

Article Title: The Floridas. From the National Intelligencer. The President restores Pensacola to Spain but is critical of Spain's inability to adequately man its territory. The article implies Spain should cede Florida to the United States.

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THE FLORIDAS.

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The President of the United States has, we understand, decided, that Pensacola, and the other Spanish posts, which have been taken by Gen. Jackson, in the Floridas, shall be restored to the Spanish authority ; but with a requisition that the King of Spain shall, hereafter, keep such a force in those colonies, as shall enable him to execute, with fidelity, the fifth article of the treaty between the U. States and Spain. That article, so far as it affects this subject, is in the following words : " The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas ; and, the better to obtain this effect, both parties oblige themselves, expressly, to restrain, by force, all hostilities on the part of the Indian nations living within their boundary ; so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory ; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of His Catholic Majesty, or his Indians, in any manner whatever."

On the strict execution of this article, on the part of Spain, it is understood that the President rigorously insists ; and that it was the failure to fulfill it, which produced the necessity of crossing the Spanish boundary, during the present war with the Seminole Indians.

These tribes occupy the lands on each side of the line between the United States and Florida ; much the greater part of them living within the limits of the King of Spain. They are neither citizens of the United States, nor subjects of the king of Spain. They owe no allegiance to the laws of either power. They cannot, therefore, be tried for treason on account of their levying war against either nation, within whose limits they dwell. They are the owners of the soil which they occupy ; hold at least a qualified sovereignty over it, and exercise, on all occasions, the right of making war and peace. To this purpose they are sovereign within the country which they possess ; to this purpose the country is their country ; and that country may and must, of necessity, become the legitimate seat of war, if the war cannot be otherwise terminated.

This consideration becomes the stronger, when it is remembered, that it was owing to the acknowledged incompetency of Spain to fulfill the stipulation of her treaty with us, by restraining the hostilities of the Seminoles, by force, that the United States were compelled to take up arms in their own defence. Yet such was the delicacy of our government towards Spain, that the first order issued to the general commanding in that quarter, expressly forbade him to cross the Spanish line. This inhibition was repeated by a second order. But, as it was apparent, that driving the Indians beyond the limits of the United States, was doing nothing effectual to extinguish the war, since in falling back within the limits of Florida they were still at home, with all the means of incursion and annoyance which they possessed at the commencement of hostilities, a third order was issued, which authorised the American general, if the Indians should present themselves in body, beyond the line, to cross it, and attack them. Shortly after issuing this order, a massacre was committed by the Indians, which demonstrated that no alternatives were left for the United States, but to leave our frontier exposed to the mercy of the savages, or to carry the war into Florida, and thus to do, for Spain, what she confessed herself unable to do for herself, by terminating by force the hostilities of those savages.

fourth order was, therefore, issued, to this effect, to the American general ; but by the same order he was expressly commanded, if the Indians should take refuge under a Spanish fort, not to attack them in that situation, but to report the case to the Department of War. Such has been the delicacy observed by the U. States towards Spain : and no subsequent order, it is understood, has been issued, to enlarge the authority of the American general.

In attacking the posts of St. Mark and Pensacola, with the fort of Barrancas, General Jackson, it is understood, acted on facts, which were, for the first time, brought to his knowledge, on the immediate theatre of war ; facts, which, in his estimation, implicated the Spanish authorities of the war ; and he took these measures on his own responsibility, merely. That his operations proceeded from motives of the purest patriotism, and from his conviction, that, in seizing and holding those posts, he was justified by the necessity of the case, and was advancing the best interests of his country, the character of General Jackson forbid a doubt. Of the important facts alleged by him, satisfactory proof, it is understood, has been already furnished to the President, and proof of the other facts is confidently expected. It is difficult to admit the belief that acts, so totally regardless of the amicable relations between Spain and the United States, so directly repugnant to the stipulation of the treaty above quoted, and, in themselves, so hostile and even cruel, will be avowed and adopted by the king of Spain. We trust that they were the mere unauthorised acts of his agents. But, should they, contrary to all rational expectations, be so avowed and adopted by that sovereign, there can be little doubt that the means of annoying us from that quarter, will ere-long be taken from him, by the decision of the competent authority, to be restored no more.

In the mean time, as Congress, only, have the power, under our constitution, of declaring war, and had made no such declaration against Spain, it is understood that the President does not conceive himself authorised to retain the Spanish, posts, inasmuch as such retention would be an act of war. It is on this ground, we understand, that the resolution has been taken to restore the posts, and to demand from the King of Spain the punishment of those officers, whose improper conduct led to their seizure.

The President, no doubt, sees, in common with his countrymen, the great advantages which the United States would derive from the entire possession of the Floridas ; but confessedly great as these advantages would be, he is not willing to gain them, but by the sanction of an Act of Congress. To have retained these posts, under present circumstances, would certainly have had the eclat of being a strong measure : but we hope never to see a President of the U. States disposed to be stronger than the Constitution of his country ; for that is the palladium of interest far more sacred, and of infinitely higher import to the general cause of human liberty, than any acquisition of territory, however vast or advantageous.

Notwithstanding this unexpected collision in the Floridas, we trust that the relations of amity between the two nations will be preserved ; nor can we abandon the hope, that their differences may yet be settled, on fair and honorable conditions. We may even indulge the hope, that the incidents which have grown out of the Seminole war, however adverse their tendency may have appeared to be, may contribute essentially to produce that happy result. Spain must see, and has practically confessed, her incompetency to maintain her authority in the Floridas, against the Seminole and foreign adventurers : and we hope she will see that it will be much wiser for her to cede those provinces at once, than to attempt to hold them on the impossible condition of fulfilling her treaty with us ; or, on the condition now bro't home to her, by experience, of subjecting herself to perpetual collisions, and eventual losses, which she may now avoid with ease and honor to herself.