

Spain is not unwilling, and is even preparing for war with the United States, in the hope of making it general, and uniting Europe against us and her colonies, on the principle that she has no hope of saving them. Her pertinacious refusal to cede the Florida to us herefore, though evidently her intent is to do it, gives some coloring to the suggestions. If we engage in a war, it is of the greatest importance that our people be united, and, with that view, that Spain commence it, and, above all, that the Government be free from the charge of committing a breach of the Constitution.

I hope that you have recovered your health. You see that the state of the world is unsettled, and that any future movement is likely to be directed against us. There may be very important occasions for your services, which will be relied on. You must have the object in view, and be prepared to render them.

Gen. Andrew Jackson to Mr. Monroe.
Natchez, August 19, 1818.

Sir: Your letter of the 19th July, apprising me of the course to be pursued in relation to the Floridas, has been received. In a future communication, it is my intention to submit my views of all the questions springing from the subject, with the fulness and candor which the importance of the topic, and the part I have acted in it, demand. At present, I will confine myself to the consideration of a part of your letter, which has a particular bearing on myself, and which seems to have originated in a misconception of the import of the order under which I have commenced the Seminole campaign. In making this examination, I will make use of all the freedom which is courted by your letter, and which I deem necessary to afford you a clear view of the construction which was given to the order, and the motives under which I proceeded to execute its intentions.

It is stated in the second paragraph of your letter, that I transcended the limits of my order, and that I acted on my own responsibility.

To these two points I mean at present to confine myself. But, before entering on a proof of their applicability to my acts in Florida, allow me fairly to state that the assumption of responsibility will never be shrunk from when the public can thereby be promoted. I have passed through difficulties and exposures for the honor and benefit of my country; and whenever still, for this purpose, it shall become necessary to assume a further liability, no scruple will be urged or felt. But when it shall be required of me to do so, and the result be danger and injury to that country, the inducement will be lost, and my consent will be wanting.

This principle is held to be incontrovertible, that an order, generally, to perform a certain service, or effect a certain object, without any specification of the means to be adopted, or limits to govern the executive officer, leaves an entire discretion with the officer as to the choice and application of means, but preserves the responsibility for his acts on the authority from which the order emanated. Under such an order all the acts of the inferior are acts of the superior; and in no way can the subordinate officer be impeached for his measures, except on the score of deficiency in judgment and skill. It is also a grammatical truth, that the limits of such an order cannot be transcended without an entire desertion of the objects it contemplated; for as long as the main legitimate design is kept in view, the policy of the measures adopted to accomplish it is alone to be considered. If these be adopted as the proper rules of construction, and we apply them to my order of December 26, 1817, it will be at once seen, that, both in description and operative principle, they embrace that order exactly. The requisitions of the order are for the commanding general to assume the immediate command at fort Scott, to concentrate all the contiguous and disposable force of the division on that quarter, to call on the executives of adjacent States for an auxiliary militia force, and concludes with this comprehensive command: "With this view you may be prepared to concentrate your forces, and adopt the necessary measures to terminate a conflict, which it has ever been the desire of the President, from motives of humanity, to avoid, but which is now made necessary by their settled hostility."

In no part of this document is there a reference to any previous order, either to myself or another officer, with a view to point to the measures thought advisable of the limits of my power in choosing and effecting them. It states that Gen. Gaines has been ordered to Amelia Island, and then proceeds to inform me that "subsequent orders have been given to General Gaines, (of which copies will be furnished you,) that you would be directed to take the command, and directing to re-assume, should he deem the public interest to require it, the command at fort Scott, until you should arrive there." Lastly, it mentions that "he was instructed to penetrate the Seminole towns through the Floridas, provided the strength of his command at Amelia would justify his engaging in offensive operations. The principle determining the weight of references, in subsequent orders, to instructions previously given, is well settled. Such references are usually made with one of these two intentions—either the order is given to a second officer, to effect a certain purpose which was intended to be effected by another officer, and the instructions of the first are referred to as the guide of the second; or the order contains and is designed for an extension of authority, and only refers to anterior communications to give a full view of what has been previously attempted and performed. In the first case it is always necessary to connect the different orders by a specific provision, that no doubt may exist as to the extent of the command; and thus the several requisitions and instructions are amalgamated, and the limits of the agent plainly and securely established. In the second, no such provision is necessary; for an entire discretion in the choice and use of means being previously vested, the reference, if there be any, is only descriptive of the powers antecedently given, and the results of measures attempted under such special limitation. But admitting, that, in my order of December 26, 1817, there is such a reference as I contemplated in the first case, allow me to examine its character and amount. It is stated that "orders have been given to General Gaines, (copies of which will be furnished you,)" but without affirming that they are to be considered as binding on me, or in any way connected with the comprehensive command that I should terminate the Seminole conflict. On the contrary, so far are they from being designated as my guide and limits in entering Florida, that, in stating their substance in the ensuing sentence, no allusion whatever is made either to means or limitations.

How, then, can it be said with propriety that I have transcended the limits of my orders, or acted on my own responsibility? My order was as comprehensive as it could be, and contained neither the minute original instructions, or a reference to others previously given, to guide and govern me. The fullest discretion was left with me in the selection and application of means to effect the specified legitimate objects of the campaign; and for the exercise of a sound discretion on principles of policy I am alone responsible. But allow me to repeat, that responsibility is not feared by me, if the general good requires its assumption. I never have shrunk from it, and never will; but against its imposition on me contrary to principle, and without the prospect of any politic result, I must contend with all the feelings of a soldier and a citizen. Being advised that you are at your country seat in Loudon, where I expect this will reach you, I enclose you a copy of the order to me of the 26th December, 1817, and copies of the orders of General Gaines therein referred to; from a perusal of which you will perceive that the order to me has no reference to those prohibitory orders to General Gaines that you have referred to.

It will afford me pleasure to aid the Government in procuring any testimony that may be necessary to prove the hostility of the officers of Spain to the United States. I had supposed that the evidence furnished had established that fact—that the officers of Spain had identified themselves with our enemy, and that St. Mark's and Pensacola were under the complete control of the Indians, although the Governor of Pensacola at least had force sufficient to have controlled the Indians, had he chosen to have used it in that way. For the purpose of procuring the necessary evidence of the hostile acts of the Governor of Pensacola, I dispatched Captain Young, topographical engineer, and as soon as obtained will be furnished you. I trust, on a view of all my communications, (copies of which have been forwarded by Capt. Gadsden,) you will find that they do not bear the construction you have given them. They were written under bad health, great fatigue, and in haste. My bad health continues; I labor under great bodily debility.

Accept assurances of my sincere regard and esteem; and am, respectfully, your most obedient servant,
ANDREW JACKSON.
James Monroe, President U. S.

James Monroe to Gen. Andrew Jackson.
Washington, October 20, 1818.

Dear Sir: I received your letter of the 19th of August, while I was at home, on my farm in Albemarle; and there appearing to be no necessity for giving it an immediate answer, I delayed it until my return here.

I was sorry to find that you understood your instructions relative to operations in Florida differently from what we intended. I was satisfied, however, that you had good reason for your conduct, and have acted in all things on that principle. By supposing that you understood

to bear of a renewal of all the horrid scenes of massacre on our frontier that existed before the campaign, unless Captain Boyles, on his second visit, may be fortunate enough to destroy this operation, which you may rely springs from foreign excitement.

Col. Sherburne, Chickasaw agent, requested me to name to you, that he was wearied with his situation, of which I have no doubt; his age, and former habits of life but little calculated him for happiness amidst a savage nation. But being dependent for the support of himself and sister on the perquisites of his office, he cannot resign; but it would be a great accommodation to him to be transferred to Newport, should a vacancy in any office occur that he was competent to fill. I have no doubt but he is an amiable old man; and from his revolutionary services I sincerely feel for him. He is unacquainted with Indians, and all business that relates to them; but at the treaty, as soon as he did understand our wishes and that of the Government, he aided us with all his might. The Colonel never can be happy amidst the Indians. It would afford me great pleasure to hear that the Colonel was comfortably seated in an office in Newport, where he could spend his declining years in peace and happiness with his own countrymen and friends.

Accept assurances of my high respect and esteem, and believe me to be, respectfully, your most obedient servant,
ANDREW JACKSON.
James Monroe, President of the United State

Mr. Monroe to General Jackson.
Washington, Dec. 21, 1830.

DEAR SIR: I received your letter of November 13 some time past, and should have answered it sooner but for the great pressure of business on me, proceeding from duties connected with the measures of Congress.

The steps suggested in mine to you of October 20, will, I am inclined to believe, be unnecessary. My sole object in it was to enable you to place your view of the authority under which you acted in Florida on the strongest ground possible, so as to do complete justice to yourself. I was persuaded that you had not done yourself justice in that respect, in your correspondence with the Department, and thought that it would be better that the explanation should commence with you, than be invited by the department. It appeared to me that that would be the most delicate course in regard to yourself. There is, it is true, nothing in the Department to indicate a difference of opinion respecting the import of your instructions, and for that reason, that it would have been difficult to have expressed that sentiment without implying by it a censure on your conduct, than which nothing could be more remote from our disposition or intention.

On reviewing your communication by Captain Gadsden, there were three objects pre-eminently in view: the first, to preserve the Constitution from injury; the second, to deprive Spain and the allied powers of any just cause of war; and the third, to improve the occurrence to the best advantage of the country, and of the honor of those engaged in it. In every step which I have since taken, I have pursued those objects with the utmost zeal, and according to my best judgment. In what concerns you personally, I have omitted nothing in my power to do you justice, nor shall I in the sequel.

The decision in the three great points above stated, respecting the course to be pursued by the administration, was unanimously concurred in; and I have good reason to believe that it has been maintained since, in every particular, by all, with perfect integrity. It will be gratifying to you to know that a letter of instructions has been drawn by the Secretary of State in reply to a letter of Mr. Pizarro, which has been published, in which all the proceedings in Florida, and in regard to it, have been freely reviewed, and placed in a light which will, I think, be satisfactory to all. This letter will be reported to Congress in a few days, and published of course.

On one circumstance it seems proper that I should now give you an explanation. Your letter of January 6 was received while I was seriously indisposed. Observing that it was from you, I handed it to Mr. Calhoun to read, after reading one or two lines, only, myself. The order to you to take command in that quarter had before then been issued. He remarked, after perusing the letter, that it was a confidential one, relating to Florida, which I must answer. I asked him if he had forwarded to you the orders of Gen. Gaines on that subject. He replied that he had. Your letter to me, with many

others from friends, was in consequence of my being in the great press of business at that time, and never occurred to me until my return from Loudon, in receipt of yours by Mr. Hay then on the suggestion of the hon.

[To be continued.]

BY AUTHORITY



LAW OF THE UNITED STATES
Passed at the Second Session of the Tenth Congress.

An Act to alter and amend "An act to amend and dispose of certain public lands, and in consequence of the substitution of the word 'olive'."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all persons who have received a patent for the sale of land, under a contract entered into on the eighth of January, eighteen hundred and twenty-one, by the Secretary of the Treasury in pursuance of the United States, and Charles Y. ... of the Tombebee Association, in pursuance of an act to set apart and dispose of certain lands for the encouragement of the cultivation of the olive, and approved on the thirtieth of March, receive a patent for the same, in lieu of the original patent, and the said original patent shall be null and void.