Gazette, of Philadelphia, was effected by *negroes, mulattoes* and *American citizens*, who, no doubt, expected some recompence, delivered them *within the Spanish lines*, from whence it appears, some Spanish soldiers took charge of to conduct them to Baton Rouge. It is true, that it has also been said, that a part of a company of cavalry, commanded by a certain captain Jones, had entered anothes part of the line and had conducted themselves in a violent and improper manner, towards two families; but should this account be true, I can assure you, sir, that the government of the United States shall receive due satisfaction from Spain, the reputation of whose government is too well established, to believe it can in any manner be privy to, or approve of acts, as far beneath its character, *as they are useless in their effects.* Incidents of this nature often happen on the frontiers of every country, and they only deserve attention when they receive the sanction of the government of the aggressors, or when in such cases, due satisfaction is refused.

I have gone over, step by step, the article of the president's message, which relates to Spain, and I have endeavored to present with candor & truth, altho' in a cursory manner, whatever may give correct ideas on its nature and tendency. Having fulfilled this duty incumbent on my situation, permit me to offer you, sir, the sentiments of high consideration, with which I have the honor to be,

EL MARQUES DE CASA YRUJO.

JAMES MADISON, ESQ.

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* NOTE—It is necessary to remark that the navigation of the Mobille, which appears to furnish the president a motive of complaint, is enjoyed by the Americans, in consequence of a gracious indulgence on the part of Spain; as no right does yet exist, to navigate the waters of that river within the boundaries of Spain, who holds exclusively that right grounded on sovereign possession, on the opinions of the most celebrated civilians, and supported by the very principles established by the American government, through the medium of their attorney-general, Bradford, in the case of the prize Grange, taken on the waters of the Delaware. After this, it is necessary to confess, that the animadversions of the president upon this head are as unjust as they are impolitic.

The accounts in the papers respecting the complete settlement of differences between Spain and our government, are not entitled to credit.—We have been assured that the president has expressed his disbelief of the intelligence—and further that no dispatches have been received on that subject. [*Wash. Fed.*]

Salem, Jan. 14.—Cleared, *brig St. Michael, Allen, Baltimore.*

Boston, Jan. 16.—Arrived, *New Bethia, Hall, Baltimore.*

From the Merchant's Coffee-House Books.

January 23.

The schooner Catharine, Haylander, hence, has arrived at Barbados, in 12 days passage.

The schr. Enterprise, Hull, from Leghorn, is below. She left there, 21st November. The brigs Paragon, and Louisa, Wheeler, of Baltimore, had arrived, the former at Leghorn, and the latter at Naples. Came into the Bay on Sunday—passed ships Traveller, ——, from Leghorn, and Fliza, Howey, from Cuba, bound up. Several sail in the offing, standing in when the Enterprise came in.

January 24.

Captain Hull, of the Enterprize, spoke, Dec. 1, off Gibraltar, ship Perseverance, Follensby, from Baltimore, for Leghorn, out 35 days.

The ship Mercury Brown, hence, has arrived at Tonningen.

At a meeting of the New Market Fire Company, held at Chamberlain's tavern, on Saturday evening last, the following persons were elected officers of the company, for the present year:—

George Grundy — *President.*
Peter Little, Ebenezer Fitley — *Vice Presidents.*
Owen Dorsey — *Secretary.*
Adam Welsh — *Treasurer.*

Directors.
Richard Seabrook, John Stouffer, John Dillon, Samuel Cole, William Krebs, Moses Hand, Leonard Frailey, Gerhard Von Harten, Charles Bohn, William Hayward

Lanemen.
Isaac Phillips, Asahel Hussey, John Baxley, John Hayward

Engineers.
Michael Kimmel, Christian Baum, Samuel Wolf

Hosemen.
Nicholas Orrich Ridgely, Peter Pollard, John D. Read, Elisha Bailey, John Stitcher, Thomas Haelbraith, James Hyndes, George Hennich, Peter Fowble, Jacob Myers

Axemen.
Marshal English, Peter Hedges, George Reynolds, Bennet Kirk

Laddermen.
William Edwards, Henry Winters, Henry Myers, Alexander Thompson, Humphrey Sanders, William B. Lupton

Hookmen.
Archibald Hawkins, George Myers, Robert Edwards, John Bracken, Abraham Pyke, George Speake

Property men
David Harris, Willliam Merridith, Michael Warner, John Reese, Andrew M'Coy, Josias Thompson

Property guards.
Oliver Pollock, George Baxley, Gunning S Bedford, Abraham Booth

John Simpson, *Notice server.*

The company will meet at Chamberlain's tavern, according to appointment to-morrow evening, at 6 o'clock, when those persons wishing to become members are invited to attend.

January 24.

Married on Wednesday evening, by the Revd. Mr. Hargrove, Mr. *John Harran*, to Miss *Nancy Hill*, all of this city.

Married last evening, by the Rev. Mr. Dashiells, Mr. *John M'Key*, to the amiable Miss *Benthime*, both of this city.

Married on Tuesday evening last, by the Rev. Dr. Glendy, Mr. *John Borland*, merchant of this city, to Miss *Sophia Yeiser*, daughter of Engelhard Yeiser, esq. of Baltimore county.

NORFOLK, January 18.

Arrived, schr. Argus, Small, 23 days from the Bay of Honduras. Left at the Bay, the schr. Zaphira, Jordan, to sail for Savannah, the 1st of January.—At Cape Gracios Adios, the brig Betsey, Rose, of New-York.—At the Balize, the Mary-Ann, Rowland, of New-York, to sail for Charleston in January; brig Sarah, Tucker, of Portland, unknown what time to sail.—Dec. 28, spoke in lat. 23. long. 80, 20, the *ship, Eliza, Howey, from Trinidad, (Cuba) bound to Baltimore.* Off the capes, spoke an English ship, bound in.

Brig Neptune, Darnell, from Baltimore, bound to Antigua, having sprung-a-leak, put in here yesterday in distress.

A CHARITY SERMON

Will be preached on Sunday morning next, by the Rev. Mr. David, at St. Peter's, the Roman Catholic church, for the benefit of the female humane association charity school.——January 23.

Sale by Auction.

TO-MORROW, (SATURDAY)

The 25th instant, at 11 o'clock, at the vendue warehouse, at the corner of Second and Frederick-streets will commence the sale of

A Variety of Mahogany Furniture
Fancy and other Chairs
4 elegant Marble Slabs
1 very large handsome Marble Chimney Piece
3 smaller ditto
1 set Guilt Tea China
Feather Beds, Bedsteads and Cots
A number of handsome Fire Grates and Stoves
Brass and Irons, a large Beam and Chains
A variety of New Plated Ware, and
A case Men's Saddles, &c.

THOMAS CHASE, Auct'r.

January 24.

Public Sale.

Will be Sold at Vendue on Thursday, the 13th of February,

A LOT of GROUND at the head of the basin, fronting on Honey alley 33 1-2 feet, running back 44 feet; whereon are erected, two tenable houses, which at present are occupied. The Lot is in fee-simple. The terms will be made known at the time and place of sale.—For further particulars, enquire of

WILLIAM NEWTON.

January 24. eo13F

Kiln-Dryed Yellow Corn Meal

In hogsheads, for sale by

ANDREW & THOS. ELLICOTT.

January 24. eo6t

To be sold for want of employ,

A well disposed likely NEGRO GIRL, accustomed to house-work.

January 24. eo3t||

To be Leased,

A LOT of GROUND on the east side of Jones's Falls, 77 feet front on German-street and 111 feet deep, bounding on Apple alley. For terms apply to Mr. Joseph Sterett, or

INDEPENDENT GIST.

January 24. eo6t

Fresh Red Clover Seed,

Of an excellent quality, just received and for sale at the Grocery Store of

GERARD & WM. HOPKINS,
1, County wharf.

1st mo. 24th. 2aw3w

William Y. Lewis,

20, CALVERT-STREET,

HAS FOR SALE,

2 boxes best White Rolls	2 cases Dimity
2 ditto full bleached Ticklenburgs in half pieces	1 trunk Madrasshdf's
3 do. do. half bleached	1 do. Pullicat do.
5 do. Hemp Sprig	1 bale Shirting Check
3 do. Brown Rolls	1 trunk 4-4 & 6-4 Cambric Muslin
1 case fine Britannias	1 case Velvenets & Cords
1 box fine full bleached Dowlas	1 bale fine 5-4 Humhums
3 boxes Irish Linen assorted	3 bales best Carpeting do. blue Cloth
1 bale Lancashire Sheeting	1 cases extra size 2 white Hats.

AND,

A general assortment of other Dry Goods

January 24, eo4w

A Daring Theft.

STOLEN this morning, between the hours of 10 and 11 o'clock, an English CARPET, about five yards square; the colors are, black, green and orange, woven in squares of about 6 or 8 inches; the raised work in the centre of each square is black. The above Carpet, tho' almost new, has in one edge a place burnt by a coal of fire falling upon it, and is mended with green yarn, and is about three inches in breath and five in length. Whoever will give information thereof, shall be handsomely rewarded, and in addition, five dollars will be given for apprehending the thief. Enquire of the printers hereof.

January 24. eo3t

BALL.

JAMES ROBARDET

PRESENTS his respectful compliments to those Ladies and Gentlemen, who attend his BALL, and informs them, that on account of the badness of the weather, his Ball, intended for last evening, will be on MONDAY evening, the 26th instant, and will continue every WEDNESDAY fortnight, to commence on Wednesday the fifth of February next.

His DANCING SCHOOL is open at the above place, for the instruction of youth of both sexes; parents and guardians, who will intrust him with pupils, may depend upon an unremitted attention, to instruct them in the necessary and elegant accomplishment of dancing, and will attend to correct their deportment, and endeavor to give them the ease and grace which is requisite in polite circles.

January 24. d3t§

This is to give Notice,

THAT the subscriber of St. Mary's county, hath obtained from the orphan's court of said county, letters of administration on the personal estate of Cornelius Greenwell, late of said county, deceased; all persons having claims against said deceased, are hereby warned to exhibit the same, with the vouchers thereof in six months from this date, they may otherwise by law, be excluded from all benefit of said estate; and all those indebted to said estate are requested to make immediate payment to

WILFRED GREENWELL, *Adm'r.*

December 12. 1a3t§