

mine 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, where it not for a most essential one which immediately affects the interests of the king my master—I allude to many thousand American sailors violently forced from the shelter of the sea 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 Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches." Although 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 controlled; 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 West Florida comprehended within the Mississippi, 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 Mississippi, 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 and 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; for 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 Mississippi; our citizens have been seized and their property plundered in the very ports 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 through 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 United 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 Kemper, and other mal-contented 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 Kemper, I must in the first place declare, that according to my late information these Kemper are not American citizens, because when they settled themselves in the Spanish territory, they became subjects of the king, and of course 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 recompense, 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 another 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 and truth, although 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 MARQUIS DE CASA YRUJO.

JAMES MADISON, Esq.

Note—It is necessary to remark that the navigation of the Mobile, 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.

SAVANNAH, January 11.

Arrived schooner Joseph, capt. Conn, Cape Francois, via New Providence, 4 days from the latter. Capt. Conn, was taken by 3 English men of war, and carried into New Providence; after a detention of 15 days, was permitted to depart, on paying 700 dollars cost of court.

Capt. Conn, corroborates the account under the Nassau head—he says that he saw at Nassau, captain Riley, direct from Tenerife, which place he left about the 7th December, who informed him that the Rochefort squadron, under the command of Mons. Le Almane, consisting of 5 sail of the line, 2 frigates, a brig and a cutter, had put into Santa Cruz, in said island, to water, several days prior to his sailing, bringing with them the Calcutta English 50 gun ship, and 6 English India merchant ships, taken on their homeward bound passage—an embargo was immediately laid. On the 5th, the squadron again put to sea—on the 7th, the day which capt. Riley sailed in with the squadron, then in sight of Tenerife, and saw them capturing the outward bound Cork fleet, consisting of about 40 sail, one of which being a fast sailer, escaped, spoke capt. R. and informed him that it was probable the most of them would fall into the hands of the French.

The following information is copied from a Nassau Royal Gazette Extra, received by capt. Conn.

NASSAU (N. P.) January 11.

Capture of the English ship Calcutta, of 50 guns, and six merchant ships, from India.

Extracts from the journal kept by captain RILEY, of the brig Eliza and Mary.

Sailed from New-York the 16th of September, and arrived at Tenerife the 5th of Nov. where he learnt the following intelligence. That the Rochefort squadron, consisting of 5 sail of the line, 3 frigates, and 2 brigs of war, with the Calcutta English 50 gun ship, and 6 English merchant ships, prizes to the squadron, had arrived at Santa Cruz on the 3 ult. which caused an embargo to be laid on all vessels directly, which was to continue while the squadron was in port. They had sunk several English ships that had very valuable cargoes, on account of their bad sailing, not being able to keep up with the squadron—that they had uniformly sunk or burnt all neutral vessels they fell in with at sea, that were either bound to or along the coasts of Europe, to prevent intelligence getting to the English fleets—that they had taken out their crews, and told them they must go with them to France, and should be paid by the government, the full amount, with damages, &c. that among the neutrals were the following American vessels, viz. brig Minerva, Salter, of New-York, brig Two Friends, Fenwick, of Charleston, with valuable cargoes, were both burned; schooner—Tucker, of Boston; schooner—Sargeant, of ditto. The number of neutral vessels, taken and destroyed by the squadron, amounted to 26, the captains of which, during the day, were allowed the liberty of going on shore, but the same privilege was not extended to their officers or crew. The commander in chief, Mons. Le Almane, had taken all their papers, and given to each a certificate, stating he had destroyed their vessels and cargoes, and that they must apply to the minister at Paris for a remuneration.

By the arrival, at New-York, of the ship Huntress, from Bordeaux, the two intermediate Bulletins of the Grand Army, of those received at Norfolk, i. e. is the 18th and 19th have been received; but as they contain nothing new, we have postponed their insertion in order to present our readers with the Diplomatic Notes of the Marquis of Casa Yrujo, and other articles which are viewed as more important. We shall however give them a place in a succeeding number, in order to complete the regular series of Bulletins.

The supplement to the act to authorise the levy court of Baltimore county to establish two additional warehouses in the city of Baltimore for the inspection of tobacco, was read the second time, passed, and sent to the senate.

According to order, the house of delegates of this state, proceeded, on Tuesday last, to the second reading of the report of the committee of conference, and after amending the same, and investing in the Bank of Baltimore 60,300 dollars, in the Union Bank of Maryland 124,300 dollars, and in the Farmers Bank of Maryland 126,700 dollars, Ordered, That Mr. Bruce, Mr. Stephen, Mr. Montgomery, Mr. Ellicott and Mr. Hyland, be a committee to prepare and bring in a bill agreeably thereto.

Fire.—Three dwelling houses situated in Carpenter-street, and belonging to Messrs. Edwards, Chaplin and Lanison, were destroyed by fire in Salem on Thursday evening last.

We are informed, that the brig Minerva, Salter, from Bordeaux, bound to New York, has been burnt by the Rochefort squadron. The captain and crew are on board the fleet.

From the Merchants' Coffee-House Books.

The ship William, Graybell, from Batavia, is in the bay.

January 26.

Arrived, ship Industry, Myers, 75 days from Amsterdam—Gin, Dry Goods, &c. S. Smith & Buchanan. Left there the 11th of November. November 18 off the western islands was boarded by the French frigate Le Minerva from Cherbourg bound to the Isle of France, who put on board captain Schroeder and passenger from the Swelish brig Sophia, which she had captured and burnt.

Also, Bremen ship America, Duncker, 70 days from Lymington—Salt—Shultz & Vogeler.

Also, ship Eliza; Howey, 35 days from Trinidad, (Cuba)—Sugar—Thomas Tenant. Left brig Eunice, Taber, for N. York, ready to sail; schr. Only Daughter, Amazon, do. do.; brig Bulah, Perry, of and for do. in 7 or 8 days; Edward, Lambert, of do. arrived 2 days before. Cape Antonio, bearing S. S. E. distant 14 leagues, was boarded by the British frigate La Franchise, and treated politely. Spoke ship Pamela, Taylor, 12 hours from Charleston, for La Guayra,

Also, arrived brig Ann and Mary Mallary, 35 days from St. Jago de Cuba—Sugar Robert Barry. Dec. 19 off Cape Maize, spoke ship New Jersey, fr. Philadelphia for Montego Bay, (Jam.) 29th in lat. 24, 12, was boarded by the British brig of war Port Makon, — January 16, Cape Henry, W. distant 25 leagues, spoke ship Hunter, from Alexandria for Lisbon.

Also, Schr. Plato, Livingston, from Cape Francois, (long passage)—Coffee—John Yeiser, jun. and Robert McCandless.

Also below ship William, Graybell, — days from Batavia—Coffee, Sugar, &c. S. Smith and Buchanan.

The John Jay, for Providence, (R. I.) left Batavia 2 days after the William, and fell in with her on the passage when they kept company 40 days. The snow Nancy, Sherman, of Baltimore had arrived at Batavia.

Captain Gold's Packet, will sail for Norfolk on WEDNESDAY: January 27

SHERIFFALTY.

HENRY TRAPNALL begs leave to inform his friends, and the voters of the city and county of Baltimore, generally, that he still continues to offer himself a candidate for the office of Sheriff; and he again respectfully solicits their friendship—and suffrage at the ensuing election.

To Let;

A NEAT and convenient two story brick HOUSE, with Kitchen, &c. situated in Old Town, near Mr. Steer, Harness-maker and coach painter, who will point out the house if applied to; or application may be made to the subscriber, upper end of Green-street, Old Town. JAMES CRICK. January 27.

Wanted;

FOR a partner, a Young Man, of moderate capital, who understands the Grocery and Spirit Business; or a person in this line, desiring a good stand, who wishes to extend his Business, by enquiring at this office, will hear of a suitable partner. January 27. ed4t.

THEFT.

THE person who in the afternoon of yesterday took from a plank at the lower end of South's wharf, where she lay on a nail, a large double case Pinchbeck Watch, much worn, with a second hand—Is requested to return the same to the printer hereof, and no questions will be asked; otherwise a prosecution will follow. Old shame, where is thy blush? Watch-makers and others are requested to notice the above. January 27. dt.

We understand, says the Maryland Gazette, that GABRIEL DUVAL, Esq. declines his appointment, either as judge or chancellor.

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Book Auction. THIS EVENING, The 27th instant at 6 o'clock, at our auction room and commission store, No. 3, Light-street, next door to the Coffee House, will commence the sale of a large assortment of

New BOOKS.

Sale to commence at half past 6 o'clock. Catalogues may be had, and the books viewed at any time during the day.

The whole to be sold without reserve.

SOWER & S. COLE, Auct'rs.

January 27

Sale by Auction.

THIS MORNING, The 27th inst. at 11 o'clock, at the auction room at the head of Gay-street dock, will commence the sale of

A VARIETY OF DRY GOODS,

Also,

A few sets of Chimney Ornaments.

After which at 12 o'clock,

23 hhd. Muscovado Sugar

218 bales of Green Coffee

100 tierces of Rice on 4 months credit

Young Hyson and Hyson Skin Teas, Brand, &c.

LEMMON & CAMPBELL, Auct'rs.

Sale by Auction.

Will be added to our sale This-Morning, for cash,

1 bale of CLOTHS

1 trunk of Madras HANDKERCHIEFS.

LEMMON & CAMPBELL, Auct'rs.

January 27

Sale by Auction.

TO-MORROW MORNING, The 28th inst. at 10 o'clock, at the auction room, at the head of Frederick-street dock, will commence the sale of

A VARIETY OF DRY GOODS.

And at 12 o'clock,

47 hhd. Muscovado Sugar

521 bags Coffee

14 puncheons Rum

218 boxes Brown & White Havana Sugar

A suit of old Sails, 2 Anchors, 4 pair small Cannon, &c.

VAN WYCK & DORSEY, Auct'rs

January 27

For Boston,

The Schooner

HARMONY,

One half of her cargo is already engaged and will commence loading on Tuesday next. The remainder will be taken if immediate application is made. Apply to the master on board, at Bowly's wharf.

PAOLI HEWES.

January 27 d4c

For Washington, N. Carolina,

The new fast sailing Schooner

L U K E,

James Barnes, Master,

Lying at Hollin's wharf, F. P. will positively sail the 1st of February next. For freight or passage, apply to the capt. on board, or to

A. C. SEINEEMAN,

No 33, Market-street, Fell's Point.

January 27 mv&3t

For Sale,

The Schooner

ENTERPRISE,

Burthen 67 tons, has made but one voyage.

ALSO,

Lucea Oil, in flasks and bottles

Castile Soap

Marble Slabs and Tables

Plattias, and Bills on London.

HOLLINS & M'BLAIR.

January 27 d8t

For Sale,

A LOT of GROUND on the West side of Gay-street dock, fronting thereon 30 feet, and extending back 104 feet to a 36 feet street. Apply to

JANE FORMAN,

Corner of Market-space and Water-street.

January 27 eol2t

Henry St'ckney,

HAVING commenced business at No. 70, Bowly's wharf, solicits a share of public patronage, and assures the public, that all engagements and commands will be strictly attended to, and every favor gratefully acknowledged.

He has in store, and for sale, the following assortment of PAINTS,

Yellow Ochre, dry and Gum Asphaltum

ground in Oil

White Lead do

Venetian Red do

Black do

Verdigrise do

Red Lead

Patent Yellow

Stone do

Dutch Pink

Rose do

Vermillion

Roman Ochre

English Pink

Purple Brown

Cut Tripoly

Distilled Verdigrise

Prussian Blue

King's Yellow

Drop do

Gold Leaf

White Vitriol

Camel Hair Pencils

Copal & Japan Varnish

Brushes and Tools

8 1/2 & 10 1/2 Window Glass

Picture do. 32 by 42

Pallet Knives

Dutch Paint Mill