1. 10 10 101 his purpose Sir. Hambi haste, and to to the ded to with-

the musts, it is imit. It is not on it. It is not mid immediately Id be stimulated to re declared, the adand other co unines nish flag, privateer The immense revereceive would be as would be the provaldable productions. The If soon become gene fonot furespe that we should le power in Europe ou our risk these consequences: which have occurred in alas show the incompetenmaintain her authority; progress of the revolutions in Amonica will require all her for-There is much reason to there. na that this act will furnish a inducement to Spain to ceils the ey, provided we do not wound her pride by holding it. If e posts, fice gavernment can t treat with honor, which, by with rawing the troops, we afford her an actuany to do. The manner in a we propose to act, will exculpate you from censure, and promises to ob tain all the advantages which you con templated from the measure, and possi ly very soon. From a different course advantage would be likely to result, and there would be great danger of exasize and serious injucies.

I shall communicate to you, in the madence in which I write this letter, e copy of the answer which will be given to the Spanish minister, that you may see distinctly the ground on which rest, in the expectation that you will rive it all the support in your power. The answer will be drawp on a view, and with attention to the general inrests of our country, and its relations its other powers.

A charge, no doubt, will be made of reach of the Constitution; and, to such a charge, the public feeling will be alive. It will be said that you have taken all the power into your own hands, not from the executive alone, but likewise from Congress. The distinction which have made above, between the act of he Buvernment, refittes that charge. this act, as to the General, will be it, if the facts on with he rests git a measure of necessity, and

na. Ber pretin cious refuse to crite the Floriday heretofore, though evidently her interpring to est to da it, gives so os. If we engage in a war, it of the greatest importance that our could be united, and, with that view. at 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 You see that the state of the headshe world is unsettled, and that any future movement is likely to be directed a gainst us. There may be very imp land occasions for your services, which will be relied on... You must have the object in view, and be prepared to render them,

Gen. Anirew Juckson to Mr. Matirne

Mashville, August 19, 1818 Sina Your letter of the 19th July pprizing me of the course to be pur med in relation to the Floridas, has agen received. In a future communitation, it is my intention to submit my views of all the questions springing from the subject, with the fuiness and candor which the importance of the tonic, and the part I have acted in it, demand. At present, I will confine myself to the consideration of a part of rimer letter, which has a particular bear ing on myself, and which seems to hive originated in a misconception of the import of the order under which I have commenced the Seminule cam paign. In making this examination, will make use of allabe freedom which is courted by your letter, and which I deem necessary to afford you a clear view of the construction which was gi ven to the order, and the motives under which I proceeded to execute its inten tiuns.

It is stated in the second paragraph of your letter, that I transcended the li mits of my order, and that I ucted on my

own responsibility. To these two points I mean st present to confine myself. But, before enter ing on a proof of their applicability to my ac's in Florida, allow me fairly to state that the assumption of responsibiity will never be shrunk from when the public can thereby be promoted. I have passed through difficulties and exposuces for the honor and benefit of my country; and whenever still, for this purpose, it shall become necessary to essume a further liability, ro 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 incontro vertible, 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 offi expect this will reach you, I enclose cer as to the choice and application of means, but preserves the responsibility for his acts on the authority from which the order ensanated. Under such an or der all the acts of the inferior are acts of the superio ; 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 ob jects it contemplated; for as long a the main legitimate design is kept in view, the policy of the measures adopt eil to accomplish it is alone to be con sidered. 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 principie, 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 dispovable force of the division on that quar ter, to call on the executives of adjacent States for an auxiliary militia force, and concludes with this compre-hensive commands "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 Presi dent, from motives of humanity, to a void, but which is now made necessary by their settled hostility." In no part of this document is though, should you have copies, as I order, either to myself or another presume you have, you had better do it officer, with a view to point to me the measures thought advisable or of Europe respecting the limits of my power in choosing is not yet settled. A add effecting them. It states that limit powers is to be and effecting them. It states that Gon: 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 a.) that you would be directed to to the command, and directing to assume, should he deem the pubhe interest to require it, the command at fort Scott, until you should arrive there," Lastly, it mentions that " he was instructed to penetral the Seminole towns through the Flar-idas, provided the strength of his command at Amelia would justify he dispute between is made a preimining in offensive operations. isfied, however, that you had good i no councils whose implete independ-in instructions previously given, is by supposing that you understood

is acent well settled, 018 833 th one of these two titler the order is given to a second officer, to effect a certhis purpose which officer, and as of the first are rethe instruction ferred to as the guide of the second; ter, not of recent date only. 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 alvays necessary to connect the differ-

ent 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 securily established. In the second, no such provision is necessary; for an entire dis cretion in the choice and use of means being previously vested, the reference, if there be any, is only descriptive of the powers antecedeutly given, and the results of measures attempted under such specificial 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 give 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 stat ing 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 specifical legitimate objects of the campaigu; and for the exercise of a sound discretion on principles of policy am I alone responsible. But allow me to repeat, that responsibil ity 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 Loudoan, where I

in as we sid, I concluded that you ded on your own re ne, in which, knowing our motives, I have done all th ald to justify the measure. I well knew, also, the misconduct of the Spanish authorities in that quar-

Finding that you had a different view of your power, it remains only to do justice to you on that ground. Nothing can be further from my intention than to expose you to a responsibility, in any sense, which you did not contemplate.

The best course to be pursued cems to me to be for you to write a letter to the Department, in which you will state, that, having reason to think that a difference of opinion existed between you and the Executive, relative to the extent of your powers, you thought it due to your self to state your view of them, and on which you acted. This will be answered, so as to explain ours, in a friendly manner by Mr. Calhoun, who has very just and liberal sentiments on the subject. This will be necessary in the case of a call for papers by Congress, or may be. Thus we shall all stand on the ground of honor, each doing justice to the other, which is the ground on which we wish to place each other.

I hope that your health is improved, and Mrs. Monroe unites in her best respects to Mrs. Jackson.

With great respect and sincere regard I am dear Sir, yours,

JAMES MONROE. Major Gen. A. Jackson, Nashville, Ten.

D.

Extract from Gen. Jackson's letter of November 15, 1818, to Mr. Monroe.

DEAR SIR: On my return from the Chikasaw treaty, I found it necessary to pass by Milton's Blaff, where I had established some hands for the culture of cotton, hearing it had been taid out for a town and the lots sold. to have as much of my crop preserved as existing circumstances would permit. From thence I took Huntsville in my route, and did not reach the Hermitage until the 12th instant. and on the 13th received your letter of the 20th ult.; from an attentive perusal of which, I have concluded that you have not yet seen my despatches from Fort Gadson, of the 5th of May last, which it is reported reach ed the Department of War by due course of mail, and owing to the negligence of the clerks was thrown a side as a bundle of revolutionary and pension claims. This I sincerely regret, as it would have brought to your view the light in which I viewed my orders. The closing paragraph of that despatch is in the following words:

" I trust, therefore, that the measures which have been adopted in

to hear of a renewal of all the borrid | others from friends, a are of massacre on our frontier in consequence of my that existed before the campaign, un- and the m less Captain Boyles, on his second time, and never recurs visit, may be fortunate encagh to ter my return from Loud destroy this operation, which you receipt of yours by Mr. H may rely springs from foreign ex- then on the suggestion of citement.

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 liabits 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. 11 would afford me great pleasure to hear that the Colonel was comforta bly 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 sconer but for the great pressure of business on me, proceeding from duties connected with the measures of Congress. The stepsuggested in mine to you of October 20, will, 1 am inclined to believe, beunnecessary. 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 pursuaded 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 additional ground for the institution; the



eat pressure

An Act to alter and smeed "An act and dispose of certain public land couragement of the suitivation of

Be it enacted by the Senate an resentatives of the United States bled, That all p Congress and to lands, under a contract ente eighth of Jacuary, eighteen handle by the Scuretary of the Treasury the United States, and Charles Vi the Tombechee Association, in purs for the encouragement of the entra vine and olive." approved on the th eighteen hundred and scienteen, the

visces or assigns, who appear by the William'. Adams, special agent of a ry, somed in compliance with a re the Senate, passed the twentieth of Mar hundred and twenty-six, to have eng the conditions of settlement and en stipulated for in said contract, or who after make it appear to the satisfaction eretary of the Treasury, that they hap plied, shall on paying into the Treasur har and twenty-five conta the acre pre-third of March, eighteen hundred a

three, receive a patent for the same. See 2. And be it further enacted persons who became entitled to an al and under said contract, their beirs, de of settlement and cult period required thereby, who at the th passage of this act shall be in the actual and cultivation of the same, shall, on p the Treasury one dollar and twentythe acre, previous to the third of March, hundred and thirty-three, receive a pa

Sec. 3 And be it further enacted, widow and children of any person who catitled to an allotment of fand under cotilled to an another of sum and the c tract, and died without performing the c required, shall, on paying into the Treas dollar and twenty-five dents per acre, prothe third of March, eighteen hundred three, receive a patent lo: the same. ANDREW STEVENSO

Speaker of the House of Repres JOHN C. CALHOUN, President of Approved, February 19, 1831. ANDREW JA

An Act making appropriations for the tion and appent of the Penitentiary in triet of Columbia, and for other purpu-Be it enacted by the Senate and Hor-presentatives of the United States of the Congress assembled, Tist, in addition to computed balance of the Senate States of the Congress assembled, I have in another to expended balance of the appropriation of hundred and twenty-nine, now subjection der of the inspectors, there shall be, and is, appropriated for the apport of the an-tentary, for the pay of its officers, the er-additional buildings and improvements what faud sea wall; the purchase of m tools, and implements of trade; the pur-additional bround for the institution; the of opinion between you and the Exe-cutive respecting the import of your thousand three hundred and sixty dollar paid out of any money erwise appropriated, and to be expende the direction of the Board of Inspectors ded, That no more than two thousand shall be drawn from the Treasury at any o and that no subsequent drait shall be ma the amount previously drawn shall be counted for by proper vouchers, regular bered, and an abstract of which shall no counted for the same, Sec. 2. And be it further enacted majority of the inspectors shall certify abstract, that the amount of moneys, therein, have been actually and necess pended; and further, the affidavirs of the and elerk, taken before a judge or justi pence, shall be endorsed on asid abstract that the moneys mentioned therein, and accompanying the same, have been actu to the persons, and for the purposes stat abstracts and vouchers. Sec. 3. And be it further enacted, 1 consent of the Senate; and said wavele point, and may remove, at his pice subordinate officers, excepting the snall be appointed and removed by I crs, or a majority of them. Sec. 4. And be it further enacted, number of inspectors shall here'sliteral to three, a majority of a hom shall board for the transaction of business, a receive an annual solary, payable quarter of two bundred and fifty dollars each. See, 3. And be it further marten. and after the passage of this act, the sala warder of the said peritensiary shall be hundred dollars per angum. Approved, February 25, 1831.

il proved. There is no war, ch of the Constitution, unless vernment should refuse to give posts; in which event, should embargo our vessels, and war the charge of such breach would d against the Government with force. The last imputation to I would consent justly to expose I, is that of infringing a Constitu-to the support of which, on pure iples, my public life has been de. In this sentiment, I am satisfi-on fully concur. ar letters to the department were

ter in haste, under the pressure of ne and infirmity, in a spirit of con-as rectifude; and, in consequence, ters actention to some parts of contents than would otherwise been bestawed on them. The set to which I particularly allude, neinary, for L-have not the letter emery, for Unive not the letter me, is that in which you speak of etency of as imaginary boundary. It is against the enemy, being ound on which you bottom all genergs. This is hable to the

ion that you took the Spanish t reason, as a measure of and not on account of the act of the Spanish officers. flect of this and such passages, is other objections to them, would to invalidate the ground on which stand, and fornish weapons to ad-saries who would be glad to seize m. If you think proper to authorize Becretary, or myself, to correct

r is spoken of 1 is year, (Nor tion. England pro-e calamies to Spain id colomial governis loss favor vable, as are We have a Russian

ne dispute between The settle and F

you a copy of the order to me of the 26th December, 1817, and copies of the orders of General Gaines there. in 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 un der 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 ne cessary evidence of the hostile acts of the Governor of Pensacola, I despatched 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 hodily debility.

Accept assurances of my sipcere regard and esteem; and am, res-pectfully, your most obedient ser-yant, ANDREW JACKSON, James Monroe, President U. S.

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

Dear Sir: I received your letter of the 19th of August, while I was a home, on my farm in Albemarie; 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 rom what we intended. I was sat-

ursuance of your instructions unde a firm conviction that they alone are calculated to ensure peace and security to the southern frontier of Georgia."

The moment therefore, that you assume the ground that I transcend my power, the letter referred to a bave will at once unfold to your mind the view I had taken of them, and make manifest the difference of apinion that exist. Indeed, there are no data at present upon which such a letter as you wish written to the Secretary of War can be bottomed, have no ground that a difference of apinion exist between the government and myself, relative to the powers given me in my orders, unless I advert either to your private and confidential letters or the public prints, neither of which can be made the basis of an official communication to the Secretary of War., Had lever, or were I now to receive an official letter from the Secretary of War, explanatory of the light in which it was intended by the Government that my orders should be view ed, I would with pleasure give my understanding of them."

E. General Jackson to James Monroe.

Bermutage, near Nashville, December 7, 1818.

Dear Sir: I have just received your message to both Houses of Congress, forwarded by you, and repetition of massacre and murder. lished of course. From the report of Col. King, received and forwarded to the Department of War, you will discover that the Indians had concentrated their

and Captain Boyles, which Col. King

to have taken place at this point on their hearing that Pensacola was to be restored to Spain, and that the In-diana bave declared they will never submit to the United States. If this asked him if he had forwarded to be the fact, and as to myself I have you the orders of Gep. Gaines on

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 ad vantage of the country, and of the vantage of the country, and of the worden of the mid pententiary shall I honor of those engaged in it. In e. ed by the President, by and with the very 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, not 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 mintained 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 to our Minister at Madrid, in reply to a letter of Mr. Pizzaro, which has been published, in which all the proceedings in Flori have read it with great attention and da, and in regard to it, have been satisfaction. The Florida question freely reviewed, and placed in a light being now fairly before Congress, 1 which will, I think, he satisfactory hope that body will take measures to to all. This letter will be reported secure our southern frontier from a to Congress in a few days, and pub-

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 forces on the Choctaw Hotchy, which indisposed. Observing that it was gave rise to the affair between them from you, I handed it to Mr. Calhoun to read, after reading one or two lines, only, myself. The order The collection of the Indians is said to you to take command in that quarno doubt, as soon a. Spain is in pos-session of Pensacola, whenay expect had. Your letter to me, with many

An Act to authorize the appointment of agent to the Winnebago Indons,

agent

Be it enacted by the Senate and In resentatives of the United States of a ongress assembled. That an addition Congress asses red to the Wit reside on the waters of Book river; said agent shall be appointed as like appointed, and receive the same armo Approved, February 25, 1851.

FOREIGN

From the New York Americ By the Britannia packet have Liverpool papers to the and London papers to the 1st. w ris and Brussets dates of the 39

UBLY The affairs of Belgium chief attention. The nomine Dake of L-uchtenburg to the was only deferred, not defeat the last arrival was stated. French Government have, communicated to the Belgian Communicated to the Belgian Communicated to the Belgian Comost explicitly declined the cr the Dake of Nemours, re exation of Belgium to France clared that if the son of Be was elected King by the 1 would not be recognised The explosion which in t Congress followed this commut