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Message from the President of the United States to both houses of Congress at the commencement of the first session of the Seventeenth Congress, December 5, 1821

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S. Doc. No. 1, 17th Cong., 1st Sess. (1822)

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P. 5. 1:
1821

SEN. NO. 59

[1]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TO BOTH HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE FIRST SESSION

THE SEVENTEENTH CONGRESS.

DECEMBER 5, 1821.

Printed by order of the Senate of the United States.

WASHINGTON:

PRINTED BY GALE & SEATON.

1821.

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MESSAGE.

FELLOW-CITIZENS OF THE SENATE,
AND OF THE HOUSE OF REPRESENTATIVES :

The progress of our affairs since the last session has been such as may justly be claimed and expected, under a government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws, and of the powers vested by the constitution in the Executive, unremitting attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal, there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign powers, I am happy to state, that peace and amity are preserved with all, by a strict observance, on both sides, of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed, as to the conditions on which it should be placed, each party has pursued its own policy, without giving just cause of offence to the other. In this annual communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view; that errors, if such have been committed, may be corrected; that defects, which have become manifest, may be remedied; and, on the other hand, that measures which were adopted on due deliberation, and which experience has shewn are just in themselves, and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty, I shall endeavor to place before you, on its merits, every subject that is thought to be entitled to your particular attention, in as distinct and clear a light as I may be able.

By an act of the 3d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels, and on the manufactures and productions of foreign nations, when imported into the United States in foreign vessels, than when imported in vessels of the United States, were repealed, so far as respected the manufactures and productions of the nation to which such vessel belonged, on the condition, that the repeal should take effect only in favor of any foreign nation, when the Executive should be satisfied that such discriminating duties, to the disadvantage of the United States, had likewise

been repealed by such nation. By this act a proposition was made to all nations to place our commerce with each on a basis which, it was presumed, would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports, and to take the manufactures and productions of the United States back to their ports, in their own vessels, on the same conditions that they might be transported in vessels of the United States; and, in return, it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted, or prohibited, on either side, formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other, as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consist generally of articles of the first necessity, and of rude materials in demand for foreign manufactories, of great bulk, requiring for their transportation many vessels, the return for which, in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies, in a great extent, to the European dominions of every European power, and, in a certain extent, to all the colonies of those powers. By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised, which would retain even the semblance of equality in our favor.

Many considerations of great weight gave us a right to expect that this commerce should be extended to the colonies, as well as to the European dominions, of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and, with the greater reason, as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles; and because, likewise, the articles, of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe, except in cases of great emergency, to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording

such supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies, on the payment of equal tonnage, a strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole would be a sacrifice which ought not to be expected. The demand, in the present instance, would be the more unreasonable, in consideration of the great inequality existing in the trade with the parent country.

Such was the basis of our system, as established by the act of 1815, and such its true character. In the year in which this act was passed, a treaty was concluded with Great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent, it was not extended, the British government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return, in her own vessels. To this claim the United States could not assent, and, in consequence, each party suspended the intercourse in the vessels of the other, by a prohibition, which still exists.

The same conditions were offered to France, but not accepted.— Her Government has demanded other conditions, more favourable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions, in ports of the United States. To these it was thought improper to accede, and, in consequence, the restrictive regulations, which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries, in the vessels of each party, has been in a great measure suspended. It is much to be regretted, that, although a negotiation has been long pending, such is the diversity of views entertained, on the various points, which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred in this negotiation, respecting the construction of the 8th article of the treaty of 1803, by which Louisiana was ceded to the United States, and likewise respecting the seizure of the *Apollo*, in 1820, for a violation of our revenue laws. The claim of the government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it, in either instance. By the 8th article of the treaty referred to, it is stipulated that, after the expiration of twelve years, during which time it was provided, by the 7th or preceding article, that the vessels of France and Spain should be admitted into the ports of the ceded territory, without paying higher duties on merchandise, or tonnage on the vessels, than such as were paid by citizens of the United States, the ships of France should forever afterwards be placed on the footing of the most favored nation. By the obvious construction of this article, it is presumed that it was intended, that no favor should be granted to any power, in those ports, to which France should not be

forthwith entitled; nor should any accommodation be allowed to another power, on conditions to which she would not, also, be entitled on the same conditions. Under this construction, no favor, or accommodation, could be granted to any power, to the prejudice of France. By allowing the equivalent allowed by those powers, she would always stand, in those ports, on the footing of the most favored nation. But, if this article should be so construed as that France should enjoy, of right, and without paying the equivalent, all the advantages of such conditions as might be allowed to other powers, in return for important concessions made by them, then the whole character of the stipulation would be changed. She would not be placed on the footing of the most favored nation, but on a footing held by no other nation. She would enjoy all advantages allowed to them, in consideration of like advantages allowed to us, free from every, and any, condition whatever.

As little cause has the Government of France to complain of the seizure of the *Apollo*, and the removal of other vessels, from the waters of the *St. Mary's*. It will not be denied, that every nation has a right to regulate its commercial system as it thinks fit, and to enforce the collection of its revenue, provided it be done without an invasion of the rights of other powers. The violation of its revenue laws is an offence which all nations punish:—the punishment of which, gives no just cause of complaint to the power to which the offenders belong, provided it be extended to all equally. In this case, every circumstance which occurred indicated a fixed purpose to violate our revenue laws. Had the party intended to have pursued a fair trade, he would have entered our ports, and paid the duties; or, had he intended to carry on a legitimate circuitous commerce with the United States, he would have entered the port of some other power, landed his goods at the custom house according to law, and reshipped and sent them in the vessel of such power, or of some other power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case was altogether different. He entered the river *St. Mary's*, the boundary line between the United States and Florida, and took his position on the Spanish side, on which, in the whole extent of the river, there was no town, no port, or custom house, and scarcely any settlement. His purpose, therefore, was not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done without a direct and palpable breach of our laws. It is known that a regular systematic plan had been formed by certain persons for the violation of our revenue system, which made it the more necessary to check the proceeding in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population could give no protection to any party, in such a practice, is believed to be in strict accord with the law of nations. It would not have comported with a friendly policy, in Spain herself, to have established a custom house there, since it could have subser-

ed, no other purpose than to elude our revenue law. But, the government of Spain did not adopt that measure. On the contrary, it is understood, that the Captain General of Cuba, to whom an application to that effect was made, by these adventurers, had not acceded to it. The condition of those provinces for many years before they were ceded to the United States, need not, now, be dwelt on. Inhabited by different tribes of Indians, and an inroad for every kind of adventurer, the jurisdiction of Spain may be said to have been, almost exclusively, confined to her garrisons. It certainly could not extend to places where she had no authority. The rules, therefore, applicable to settled countries, governed by laws, could not be deemed so, to the deserts of Florida, and to the occurrences there. It merits attention, also, that the Territory had then been ceded to the United States by a treaty, the ratification of which had not been refused, and which has since been performed. Under any circumstances, therefore, Spain became less responsible for such acts committed there, and the United States more at liberty to exercise authority to prevent so great a mischief. The conduct of this government has, in every instance, been conciliatory and friendly to France. The construction of our revenue law, in its application to the cases which have formed the ground of such serious complaint on her part, and the order to the Collector of St. Mary's, in accord with it, were given two years before these cases occurred, and in reference to a breach which was attempted by the subjects of another power. The application, therefore, to the cases in question, was inevitable. As soon as the treaty, by which these provinces were ceded to the United States, was ratified, and all danger of further breach of our revenue laws ceased, an order was given for the release of the vessel, which had been seized, and for the dismissal of the libel which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the kingdoms of the Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent laws, in regard to the Netherlands, Prussia, Hamburg, and Bremen, that such produce and manufactures, as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels wholly belonging to their subjects, should be considered and admitted as their own manufactures and productions.

The government of Norway has, by an ordinance, opened the ports of that part of the dominions of the King of Sweden, to the vessels of the United States, upon the payment of no other or higher duties than are paid by Norwegian vessels, from whatever place arriving, and with whatever articles laden. They have requested the reciprocal allowance for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress, and as it may involve the commercial relations of the United States with other nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relations with other powers, that, seeing them in detail with each power, and knowing the basis on which they rest, Congress may in its wisdom decide, whether any change ought to be made, and, if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of equality, and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong, for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the treaty of Ghent has been, by a joint act of the Representatives of the United States, and of Great Britain, at the court of St. Petersburg, submitted to the decision of his Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The Commissioners under the fifth article of that treaty not having been able to agree upon their decision, their reports to the two Governments, according to the provisions of the treaty, may be expected at an early day.

With Spain, the treaty of February 22d, 1819, has been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service, by an order from his Catholic Majesty, delivered by his Minister to the Secretary of State, and transmitted by a special agent to the Captain General of Cuba, to whom it was directed, and in whom the government of those provinces was vested, have not only omitted, in contravention of the order of their sovereign, the performance of the express stipulation, to deliver over the archives and documents relating to the property and sovereignty of those provinces, all of which it was expected would have been delivered, either before or when the troops were withdrawn, but defeated, since, every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed, by the documents which will be hereafter communicated.

In every other circumstance, the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the inhabitants, for the term specified, all the civil, military, and judicial powers, exercised by the existing government, of those provinces, an adequate number of officers, as was presumed, were appointed, and ordered to their respective stations. Both provinces were formed into one territory, and a governor appointed for it; but, in consideration of the pre-existing division, and of the distance and difficulty of communication between Pensacola, the residence of the Governor of West Florida, and St. Augustine, that of the Governor of East Florida, at which places the inconsiderable population of each province was principally collected, two Secre-

taries were appointed, the one to reside at Pensacola, and the other at St. Augustine. Due attention was likewise paid to the execution of the laws of the United States relating to the revenue and the slave trade, which were extended to these provinces. The whole territory was divided into three collection districts, that part lying between the river St. Mary's and Cape Florida, forming one, that from the Cape to the Apalachicola, another, and that from the Apalachicola to the Perdido, the third. To these districts the usual number of revenue officers were appointed; and, to secure the due operation of these laws, one judge and a district attorney were appointed, to reside at Pensacola, and, likewise, one judge and a district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part relating to the powers of the existing government of those provinces, it was thought important, in consideration of the short term for which it was to operate, and the radical change which would be made at the approaching session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those powers, to withdraw none of our citizens from their pursuits, whereby to subject the government to claims which could not be gratified, and the parties to losses, which it would be painful to witness.

It has been seen, with much concern, that, in the performance of these duties, a collision arose between the Governor of the Territory, and the Judge appointed for the Western District. It was presumed, that the law under which this transitory Government was organized, and the commissions which were granted to the officers, who were appointed to execute each branch of the system, and to which the commissions were adapted, would have been understood in the same sense, by them, in which they were understood by the Executive. Much allowance is due to officers employed in each branch of this system, and the more so, as there is good cause to believe that each acted under the conviction, that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe, that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event, which would ensure complete protection to an important part of our Union, which had suffered much, from incursion and invasion, and to the defence of which, his very gallant and patriotic services had been so signally and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and, indeed, the necessity, of establishing, as soon as may be practicable, a well organized government over that Territory, on the principles of our system, is apparent. This subject is, therefore, recommended to the early consideration of Congress.

In compliance with an injunction of the law of the 3d of March last, three Commissioners have also been appointed, and a board organized, for carrying into effect the eleventh article of the Treaty above recited, making provision for the payment of such of our citizens, as have well-founded claims on Spain, of the character specified by that treaty. This board has entered on its duties, and made some progress therein. The Commissioner and Surveyor of His Catholic Majesty, provided for by the fourth article of the Treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive, corresponding appointments will be made, and every facility be afforded, for the due execution of this service.

The government of His Most Faithful Majesty, since the termination of the last session of Congress, has been removed from Rio de Janeiro to Lisbon, where a revolution, similar to that which had occurred in the neighboring kingdom of Spain, had, in like manner, been sanctioned by the accepted and pledged faith of the reigning Monarch. The diplomatic intercourse between the United States and the Portuguese dominions, interrupted by this important event, has not yet been resumed, but, the change of internal administration having already materially affected the commercial intercourse of the United States with the Portuguese dominions, the renewal of the public missions between the two countries appears to be desirable at an early day.

It is understood that the colonies in South America have had great success during the present year, in the struggle for their independence. The new government of Colombia has extended its territories, and considerably augmented its strength; and, at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the government of Spain guided by enlightened and liberal counsels, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the government of Spain, will be the object of the government of the United States.

In conducting the fiscal operations of the year it has been found necessary to carry into full effect the act of the last session of Congress, authorizing a loan of five millions of dollars. This sum has been raised at an average premium of five dollars fifty-nine hundredths per centum, upon stock bearing an interest at the rate of five per cent. per annum, redeemable at the option of the government after the first day of January, 1835.

There has been issued, under the provisions of this act, four millions seven hundred and thirty-five thousand two hundred and ninety-six dollars thirty cents, of five per cent. stock; and there has been,

or will be, redeemed, during the year, three millions one hundred and ninety-seven thousand thirty dollars seventy-one cents of Louisiana six per cent. deferred stock and Mississippi stock. There has, therefore, been an actual increase of the public debt, contracted during the year, of one million five hundred and thirty-eight thousand two hundred and sixty-six dollars sixty-nine cents.

The receipts into the Treasury, from the first of January to the 30th of September last, have amounted to sixteen millions two hundred and nineteen thousand one hundred and ninety-seven dollars seventy cents, which, with the balance of one million one hundred and ninety-eight thousand four hundred and sixty-one dollars twenty-one cents, in the Treasury on the former day, make the aggregate sum of seventeen millions four hundred and seventeen thousand six hundred and fifty-eight dollars ninety-one cents.

The payments from the Treasury during the same period have amounted to fifteen millions six hundred and fifty-five thousand two hundred and eighty-eight dollars forty-seven cents, leaving in the Treasury, on the last mentioned day, the sum of one million seven hundred and sixty-two thousand three hundred and seventy dollars forty-four cents. It is estimated that the receipts of the fourth quarter of the year will exceed the demands which will be made on the Treasury during the same period, and that the amount in the Treasury on the 30th of September last will be increased on the first day of January next.

At the close of the last session, it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had, in the latter year, reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first quarter of the present year. From that time until the 30th of September last, the duties secured have exceeded those of the corresponding quarters of the last year, one million one hundred and seventy-two thousand dollars; whilst the amount of debentures, issued during the three first quarters of this year, is nine hundred and fifty-two thousand dollars less than that of the same quarters of the last year.

There are just grounds to believe that the improvement which has occurred in the revenue, during the last mentioned period, will not only be maintained, but that it will progressively increase through the next and several succeeding years, so as to realize the results which were presented upon that subject, by the official reports of the Treasury, at the commencement of the last session of Congress.

Under the influence of the most unfavorable circumstances, the revenue, for the next and subsequent years, to the year 1825, will exceed the demands at present authorized by law.

It may fairly be presumed, that, under the protection given to domestic manufactures, by the existing laws, we shall become, at no distant period, a manufacturing country, on an extensive scale. Possessing, as we do, the raw materials in such vast amount, with a capa-

city to augment them to an indefinite extent; raising within the country aliment of every kind, to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts, and in every improvement calculated to lessen the demand for, and the price of, labor, it is manifest that their success, in every branch of domestic industry, may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand, which, under a fair competition, may be made upon it.

A considerable increase of domestic manufactures, by diminishing the importation of foreign, will probably tend to lessen the amount of the public revenue. As, however, a large proportion of the revenue which is derived from duties, is raised from other articles than manufactures, the demand for which will increase with our population, it is believed, that a fund will still be raised from that source adequate to the greater part of the public expenditures, especially as those expenditures, should we continue to be blessed with peace, will be diminished by the completion of the fortifications, dock-yards, and other public works; by the augmentation of the navy to the point to which it is proposed to carry it; and by the payment of the public debt, including pensions for military services.

It cannot be doubted, that the more complete our internal resources, and the less dependent we are on foreign powers, for every national, as well as domestic purpose, the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of our Union on each other, and the strength of the Union itself, be proportionably augmented. In this process, which is very desirable, and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on foreign, the deficiency in the fund necessary for public purposes should be supplied by duties on the former. At the last session it seemed doubtful whether the revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our fortifications, the augmentation of the navy, and the protection of our commerce against the dangers to which it is exposed. Had the deficiency been such as to subject us to the necessity, either to abandon those measures of defence, or to resort to other means for adequate funds, the course presented to the adoption of a virtuous and enlightened people appeared to be a plain one. It must be gratifying to all to know that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result which has been suggested.

It is believed that a moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

The examination of the whole coast, for the construction of permanent fortifications, from St. Croix to the Sabine, with the exception of part of the territory lately acquired, will be completed in the present year, as will be the survey of the Mississippi, under the resolution of the House of Representatives, from the mouth of the Ohio to the Ocean—and, likewise, of the Ohio, from Louisville to the Mississippi. A progress, corresponding with the sums appropriated, has also been made in the construction of these fortifications at the points designated. As they will form a system of defence, for the whole maritime frontier, and, in consequence, for the interior, and are to last for ages, the greatest care has been taken to fix the position of each work, and to form it on such a scale as will be adequate to the purpose intended by it. All the inlets and assailable parts of our Union have been minutely examined, and positions taken, with a view to the best effect, observing, in every instance, a just regard for economy. Doubts, however, being entertained, as to the propriety of the position and extent of the work at Dauphiné Island, further progress in it was suspended, soon after the last session of Congress, and an order given to the Board of Engineers and Naval Commissioners to make a further and more minute examination of it, in both respects, and to report the result, without delay.

Due progress has been made in the construction of vessels of war, according to the law providing for the gradual augmentation of the navy, and to the extent of existing appropriations. The vessels authorized by the act of 1820 have all been completed, and are now in actual service. None of the larger ships have been, or will be, launched, for the present, the object being to protect all which may not be required for immediate service from decay, by suitable buildings erected over them. A squadron has been maintained, as heretofore, in the Mediterranean, by means whereof peace has been preserved with the Barbary powers. This squadron has been reduced the present year to as small a force as is compatible with the fulfilment of the object intended by it. From past experience, and the best information respecting the views of those powers, it is distinctly understood that, should our squadron be withdrawn, they would soon recommence their hostilities and depredations upon our commerce. Their fortifications have lately been rebuilt, and their maritime force increased. It has also been found necessary to maintain a naval force on the Pacific, for the protection of the very important interests of our citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruising along the Atlantic coast, in the Gulf of Mexico, on the coast of Africa, and in the neighboring seas. In the latter, many piracies have been committed on our commerce, and so extensive was becoming the range of those unprincipled adventurers, that there was cause to apprehend, without a timely and decisive effort to suppress them, the worst consequences would ensue. Fortunately, a considerable check

has been given to that spirit by our cruizers, who have succeeded in capturing and destroying several of their vessels. Nevertheless, it is considered an object of high importance to continue these cruizes until the practice is entirely suppressed. Like success has attended our efforts to suppress the slave trade. Under the flag of the United States, and the sanction of their papers, the trade may be considered as entirely suppressed; and, if any of our citizens are engaged in it, under the flag and papers of other powers, it is only from a respect to the rights of those powers, that these offenders are not seized and brought home, to receive the punishment which the laws inflict. If every other power should adopt the same policy, and pursue the same vigorous means for carrying it into effect, the trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty Being, the Great Source from whence they proceed, and to whom our most grateful acknowledgments are due.

JAMES MONROE.

Washington, December 3, 1821.

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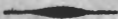
THE MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TO BOTH HOUSES

AT THE OPENING OF THE SEVENTEENTH CONGRESS.



DECEMBER 5, 1821.

Printed by order of the Senate of the United States.



WASHINGTON :

PRINTED BY GALES & SEATON,

1821.

LIST OF PAPERS

Accompanying the Message of the President, of 5th December, 1821.

No. 1.

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 Enclosure in do.

DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE OF 5TH DEC. 1821.

Instructions to Col. James G. Forbes.

DEPARTMENT OF STATE,

Washington, 10th March, 1821.

SIR: The President of the United States having occasion to employ a person to take to the Spanish Governor General of the Island of Cuba the order from his government for the delivery of the Provinces of East and West Florida to the commissioners or officers of the United States, duly appointed to receive them, has selected you as the agent for that purpose, and a certificate to that effect from this Department will be delivered to you with this letter.

You will forthwith repair to New York, and there take passage in the United States sloop of war *Hornet*, Captain Read, who will be instructed to receive you, and to proceed as soon as possible to the Havana. The order to the Governor General of Cuba, together with a letter from the Spanish Minister, General Vives, to him, is committed to you; and you will deliver it to him in person upon your arrival. You will urge the immediate execution of it, and will offer to take charge yourself of the Governor General's order to the Governor of West Florida. Should he prefer to transmit this by an officer of his own appointment, Captain Read will be authorized to give him a passage with you in the ship to Pensacola. You will also concert with him the means of transmitting the order for the delivery of the Province of East Florida to the Governor at St. Augustine. It has been represented that the archives and public documents stipulated to be delivered up by the treaty, are at the Havana; and, if so, you will require that they should be delivered to you, and take them with you in the ship to Pensacola, where you will keep them in safe custody till the arrival of Major General Andrew Jackson, who is appointed Governor of the whole of the Territories ceded, and to whom you will deliver them over, or to his order, taking a suitable receipt or receipts for them, by duplicates, one of which you will transmit to this Department. On arriving at Pensacola, and communicating to the Governor the order from the Governor of Cuba, you will immediately give notice, by express, to General Jackson; who will be at Montpelier in the vicinity of that place, that he may repair to it to receive posses-

sion; and you will then remain at Pensacola, giving information to this Department, through the nearest mail, believed to be at Blakeley, of your proceedings; you will also communicate to this Department any information relating to the country, which it may be useful for us to possess, and wait for such instructions as may be transmitted to you till the accomplishment of the objects of your mission.

Your compensation will be at the rate of eight dollars a day from the time of your departure from this place till your arrival at Pensacola; all your expenses on the passage are to be at your own charge; and, from the time of your arrival at Pensacola, the allowance will be six dollars a day till you receive notice that it is to cease. If you then conclude to return to New York, the allowance will be continued for a reasonable time to admit of your return.

The papers herewith furnished you, are,

1. A certificate of your appointment.
2. A commission authorizing you to demand and receive the archives;
3. The order to the Governor and Captain General of Cuba, with a letter to him from the Spanish Minister here.
4. Six copies of the Treaty, with the ratifications, to be used as you may find convenient.
5. A copy of the order to the Governor of Cuba.
6. A copy of the Act of Congress for carrying the treaty into execution.

It is proper to apprise you, that if, by any accident, you should be prevented from executing the service herewith assigned to you, Mr. G. L. Thompson has a commission for performing it in your stead.

I am, with much respect, Sir,

Your very humble and obedient servant,

JOHN Q. ADAMS.

JAMES G. FORBES, Esq.

Certificate of Appointment to Colonel Forbes.

JAMES MONROE, *President of the United States of America, to all to whom those presents shall come, greeting:*

Whereas, by the second article of the Treaty of Amity, Settlement, and Limits, concluded at Washington, on the 22d day of February, 1819, between these United States and His Catholic Majesty, it is stipulated as follows: "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida; the adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edi-

lices, fortifications, barracks, and other buildings, which are not private property, *archives and documents* which relate directly to the property and sovereignty of said provinces are included in this article. *The said archives and documents* shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them."

And whereas the Envoy Extraordinary and Minister Plenipotentiary of his said Catholic Majesty, at this place, has delivered, to be transmitted to the Captain General and Governor of the Island of Cuba, his said Majesty's royal order for the due execution of the said stipulation:

Now, therefore, I do hereby authorize and appoint James G. Forbes, a citizen of the United States, as agent and commissary of the United States, to deliver to the said Captain General and Governor, the royal order aforesaid; to arrange and concert with him, conformably to the instructions herewith committed to the said James G. Forbes, the execution of the said stipulations, and to receive from the said Captain General and Governor, and from any and every person who may be possessed of the said archives and documents, all and every one of the same, and to dispose thereof in the manner prescribed by his instructions. And I do hereby request the said Captain General and Governor, and any and every person who may be in possession of any such archives and documents, duly authorized by or under the authority of His Catholic Majesty's government, or otherwise, to deliver up the same, to the said James G. Forbes, conformably to the above recited stipulation of the said treaty. And a copy of this Letter Patent, certified by the said James G. Forbes, together with his receipt for the said archives and documents, shall be full and satisfactory proof of the fulfilment of the said stipulation, with respect to the archives and documents so by him received.

Given under my hand and the seal of the said United States, at Washington, this 14th day of March, 1821, and in the forty-fifth year of the Independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

Special Commission to Colonel Forbes.

JAMES MONROE, *President of the United States of America*, to James G. Forbes, *of the state of New York*, greeting:

Whereas, by the second article of the Treaty of Amity, Settlement, and Limits, concluded at Washington, on the 22d day of February, 1819, between these United States and his Catholic Majesty, it is

stipulated as follows: "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida; the adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, *archives and documents*, which relate directly to the property and sovereignty of said provinces, are included in this article. The said *archives and documents* shall be left in possession of the commissaries or officers of the United States duly authorized to receive them."

Now, therefore, I do hereby authorize and appoint you, as commissary of the United States, to receive from any and every person, who may be possessed of the said archives and documents, all and every one of the same, and the said archives and documents to keep in safe custody, until further order for the disposal of the same shall be taken.

[L. s.] Given under my hand, and the seal of the said United States, at Washington, this 14th day of March, 1821, and in the forty-fifth year of the Independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,

Secretary of State.

Translation of the royal order of the King of Spain to the Captain General and Governor of the Island of Cuba, and of the Floridas.

Ferdinand the Seventh, by the grace of God, and by the constitution of the Spanish monarchy, King of the Spains, to you the Captain General and Governor of the Island of Cuba, and of the Floridas—
Know you:

That, by a treaty concluded in the city of Washington, on the twenty-second of February of the last year, one thousand eight hundred and nineteen, by plenipotentiaries duly authorized, for the purpose of arranging the differences which have existed between the government of Spain and that of the United States of America, and the limits of their respective territories, there was stipulated, on the part of Spain, the cession to the United States of all the country situated east of the Mississippi, known by the name of East and West Florida; the adjacent Islands dependent upon the two Floridas being comprehended in said cession, together with all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, with the archives and documents which related directly to the property and sovereignty of said provinces; it being provided, at the same time, that the inhabitants of the terri-

tories so ceded, shall be secured in the free exercise of their religion, without any restriction; and that all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, in order that they may better effect their purpose, without being subject in either case to duties; and that those who prefer remaining in the Floridas shall be admitted, as soon as possible, to the enjoyment of all the rights of citizens of the United States; it being added, by another article of the same treaty, that the Spanish officers and troops shall evacuate the said territories ceded to the United States, six months after the exchange of the ratification of the same treaty, or sooner, if possible, and shall give possession of them to the officers or commissaries of the United States, duly authorized to receive them; and that the United States shall provide the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana. And I having considered and examined the tenor of the articles of the treaty, after having obtained the consent and authority of the General Cortes of the nation, with respect to the said cession, have thought proper to approve and ratify the treaty referred to, the ratification of which must be exchanged at Washington, with that which was formed by the President of the United States, with the advice and consent of the Senate of the same; after which exchange, the said treaty will begin to be obligatory on both governments, and their respective citizens: therefore, I command you, and ordain, that, after the information, which shall be seasonably given you by my Minister Plenipotentiary and Envoy Extraordinary at Washington, of the ratifications having been exchanged, you proceed, on your part, to make the proper dispositions, in order that, at the end of six months, counting from the date of the exchange of the ratifications, or sooner, if possible, the Spanish officers and troops may evacuate the territories of both Floridas, and that possession of them be given to the officers or commissaries of the United States, duly authorized to receive them; in the understanding that the United States shall provide the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana. You shall arrange, in proper time, the delivery of the islands adjacent and dependent upon the two Floridas, and the public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property; as, also, the archives and documents which relate directly to the property and sovereignty of the same two provinces, by placing them at the disposal of the commissaries or officers of the United States duly authorized to receive them; and all the other papers, and the effects which belong to the nation, and which have not been comprehended and mentioned in the expressed clauses of the cession, you shall have conveyed and transported to another part of the Spanish possessions, which may be most convenient for the public service. As, also, you shall take care that, previous to the delivery, it may be made known, by edicts, to all the present inhabitants of the Floridas, that they have power to remove to the Spanish territories and dominions,

the sale or exportation of their effects being permitted to them by the United States at any time whatever, without being subject to duties; and, also, the advantages stipulated in favor of those who shall prefer to remain in the Floridas, to whom I have wished to give this last proof of the protection and affection which they have always experienced under the Spanish government. Of the delivery which you may make, or may be made by your delegation in the form which has been expressed, you shall make, or cause to be made, a corresponding receipt, duly authenticated, for your discharge; and, in order that you may proceed with entire knowledge in the execution of this commission, there shall be likewise sent to you, by my Minister Plenipotentiary at Washington, an authentic copy of the treaty referred to, of the twenty-second of February, one thousand eight hundred and nineteen, with the insertion of the ratifications of both parties, and of the certificate relative to the exchange of the same; of which documents, and of this my royal order, you shall send a copy, in authentic form, to the Governors of both the Floridas, and to the person or persons who may have, in your name, the accomplishing of the delivery, if it have not been made by yourself.

All which you shall well and completely execute in the form which I have prescribed to you, agreeably to the public service: advising me of your having executed it, through my underwritten Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERDINAND.

Mr. Forbes to Mr. Adams.

HAVANA, 28th April, 1821.

SIR: I have the honour to report to you, that, after alternate strong gales and calms, the Hornet did not anchor in this harbour until the 22d instant, too late for business, had it not been on Sunday.

Governor Mahy received us very graciously on the following day, when I delivered to him the royal order for the delivery to the United States of the Floridas; and, after exhibiting to him my commission, inquired "when I wished to proceed." I immediately replied, "as soon as possible;" which gave rise to a long conference, in which I offered to be the bearer of his order, and urged the expediency of despatch, as being most conducive to the true interests of both Governments. His Excellency stated that he would do every thing in his power to expedite me. I asked, when? Which he answered, by saying, As soon as the records could be examined, selected, and inventoried. I then, to save time, expressed a wish to know the bulk, and

that some of these might be dispensed with; but the interpreter who had been called in, officially, and otherwise unnecessarily, told me (by way of interloper) that there would be about twenty boxes of them, and that form, as well as regularity required a punctilious inspection of them before they could be delivered to me. On retiring, his Excellency told me that we should be satisfied with each other.

The next two days were to close the holidays, notwithstanding which, the interpreter called upon me by order of the Governor, to require my commission for translation, and to say that I must put to writing the substance of my conversation with his Excellency, which I immediately did. Copy of which is herewith, under date of 24th instant.

Allowing one day to intervene, I waited upon the Governor, on the 26th, to ascertain the progress making in the departments to expedite me. I was well received, and told that the necessary orders had been given, and that, as soon as the convoy about sailing for Spain, had departed, my business should be particularly attended to.

The interpreter, whom I again saw at the Governor's, mentioned the appointment of an officer to accompany me to Pensacola, and that he held the draft of a letter from the Governor in answer to mine. I regret, however, to state, sir, that, to the moment of closing this despatch, I have not received it, or any communication from him. I have, however, reason to hope, that, on the arrival of the Intendant, hourly expected from the country, my stay will not be prolonged more than one week.

As some circumstances may occur during my agency, which may be worthy of your notice, to be taken abstractedly, I shall submit them by reference as abstracts, and prepare them accordingly.

I am, with the greatest respect, Sir,

Your very faithful and most obedient servant,

JAMES G. FORBES.

Mr. Forbes to Governor Malby.

HAVANA, 24th April, 1821.

MOST EXCELLENT SIR:

When I had the honor of delivering into your Excellency's hands, the royal order of his Catholic Majesty, through his Minister Plenipotentiary at Washington, for the delivery to the Government of the United States, of the Floridas, conformably to the Treaty ratified on the 22d February last, I took occasion to present my commission from the President, and to submit various reasons for carrying into immediate effect the stipulations of said Treaty, by offering to be the bearer of the final order of possession, and of the archives and public documents.

If arguments were necessary to carry into effect a Treaty as illustrative in its stipulations of the honor of the Spanish Government, as in its ratification it is of the moderation and justice of that of the United States, and farther, in its completion, by the solid foundation it lays of a perpetual friendship between the two nations, I would offer the following for your Excellency's consideration.

That the messenger of his Catholic Majesty was nearly four months in reaching Washington, while the ratification of the Treaty at Madrid, reached this Island in a few weeks.

That, from the 24th October, 1820, date of the ratification at Madrid, to the present day, a period of six months has been afforded, of which, his Catholic Majesty's officers and subjects have virtually availed themselves in preparing for the surrender of the Floridas, an evident advantage to one party, not unworthy of consideration, since no charge of delay has been ascribed to it.

That, while a natural impulse is felt on the one hand, by the citizens of the United States to become possessed of a promised land, an anxiety equally natural has been manifested on the other, that of the Spanish subjects to retire from a country about to change its government.

That the season for calms and contrary winds is fast approaching, which are calculated to incommode seriously his Catholic Majesty's forces, while that of rain, and of sultry weather, may prove very injurious to the troops of the United States.

The gracious manner in which your Excellency has already evinced his disposition to satisfy these demands upon his Catholic Majesty's Government, as soon as practicable, are such sources of satisfaction as will be highly appreciated by the President. I hope, therefore, that, according to the stipulations of the Treaty, your Excellency will, with the least possible delay, appoint an officer to carry the ultimate orders for possession of the Floridas, by the constituted authorities of the United States, to accompany me in the Hornet sloop of war Captain Read.

That the archives and documents relating to the Floridas may be accordingly delivered over to me.

That a mode may be adopted, for the transmission to the Government of the United States, of the final order (in duplicate form) from your Excellency, upon the Sub-Governors, for the delivery of the Floridas, in case of any accident to the officer accompanying me, and in any event for the delivery of East Florida, contemporaneously with that of West Florida, whither the Hornet is bound.

I have the honor to be, with great respect, most excellent Sir, your Excellency's most obedient and very humble servant,

JAMES G. FORBES.

*A Commissary and Agent of the United States
under the Florida Treaty.*

To His Excellency DON NICOLAS MAHY,
*Lieutenant General of the National Armies, and Governor
of the Island of Cuba, and its Dependencies, &c. &c. Havana.*

Mr. Forbes to Mr. Adams.

HAVANA, 5th May, 1821.

SIR: Since I had the honor of addressing you on the 28th ultimo, I availed myself of the earliest opportunity of reminding the Governor of the disposition he had evinced of expediting me. This was afforded me incidentally on the first inst. when Mr. Warner desired me to present him as the commercial agent of the United States. After his excellency gave this gentleman to understand, very pointedly, that he could not recognize him, or view him in any other light than as a merchant divested of all public character, I observed to him, that, as the convoy had sailed, I hoped his Excellency would enable me to proceed, upon which I was told, that he was anxious to be disencumbered of the country, that orders had been given, and every necessary disposition was making by his Secretary, with whom the matter now was, and by whom I should be apprized.

An assurance so gratifying was promptly met by a return of thanks for the early attention he appeared to have shewn to my business, under which favorable impression, I was about retiring, when it occurred to me, to ask his Excellency, whether he knew that the Intendant had given his orders on the subject—he appeared ignorant of any occasion for the interference of that officer, and put the question to the interpreter, who hesitatingly replied, that “he might have.”

This unexpected inconsonancy induced me to obtain an introduction to the Register of the Records which are in the department of the Intendant, with whom I conversed freely, and was told that most of the papers in his office were those of accountability, and unnecessary to the government of the United States; that about ten boxes containing the records of grants of land in West Florida were taken by an insurgent privateer, out of the vessel in which Governor Massot was a passenger from Pensacola.

Having brought letters of introduction to the Intendant, which were, on my arrival, sent to him in the country, from whence he wrote me a note to say, that he would be in town in a few days, I therefore felt myself at liberty to wait upon his Secretary, to ascertain when he would arrive; he answered, that it was very uncertain, and probably not before the middle of the month.

As the silence of the Governor and of his Secretary might be attributed to the frequent holidays, I sought an occasion to see the former, by accompanying Captain Read, to obtain an order to apprehend a man, charged, as a citizen of the United States, with predateding on our commerce. His Excellency received us with his characteristic complacency, and agreed upon a course of procedure, reconciling his official duties with the rites of hospitality; then putting both his hands upon my shoulders, in the most friendly manner, said to me in French, (having previously conversed in Spanish,)

“Quant á notre affaire, j’espere vous expedier sous peu de jours”
—I had scarcely time to thank him, before he added, “au moins d’icy,” meaning no doubt *his office*.

I have been thus minute in my detail, Sir, that you might know precisely the situation in which my agency stands, and without calling your attention to the various buzzes I have heard, I feel it my duty to advert to one, which, if well founded, may be of vast importance; it is, that “the government is very much in arrears to the officers both civil and military in the ceded provinces.” In this case, moral obligation and honor may impel, or obvious policy may prescribe that some provision or arrangement may be made for their satisfaction, previous to their change of position, and thus, at least, cause delay.

With the Treaty before me, I see no other alternative, than that of yielding, however reluctantly, to the movements of the Governor, hoping that no political changes in Europe can take place, to thwart the just expectations of our nation, or alter the pacific policy of its government. I shall advise General Jackson of my progress here.

I am, with great respect, Sir, your faithful and most obedient servant,

JAMES G. FORBES.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Forbes to Mr. Adams.

HAVANA, 7th May, 1821.

SIR: In referring you to the enclosed letter, which I had the honor of writing on the 5th instant, I have that of submitting to you a copy of my letter, of this date, to General Jackson, who is said to be at New Orleans, whither Mr. Thompson proceeded this day in the steam boat with it.

The Governor has sent me a message to wait upon him to-morrow morning, the result of which shall be immediately communicated to you.

I am, with the greatest respect, Sir,

Your most obedient and very humble servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Forbes to General Jackson.

HAVANA, 7th May, 1821.

SIR: Commissioned by the President of the United States to deliver the royal order upon the Governor of Cuba, for the delivery of the Floridas to our government, I was directed by the Honorable Secretary of State to communicate with your Excellency, upon my arrival in Pensacola, with the farther order of the Governor to the Spanish authorities in the Floridas.

I arrived in the Hornet sloop of war on the 22d of last month, and was very favorably received by Governor Mahy, who expressed a wish to expedite me very promptly, as soon as the convoy for Spain sailed.

This assurance has been renewed to me occasionally since, but I regret to say that I am still uncertain when I can receive, either the necessary order or the archives, which come also within the range of my commission.

I avail myself of the opportunity afforded by Mr. Thompson, of making this communication, and take the liberty of suggesting to your Excellency the expediency of having a person at Pensacola, from whom I can, on landing, receive such information as will enable me to communicate immediately with your Excellency, by express.

I beg leave, also, to state, that I have applied for an order, in duplicate form, embracing the delivery of East Florida, and that I shall endeavor to find a suitable opportunity of transmitting it to the commanding officer of the United States' troops at Amelia Island, subject to such orders as he may receive from the Department of State, or from your Excellency, taking the original with me in the Hornet.

As Mr. Thompson is fully acquainted with the nature of my mission, I refer your Excellency to him, with the assurance that no exertions on my part have been, or shall be, spared, to give complete effect to objects of such national importance.

I am, with great respect, Sir, your Excellency's most obedient and very faithful servant,

JAMES G FORBES,

*A Commissary and agent of the United States
under the Florida Treaty.*

His Excellency Maj. Gen. ANDREW JACKSON,
*Commander in chief of the Southern Army of the
United States, and Governoꝛ of the Floridas.*

Mr. Forbes to Mr. Adams.

HAVANA, May 9, 1821.

SIR: The message from the Governor, to which I had the honor of referring, in my letter to you, under date of the 7th instant, was found, on its delivery to me, to be nothing more than a proposal, through the commissary he is about sending, "that the Horne should convey him to St. Augustine, from Pensacola," to which I could not assent, not only because she had other duties to perform, or of the delay, which that mode of transmission of the order would occasion, but because I perceived in it a digression (otherwise immaterial,) from the plan agreed upon in a former interview, viz: "that I should be the sole bearer of the orders. I therefore replied, that I should wait upon his Excellency, and, considering it opportune, I did this with Captain Read, to explain and to discover, if possible, the chance of getting away. We found him, as on a former occasion, much engaged and fatigued by his personal exertions to procure relief for the inhabitants of St. Antonio, a town just burnt. He was less affable than before, and, although he mentioned, as then, that every thing was in a fair train, and that he would give me a duplicate order for East Florida, yet he adverted to the term allowed by the treaty, and that there were a great many little things to do. After leaving his Excellency, I heard that a petition had been sent to him that day from *Pensacola*, expressive of the attachment of the inhabitants to the Spanish government; and, upon soliciting lands in this Island, stated, "that a judge of the United States, of much influence and talent, had come *there* with a trunk of British titles to lands in West Florida, with which he had pledged himself to upset all the grants by Spain since the treaty of 1783."

In consequence of this unexpected and very unpleasant delay, and the still greater apprehension of its continuance, I have determined to proceed this morning into the country to see the Intendant, and ascertain whether he has any thing to do with the archives, and obtain an order, that the proper officers may attend to their immediate arrangement and delivery.

By the enclosed paper just received, it will be seen, that General Jackson was, on the 27th of April, at New Orleans.

There is, in this port, the Kangaroo British brig of war, from surveying the Bahama and Florida Keys; a vessel of that nation is generally here; I mean public.

I remain, with great respect, Sir,

Your faithful and most obedient servant,

J. G. FORBES.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Forbes to Mr. Adams.

HAVANA, *May* 14, 1821.

SIR: Pursuant to the resolution I had formed, and which I had the honor of communicating to you in my letter of the 9th instant, I proceeded on that day to St. Antonio, about twenty-seven miles distant; an excessively hot ride with bad horses prevented me from waiting on the Intendant before the next day, when he received me very well, and assured me *there would be no difficulty in the way of despatching me*; that he would write to the city on the next day for the necessary papers, which would be sent him on the succeeding day, and that, immediately after, he would return them completed. Agreeably to this calculation, I ought to have the archives from the Intendancy on the 16th instant, and shall call for them on that day accordingly.

On my return to the city, I waited upon the Governor, and was told by his interpreter, that he was very much engaged, but that my business was progressing. I begged him to acquaint his Excellency of my intention to see him on Monday, (this day.) I went accordingly, and met at the door my colleague, (the Spanish commissary,) who assured me that every thing was ready, and would be signed, (firmada) this day, and that we might go to-morrow, or the next day. I congratulated him, as well as myself, upon the occasion, but was, nevertheless, determined to see his Excellency, which I did instantly.

I found him much occupied, and after some preliminary conversation on the excessive heat, represented to him, that we had been here a considerable time, that the hot and unhealthy season was fast advancing, and that I hoped that he would despatch us. He replied, "in a few days." I asked, "how many?" and observed that a vessel was about sailing for the United States in the morning, and that I wished to advise my government when I was to go. He answered, that he would give me notice. The conversation having been in French, he said, farther, "Eh bien, ecrivez que ce sera dans huit ou dix jours ou quinze." Upon his observing that I appeared surprized at such a distant period, after the various promises, or rather assertions, he had made, he added, "J'ai besoin de quelques papiers de dehors que peuvent venir d'un jour a l'autre; et d'ailleurs, je suis extrêmement presse de tout côté; un courier partant demain pour l'Espagne, et oblige de me lever tous les jours a quatre heures du matin, et travailler jusqu'à minuit: fort heureusement je jouis d'une bonne santé."

It was difficult for me to conceal my disappointment, yet, if my business required any exertion, sensible of the perplexities of his situation, and of his arduous duties, I should, on consideration of them, be more willing to ascribe the farther delay to them, rather than to any secret influence, which it has not been in my power either to penetrate or detect.

I shall, on the sailing of the packet for Spain, if encouraged by an interview with the Intendant, address a note to his Excellency proposing to leave the archives until the return of the Hornet, provided he will despatch me immediately with the orders upon the sub-governors of the Floridas.

I am, with great respect, Sir,
Your very faithful and most obedient servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Forbes to Mr. Adams.

HAVANA, May 17, 1821.

SIR: I have the honor of enclosing to you the copy of a letter dated yesterday, but received this forenoon, from Governor Mahy. The packet for Spain is expected to sail to-morrow, when I shall see his Excellency, and the Intendant, and urge with both of them the fulfilment of their promises to despatch me.

I am, with the greatest respect,
Sir, your very faithful and
Most obedient servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

Substance of a letter from Governor Mahy, of Havana, to Mr. Forbes, dated 16th May, 1821.

“ That the Governor had observed Mr. Forbes’s credentials from the President of the United States, dated at Washington, 14th March, 1821, and which comprehend the 2d article of the treaty of friendship and adjustment of limits, concluded 22d February, 1819, between the United States and his Catholic Majesty, in virtue of which the Spanish Minister at Washington, had transmitted to the Governor the royal order for the due execution of the stipulations of that treaty, and that the President had authorized Mr. Forbes, as agent and commissary of the United States, to deliver to him, the Governor, the said royal order, to the end that they might, in con-

cert, make arrangements for the delivery up by the Governor, and by such other persons as are in possession of the archives and documents, as well as the fulfilment of the other stipulations of the said treaty.

“ With respect to which, and to what is presented in the aforesaid 2d article, the Governor sends to Mr. Forbes the copy of a royal order communicated to the government and Captain Generalship of Cuba, under date of the 12th September, 1783, by the Minister of the Indies of his Catholic Majesty, and by the Count D’Aranda, at Versailles, dated the 19th of the same month and year, on which day the ratifications of their Majesties Catholic and Britannic were exchanged, inserting in that royal order, the articles 5, 7, and 10, of the definitive Treaty of Peace, which were formed at Versailles the 3d of September, this being an authentic document, found in the archives of Cuba, relative to the property of the Floridas, to which the said 2d article of the Treaty of cession refers.

“ In the year 1819, there were sent to Havana from West Florida, various boxes of papers of the archives of that province, in disorder, and without indexes, the registering (registrar) or examining of which, will require time.

“ Respecting East Florida, where there ought to be found all her archives, Governor Mahy would direct that Governor, as entrusted by him with the important commission, to make a formal delivery to Mr. Forbes of that province, as well as of the documents belonging to it. A similar despatch would be addressed to the Commandant of West Florida.

“ Don Pedro de Alva, Administrator of the Post Office in Pensacola, and Comptroller of the Military Hospital, now returning to his post, will be charged with the despatch for the delivery of West Florida, and which despatch he is to put into the hands of that Commandant, and afterwards he will proceed with the despatch for the Commandant of the eastern province.”

Mr. Forbes to Mr. Adams.

HAVANA, 22d May, 1821.

SIR: By the letters which I had the honour of addressing to you, under date of the 14th and 17th instant, you will perceive that I had entertained great hopes of being despatched, and had relied upon the influence of the Intendant: agreeably to that of the 17th, I had made an arrangement with Mr. Layalla, an eminent counsellor, and friend of the Intendant, to urge his immediate attention to my earnest solicitations. In the morning, he called at the office with that view, and learned, to our mortification and grief, that the Intendant had receiv-

ed a paralytic stroke, which deprived him of speech. Thus, the hand of Providence had interfered to thwart my most sanguine expectations, as, on the succeeding day, the greatest human efforts were unavailing, and he died, much lamented by all the Americans, to whom he was considered an invaluable friend.

I waited on the same day upon the Governor, and received his usual assurance, that, as soon as the packet sailed, I should be despatched. The funeral, which was of great pomp and ceremony, I attended, and at which I exchanged a salute with the Governor, engaged the public attention the whole of yesterday, so that on this day I presented myself to the successor of the Intendant, before whom the Secretary placed the agenda papers relating to the Floridas.— They appeared to be few, and within a loose sheet (*chemise de bureau*.) He inquired what had passed between the late Intendant and myself; upon hearing which, and upon my urging despatch, he said, “that the matter was new to him, and that he must require to-morrow or next day to investigate it.” From thence I proceeded to the Governor’s, and was informed that he was out, soliciting, from house to house, subscriptions for the relief of the inhabitants of the burnt village of St. Antonio.

It was the more anxious to see his Excellency to-day, as the steam ship, by which this goes, offered a favourable opportunity of addressing you. I returned to the palace. The Governor, who appeared overwhelmed with business, apologized for keeping me so long, shewed me some of the large packets made up for *Pensacola*, said they were making copies, and that the day after to-morrow he hoped to give me *free* (*franqueza*). I then reminded him of his promise, to give me the duplicate order to send to East Florida. He told me that he had a merchantman. I proposed and urged, as most expedient, that I should forward it by an officer of the United States, to which he assented. I have therefore put in requisition, by letter to Captain Read, the United States schooner *Nonsuch*, Lieutenant Turner, now here, by which I propose to send the duplicate, under cover, to the commanding officer of the United States’ troops at Amelia Island, subject to such orders as you or General Jackson may transmit to him.

I am, &c.

JAMES G. FORBES.

Honorable JOHN QUINCY ADAMS,

Secretary of State, Washington.

Mr. Forbes to Mr. Adams.

HAVANA, 23d May, 1821.

Sir: The steam ship Robert Fulton sailed yesterday for Charleston, with the letter of that date, which I had the honor of addressing to you. Since which, I have received one from the Secretary of

the Intendant, soliciting that I should carry to Pensacola ten thousand dollars, and as much to East Florida, to pay the troops: which sums would have been doubled under the late Intendant. I have answered that I would cheerfully do this, if they would ship them without delay, say in equal sums, in the Hornet and Nonsuch. Captain Read is indisposed; I hope not seriously.

I am, with the greatest respect, Sir, your most obedient and very faithful servant,

JAMES G. FORBES.

Hon. JOHN QUINCY ADAMS,
Secretary of State, Washington.

Mr. Forbes to Mr. Adams.

HAVANA, 28th May, 1821.

SIR: From the conversation with the Governor, which I had the honor of detailing to you in my letter of the 23d instant, it was natural to suppose that, on the 24th, I would have been despatched.

I waited upon His Excellency, to remind him of his promise, but he appeared to have forgotten it, and again mentioned press of business, and the term of "pocos dias," which became more familiar than reconcilable to me. He had just received a letter from the Governor of Pensacola, which he shewed me, stating an inquiry on the part of General Jackson, as to the delivery of the province. The sub-governor, in forwarding the General's letter and his answer, asked for orders; which His Excellency was about sending, and offered to take any letters from me; but I replied that the best communication I could make to him would be in person. He remarked, that he thought our General "avoit la tete montee."

I addressed the Governor the letter of which copy herewith marked B., to which I received on the 26th the answer, copy also marked C., upon the receipt of which, I called upon His Excellency, and was met by an affable apology for the unavoidable detention, assuring me that, as Saturday was general post day, the day after, Sunday, he would positively despatch me on the succeeding day; (the present;) I could not but acquiesce. However, after learning, in conference, that there would be *no archives ready*, I immediately on retiring addressed him the letter, of which copy inclosed marked D., to which I have not yet received any answer in writing, but, on calling at the Governor's, was told that it had been written, together with a copy of the orders to the sub-Governors of the Floridas, but, on a revision, there was some expression which His Excellency thought proper to alter, and on which account it could not be handed to me before to-

morrow, when I should *positively* be despatched. I hope, therefore, that the money being on board, my next will be from the offing, and put in charge of Captain Turner, of the *Nonsuch*, who will forward it immediately to the United States, whither he is proceeding, after landing the Spanish commissary and specie at St. Augustine, and after delivering my despatch to the commanding officer of the United States' troops at Amelia.

I am, with the greatest respect, Sir, your most obedient and very faithful servant,

JAMES G. FORBES.

Hon. JOHN QUINCY ADAMS,
Secretary of State.

A.

[TRANSLATION.]

The Captain General of Cuba to Mr. Forbes.

HAVANA, 26th May, 1821.

SIR: I acknowledge the receipt of your official letter of the 24th current, in which, among various reflections which it contains, I am requested, as soon as possible, to complete the delivery of the Floridas. You can sufficiently testify my desires for the conclusion of this business; and, in my last conference, I shewed that it would be in a few days after. Considering that the stipulation of the treaty grants six months for its completion, and three having already elapsed, as you mention, it does not depend upon delays on the part of this Captaincy General: and, desirous to give further proofs of the good intention of this government, in fulfilling the said royal order, I have nominated the Auditor of War of the province of East Florida, who is at present there with his licence, and ought to be present at the delivery, to convey the proper order to the Governor, in which understanding I should think that he might be conveyed in the vessel which you tell me would be destined for that service. Thus I have answered your said official letter.

I remain, with the highest consideration,
and pray God to preserve you many years.

NICOLAS MAHY.

B.

Mr. Forbes to Governor Mahy.

HAVANA, 24th May, 1821.

MOST EXCELLENT SIR: I have had the honor of receiving your Excellency's letter of the 16th instant, acknowledging the receipt by my hands of the royal order for the delivery of the Floridas to the government of the United States, advising me that measures are taking for the delivery of the archives, and for the further execution of the treaty between the two governments, and enclosing to me copies of the 5th, 7th, and 10th articles of the definitive treaty of peace between Spain and Great Britain, in 1783.

In the first interview, your Excellency was pleased to manifest a readiness to despatch me with the requisite documents in a few days, or as soon as the convey for Spain had sailed, which was immediately communicated in corresponding terms to the President of the United States, who has relied, accordingly, upon its execution. Since then, a period of near five weeks has elapsed, during which, every day has appeared to have increased your Excellency's avocations.

While your Excellency has been incessantly engaged in performing the arduous duties of his [your] important and highly responsible station, it has fallen to my humble lot to be only the idle spectator of the ravages of the climate, and, in contemplating their secret and rapid progress, to flatter myself with the hope of embarking, so as to rescue the officers and crews of the ships from their fatal effects.

As three months of a favorable season have passed away in preliminary measures, and as it appears uncertain when the archives here of the Floridas can be delivered over to me, I crave the reference again of your Excellency to my last despatch, confirming the various reasons offered in conference, for my early departure, and therefore propose—

That if any farther researches should be necessary for the discovery of the said archives, they might be delivered when more convenient to the Spanish government; that I should be allowed to proceed immediately to West Florida with the commissary appointed to carry the final order to the sub-Governor there; and, lastly, that a duplicate order be given at once, as agreed upon, to the Governor of East Florida, for the delivery of that province to the constituted authorities of the United States, together with the archives which are declared to be on the spot. Which last order, I will, with your Excellency's

permission, despatch immediately by a public officer of the United States.

I am, with sentiments of the highest consideration,

Most Excellent Sir, your Excellency's

Most obedient and very humble servant,

JAMES G. FORBES,

A. Com. and Agt. of the U. S. &c.

His Excellency Gov. Don NICOLAS MAHY,

Lieut. Gen. of the National Armies,

Governor of Cuba and its dependencies, &c. &c.

C.

[TRANSLATION.]

Don Juan Nepom. de Arocha to Mr. Forbes.

SIR: The Intendant ad interim commands me to ask you, whether or no, it will be inconvenient to transport on board the vessel of your nation twenty thousand dollars, which he wishes to remit for the disposal of the Governors of the two Floridas—ten thousand to Pensacola, and ten thousand to St. Augustine, in the supposition that the ship will go to either of those ports.

This quantity being precisely destined for the assistance of the troops of both garrisons—and for the purpose of avoiding particular agreements when the completion of the Treaty between both powers takes effect, the said Intendant ad interim has no doubt, that you will have the goodness to comply with this service, in the spirit of harmony and consequent friendship.

I have the honor to express my hope of your answer, and therefore to offer myself to your disposal, as your most obedient humble servant,

JUAN NEPOM. DE AROCHA.

May 23, 1821.

D.

Mr. Forbes to Governor Mahy.

HAVANA, 26th May, 1821.

MOST EXCELLENT SIR: I had the honor of receiving your Excellency's letter of this date, informing me of the appointment of the Auditor of War, of the province of East Florida, to become the bearer

of your Excellency's order on the Sub-Governors of that province, for its delivery, in form, to the constituted authorities of the United States, and renewing to me your Excellency's disposition to despatch me in a few days.

The accidental arrival here of the United States schooner Nonsuch enables me to meet the views of the Spanish government, by putting her in requisition for the purpose of conveying some specie, by desire of the Intendant, as well as of conveying said officer; she therefore awaits your Excellency's despatches.

I beg leave to know, if I understood your Excellency to say, in conference to-day, that the archives of West Florida, which are in the public offices here, are of a character involving importance only to Spain, that, in the farther examination of them, such as interest the government of the United States should be set apart, and transmitted to our government.

It would be agreeable to me, also, to have from your Excellency copies of the orders transmitted by him to the Sub-Governors of the Floridas, touching their delivery to the United States.

I have the honor to be, with the highest consideration, most excellent Sir, your Excellency's most obedient servant.

JAMES G. FORBES.

To his Excellency Governor MAHY, &c.

E.

Mr. Forbes to Signior Juan Nepom. de Arocha.

HAVANA, 23d May, 1821.

SIR: I had the honor of receiving your letter of this date, desiring, on the part of the Intendant, that the ship of war of the United States should convey to the Floridas twenty thousand dollars, on account of the Spanish government.

Please to assure the Intendant that it affords me much pleasure to accord with his wishes, and that, in the same spirit of accommodation and friendly intercourse which ought, and I hope may always, subsist between the American and Spanish governments, the money shall be taken on board the Hornet for Pensacola, and the Nonsuch for St. Augustine, but my duty prescribes that no farther delay can be the consequence.

I have the honour to be, with great consideration, very respectfully, your most obedient and very humble servant,

JAMES G. FORBES,

A commissary and agent of the U. S. under the Florida treaty.

Mr. Forbes to Mr. Adams.

HORNET, off Havana, 30th May, 1821.

SIR : Since I had the honor of addressing you, on the 28th instant, I have received an answer from the Governor to my letter of that date, enclosing copies of his orders to the sub-Governors of the Floridas, and declaring that the archives should be transmitted to the government of the United States as soon as they were selected.

Immediately on reading the orders just referred to, I perceived that the sub-Governors were directed to deliver the provinces to me; I therefore waited upon his Excellency, and requested that he would insert, "to the constituted authorities of the United States;" to which he readily assented, but said, as the despatches were written, it would require a particular order, which he issued, and of which copies are herewith, together with those written under date of the 5th instant.

The Governor, who was exceedingly polite, invited Captains Read and Turner, and myself, to dinner, at which I alone attended; and after which he gave the new instructions in relation to the delivery. He asked if I was now satisfied. I mentioned a further wish that he had been more pointed to the Governors, as to the period of evacuation, and urged the season as one which would expose the Spanish troops to much delay and inconvenience. He said he knew, from General Jackson's character, that he was impatient, but that the treaty was of considerable importance, now happily and formally concluded; and he hoped that all regard would be paid to its happy conclusion; that the Governors would use all due diligence.

I have the satisfaction of saying, at last, that I embarked this morning with the Spanish commissary, but that the one for St. Augustine, just appointed, will not be able to proceed in the Nonsuch until the day after to-morrow. I have preferred leaving him, to a moment's unnecessary delay, on my part, for the delivery of West Florida.

I have addressed a copy of the orders of which he is the bearer to Colonel Bankhead, or commanding officer at Amelia, subject, as before mentioned, to such directions as he should receive from the Department, or from General Jackson, as Governor of the territory.

It has been a source of regret and vexation to me to have met with this unforeseen detention, but I hope and trust that you will have perceived, in the course of my agency, that every exertion has been used, and that the delay may be attributed more to a tardiness inherent in those with whom I have had to do, than to any political or commercial advantage expected to be derived from it by speculation. The authorities here consider it a *prompt despatch*!

I request your attention to my draft, of this date, in favor of Messrs Gutierrez & Morland, for \$350, chargeable to my account.

I am, with the greatest respect, Sir,

Your most obedient and very faithful servant,

JAMES G. FORBES.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

[TRANSLATION.]

*Order of the Governor General of Cuba for the delivery of the Floridas.*HAVANA, *May 5, 1821.*

The time having arrived for beginning to take the necessary measures for the evacuation of West Florida, at present under your command, to make formal delivery of it to the authorized commissary of the government of the United States, citizen James G. Forbes, within the space of six months, or, sooner, if possible, counting from the twenty-second of February last, the date of the exchange of the ratifications of the treaty formed between the two powers, I have resolved to charge you with the execution of this important commission, with the brevity and order which it demands, and for the good event of which I forwarded to you some preparatory instructions, which ought necessarily to have served to dispose each branch to have been arranged, as an object so interesting demands. You will have, therefore, to agree with the commissary of the government of the United States, on the mode of transporting the troops, munitions, effects, &c. according to the articles of the treaty, a copy of which I enclose, and which will give information on the subject. The detachments of each corps will be re-united under the command of the chief, or its senior officer, taking all the precautions which you think convenient for maintaining good order in this delicate circumstance; at the moment of giving possession of that country, and of quitting it, I recommend to you to do what you can for apportioning to the families which may wish to be transferred to this island all the means which may be in your power, and the necessary protection, which I myself have solicited from the said commissary in his kindness, manifesting, on my part, how agreeable it would be, as they come to live amongst our people.

May God preserve you many years.

NICOLAS MAHY.

To the Commander ad interim of West Florida.

*Additional order for the delivery of West Florida.*HAVANA, *27th May, 1821.*

Although it is expressed in the order for the delivery of the province under your command, to Don James G. Forbes, the commissioned agent of the United States, to that effect, it ought also to be understood, that, in case of any accident happening to that gentleman, (which God forbid,) it shall be delivered to the authorities of the said United States, legally constituted, who may present themselves to you for the completing of the aforementioned order.

God preserve you many years.

NICOLAS MAHY.

Additional order for East Florida—the original, or first, being the same for both provinces.

HAVANA, *May 29, 1821.*

In the order which I address to you for the delivery of the province under your command, it is not expressed to whom it should be given; it will be understood that it shall be the authorities of the United States, legally constituted, who may present themselves to you for its completion.

God preserve you many years.

NICOLAS MAHY.

To the Governor of East Florida.

No. 2.

Col. Robert Butler to the Secretary of State, 20th June, 1821.

do do do 13th July, 1821.

Enclosure—Act of cession of East Florida.

Col. Butler to Secretary of State.

ST. AUGUSTINE, EAST FLORIDA;
July 13, 1821.

SIR: I have handed over to Major Cross, for your information, a book containing copies of the official correspondence which resulted in the reception and occupancy of this province.

You will likewise receive, herewith, the official document of inter-
change of authority, which was formally executed at the period when
the American and Spanish flags were flying on the standard.

You have enclosed a communication and document accompanied
from the Spanish commissioner, which I have informed him has been
referred to the American government for decision, on the subject of
several pieces of artillery at Amelia Island.

The archives relating to private property are so numerous that it
would be an endless task to have them transcribed; and I, therefore,
claimed them as they were, and I deemed it of great importance to
particularize, as you will find from my letter of the 3d instant, and
numbered 26, owing to my receiving information that a large portion
of these documents were packed for transportation. This letter had
the effect of keeping all the documents here until your decision is made
with the Spanish authorities.

The documents are forwarded by Major Cross, on the part of the
Spanish commissioner, to the Minister at Washington, from which
you will be enabled to settle the points left open with them speedily.

I shall be gratified to receive a communication from you, if my ser-
vices in this instance have corresponded with the interests of my
country.

As I have not been informed of what allowance will be authorized,
as a compensation for the duty which I have performed, will you be
kind enough to give me the necessary information on this subject, di-
rected to Pensacola.

I have the honor to be,
Very respectfully,

Your most obedient servant,

ROBERT BUTLER,
United States Commissioner.

Note. I am just informed by the Spanish commissioner, that his
documents will not be sent by Major Cross, but will be transmitted
immediately by another conveyance.

R. B.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

Act of Cession of East Florida.

In the place of St. Augustine, and on the tenth day of July eighteen hundred and twenty-one, Don Jose Coppinger, Colonel of the national armies, and Commissioner appointed by his Excellency the Captain General of the island of Cuba, to make a formal delivery of this said place and province of East Florida, to the government of the United States of America, by virtue of the treaty of cession, concluded at Washington, on the twenty-second of February, eighteen hundred and nineteen, and the royal schedule of delivery of the twenty-fourth of October, of the last year, annexed to the documents mentioned in the certificate, that form a heading to these instruments, in testimony thereof, and the Adjutant General of the southern division of said States, Colonel Don Robert Butler, duly authorized by the aforesaid government to receive the same; we having had several conferences, in order to carry into effect our respective commissions, as will appear by our official communications, and having received by the latter the documents, inventories, and plans, appertaining to the property and sovereignty of the Spanish nation, held in the province, and in its adjacent island depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of the important fact, they have judged proper—there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province, to the commissioner, officers, and troops, of the United States, and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American government having begun theirs, duly noting that we have transmitted to our governments the doubts occurring, whether the artillery ought to be comprehended in the fortifications; and if the public archives relating to private property ought to remain and be delivered to the American government, by virtue of the cession; and that there remain in the fortifications until the aforesaid resolution is made, the artillery, munitions, and implements, specified in a particular inventory, awaiting, on these points, and the others appearing in question in our correspondence, the superior decision of our respective governments, and which is to have, whatever may be the result, the most religious compliance at any time that it may arrive, and in which the possession that at present appears given, shall not serve as an obstacle—in testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of the same tenor, in the English and Spanish languages, at the above mentioned place, and said day, month, and year.

ROBERT BUTLER.
JOSE COPPINGER.

Colonel Butler to the Secretary of State.

ST. AUGUSTINE, June 20, 1821.

SIR: I have the honor to report to you, that the understanding which at present exists between the Governor who is the Commissioner on the part of Spain, and myself, is, that the exchange of flags will be effected on or about the 1st of July, and in a manner which, I trust, will be deemed satisfactory by my government.

I shall avail myself of the earliest opportunity after that event, to give you in detail, the whole of the proceedings on that subject.

I was induced to believe, from information received some time since, that the provisions destined to subsist the Spanish forces to the Havana, have arrived at Amelia Island; and I therefore gave an order for their delivery to the officer commanding the detachment destined to occupy the fortress at this place. A partial supply only was delivered, and that out of the supply for the troops at that place. I have therefore despatched a transport to Amelia to procure the supply necessary, and, if not in store, to purchase such as may be wanting. I am without any advices from the Commissary General's Department, on this subject.

I have the honor to be, very respectfully,
Your most obedient servant,

ROBERT BUTLER.

The Hon. JOHN QUINCY ADAMS,
Secretary of State.

No. 3.

The Secretary of State to Governor Jackson,	12th March, 1821.		
Enclosures Nos. 1, 2, 3, 4.			
The Secretary of State to Governor Jackson,	20th do.	do.	
do.	do.	23d do.	do.
do.	do.	22d May,	do.
do.	do.	23d do.	do.
do.	do.	27th June,	do.
do.	do.	20th August,	do.
Governor Jackson to the Secretary of State,	2d April,	do.	
do.	10th do.	do.	
do.	12th do.	do.	
do.	24th do.	do.	
Major Staunton to Governor Jackson,	25th do.	do.	
Collector Chew to do.	26th do.	do.	
Governor Jackson to the Secretary of State,	1st May,	do.	
do. to Governor Callava	30th April,	do.	
do.	30th do.	do.	
Governor Jackson to the Secretary of State,	7th May,	do.	
Messrs. Bronaugh and Brackenridge to Gov. Jackson,	7th do.	do.	
Enclosures A, B, C, D, E.			
Governor Jackson to the Secretary of State,	19th do.	do.	
do.	do.	21st do.	do.
Enclosures Nos. 1, 2, 3,			
Report of Captain Call to Governor Jackson,	21st do.	do.	
Governor Jackson to the Secretary of State,	30th do.	do.	
do.	do.	9th June	do.
do.	do.	10th do.	do.
do.	do.	11th do.	do.
do.	do.	13th do.	do.
do.	do.	29th do.	do.
do.	do.	17th July	do.
do.	do.	18th do.	do.

From the Secretary of State to Major General Andrew Jackson.

DEPARTMENT OF STATE,

Washington, 12th March, 1821.

SIR: By direction of the President of the United States, I have the honor of transmitting to you three commissions:

1. As Commissioner to receive possession of the provinces of East and West Florida, conformably to the Treaty between the United States and Spain, concluded on the 22d of February, 1819.
2. As Governor of the whole Territories of which possession is to be thus taken.
3. As Commissioner vested with special and extraordinary powers, conformably to the stipulations of the Treaty, and to the Act of Congress for carrying the same into execution; copies of both which are also among the enclosures with this letter.

Together with the Spanish ratification of the Treaty, there was transmitted to the Spanish Minister at this place, a royal order to the Captain General and Governor of the Island of Cuba, for delivering possession of the provinces of East and West Florida, according to the stipulations of the second article of the Treaty.

Colonel James G. Forbes has been appointed by the President agent and commissary, to deliver this royal order to the Governor of Cuba, to concert and arrange with him the execution of it, and to receive any documents or archives which may be at the Havana, and which are stipulated to be delivered by this article. A copy of his instructions is herewith enclosed; by which you will perceive that he is to deliver over to you all such documents or archives as he may receive at the Havana. It is desirable that those relating to each of the two provinces should be kept distinct from each other, and that this Government should be informed generally of their character and quantity.

Colonel Forbes is to take passage at New York in the United States sloop of war *Hornet*, Captain Read, and, on arriving at Pensacola, is to give you immediate notice, that you may repair thither to receive possession of that place. The *Hornet* is to remain there to escort the transports in which the Spanish officers and troops and their baggage are to be conveyed to the Havana.

The Spanish Minister has expressed a strong wish, that no troops of the United States may be introduced into Pensacola or St. Augustine, until *after* the evacuation by those of Spain. The object of this request being to avoid any possible unpleasant altercations between the soldiers of the two nations, the President thinks it reasonable to comply with it, unless you should be of opinion that it will be attended with inconvenience.—In that event he relies that you will take every measure of precaution which may be necessary to guard against any such collisions between the soldiers, and he trusts with confidence that, in every arrangement for the evacuation, the utmost delicacy will be observed, to avoid every thing which might

tend to wound the feelings of any of the Spanish officers, soldiers, or subjects who are to remove.

It is the President's desire that you should appoint General Gaines, or such other officer as you may deem expedient, to receive possession of St. Augustine; and that the same instructions should be applied to the execution of that service. The United States brig *Enterprise* or schooner *Porpoise* will be ordered to proceed to that place to escort the transports which are to convey the Spanish officers and troops thence to the Havana. The care of providing the transports at both places is referred to you. The number of troops at either place is not known, but supposed to amount to about 500 men at each. The stipulation is understood to include civil as well as military officers, and provisions as well as passage.

Instructions will be given by the Secretary of War to the Quarter-Masters and Commissaries, to furnish to your orders provisions and transports for the conveyance of the Spanish officers and troops. It is expected they will be supplied at New-Orleans and Mobile, for those to embark within the Gulf, and at Savannah and Charleston for those going from St. Augustine.

A copy and translation of the royal order to the Governor of Cuba, for delivering the possession of the provinces, are among the enclosures herewith. You will observe, that it includes expressly the islands appurtenant to them. It will be proper that attention should be paid to taking possession of all these islands, but it may not be necessary that a formal delivery of them in every case should be made.

On receiving from the Governors of West and of East Florida possession of those respective provinces, it will be proper to exchange certificates of the time and mode of the transaction: orders for the delivery of any military posts within the provinces will be expected, and they will be occupied by detachments of our troops, as you may deem expedient.

As soon as the possession shall be transferred, you will, in pursuance of your authority over the ceded territories, issue proclamations announcing the fact—a form adapted from that which was issued on the first occupation of Louisiana is herewith enclosed, to be modified as the circumstances, in your opinion, may require.

The powers vested in you by the enclosed commissions are also conformable to those which were entrusted to the Governor of Louisiana, under an act of Congress of similar import. The President is satisfied that they will be exercised by you with a due regard as well to the privileges and usages of the inhabitants, under the government to which they have been subject, as to the personal and social rights to which they will be entitled by the stipulations of the Treaty, and as associates to the union of these States. The money paid into the Spanish treasury before the delivery of possession, and whatever may be due thereto at that date, is to be considered as the property of Spain. Payments and debts subsequent to that date will belong, of course, to the United States.

The laws of the United States relating to the revenue and its collection, and those relating to the introduction of persons of color, being extended by the act of Congress to the Territory, the execution of them will be superintended by officers to be appointed for the several collection districts, to be established by the President, conformably to the law.

Your compensation as Governor will be at the rate of five thousand dollars a year. As Commissioner for receiving possession of the provinces, such reasonable expenses as may be incurred will be allowed. Whenever your military command ceases, your salary as Governor will commence.

In the taking of possession of St. Augustine and East Florida, similar proceedings to those relative to the occupation of West Florida will be proper. Both provinces being placed under your direction, the proclamation to be issued there will be in your name; and General Gaines, or such other officer as you may appoint, will be instructed to consider himself, for all the purposes of the government, subject to your orders.

At the ensuing session of Congress, it is to be presumed, one of the earliest objects of attention to that body will be to make further provision for the government of these Territories. The President wishes you, in the interval, to collect and communicate to this Department any information relating to the country and its inhabitants which may be useful to the exercise of the Legislative authority of the Union concerning them.

For the expenses incident to the services herewith required, you will draw upon this Department. Strict economy is to be observed in incurring them, and I have urgently to request the transmission as early as possible, of all the accounts resulting from them, with the vouchers necessary for their settlement at the Treasury.

I am, with great respect, &c.

P. S. The third commission, being reserved by the President for consideration, is not enclosed.

Commission to General Jackson to receive possession of the Floridas.

JAMES MONROE, *President of the United States of America, to all to whom these presents shall come, greeting:*

Know ye, that, reposing special trust and confidence in the patriotism and abilities of Major General Andrew Jackson, of Tennessee, I have appointed him Commissioner of the United States, with full power and authority to him to take possession of, and occupy, the Territories ceded by Spain to the United States, by the treaty concluded

ed at Washington, on the 22d day of February, in the year one thousand eight hundred and nineteen, and for that purpose to repair to the said Territories, and there to execute and perform all such acts and things, touching the premises, as may be necessary for fulfilling his appointment, conformably to the said treaty and the laws of the United States: and I do, moreover, authorize the said Andrew Jackson to appoint any person or persons in his stead, to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty.

[L. s.] In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed. Given under my hand, at the city of Washington, the tenth day of March, A. D. 1821; and of the Independence of the United States of America the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ABAMS,
Secretary of State.

Commission to General Jackson as Governor of the Floridas.

JAMES MONROE, *President of the United States of America, to all to whom these presents shall come, greeting:*

Whereas the Congress of the United States, by an act passed on the third day of the present month, did provide that, until the end of the first Session of the next Congress, unless provision be sooner made for the temporary government of the Territories of East and West Florida, ceded by Spain to the United States, by the Treaty between the said parties, concluded at Washington, on the twenty-second day of February, one thousand eight hundred and nineteen, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said Territories in the free enjoyment of their liberty, property, and religion. Now, know ye, that, reposing special trust and confidence in the integrity, patriotism, and abilities, of Major General Andrew Jackson, I do, in virtue of the above recited act, appoint him to exercise, within the said ceded Territories, under such limitations as have been, or may hereafter be, prescribed to him by my instructions, and by law, all the powers and authorities heretofore exercised by the Governor and Captain General and Intendant of Cuba, and by the Governors of East and West Florida within the said provinces respectively, and do authorize, and empower him, the said Andrew Jack-

son, to execute and fulfil the duties of this present appointment according to law, and to have and to hold the same, with all its powers and privileges, until the end of the next Session of Congress, unless provision be sooner made for the temporary government of the said territories, so ceded by Spain to the United States: *Provided, however,* and it is the true intent and meaning of these presents, that the said Andrew Jackson, or any person acting under him, or in the said territories, shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons, whomsoever, any title or claims to lands within the same.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

[L. s.] Given under my hand, at the City of Washington, the tenth day of March, A. D. 1821; and of the Independence of the United States of America the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

Special commission to General Jackson, for carrying into effect the stipulations of the treaty.

JAMES MONROE, *President of the United States of America, to Andrew Jackson, greeting:*

Whereas, by an act of Congress, passed on the third day of the present month, entitled "An act for carrying into execution the treaty between the United States and Spain, concluded at Washington, on the twenty-second day of February, one thousand eight hundred and nineteen," it is provided, that, until the end of the first session of the next Congress, unless provision be sooner made for the temporary government of the territories ceded by Spain to the United States, by the treaty concluded at Washington, on the twenty-second day of February, one thousand eight hundred and nineteen, between the two nations, all the military, civil, and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion. And whereas, on the tenth day of the present month, I did, by letters patent, under the seal of the United States, in pursuance of the powers vested in me as aforesaid, appoint you, the said Andrew Jackson, to exercise, under certain limitations, within the said ceded territories, all the powers and authorities heretofore exer-

cised by the Governor and Captain General and by the Intendant of Cuba, and by the Governors of East and West Florida within the said provinces, respectively, with the clauses and conditions in the said letters patent expressed: And whereas, it appears to me expedient that you should be vested with the other powers hereinafter specified: Therefore, be it known, that, in virtue of the above recited act of Congress, I do, by these presents, appoint and authorize you, the said Andrew Jackson, to administer the government, with the existing authorities, in the best manner in your power for the present, and to report without delay the actual state, with such alterations as you may think adviseable, that further instructions may be given respecting the same: and I do, moreover, authorize you to suspend any officer or officers in the said territories which the public good may seem to you to require, with the exception always of such as are or may be appointed by the President of the United States, making a report to this government of your proceedings therein: these letters patent are to continue in force until the end of the first session of the next Congress, unless provision be sooner made for the temporary government of the said territories so as aforesaid ceded by Spain to the United States, and unless it should be sooner revoked by the President of the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

[L. s.] Given under my hand, at the city of Washington, the 20th day of March, A. D. 1821; and of the Independence of the United States of America the forty-fifth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

FORM OF PROCLAMATION.

By Major General Andrew Jackson, Governor of the provinces of the Floridas, exercising the powers of the Captain General and of the Intendant of the Island of Cuba, over the said provinces, and of the Governors of said provinces, respectively.

Whereas, by the Treaty concluded between the United States and Spain, on the 22d day of February, 1819, and duly ratified, the provinces of the Floridas were ceded by Spain to the United States, and the possession of the said provinces is now in the United States:

And whereas the Congress of the United States, on the 3d day of March, in the present year, did enact, that, until the end of the first session of the seventeenth Congress, unless provision for the temporary

government of said provinces be sooner made by Congress, all the military, civil, and judicial powers, exercised by the officers of the existing government of the said provinces shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for the maintaining the inhabitants of said Territories in the free enjoyment of their liberty, property, and religion; and the President of the United States has, by his commission, bearing date the 20th day of said March, invested me with all the powers, and charged me with the several duties, heretofore held and exercised by the Captain General, Intendant, and Governors, aforesaid :

I have therefore thought fit to issue this my *Proclamation*, making known the premises, and to declare, that the government heretofore exercised over the said provinces, under the authority of Spain, has ceased, and that that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the citizens of the United States; that, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess; that all laws and municipal regulations which were in existence at the cessation of the late government, remain in full force, and all civil officers charged with their execution, except those whose powers have been specially vested in me, and except also such officers as have been entrusted with the collection of the revenue, are continued in their functions, during the pleasure of the Governor, for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force and violence from without or within.

In testimony whereof, I have hereunto set my hand.

Given, &c.

From the Secretary of State to Major General Andrew Jackson, at Nashville.

DEPARTMENT OF STATE,

Washington, 20th March, 1821.

SIR: I have the honor to transmit the third Commission referred to in the instructions of this office to you of the 12th instant; and to be, with respect, your obedient and humble servant,

JOHN QUINCY ADAMS.

From the Secretary of State to Major Gen. Andrew Jackson, Nashville.

DEPARTMENT OF STATE,

Washington, 23d March, 1821.

SIR: By the second article of the Florida treaty, it is stipulated that, with the territories of East and West Florida, the *fortifications* within the same are ceded and to be delivered to the United States; but no express mention is made of the cannon belonging to them.

By the seventh article of the same treaty, it is provided that the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops, and their baggage, to the Havana; but no mention is made of the transportation of cannon, nor is there any express engagement on the part of the United States to furnish *provisions* to the Spanish officers and troops on the passage.

It is the opinion of the President, that, by a fair and just construction of the treaty, the cannon belonging to the fortifications are to be considered as appendages to them, included in the cession, and are therefore to be left with them.

On the same principle, he is of opinion that, with the transports and escort to convey the Spanish officers and troops, and their baggage, the provisions necessary for the passage are also to be furnished at the expense of the United States, although not specially mentioned in the treaty; and orders have accordingly been given for the supply of provisions.

It is, however, possible that the Spanish Governors of East and West Florida may, upon a different construction of the treaty, claim to carry away the cannon from the fortifications, because they are not expressly named in article.

You will, in that case, claim that they should be left with the fortifications, and insist that, upon the principle of the other construction, the United States are not bound to furnish provisions for the passage of the officers and troops. You will state that the supply has been ordered in the confidence that the benefit of the same liberal construction of the treaty will operate in favor of the United States; and that, if it be not extended to them, they will have a just claim to be reimbursed for the expense of supplying the provisions.

You will add, that, as there is no engagement on their part, express or implied, to furnish the means of transporting the cannon, they have made, and can make, no provision for that purpose.

Should the Spanish Governors allege that their orders are express for having the cannon carried away, you will leave it to them to make provision for their transportation, and report forthwith the facts to this Department.

I am, with great respect, Sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

From the Secretary of State to Major General Andrew Jackson, Governor of East and West Florida.

DEPARTMENT OF STATE,

Washington, 22d May, 1821.

SIR: I have the honor, by direction of the President of the United States, of informing you, that he has established, within the Territories of East and West Florida, three districts for the collection of the revenue, namely, at Pensacola, St. Marks, and St. Augustine. He has at the same time thought proper to appoint two territorial Secretaries, and two Judges, one of each to reside at Pensacola, and the other at St. Augustine. The revenue district of St. Marks to be included within the judicial district of Pensacola. He has thought the appointment of one Marshal sufficient for the whole territory; authorizing him to appoint a deputy either for St. Augustine or Pensacola, while he shall reside himself at the other of those places. I subjoin hereto the list of the several persons appointed to these offices.

I am, with great respect, Sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

List of Officers referred to in the within Letter.

Eligius Fromentin, of Louisiana, to be Judge of the United States for West Florida, and for that part of East Florida which lies westward of the Cape, to reside at Pensacola.

Alexander Anderson, of Tennessee, to be Attorney of the United States for West Florida, and for that part of East Florida which lies westward of the Cape, to reside at Pensacola.

William P. Duval, of Kentucky, to be Judge of the United States for East Florida, with the exception of that part which lies westward of the Cape, to reside at St. Augustine.

John G. Bird, of Georgia, to be Attorney of the United States for East Florida, with the exception of that part which lies westward of the Cape, to reside at St. Augustine.

James Grant Forbes, of New York, to be Marshal of the United States, in and for East and West Florida, with authority to appoint a deputy, either for St. Augustine or Pensacola, while he shall himself reside at the other of those places.

George Walton, of Georgia, to be Secretary in and for West Florida, and for that part of East Florida which lies westward of the Cape.

William G. D. Worthington, of Maryland, to be Secretary in and for East Florida, with the exception of that part which lies westward of the Cape, to reside at St. Augustine.

Mark Harden, of North Carolina, Collector of the Customs at St. Marks.

John Rodman, of New York, Collector of the Customs, and Richard S. Hackley, of Virginia, Surveyor and Inspector of the Revenue, at St. Augustine.

Alexander Scott, of the District of Columbia, Collector of the Customs; William S. Smith, of the District of Columbia, Naval Officer; and Charles Jenkins, of South Carolina, Surveyor and Inspector of the Revenue, at Pensacola.

The Secretary of State to Major General Andrew Jackson, Governor of East and West Florida.

DEPARTMENT OF STATE,
Washington, 23d May, 1821.

SIR: I have had the honor of receiving your letters of 2d, 10th, and 12th of April, from Nashville. The request for instructions relating to the Seminole Indians, contained in the first of them, having been referred by the President to the Secretary of War, has been answered through that Department.

The list of officers appointed by the President within the territory, which is now transmitted to you, consists altogether of citizens of the United States, the objects of their respective functions being the introduction and establishment of the laws of the Union in the country.

It is not, however, the intention of the President that in the distribution of official situations, the natives or inhabitants of the country itself should be overlooked. The offices, the duties of which relate to the civil and internal administration of the territory, will be those for which the qualifications of the people of the country will be peculiarly appropriate; and leaving the distribution of them entirely to your discretion, he is confident it will be exercised with a just regard to the interest and feelings of the people of Florida, and in a manner which may tend at once to their satisfaction, and to render their change of condition as acceptable to their inclinations, as it is hoped it will be propitious to their welfare.

I am, with much respect, Sir,
Your very humble and obedient servant,

JOHN QUINCY ADAMS.

The Secretary of State to Andrew Jackson, Esq. Governor of Florida.

DEPARTMENT OF STATE,

Washington, 27th June, 1821.

SIR: I have had the honor of receiving your letters of the 24th of April, 1st, 7th, 19th, 23d, and 30th of May, with their enclosures.

The conduct of the Governor and Captain General of the Island of Cuba, in delaying, without any apparent satisfactory reason, the delivery of the orders to the Governors of East and West Florida, for the evacuation of those provinces, by the officers and troops of Spain, and, in evading the delivery at all of the archives in his possession, and which, by a stipulation of the treaty were to be given up, appears to have been very exceptionable.

The President has been disposed to make every allowance for the dilatory character of all transactions, habitual to the officers of the Spanish government. On receiving your letter of 19th May, he had thought it would be necessary to take measures, on a presumption that the unwarrantable delays of the Governor of Cuba would be still continued, which, under other circumstances, it would be very desirable to avoid. While these measures, however, were under consideration, intelligence was received from Colonel Forbes, that he had at length received the orders for the delivery of the two provinces, and, immediately afterwards, that he had actually sailed from the Havana, on the 30th ultimo, for Pensacola. As the order to the Governor of St. Augustine had been despatched on the same day, and that order was received by him on the 7th instant, we are in daily expectation of receiving the information that that place has been delivered up to Colonel Butler, and that the Spanish officers and troops there have embarked for the Havana. The tenor of your correspondence with the Governor of Pensacola, as well as the character heretofore known of Governor Callava, have led to the hope and expectation, that he will, on receiving the order of evacuation, manifest all the alacrity for carrying the treaty into execution, which has been professed in his letters. It was, therefore, concluded here, that it would be most advisable to take no step founded on the supposition that unnecessary delays will be still experienced in the evacuation of the Floridas, even after the orders for their evacuation shall have been received by the Governors of the respective provinces.

Your letters of the 23d and 30th ultimo, have been forwarded to the President, who is in Loudoun. I shall inform you, as soon as possible, of his directions on your suggestion of a wish to be furnished with a check on the Branch Bank at New Orleans.

I am, with great respect, Sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

The Secretary of State to Andrew Jackson, Esquire, Governor of the Floridas.

DEPARTMENT OF STATE,
Washington, 20th August, 1821.

SIR: I have had the honor of receiving your letters of the 16th, 17, and 18th ultimo, with their enclosures: they were immediately transmitted to the President, who is at the Shannondale Springs.

As it will doubtless be one of the earliest objects of attention to Congress, at their ensuing session, to prepare a more permanent system of government for the territories of Florida, I would solicit communications from you, as early and as ample as you can make them, of information which may serve to enlighten the inquiries upon which it may be expected that this legislation will be founded.

A reference to the laws of Congress, which were from time to time enacted for the government of the Louisiana Territories, may serve to point out some of the particulars upon which information will be most desirable.

In this view, the following acts are presented to your attention:—

1. An act erecting Louisiana into two Territories, and providing for the temporary government thereof. 26th March, 1804. Laws U. S. vol. 3, page 603.

2. An act further providing for the government of the Territory of Orleans. 2d March 1805, page 648.

3. An act further providing for the government of the district of Louisiana. Page 658—3d March, 1805.

4. An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana. Page 652—2d March, 1805.

5. An act extending the powers of the Surveyor General to the territory of Louisiana, and for other purposes. Vol. 4, page 6—28 February, 1806.

6. An act supplementary to an act, entitled “An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana.” Page 50—21st April, 1806.

7. An act respecting claims to land in the territories of Orleans and Louisiana. Page 111—3d March, 1807.

8. An act providing for the final adjustment of claims to lands, and for the sale of the public lands, in the territories of Orleans and Louisiana. Vol. 4, page 322—15th February, 1811.

9. An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes. Page 328—20th February, 1811.

10. An act providing for the final adjustment of claims to lands, and for the sale of the public lands, in the territories of Orleans and Louisiana, and to repeal the act passed for the same purpose, and approved February 16, 1811. Page 356—3d March, 1811.

11. An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi, and Island of New Orleans. 25th April, 1812.

There may be some others, but my reference to these is merely to suggest the nature of part of the information which it is probable may be desired by Congress, in relation to the Floridas, and which, it is hoped, your position will enable you to furnish.

I am, with great respect, Sir,

Your very humble and obedient servant,

JOHN QUINCY ADAMS.

Governor Jackson to the Secretary of State.

NASHVILLE, 2d April, 1821.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th ult. together with its inclosures, viz.

Two Commissions,

Copy of the Treaty,

Do. Law for executing it (in a newspaper),

Do. Colonel Forbes' Instructions,

Do. Royal Order for Delivery,

Do. do. (translation),

Form of Proclamation.

In pursuance of the instructions of the Président, as communicated through you, I shall proceed as soon as practicable to Montpelier, via New Orleans, there to await the necessary information from Colonel Forbes, and shall immediately, upon receiving it, take possession of Pensacola, and proceed to organize the government agreeably to the instructions. I hope to be able to leave this by the 15th instant, and to arrive at Montpelier by the 1st May.

I have, agreeably to instructions, appointed Brevet Major General Gaines to receive possession of St. Augustine, and by the southern mail have forwarded him the necessary instructions for that purpose.

There is one subject, which, at this early period, I wish, through you, to call the attention of the President to, and receive your instructions thereon. It is the situation of that part of the Creek Indians, who in the late war abandoned their own country and fled to the Floridas, and continued hostilities against the United States until conquered in 1818. During that campaign, I ordered the conquered Indians above the Florida line, and directed them to settle down within their own limits (the Creek nation.) I have lately, however, understood that M'Queen and his adherents have made a settlement at Mickasuckey, and also on the Suwaney River. Are these Indians to be ordered up to the Creek country, there to settle themselves, or

are they to be protected in their new settlement? I have only to remark, that the country set apart for the Creek nation is sufficient for the support of all, and that, by removing those within Florida, greater security will be given to our frontier, and the government would more certainly be enabled to prevent smuggling, which, no doubt, will be attempted to a considerable extent, through the various inlets in the country now inhabited by them. Whatever may be the President's instructions upon this subject, shall be strictly obeyed, and likewise in relation to the negroes who have run away from the States, and inhabit this country, and are protected by the Indians.

With sentiments of esteem and regard,
I have the honor to be, &c.

From the same to the same.

NASHVILLE, 10th April, 1821.

SIR: I have the honor to acknowledge the receipt of your communication of the 23d ult. and have perused, with attention, the instructions contained therein; the second article of the Treaty, in which it is stipulated that the Territories of East and West Florida, and the *fortifications* within the same, are ceded and are to be delivered to the United States, is so clear and explicit, that it had never occurred to my mind that an attempt would be made by the Spanish authorities to strip the fortifications of their means of defence. Cannon is an *indispensable* appendage of a fortification, and the term fortification is always understood to include every thing appertaining to a work constructed for defence. Indeed, such was my view of that article of the Treaty, that I should have considered the Spanish government bound by their cession of the *fortifications* with the territory, to pass over to the United States, not only the fortifications, but the ordnance and munitions of war contained therein.

If, on my arrival at Pensacola, any difficulty should arise on this subject, I will avail myself of your very just suggestions, and will endeavour, as forcibly as I can, to impress the Governor with a sense of the liberal construction which the United States are disposed to give to the Treaty. In any event, you may rest assured that your instructions will be most promptly attended to.

I have the honor to be, &c.

ANDREW JACKSON,

From the same to the same.

NASHVILLE, 12th April.

SIR: I have the honor to inform you that I sail from this place to-day, at 1 o'clock, P. M. I have despatched my Aid-de-Camp, Capt. Call, to Montpelier, with instructions to receive the communications from Colonel Forbes, in the event of his arrival before I reach that place, and to place the troops destined for the occupation of Pensacola in a state of readiness to march at a moment's warning. I hope to reach Montpelier by the first of next month, should I not be detained at Orleans for the want of a vessel to transport me to Montpelier.

I am, &c.

ANDREW JACKSON.

From the same to the same.

NEW ORLEANS, April 24, 1821.

SIR: On the evening of the 22d inst. I reached this city on my way to Montpelier, and will, if I can procure a transport, proceed on my journey on the 26th inst.

Immediately on my arrival, Mr. Fromentin waited upon me, and produced a commission dated in the year 1819, authorizing him to receive the Floridas, together with the archives at Pensacola and St. Augustine. He appears to be impressed with a belief, that, although that part of his commission to receive the Floridas was superseded, yet, as the Executive had been silent on the subject of the archives to be received at Pensacola, &c. that he, with my approval, was entitled to the safe-keeping of them. From the tenor of my instructions, I do not conceive that I can create any office in the Floridas that does not exist there at present, and that clerks of any kind, except those that are contemplated under my instruction to translate and transcribe the archives for the information of the President, cannot be necessary until the next meeting of Congress. However, should the President be of opinion that a safe-keeper of the archives should be necessary, and that Mr. Fromentin should be appointed to that trust, and express the same to me, with the salary to be annexed, I will immediately notify Mr. Fromentin thereof, and request his removal to Pensacola. But it does not appear to me that there can arise a necessity for any individual to have a copy of any of the records before the meeting of next Congress. I shall, therefore, not make any appointment of this kind until I hear from the President on the subject.

I have here met with Major Staunton, of the Quartermaster's Department, who advises me that he is without Quartermaster's funds for the purpose of carrying into effect the transportation of the civil and military officers of Spain from the Floridas, as stipulated under the late Treaty with Spain, and informs me that it is understood by the Quartermaster General, that, through me the funds necessary to carry into effect the stipulation for transporting the Spanish troops are to be obtained. From the perusal of my instructions, it does not appear that I am authorized to draw upon the State Department for Quartermaster's funds, but will take upon me the responsibility so to do. I thought it most advisable to endeavor to raise here, by a draft upon your Department, the sum necessary to meet the expenses of receiving the country and organizing the government, fearing that a draft would not be sold at Mobile or Pensacola; for this purpose I offered for sale a draft, and found I could not obtain United States paper for it without a discount. I therefore directed Major Staunton to apply to the branch bank of the United States, to be informed whether it would advance upon my draft? It refused. I then addressed a note to the Collector, Mr. Chew; the enclosed is his answer. I also enclose the statement of Major Staunton; from all which you will discover, that, without a discount, money cannot be obtained here on drafts upon the government. No delay, however, shall occur in the transportation of the Spanish troops from the want of funds, as far as I can command them; nor will I ever consent to sell bills on the government at a discount, to any, and more particularly to the branch bank of the United States, in which is deposited all the revenue of the government received at this place. I shall endeavor at Mobile or Pensacola to raise the necessary funds on drafts. Should I fail there, I trust upon the receipt of this the government will instruct the branch bank to furnish me with the amount that may be necessary to meet the expenses that may occur in receiving the Floridas, and organizing the government thereof.

I am, Sir, &c.

ANDREW JACKSON.

[ENCLOSURES IN THE ABOVE.]

Major Stanton to Governor Jackson.

NEW ORLEANS, *April 25th, 1821.*

SIR: Agreeably to your request of this morning, I waited on the Cashier of the United States branch bank, and stated to him your wish to negotiate through his bank a draft on Washington for ten or fifteen thousand dollars, which he peremptorily declined doing.— Knowing the importance of obtaining funds, and that money could

not be had in market for drafts, but at a discount, I ventured to state to the Cashier such reasons as suggested themselves to my mind why the favor requested should be granted, and the very serious embarrassment that might result to the public service, should he persist in his refusal, which, however, he thought proper to do, without assigning any other reason, than that the instructions of the mother bank forbade his negotiating drafts.

I have the honor to be, &c.

H. STANTON, *D. Q. M. G.*

The Collector at New Orleans to Governor Jackson, dated 26th April 1821.

SIR: I have the honor of acknowledging the receipt of your letter of yesterday's date, and should have been extremely happy to be empowered to advance the sum you require, by accepting a draft on the Department of State; but particular instructions from the Honorable Secretary of the Treasury would be necessary to authorize me to make that disposition of the public money in my hands.

I am, &c.

BEV. CHEW.

Governor Jackson to the Secretary of State.

BLAKELEY, ALABAMA STATE, *May 1, 1821.*

SIR: I arrived at this place on the morning of the 29th ultimo, and immediately communicated with Montpelier by express, which returned last evening with information that no advices had been received there from Colonel Forbes.

Being informed that associations exist for the purpose of introducing a number of Africans into Florida, before the change of government, and for this purpose an agent from Baltimore and another from the east, are now, the one in Pensacola and the other in Cuba or Bahama Islands—To obtain possession of the ceded country as soon as possible, and thereby prevent the furtherance of this dreaded evil, I have this morning dispatched Doctor Bronaugh and Judge Brackenridge, with communications to the Governor of Pensacola, copies of which I send you herewith, marked Nos. 1 and 2; and, also, with instructions to inquire into the truth of a complaint made to me in New Orleans, and reiterated here, that the Spanish subjects in Pensacola are in the habit constantly of pulling down the houses of non-resident Americans for fuel.

My Aid-de-Camp, Captain Call, whom I sent from Nashville over land to Montpelier, has not reached that place, owing, it is be-

lieved, to the unusual freshets prevalent in the upper country. This will detain me here until the arrival of my horses, and until the return of the gentlemen whom I have sent to Pensacola.

I have directed Colonel Brook, in command at Montpelier, to forward to this place all communications which may be received at Montpelier for me.

As soon as I hear from the Governor of Pensacola, I will communicate to you his reply.

I have signified to Commodore Patterson the propriety of sending a vessel to take a recognizance of the Florida coast, as far as Tampa Bay, to intercept any American vessel loaded in whole or in part with Africans.

From conversing with Major Stanton, of the Quartermaster's Department, on the subject of supplies for the Spanish officers and soldiers on their voyage to Cuba, and the inconvenience of preparing their bread on board, I have directed him to order Captain Rodgers, of the Commissariat Department, at Orleans, to have a sufficient quantity of sea biscuit prepared for their supply. In this arrangement there will be a saving of tonnage to the United States, and it will have the happy effect of preventing any complaints from Spain on the score of supplies, or as to the liberality of the government of the United States, in their construction of the Treaty. I hope this measure will meet the approbation of the President.

With high consideration and respect, &c.

ANDREW JACKSON.

[No. 1.]

Copy of a letter from Major General Jackson to His Excellency Don José Callava, Governor of West Florida, at Pensacola.

MONTPELIER, 30th April, 1821.

SIR: Dr. J. C. Bronaugh, Surgeon General of the southern division, and my friend, and one of my private secretaries, Judge Brackenridge, will present you this letter; they are the bearers of a communication to you on the subject of a Treaty between the United States and His Catholic Majesty, and, also, of all the documents with which I have been furnished to authorize me to receive possession of the Floridas. These gentlemen are authorized by me to receive any communication you may be pleased to make in relation to the necessary arrangements for the transportation of the officers and troops of His Catholic Majesty, or to such other subjects as you may think necessary, preparatory to the surrender of the Floridas, according to the stipulations of the Treaty.

With sentiments of great respect, &c.

ANDREW JACKSON.

[No. 2.]

Copy of a letter from General Andrew Jackson to His Excellency Don José Callava, Governor of West Florida, at Pensacola.

MONTPELIER, 30th April, 1821.

SIR: I have the honor to inform your Excellency that I have been duly commissioned by the President of the United States to receive possession of the Floridas, agreeably to the stipulations of the late treaty between the United States and His Catholic Majesty. I have also to state, that Colonel James G. Forbes has sailed from New York to Havana, charged with the royal order to the Captain General, for the delivery of the countries ceded to the United States by the said treaty, and that he is to communicate to me from Pensacola immediately on his arrival, which may be daily expected.

Being desirous, in order to avoid all unnecessary delay, to have in readiness, on the arrival of Colonel Forbes from Cuba, the necessary transports for the civil and military officers, and the troops of His Catholic Majesty, agreeably to the stipulations of the treaty, as well as for their supplies, according to the liberal construction which the President is disposed to give to the treaty, I have to request you to inform me of the number of officers and troops to be transported from Pensacola and St. Mark's, and, also, of the number of days in which the passage from Pensacola to Havana is usually performed. As the transports and supplies will be procured at New Orleans, you will be pleased to inform me what length of time will be necessary, on your part, after the arrival of the order from the Captain General, to enable you to make the necessary preparations to embark. This information is requested, in order that I may have every thing in a state of preparation for your transportation the moment you are ready. It is also important to enable me to have the necessary supplies transported to Pensacola and St. Mark's and in *depos* for the troops which are to occupy the Floridas.

It being communicated to me that it is expected, from the assurance of the Minister of His Catholic Majesty at Washington, that no unnecessary delay will take place in delivering possession of the Floridas, I have ordered the supplies of the troops of the United States to be forwarded to Pensacola and St. Augustine, and they are expected to arrive at those points by the fifteenth of the next month. The situation of my troops in the interior, and the difficulty of supplying them there, render this step necessary; and orders have been given to expedite no further supplies to the places which those troops at present occupy. A removal of them at an early day, is therefore rendered necessary, and I have no disposition (unless urged by necessity) to move my troops to any garrison occupied by the troops of his Catholic Majesty, until the same shall be evacuated, being, I assure you, earnestly desirous, that nothing may occur to disturb that harmony, and good understanding, which at present so happily exists between our respective governments and the citizens and subjects of each.

From a wish to maintain the most perfect harmony and good understanding between us, during our correspondence, I have charged the bearers of this communication, Dr. J. C. Bronaugh, Surgeon General of the Southern Division, and my friend, and one of my private Secretaries, Judge Brackenridge, to make known to you, the sincere desire, on my part, to carry into effect the stipulations of the treaty and the surrender of the Floridas, with the utmost good faith and amity with the officers of his Catholic Majesty, as well as the promptness with which every thing stipulated under the treaty, on the part of of the government of the United States, will be executed, agreeably to the most liberal construction of that instrument.

I am, Sir, with sentiments of respect, &c.

ANDREW JACKSON.

From Governor Jackson to the Secretary of State.

BLAKELEY, *May 7, 1821.*

SIR: In my letter of the 1st instant, I advised you of my arrival here, of communicating with Montpelier, and, hearing nothing from Colonel Forbes, of my sending Doctor Bronaugh and Judge Brackenridge to obtain information necessary to be had, before I gave instructions to Major Stanton, quartermaster, to provide the transportation and supplies necessary for the transportation of the Spanish officers and soldiers. These gentlemen have this morning returned. The enclosed translation of a letter from the Governor of Pensacola, and the report of these gentlemen, will give you the information acquired, and may not be uninteresting to you.

Finding, from the report of the above gentlemen, that the Hornet had reached the Havana on the 9th ultimo, and, believing that she must reach Pensacola shortly, and reflecting that it is better for the transportation to be ready with the supplies, and to wait for the Hornet, than for the Spanish officers and troops to wait for the transportation to be procured after her arrival, I have ordered Major Stanton to repair to Orleans, and procure the transports and supplies, and to have them ready to sail for Pensacola on the first notice of the arrival of the Hornet there. Major Stanton informs me, that he thinks vessels can be obtained on much better terms now, than they can be after it is known the Hornet has returned, and that transportation must be immediately had. He is instructed to make the most advantageous contract he can, to save any demurrage

on account of any short delay; and I have no doubt, from the rumors of mercantile associations, to introduce large quantities of goods into Pensacola, that there will be a great saving to the United States by having the transports ready on the arrival of the *Hornet*, as well as earlier possession of the ceded country.

It is all-important for the health of our troops, to have them removed from Fort Gadsden, in all this month, or early in the next; and every exertion, as far as it rests with me, shall be used to obtain this object. I am at a loss to conjecture the causes of the delay of the *Hornet*; a few days will give us the reason, and I hope it may not be found to exist in any understanding existing between an association of our merchants and the Governor General of Cuba: but, sir, it is rumoured and believed here, that such an attempt will be made by merchants, to prevail upon the Governor General to withhold the order for the delivery of the Floridas until the last moment, to give time for the arrival of large shipments of goods for Pensacola.

I am, Sir, &c.

ANDREW JACKSON.

Report of Dr. Bronaugh and Judge Brackenridge to Governor Jackson.

BLAKELEY, May 7, 1821.

SIR: In pursuance of your instructions, we left this place on Tuesday morning, and reached Pensacola about ten o'clock the Thursday following. The *Hornet* was not there, but, from information, on which we believe reliance can be placed, she arrived at Havana on the ninth ultimo.

We immediately addressed a note (A) to the Governor, enclosing our letter of introduction, and requesting an interview as soon as it would be convenient. He sent us a polite answer, (B) inviting us to wait on him at the Government House at ten o'clock the following morning, the 4th instant; at the hour appointed, we waited on him, and presented the communication from you, of which we were the bearers, and which, being explained to him, he observed, that, on the subject of the treaty, he was only subordinate to the Captain General of the Island of Cuba; that, as nothing had been communicated to him from his superior, he had no authority to enter into any arrangements respecting it, that he could do nothing until he should receive his orders through the regular and proper channel. He declared his wish to avoid all unnecessary delay, and to act with the utmost promptitude the moment he should receive his orders from the Captain General. We observed to him, that this information was requested in order to prevent useless delay, to enable you with greater certainty to provide the transports and supplies; and offered to shew him the copy of the royal order, and other papers in our possession. We reminded him of the situation of the troops of the Unit-

ed States in the interior, intended to occupy the post within the Floridas; the approach of the sickly season; the difficulties of all military movements by land and sea, in this climate, after the months of May and June. He repeated that he had no authority whatever to take any step, until authorized by the Captain General; declined the perusal of the royal order, but declared his willingness to communicate, fully, all the information required by you, the moment of the arrival of the order from Havana. We then requested him to communicate, in writing, to you, what he had stated to us, which he promised to do. We received his reply (E) in the evening, and the next morning set out for this place, where we arrived this morning. Previously to our departure from Pensacola, we addressed a letter (C) to the Governor, expressing our regret at not being able to obtain the information which we sought, and enclosing a letter (D) to Colonel Forbes, making known your arrival, and stating your anxiety to obtain possession of the Floridas as speedily as possible.

With respect to the points on which we were instructed to obtain information, the following is the result of our inquiries and observation: The number of troops, including officers and persons connected with the government, who will leave the country, does not exceed five hundred and fifty; two hundred of these are in Pensacola, the remainder at the Barrancas and St. Marks. Every thing seems to indicate the prevailing understanding, that they are shortly to quit the country. The troops are not regularly drilled, there are no morning or evening parades; the public buildings are entirely neglected, and the government seems to be carelessly administered; the inhabitants are impatient for the change, and, it is said, that but few of the Spanish families will leave the place. The Governor, we were told, is personally desirous to be gone; he is a frank, candid soldier, and we have no doubt that any difficulties or delays which may occur, will be occasioned by the Captain General.

There are at present in the harbor, only a few coasting vessels; there have been but few arrivals, and we are satisfied, from every thing we have observed, that the accounts which we have received respecting the importation of Africans, is not correct; if any such traffic be carried on, it is much more likely to be between Havana and St. Augustine. On the other subject, respecting which we were directed to make inquiry, the injury said to be done by the soldiery to the untenanted houses belonging to American citizens, we find that such injury has been done alike to the buildings of Spanish subjects. Nearly all the houses of this place are in a state of dilapidation, and there are nearly one-half unoccupied, few of which can be inhabited without extensive repairs. Nearly every dwelling, however, has been taken by persons who are waiting with impatience the change of government. Rents have risen astonishingly within a few weeks, and town property is now as high as it probably will be, excepting in particular situations, for some time to come. Nearly all the public property, the public squares, the ground around the block-houses, estimated at a very large amount, is claimed as private property, it

having been sold by the order of the King, as we are informed, some years ago; it is a subject, however, very well worth inquiring into. We suspect there is a great deal of very valuable public property in and about Pensacola.

From the shortness of our stay, it was not in our power to obtain information on other subjects, and on those we have noticed, not as full as we have wished.

We have the honor to be, &c.

J. C. BRONAUGH,
H. M. BRACKENRIDGE.

A.

Messrs. Bronaugh and Brackenridge to Governor Callava.

PENSACOLA, Thursday Morning, 3d May, 1821.

SIR: We have the honor to inform your Excellency that we are the bearers of a communication from Major General Andrew Jackson, commanding the southern division of the United States' army, and Commissioner for receiving the Floridas. The enclosed letter will explain the object of our visit.

We take the liberty to request an interview as soon as it may be convenient. Your Excellency will be pleased to intimate to us at what hour we may do ourselves the honor to wait upon you.

We have the honor to be, &c.

J. C. BRONAUGH,
H. M. BRACKENRIDGE.

To His Excellency Don José Callava, &c. &c.

B.

Governor Callava's Answer.

[TRANSLATION.]

PENSACOLA, 3d May, 1821.

SIRS: By your esteemed favor of to-day, enclosing the letter from Major General Andrew Jackson, of which you are the bearers, I am informed of your commission from the said General, and, in compliance with your request, I have the honor to inform you, that

at ten o'clock, to-morrow morning, the 4th instant, at the Government house, you may have the interview which you solicit.

I avail myself of this opportunity, the first which has presented itself, to offer you my services, and in the mean time remain

Your most obedient servant,

JOSE CALLAVA.

Messrs. J. C. Bronaugh and H. M. Brackenridge.

C.

Messrs. Bronaugh and Brackenridge to Governor Callava.

PENSACOLA, 4th May, 1821.

SIR: We do ourselves the honor to acknowledge the receipt of your Excellency's reply to the communication of which we were the bearers, from Major General Andrew Jackson, commanding the southern division of the United States' army, and Commissioner for receiving the Floridas.

We regret that your Excellency does not consider yourself authorized to communicate the information solicited, as it was extremely desirable, for the reasons which have been urged. An exact knowledge of the number of persons for whom transports are to be furnished, and the necessary supply of provisions, would have very much facilitated the arrangements on the part of the United States. It will, however, be gratifying to General Jackson to receive your Excellency's reply, on the arrival of Colonel James G. Forbes with the order from the Captain General of Cuba for the delivery of the Floridas, and to whom we have addressed the enclosed letter, which we take the liberty of requesting your Excellency to deliver immediately upon his arrival at this place. We have requested Colonel Forbes to receive any communication your Excellency may be pleased to make to General Jackson, and to forward the same, together with his own despatches.

We have the honor to be, &c.

J. C. BRONAUGH,

H. M. BRACKENRIDGE.

His Excellency Don JOSE CALLAVA, &c. &c.

D.

The same to Colonel James G. Forbes.

PENSACOLA, 4th May, 1821.

DEAR SIR: General Jackson arrived at Blakeley, on the 29th ult. and immediately sent an express to Montpelier, in expectation of meeting with despatches from you at that place. On the return of the express, he thought proper, from his great anxiety to comply with the wish of the President, to obtain possession of the Floridas early in this month, to send us with a communication to the Governor of Pensacola, requesting the necessary information, to enable him to have provided the transports and provisions for the Spanish officers and soldiers, and also to communicate with you, calculating upon your having arrived. We were much disappointed at not finding the *Hornet* at this place, but immediately requested an interview with the Governor, which we obtained the day following. He informed us that he could make no arrangements, or say any thing on the subject, until he received his orders through the Captain General of the Island of Cuba, to whom he is subordinate. We were therefore disappointed in obtaining for the present the information which General Jackson desires; the Governor promised, however, to communicate it fully, by express, as soon as you should arrive. General Jackson expected to have every thing in readiness by the fifteenth of this month, to transport the Spanish troops to Havana. The supplies for the American troops are expected at this place and St. Augustine; by that day, and orders have been given to discontinue the supplies at the points which those troops at present occupy. The engagement of transports at New Orleans, and the purchase of supplies, must be delayed until the information requested by the General shall be obtained. The situation of the troops in the interior renders it very important that they should be removed without a moment's delay.

We therefore request you to receive the Governor's answer to General Jackson's communication, and to forward it with your own despatches for the General with the utmost possible expedition. He is extremely anxious to avoid all delay, as the season is now far advanced, and many reasons concur in rendering it necessary to take immediate possession of the Floridas.

We have the honor to be, &c.

J. C. BRONAUGH,

H. M. BRACKENRIDGE.

E.

[TRANSLATION.]

Governor Callava to General Jackson.

PENSACOLA, 4th May, 1821.

MOST EXCELLENT SIR: In the morning of the day before yesterday, I received your Excellency's letter, dated at Montpelier, the 30th of April last, by which you are pleased to inform me that Dr. J. C. Bronaugh, Surgeon General of the division of the south, and one of your private Secretaries, Judge Brackenridge, are the bearers of a communication to me on the subject of the treaty between the United States and his Catholic Majesty, and also of the documents in virtue of which you have been empowered to receive possession of the Floridas. That the said Bronaugh and Brackenridge were authorized by you to receive any reply, which I might think proper to make, touching the necessary arrangements preparatory to the surrender of the Floridas according to the stipulations. [Here follows a mere recapitulation of the letter of which Messrs. Bronaugh and Brackenridge were the bearers.] In reply, I have to inform your Excellency, that, at the present moment, I cannot enter into the particulars which are suggested to me, not having yet received any orders from the Captain General of Cuba, the superior on whom I am immediately dependant, relative to the treaty and surrender of this province, and by which my measures must be governed, in case I should be selected as the person to make the same. Messrs. Bronaugh and Brackenridge have requested that I would advise you of the arrival of the *Hornet* as soon as she may arrive at this port, which I consented to do with much pleasure.

I have the honor to declare how satisfactory to me are the sentiments you express, and I take this occasion to reciprocate the offer of my most sincere services.

I am, with the highest consideration, your most obedient servant,
JOSE CALLAVA.

Governor Jackson to the Secretary of State.

MONTPELIER, May 19, 1821.

SIR: I am still without any information from Colonel Forbes, or from the *Hornet*, since her arrival on the 9th ult. at the Havana; of

which you were advised in my last. Her delay is unaccountable, and places us in an unpleasant situation. It certainly was, from the treaty, the expectation of both governments, that we would have been in full possession of the Floridas before the 22d inst. The situation of those troops on the Apalachicola, in the interior, and which are to garrison St. Marks, is unpleasant, and the delay will add much to the expense of transporting provisions to them, especially as they are again to be transported to St. Marks. Believing as I do, that, as soon as the Spanish agents are notified of the ratification of the treaty and the exchange thereof, there can be no reason for delay, the moment the Hornet arrives, I shall move to Pensacola, and having taken possession, shall organize and exercise the government of the country, as a thing which we have a perfect right to do at any time. The evacuation of the fortifications by the Spanish officers and troops, and the transporting them to Cuba, is another thing, to accomplish which, they have six months, if it is not possible to withdraw them sooner.

Here, from my instructions, I am to remain until the arrival of Colonel Forbes; but, on his arrival, if any delay is attempted, it cannot be attributed to the government of Spain, but a wanton act of her officers, not warranted by good faith, or by the treaty. In this case, therefore, I have a right to present myself, and demand possession. This course I intend to pursue, if necessary, and my conjectures that this course may become necessary, grow out of the delay of the arrival of Colonel Forbes. From reading his instructions, I cannot see any real cause for his delay, or how it has occurred, or why he has permitted it; still, I hope he has good reasons to satisfy his government in this particular.

I am, Sir, &c.

ANDREW JACKSON.

Extracts of a letter from same to same.

[With four enclosures.]

Dated MONTPELIER, May 21, 1821.

“ On last evening Mr. G. L. Thompson reached me, having left the Hornet at Cuba, on the 7th instant, and handed me a letter from Colonel Forbes, a copy of which is herewith enclosed. Mr. Thompson informs me that Colonel Forbes assured him that he would not be detained more than four days at furthest, and stated to him that he had this positive assurance from the Governor General of Cuba.”

“ I sincerely regret the delay of Colonel Forbes, as, on his arrival, I am prepared to present myself and receive possession of the country, and put an end to the barbarous traffic, [slave trade,] which I have no doubt is now practising on the coast of Florida.

“ I advised you in a former letter that I had sent bills on government, by Colonel Gadsden, to the amount of three thousand dollars, to be sold in Orleans. I am advised by him that he could not effect a sale of them, and that he was compelled to raise money to enable him to procure the necessary transports for Major Staunton, from other sources, of which you will be advised hereafter. Unless the government furnishes me with a check upon the Branch Bank of the United States at Orleans, I am fearful that I shall not be able to proceed well in the organization of the government.

“ I enclose you a copy of a letter from the Governor of Pensacola, received by my aid-de-camp, Captain Call, together with a copy of his report, which will shew you the feelings of the Governor, and that nothing is wanting but the arrival of Colonel Forbes to place us in possession of the ceded country.

“ I am, sir, &c.

“ ANDREW JACKSON.”

Copy of a letter from Colonel J. G. Forbes to Major General Andrew Jackson.

HAVANA, May 7, 1821.

SIR: Commissioned by the President of the United States to deliver the royal order upon the Governor of Cuba for the delivery of the Floridas to our government, I was directed by the Honorable Secretary of State to communicate with your Excellency upon my arrival at Pensacola with the farther order of the Governor to the Spanish authorities in the Floridas.

I arrived in the Hornet sloop of war on the 22d of last month, and was very favorably received by Governor Mahy, who expressed a wish to expedite me very promptly, as soon as the convoy for Spain sailed. This assurance has been renewed to me occasionally since, but I regret to say that I am still uncertain when I can receive either the necessary order, or the archives, which also come within the range of my commission.

I avail myself of the opportunity afforded by Mr. Thompson, of making this communication, and take the liberty of suggesting to your Excellency the expediency of having a person at Pensacola from whom I can, on landing, receive such information as will enable me to communicate immediately with your Excellency by express.

I beg leave also to state, that I have applied for an order, in duplicate form, so as to embrace East Florida, and that, on receipt of it, I

shall endeavor to find a suitable opportunity of transmitting it to the commanding officer of the United States' troops, at Amelia Island, subject to such orders as he may receive from the Department of State, or from your Excellency, taking the original with me in the *Hornet*.

As Mr. Thompson is fully acquainted with the nature of my mission, I refer your Excellency to him for any farther information, with the assurance that no exertions have been, or shall, on my part, be spared, to carry into complete effect the objects of such national importance.

I am, with great respect, sir, &c.

JAMES G. FORBES,
*A Commissary and Agent of the U. S.
under the Florida treaty.*

(No. 1.)

Captain Call to Governor Callava.

PENSACOLA, *May 14, 1821.*

Captain Call, of the United States' army, presents his respects to Don José Callava, Governor of West Florida, and informs him that he is the bearer of a communication from Major General Jackson to his Excellency, with whom Captain Call requests the pleasure of an interview.

(No. 2.)

[Translated answer to the above.]

PENSACOLA, *May 14, 1821.*

His Excellency Governor Callava has just received Captain Call's note. He presents his respects to him, and informs him that he may have the interview which he requests, at ten o'clock to-morrow morning, in the Government House.

(No. 3.)

[TRANSLATION.]

Copy of a letter from the Governor of West Florida to General Andrew Jackson.

PENSACOLA, *May 16, 1821.*

MOST EXCELLENT SIR: I received yesterday morning, with much satisfaction, by the hands of Captain Richard K. Call, your Excellency's aid, your communication of the 11th, in reply to mine of the 4th instant.

I am persuaded that I stated to Judge Brackenridge, in the interview with me, and on the delivery of your first communication, that your Excellency would find no obstacle to the depositing at this place the supplies to which you refer, and, on this occasion, I have given the same assurance to Captain Call.

The suggestion of your Excellency respecting the transportation of the Spanish garrison of St. Marks to this place, in order that, united with the rest, they may sail together under the convoy of the *Hornet*, is as worthy of your Excellency's prudence, as it is necessary and proper; and I shall contribute to it with pleasure (as soon as the expected orders shall arrive from the Captain General,) as far as may be in my power, and with the activity and energy necessary to prevent the inconveniencies which may be occasioned by delay. I regret that, at present, this is not within the compass of my authority, those orders not having yet arrived.

I hope your Excellency will do me the honor to be fully persuaded that I heartily concur with you in wishing that every thing between us may be conducted with the utmost harmony and friendship; as, also, of the satisfaction which your sentiments have given to the officers and troops under my charge, as well as to myself.

As soon as I shall be empowered to enter on the subject of the evacuation of this province, I will transmit to your Excellency, with the utmost punctuality, the information requested of me, and whatever else may contribute to the more satisfactory accomplishment of the business. Captain Call shall receive from me all the respect and attentions due to him, as well on account of his individual worth, as of the pleasure I take in honoring your Excellency's recommendation.

God preserve you many years.

JOSE CALLAVA.

Report of Captain Call to General Jackson.

MONTPELIER, May 21, 1821.

GENERAL: In obedience to your instructions of the 11th, I left this on the 13th, and arrived at Pensacola on the 14th instant. The result of my mission to which place I have now the honor to report.

On my arrival I addressed a note to the Governor, of which No. 1 is a copy, and received in reply No. 2, herewith enclosed. On the 15th I had an interview with the Governor, delivered your letters of the 11th, and received for answer No. 3, which I have presented to you, and from which you will find that the Governor has acceded to your proposition, so far as it relates to your making a deposit of provisions at Pensacola, to facilitate which he has offered a public store house, and a guard for its protection. But he expresses much regret that he is not authorized to withdraw the garrison of St. Marks until he receives the orders of the Captain General of Cuba to that effect. He pledges himself that every exertion in his power shall be made to carry the treaty into immediate operation; and that, when ordered by the Captain General, every facility on his part shall be given to the

American authorities for the most prompt occupation of the ceded territory. I had repeated interviews with the Governor, and, as far as I had an opportunity of forming an opinion of his character, I believe him to be a frank, ingenuous soldier, and that every confidence may be placed in the professions which he has made. Of this I am sure, he is not less anxious to leave, than you are to occupy, the ceded country. For information relative to the sloop of war *Hornet*, I refer you to Mr. Thompson, who left her in the port of Havana on the 9th inst.

I am, sir, &c.

R. K. CALL, *A. D. C.*

Governor Jackson to the Secretary of State.

MONTPELIER, 30th May, 1821.

SIR: In my letter to you of the 21st inst. I advised you of the arrival of Mr. Thompson, and the receipt of a letter from Colonel Forbes, a copy of which I enclosed to you, and which I hope will reach you in due time.

I have had no information from Colonel Forbes since my last; but it appears to be understood and expressed by the inhabitants of Pensacola, that we will not get possession until the expiration of six months from the exchange of ratifications of the treaty. My letter of the 19th inst. will have given you my construction of the treaty, and my power under the commission to take possession of the Floridas, combined with your instructions. I shall anxiously await your answer to that letter, as I have but little doubt now, but we will experience every delay that can be thrown in our way, and I have no wish to do any act contrary to my instructions, or the wish of my government; but, when I review the delays and conduct heretofore practised by the Spanish government, I feel myself bound to oppose any attempt to prostrate our national character, and to violate the pledges of friendship given in the treaty. I feel every desire to harmonise and to obtain possession of the country ceded in the most gentle manner, provided I meet a corresponding disposition on the part of the officers of Spain: but, if the order for the delivery should not be sent by Colonel Forbes to the Governor of Pensacola, on his report that he has delivered the royal order to the Captain General and Governor of Cuba, I deem it imperious upon me to advance within the limits of Florida, tender sufficient transportation, and demand a surrender of the country, agreeably to the 2d article of the treaty—it being presumed that the Governor-General of Cuba has done his duty, and that, duly notifying the Governor, he has given the necessary order for the delivery of the ceded country. If

the Governor alleges that he is not ready to deliver the country and embark his troops, it seems to me, that he is not only bound to shew good reasons, but also to defray the expenses of demurrage incurred upon the public vessels ordered for the transportation of his troops. If the Spanish Governor should not embark his troops before the 22d of August next—must not the Spanish Government after that date furnish their own transportation, having violated the Treaty, and have I not a right after that date to take possession by force, if not peaceably surrendered? From the wording of the Act of Congress, I have no doubt we have.

I hope I may be agreeably disappointed in my forebodings, but, from the declarations of some Americans that we will not get, nor have a right to demand, possession, until the expiration of the six months, and that even then we must negotiate for possession, added to the delay already experienced; I am induced to believe that every delay will be experienced that the Spanish officers think will be submitted to by the American government. Be assured I shall act with caution, but with firmness and energy. I cherish a hope, that the officers of Spain may meet me harmoniously, and, although appearances are at present to the reverse, I still believe they think that I will act promptly, and that they will be thereby induced not to hazard too much by unnecessary delay. I shall wait with anxiety for your answer to my letter of the 19th instant.

I am, Sir, &c.

ANDREW JACKSON.

Extracts of a letter from same to same, dated

MONTPELIER, June 9, 1821.

“I am still here, awaiting the arrival of Colonel Forbes, from whom I have heard nothing since the receipt of his letter of the 7th May last. As I advised you, Major Staunton has engaged the transports, and they will be in Pensacola Bay on the 10th instant, unless adverse winds prevent. They were to sail from Orleans on the 3d instant.

“It was calculated with certainty, that Colonel Forbes would have been here long since. Should he permit himself to be much longer detained, the demurrage on the transports here and at Amelia Island, will be a heavy item in our expense, and occasion us to lose many soldiers, by removing them in the height of the sickly season; for,

Sir, to be candid, I have now no hopes of his arriving here before the latter end of this month, or perhaps the 22d of August."

"I am, Sir, &c.

"ANDREW JACKSON."

P. S. 9 o'clock, P. M.—A letter from Pensacola states, that a gentleman just arrived from the Havana, states, that the Intendant died on the 19th ultimo, and Captain Read lay very ill. By Lieutenant Hawkins, from Mobile, I am informed, that a Captain of a vessel from Havana stated to him, that Captain Read, of the Hornet, was dead. No account of Colonel Forbes.

Same to same.

CANTONMENT, *Montpelier, June 10, 1821.*

SIR: The mail is just passing, and I have only time to say that an express reached this from Pensacola, one hour since, bringing the information of the arrival of the Hornet at that place yesterday. We shall move from this on the 14th instant, and hope to be in possession of the Floridas as early after that date as possible.

I have the honor to be, &c.

ANDREW JACKSON.

The same to same.

MONTPELIER, *June 11, 1821.*

SIR: My note of yesterday, sent by express after the post rider, will have advised you of the arrival of the Hornet at Pensacola, on the evening of the 9th instant. The communication of Col. Forbes to you, enclosed to me for perusal, with a request to forward the same as early as practicable, will afford you all the information I yet possess on the subject. There can now be no cause for delay in delivering the provinces of Florida, conformable to the stipulations of the treaty, unless it should arise from the error committed in designating Colonel Forbes, in the Captain General of Cuba's order, as United States' commissioner, authorized to receive the ceded country, and which error appears not to have been corrected on the note attached to the order addressed to the Governor of West Florida, as Spanish commissioner.

Colonel Forbes has not made known to me the causes which detained him after the receipt of the Captain General's order for the delivery of the provinces, which bears date the 5th of May, 1821; and it is unaccountable how it should have required until the 28th of the same month for the two notes to be annexed, which are dated on that day.

By reference to Colonel Forbes' letter to you of the 8th instant, it appears that Don Alva, his Spanish colleague, is alone charged with the delivery of East Florida. Should this prove to be the fact, considerable delay and embarrassment may result; as the only public vessel on this station, the *Nonsuch*, was despatched from Havana to St. Augustine by Colonel Forbes, with the supposed commissioner, Arredondo, for the delivering the province of East Florida to the constituted authorities of the United States.

If Don Alva's presence in St. Augustine be indispensable, it is uncertain when he may be able to reach that place; nor do I conceive that, under the treaty, the United States is bound to furnish him with transportation. It is my intention to send Colonel Gadsden to St. Augustine as soon as possession is obtained of Pensacola, and have applied to the collector of the port of Mobile for the revenue cutter *Alabama* for this purpose. Should this vessel be obtained, a passage will be offered Don Alva. I can only assure you that, guided by your instructions, no farther delay in obtaining possession of the Floridas will be permitted. I do not anticipate any, unless it should grow out of the detention of Don Alva at Pensacola. I am advised by Colonel Butler that the transports were at Charleston on the 9th ultimo, and must have reached Amelia Island by the 15th. All necessary arrangements connected with the occupation of West Florida have been matured. The transports were to have sailed, with Major Staunton on board, from New Orleans, on the 3d instant; and their arrival in Pensacola may be expected daily.

I am, sir, &c.

ANDREW JACKSON.

Same to same.

MONTPELIER, June 13, 1821.

SIR: Your communications of the 22d and 23d ultimo, accompanied with a list of appointments made by the Executive, with a view of establishing and enforcing the revenue laws of the United States within the territories of East and West Florida, conformably to the act of Congress for the government of said provinces, were received late last night, by express. They have been placed on file and their contents duly noted.

With respect, &c.

ANDREW JACKSON.

Same to same.

MANUEL's, fifteen miles from Pensacola,
29th June, 1821.

SIR: I arrived here on the 15th inst. since which I have been employed in making the necessary arrangements for receiving possession of West Florida, &c. and have the honor to inform you, that every thing is now in readiness but a vessel, to supply the place of the transport *Cora*, which was chartered by Major Staunton at New Orleans, and unfortunately lost off the Balize in a heavy gale, on her way to Pensacola. Another transport could only be procured at New Orleans, and it was confidently expected that Quartermaster Hunt, stationed at that place; would have chartered another vessel, and despatched her here immediately upon hearing of the loss of the *Cora*; but this responsibility, it appears, he did not think proper to assume, although he must have received information of her loss shortly after the accident, and no step was taken to supply another until the arrival of Major Staunton's express, who was despatched to Orleans the instant that a vessel could be procured to transport him, after the information of her loss reached Pensacola. The winds have been unfavorable, but the arrival of the transport I think, cannot be delayed more than a day or two, and immediately after, I shall receive possession, as I have the pledge of the Governor, that, in four days, or six at furthest, after the arrival of the transport, he will deliver formally the keys of Pensacola to me.

Some difficulty was likely to have occurred in relation to the artillery appertaining to the fortifications. The Governor contended that he had the right to take them away, as they were not specifically ceded under the second article of the treaty. I claimed them as being included under the term *Fortifications*, and urged that it might be considered a violation of the treaty, if an attempt should be made to strip the fortifications of their means of defence, and instanced the case of a vessel of war transferred from one nation to another, which might as well be stripped of her armament by the party disposing of her, as to remove from a fortification its guns mounted for its defence, which would entirely change its character, and reduce it to a mere edifice. He, however, at length agreed that an inventory should be taken of ordnance, stores, &c. and the subject be referred to our respective governments; they remaining in the possession of the officers of the United States until the question should be decided.—Immediately upon claim being set up to the ordnance and a receipt demanded for it, as in deposit, I demanded a receipt for the provisions, and likewise for the transportation which would be furnished for the civil officers, and families of officers, which were not specifically enumerated under the seventh article of the treaty. This, also, has been agreed to, and is to be referred in like manner to our governments. So soon as I receive possession of the country,

I will submit to you all the correspondence which has taken place on this subject, and also a full report of all my proceedings adopted in relation to the occupancy of the Floridas.

In justice to Major Staunton, I must add, that no blame can possibly be attached to him for the loss of the transport *Cora*, he having used every necessary precaution to ascertain that she was sea-worthy, as he had been ordered by me to employ no vessel unless he was satisfied that she was such. His report, together with certificates, &c. which fully prove that he faithfully performed his duty, shall be furnished you.

The unlooked-for delay of the *Hornet* in the first place; the extraordinary occurrence of Don Alva bringing with him to Pensacola a despatch to the Governor of East Florida, which the Governor of West Florida yesterday assured me was from the Captain General of Cuba, and relates to the delivery of East Florida; when the United States vessel *Nonsuch*, at the request of Colonel Forbes, was ordered from Havana direct to St. Augustine, together with the delay which has necessarily occasioned by the loss of the transport *Cora* will add to our expense in obtaining possession of the Floridas. And, to prevent any further delay from the circumstance of Don Alva having brought to this place despatches for the Governor at St. Augustine, and to insure immediate possession, Colonel Gadsden will sail to-morrow in the United States schooner *Revenge*, which fortunately touched on yesterday at Pensacola, taking with him the necessary orders to Colonel Butler, and offering to carry the despatch to the Governor of East Florida.

I was fortunate enough to obtain from Colonel Gadsden the sum of four thousand seven hundred and twenty dollars, for which I have given him duplicate drafts, as per letter of advice.

I have had much writing in answering the letters of the Governor of Pensacola, which has engrossed all my time, and given great labor to my translators.

I have the honor to be, &c.

Same to Same.

PENSACOLA, July 17, 1821.

SIR: Mine of the 29th of June, advised you of the occurrences to that date. I have now to inform you, that, at ten o'clock of this day, the province of West Florida, with its dependencies, &c. was delivered to me in due form by Don José Callava, the Commissioner on the part of the King of Spain.

I shall take the earliest opportunity to communicate the circumstances preceding and attending the surrender. Suffice it to say, for the present, that it was accomplished in the most friendly and har-

monious manner, although, at one moment, from a misapprehension on both sides, I did not flatter myself with so happy an issue.

Some ordinances for the better government of the town and province, and in fact which are absolutely necessary, have been prepared; copies of these, as well as a report of my whole proceedings as Commissioner for receiving possession of Florida, will be forwarded to you as soon as possible, and am satisfied they will be found strictly within the powers with which I am clothed by the President.

None of the officers appointed by the President for this province, have yet joined me: whether any of those appointed for East Florida have arrived, I am not certainly informed.

With great consideration, &c.

ANDREW JACKSON.

Same to Same.

PENSACOLA, 18th July, 1821.

SIR: I have the honor to enclose you the proces verbal, having retained the duplicate.

Very respectfully, your most obedient servant.

[Without Signature.]

The undersigned, Major General Andrew Jackson, of the state of Tennessee, Commissioner of the United States, in pursuance of the full powers received by him from James Monroe, President of the United States of America, of the date of the 10th of March, 1821, and of the 45th of the Independence of the United States of America, attested by John Quincy Adams, Secretary of State; and Don Jose Callava, Commandant of the province of West Florida, and Commissioner for the delivery, in the name of his Catholic Majesty, of the country, territories, and dependencies, of West Florida, to the Commissioner of the United States, in conformity with the powers, commission, and special mandate, received by him from the Captain General of the Island of Cuba, of the date of the 5th of May, 1821, imparting to him therein the royal order of the 24th of October, 1820, issued and signed by his Catholic Majesty, Ferdinand the Seventh, and attested by the Secretary of State, Don Evaristo Perez de Castro:

Do certify by these presents, that, on the seventeenth day of July, one thousand eight hundred and twenty-one, of the Christian era, and forty-sixth of the Independence of the United States, having met in the court-room of the government house, in the town of Pensacola, accompanied on either part by the chiefs and officers of the army and navy, and by a number of the citizens of the respective nations, the said Andrew Jackson, Major General and Commissioner, has deli-

vered to the said Colonel Commandant Don Jose Callava, his before mentioned powers; whereby he recognizes him to have received full power and authority to take possession of, and to occupy, the territories ceded by Spain to the United States, by the treaty concluded at Washington, on the 22d day of February, 1819, and for that purpose, to repair to said territories, and there to execute and perform all such acts and things touching the premises, as may be necessary for fulfilling his appointment, conformably to the said treaty and the laws of the United States, with authority likewise to appoint any person or persons in his stead, to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty. Wherefore, the Colonel Commandant, Don Jose Callava, immediately declared, that, in virtue and in performance, of the power, commission, and special mandate, dated at Havana, on the fifth of May, 1821, he thenceforth and from that moment placed the said Commissioner of the United States in possession of the country, territories, and dependencies, of West Florida, including the fortress of St. Marks, with the adjacent islands dependent upon said province, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, according to, and in the manner set forth by, the inventories and schedules which he has signed and delivered, with the archives and documents, directly relating to the property and sovereignty of the said territory of West Florida, including the fortress of St. Marks, and situated to the east of the Mississippi river, the whole in conformity with the second article of the treaty of cession, concluded at Washington, the 22d of February, 1819, between Spain and the United States, by Don Luis de Onis, Minister Plenipotentiary of his Catholic Majesty, and John Quincy Adams, Secretary of State of the United States, both provided with full powers; which treaty has been ratified on the one part by His Catholic Majesty, Ferdinand the Seventh, and the President of the United States, with the advice and consent of the Senate of the United States, on the other part; which ratifications have been duly exchanged at Washington, the 22d of February, 1821, and the forty-fifth of the Independence of the United States of America, by General Don Dyonisius Vives, Minister Plenipotentiary of His Catholic Majesty, and John Quincy Adams, Secretary of State of the United States, according to the instrument signed on the same day.

And the present delivery of the country is made in order that, in execution of the said treaty, the sovereignty and the property of that province of West Florida, including the fortress of St. Marks, shall pass to the United States, under the stipulations therein expressed.

And the said Colonel Commandant, Don Jose Callava, has, in consequence, at this present time, made to the Commissioner of the United States, Major General Andrew Jackson, in this public cession, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, in the inventories before men-

tioned; declaring that he releases from their oath of allegiance to Spain the citizens and inhabitants of West Florida, who may choose to remain under the dominion of the United States.

And that this important and solemn act may be in perpetual memory, the within named have signed the same, and have sealed with their respective seals, and caused to be attested by their Secretaries of Commission, the day and year aforesaid.

ANDREW JACKSON.

By order of the Commissioner on the part of the United States.

R. K. CALL,

Secretary of the Commission.

JOSE CALLAVA.

Por mandato de su Señoría el Coronel Comisario del Gobierno de España.

El Secretario de la Comisión.

JOSE Y. CRUZAT,