

Having now fully vindicated my conduct, I will conclude the correspondence also, with a single remark, that I too well know what is due to my rights and self-respect, in this unpleasant affair, to permit myself to be diverted into an altercation with Mr. Crawford, or any other individual, whom you may choose to consider as concerned in this affair.

JOHN C. CALHOUN.

President Jackson.  
Mr. Crawford attempted to open a correspondence with me on this subject. I returned his letter declining all correspondence with him, except through General Jackson. See Appendix Q.

APPENDIX.

Extract from the Private Correspondence between Mr. Monroe and General Jackson, on the Seminole affair, referred to in the letter of the 29th May.

Mr. Monroe to General Jackson,

WASHINGTON, July 19, 1818.  
DEAR SIR— I received, lately, your letter of June 2d, by Mr. Hamblly, at my farm in Loudoun, to which I had retired to await your report, and the return of our Commissioners from Buenos Ayres. In reply to your letter, I shall express myself with the freedom and candor which I have invariably used in my communications with you. I shall withhold nothing in regard to your attack of the Spanish posts, and occupancy of them, particularly Pensacola, which you ought to know, it being an occurrence of the most delicate and interesting nature, and which, without a circumspect and cautious policy, looking to all the objects which claim attention, may produce the most serious and unfavorable consequences. It is by a knowledge of all the circumstances, and a comprehensive view of the whole subject, that the danger to which this measure is exposed may be avoided, and all the good which you have contemplated by it, as I trust, be fully realized.

In calling you into active service against the Seminoles, and communicating to you the orders which had been given just before to General Gaines, he views all the intentions of the Government, as fully disclosed in respect to the operations in Florida. In transcending the limits prescribed by those orders, you acted on your responsibility, on facts and circumstances which were unknown to the Government when the orders were given, many of which indeed, occurred afterwards, and which you thought imposed on you the measures, an act of patriotism, essential to the honor and interests of your country.

The United States stand justified in ordering their troops into Florida in pursuit of their enemy. They have this right by the law of nations, if the Seminoles were inhabitants of another country, and had entered Florida to elude our pursuit. Being inhabitants of Florida, with a species of sovereignty over that part of the territory, and a right to the soil, our right to give such an order is more complete and unquestionable. It is not an act of hostility to Spain. It is the less so, because her Government is bound by treaty to restrain by force of arms, if necessary, the Indians there from committing hostilities against the United States.

But an order by the Government to attack a Spanish post would assume another character. It would authorize war, to which, by the principles of our Constitution, the Executive is incompetent. Congress alone possess the power. I am aware that cases may occur, where the Commanding General, acting on his own responsibility, may with safety pass this limit, and with essential advantage to the country. The officers and troops of the United States, when they are ordered to make war, they furnish them with arms and munitions of war to carry it out; they take an active part in other respects to their favor; they afford them an asylum on their retreat. The general obtaining victory pursues them to this post, the gates of which are shut against him; he attacks and carries it, and rests on those acts for his justification. The affair is then brought before his government by the power whose post has been thus attacked and carried. If the Government who order the attack had given an order for it, the officer would have no objection. He exercised no discretion, nor did he act on his own responsibility. The merit of the service, if there be any in it, would not be his. This is the ground on which this occurrence rests, as to his part. I will now look to the future.

The foreign Government demands—was this your act? or did you authorize it? I did not; it was the act of the general. He performed it for reasons deemed sufficient himself, and on his own responsibility. I demand, then, the surrender of this post, and this moment. The evidence justifying the conduct of the American General, and proving the misconduct of those officers, will be embodied, to be laid before the sovereign, as the ground on which their punishment will be expected.

If the Executive refused to evacuate the posts, especially Pensacola, it would amount to a declaration of war, to which it is incompetent. It would be accused of usurping the authority of Congress, and giving a deep and fatal wound to the Constitution. By charging the offence on the officers of Spain, you take the ground which you have presented, and look to you to support it.—You must aid in procuring the documents necessary for this purpose. Those which you sent by Mr. Hamblly were prepared in too much haste, and do not, I am satisfied, do justice to the cause. This must be attended to without delay.

Should we hold the posts, it is impossible to calculate all the consequences likely to result from it. It is not improbable that war would immediately follow. Spain would be stimulated to declare it; and, once declared, the adventures of Britain and other countries would under the Spanish flag, prevail on our commerce. The immense revenue which we now receive would be much diminished, as would be the profits of our valuable productions. The war would probably soon become general; and we do not foresee that we should have a single power in Europe on our side. Why risk these consequences? The events which have occurred in Florida show the incompetency of Spain to maintain her authority; and the progress of the revolutions in South America will require all her forces there.—There is much reason to presume that this act will furnish a strong inducement to Spain to cede the territory, provided we do not wound too deeply her pride by holding it. If we hold the posts, her government cannot treat with honor, which, by withdrawing the troops, we afford her an opportunity to do. The manner in which we propose to act, will exculpate you from censure, and promises to obtain all the advantages which you very soon will be likely to measure, and possibly very soon. From a different course, no advantage would be likely to result, and there would be great danger of extensive and serious injuries.

I shall communicate to you, in the confidence in which I write this letter, a copy of the answer which you may see distinctly the ground on which

we rest, in the expectation that you will give it all the support in your power.—The answer will be drawn on a view, and with attention to the general interests of our country, and its relations with other powers.

A charge, no doubt, will be made of a breach 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 I have made above between the act of the Government, and that of the individual, is, that, as to the Government, it is right, if the facts on which he rests may, it is a measure of necessity, and they be well proved. There is no war, or breach of the Constitution, unless the Government should refuse to give up the posts; in which event, should Spain embargo our vessels, and war follow, the charge of such breach would be laid against the Government with great force. The last imputation to which I would consent justly to expose myself, is that of infringing a Constitution to the support of which, on pure principles, my public life has been devoted. In this sentiment, I am satisfied, you fully concur.

Your letters to the department were written in haste, under the pressure of fatigue and infirmity, in a spirit of conscious rectitude; and in consequence with less attention to some parts of their contents than would otherwise have been bestowed on them. The passages to which I particularly allude from memory, for I have not the letter before me, is that in which you speak of incompetency of an imaginary boundary to protect us against the enemy, being the ground on which you bottom all your measures. This is liable to the imputation that you took the Spanish post for that reason, as a measure of expedience, and not on account of the misconduct of the Spanish officers. The effect of this and such passages, besides other objections to them, would be to invalidate the ground on which you stand, and furnish weapons to adversaries who would be glad to seize them. If you think proper to authorize the Secretary or myself, to correct those passages, it will be done with care, though, should you have copies, as I presume you have, you had better do it yourself.

The policy of Europe respecting South America is not yet settled. A congress of the allied powers is to be held this year, (November is spoken of,) to decide that question.—England proposes to restore the colonies to Spain with free trade and colonial governments. Russia is less favorable, as are all the others. We have a Russian document, written by order of the Emperor, as the basis of instructions to his ministers at the several courts, speaking of the British proposition favorably, but stating that it must be considered and decided on by the allies, and the result published, to produce a moral effect on the colonies, on the failure of which, force is spoken of. The settlement of the dispute between Spain and Portugal is made a preliminary. We partake in no councils whose object is not their complete independence. Intimations have been given in that Spain is not unwilling, and is even preparing for war with the United States, in the hope of making it general, and thus Europe cannot see another colony in the power of Spain, nor the hope of seeing them. Her position is a refusal to cede the Florida to us, and though she may be unwilling to do so, she is not unwilling to go to war, if it is of the greatest advantage to her people to be united, and with that view, she will commence it above all.

Government be free from the charge of usurping a branch of the Constitution, and I trust, you will be satisfied with the result. You may see distinctly the ground on which I have acted against us, in the geography, by important occasions for your country, which will be published. You may see distinctly the ground on which I have acted, and the reasons for it. I am, Sir, your obedient servant, JAMES MONROE.

Gen. Andrew Jackson to Mr. Monroe, Nashville, August 10, 1818.  
Sir: Your letter of the 19th July, in relation to the course to be pursued, in respect to the Florida, has been received. In communication, it is my intention to submit my views of all the questions arising from the subject, with the fullest and candid view of the importance of the topic, and the measures which have acted in it, desiring you to confine yourself to the consideration of the 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 shrank from when the public good 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 of 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 invariable, 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, and leaves the responsibility for his acts on the authority from which the order emanates. Under such an order all the acts of 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 object contemplated; for as long as the main object of the design is kept in view, the policy of the measures adopted to accomplish it is a- lone to be considered. If these be adopted as the proper rules of construction, I will apply them to my order of December 29, 1817; it will be at once seen that, both in description and operative principle, they embrace the order exactly. The requisitions of the order are for the commanding general to assume the immediate command of Fort Scott, to concentrate all the contiguous and disposable force of the division on that quarter, to call on the militia force, and conclude 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, first to avoid, but which is now necessary by the settled hostility."

In no part of this document there a reference to any previous order, either to myself or another officer, with a view to point to the measures thought advisable; 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 direct him to re-assume, should he deem the public interest to require it, the command at Fort Scott, until he should arrive there." Last, it mentions that "he was instructed to point out the Seminole towns through the Florida, 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 two intentions:—either the order, is given to a second officer, to effect a certain purpose which is intended to be effected by another officer, and the instructions "if 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 limitations. (But admitting, that, in my order of December 29, 1817, there is such reference as I contemplated in the first case, all things to examine its character and amount. It is stated that "orders have been given to Gen. Gaines, (copies of which will be furnished you,) with out 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 to either means or limitation.

How then, can it be said with propriety that I have transcended the limits of my order, 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 to me in the selection and application of means to effect the specified object.

THE SHERIFF'S SALE.  
I have three writs of vendition executed by me issued out of Talbot county Court, to me directed and delivered by the clerk of the said court, to wit: one directed to John E. Rigden, one at the suit of the State of Maryland vs. James Sangston, A. D. N. of the State of Maryland at the instance and for the use of Shadrack and Solomon Mitchell, against Clement Morris, will be sold on TUESDAY the eighth day of March next, at the Court House door, in the town of Easton, between the hours of 10 and 4 o'clock of said day, the following property to wit: one negro boy Stephen, about 21 years old, one negro boy Major, about 18 years old, and one negro woman Matilda, about 10 years old, all as the property of the said Clement Morris, and will be sold to pay and satisfy the above vendition expensas, and the interest and costs due and to become due thereon. Attendance by  
THOS. HENRIX, late shff.

Feb. 15

PUBLIC SALE.  
In order of the Orphan Court of Calhoun county, there will be sold at public sale, on Monday the 22d day of February next, at 10 o'clock of said day, the following property, to wit: one negro boy Stephen, about 21 years old, one negro boy Major, about 18 years old, and one negro woman Matilda, about 10 years old, all as the property of the said Clement Morris, and will be sold to pay and satisfy the above vendition expensas, and the interest and costs due and to become due thereon. Attendance by  
THOS. HENRIX, late shff.

Accept assurances of my sincere regard and esteem, and am respectfully, your most obedient servant,  
JAMES MONROE, President of 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, of 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 them as we did, I concluded that you proceeded on your own responsibility alone, in which, knowing the purity of your motives, I have done all that I could to justify the measure. I well knew, also, the misconduct of the Spanish authorities in that quarter, not of recent date only.

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, seems 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 yourself to state your view of them, and on which you acted. This will be answered, as we 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 honour, 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 you.

With great respect, and sincere regard,  
I am, dear sir, yours,  
JAMES MONROE.

Maj. Gen. A. JACKSON, Nashville, Tenn.

Extract from Gen. Jackson's letter of November 15, 1818, to Mr. Monroe.  
Dear Sir: On my return from the Chickasaw treaty, I found it necessary to pass by Milton's Bluff, where I had established some hands for the culture of cotton, hearing it had been laid 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 13th inst., 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 Gadsden, of the 5th May last, which it is reported reached the Department of War by due course of mail, and owing to the negligence of the clerks was thrown aside 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 pursuance of your instructions, under a firm conviction that they alone are calculated to ensure peace and security to the southern frontier of Georgia, will be the moment therefore, that you are the ground that I transcend my power, the letter referred to above will, at once, unfold to your mind the view I had taken of them, and make manifest the difference of opinion that exists. Indeed, there are no data at present upon which I can be blamed. I have no ground that a difference of opinion existed 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, either of which can be made the basis of an official communication to the Secretary of War. Had I ever, 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 viewed, I would with pleasure give my understanding of them."

Gen. Jackson to James Monroe, Hermitage, near Nashville, December 7, 1818.  
Dear Sir—I have just received your message to both Houses of Congress, forwarded by you, and have read it with great attention and satisfaction. The Florida question being now fairly before Congress, I hope that they will take measures to secure our southern frontier from a repetition of massacre and murder.

From the report of Col. King, received and forwarded to the Department of War, you will discover that the Indians had concentrated their forces on the Choctaw Hotchy, which gave rise to the affair between them and Capt. Boyles, which Col. King reports.

The collection of the Indians is said to have taken place at this point on their bearing, that the National Intelligencer, which was lying on the sofa where Mr. Crawford was sitting, contained an article explanatory of the grounds upon which the administration had proceeded in regard to Gen. Jackson's military movements. Mr. Crawford adverted to some part of the article, which I mistake not which went to show that a neutral territory could only be invaded in fresh pursuit of an enemy and aided. "Mr. Adams denies all that." He represented Mr. Adams as going much further in justifying Gen. Jackson than even Mr. Monroe, stating that the latter was induced to pass over the conduct of General Jackson without public censure, not from belief that he had not violated his orders, and exceeded his power, but from political considerations connected with our relations with Spain.

Extract of a letter from the Honorable Robert G. Garnett, formerly a member of Congress, Virginia, dated Tappan, N. Y., 1818.  
"An extraordinary Whig, purporting to be an account of the part not violated his orders, and exceeded his power, but from political considerations connected with our relations with Spain. I do hereby order, that you be committed to prison, and that you be confined in the Judges of Talbot county, on Saturday after the third of March, and at such other days and places as shall direct, the same time to be the creditors of the said James Sangston, attend, and show cause, if any, why the said James C. Catrup should not be committed to prison, and that you be confined in the Judges of Talbot county, on Saturday after the third of March, and at such other days and places as shall direct, the same time to be the creditors of the said James Sangston, attend, and show cause, if any, why the said James C. 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