governor of West Florida, protesting against his entrance into that province, commanding him to retire from it, & declaring, that he would repel force by force, provided he should not obey. This communication, together with the evident indications of hostility in the governor, who had been well advised of the object of gen. Jackson's operations determined the measures which he pursued. Accordingly, he marched directly to Pensacola, and with but the shadow of opposition took possession of that place the following day, the governor having fled to Fort Carlos de Barrancas; which post, after a feeble resistance, was also surrendered to gen. Jackson on the 28th; by which the Indians and fugitive negroes were effectually deprived of all possible means of continuing their depredations or screening themselves from the arm of justice. Thus gloriously terminated the Seminole war; a war reluctantly entered into, but urged by dire necessity to protect from the tomakawk and scalping knife of the most ruthless savages our peaceful frontier settlers, whom, from decrepid age to helpless infancy, for more than two years, had been exposed to their cruelties—a war in which our citizens and soldiers, with their usual fortitude and valor, under their persevering and determined commander, endured long and difficult marches—submitted to painful privations, subdued a brave and merciless enemy, without suffering one defeat, or betraying a solitary mark of dismay to tarnish the lustre of their country's glory. A variety of circumstances convinced gen. Jackson that the savages had commenced this war, and persisted in their barbarities, under the influence of some foreign incendiaries, more criminal than the uncivilized natives. Alexander Arbuthnot, who avowed himself a British subject, and resided among the savages as an Indian trader, was taken at St. Marks, to which place he had withdrawn as danger approached, and was living as an inmate in the family of the commandant. It appearing that he had been a zealous advocate for the pretended rights of the savages, and in this respect the successor of the notorious Col. Nicholls, of the British colonial marines, in the late war with Great Britain; that he had repeatedly written in their behalf to the Spanish governor of St. Augustine, the governor of the Bahamas, the British minister in the United States, and to colonel Nicholls endeavoring to procure aid from both those governments against the United States; that had repeatedly advised the Indians not to comply with the treaty of Fort Jackson, assuring them that the lands ceded to the United States by them in 1814 were to be restored by virtue of the treaty of peace with Great Britain; gen. Jackson ordered him to be tried by a court martial consisting of 13 respectable officers, with major gen. Gaines, President. The court was directed to decide upon the fact of his guilt or innocence: and, if guilty, what punishment should be inflicted. Upon satisfactory testimony, he was convicted of inciting and stirring up the hostile Creeks to war against the United States and her citizens—and of aiding, abetting and comforting the enemy, supplying them with the means of war, & by the court sentenced to be hung. Robert C. Ambrister, late a Lieutenant of the British marine corps, and with the hostile Indians and fugitive negroes the successor of Woodbine, of notorious memory, was taken near the mouth of Suwaney river. It being well known that he had been a leader and commander of the hostile Indians and fugitive slaves, Gen. Jackson also directed him to be tried by the same court martial. Upon satisfactory evidence, he was convicted of having aided and comforted the enemy, supplying them with the means of war by giving them intelligence of the movements and operations of the army of the United States, and by sending the Indians and negroes to meet and fight against them—and upon his own confession, as well as the clearest evidence of having led and commanded the lower Creeks in carrying on the war against the United States, was by the court sentenced to be shot. One of the members requesting a reconsideration of the sentence, it was agreed to—and, on a revision, the court sentenced him to receive 50 stripes on his bare back, and be confined with a ball and chain to hard labor for 12 calendar months. Gen. Jackson approved the sentence in the case of Arbuthnot—and in the case of Ambrister, he disapproved the reconsideration, and confirmed the first sentence. They were both executed accordingly. In relation to these transactions, questions of the first magnitude present themselves, which the committee have deemed it their duty to investigate. Was general Jackson justifiable, after marching his army across the line, into the territory of Spain, in taking possession, by force of arms, of the Spanish posts, St. Marks & Pensacola? Had he the right to punish Alexander Arbuthnot and Robert C. Ambrister?

From the facts submitted, it is perfectly evident that the Spanish authorities in Florida did not retain that neutral character which was necessary to render its territory sacred; but, by their own acts, either of hostility or imbecility, they made that territory the seat of war. Independent of the solemn obligations of treaty, whereby Spain engaged to keep the Indians within her territory at peace with the United States, no principle is more firmly established by the laws of nations, than this, that a nation at war has the right to pursue the hostile army into the territory of a neutral nation, and to make that territory the seat of war, when either the weakness or partiality of the neutral nation shall suffer the belligerent army, retreating into its territory, to rally, collect strength, and provide supplies, to enable them to renew the conflict, and especially when munitions of war shall be supplied, either by the citizens or authorities of the neutral nation.

But, in the consideration of the subject' it should never be forgotten, that Spain was bound, by the solemn stipulations of treaty with the United States, herself to have fought these battles; or if too weak to have done so, at least to have made common cause with the United States against these lawless tribes of savages. The United States have never recognized the Indians, within her territorial limits, as nations *absolutely* independent—hence it has ever been considered the duty of the Executive, when they have been guilty of murders and depredations upon our citizens, either in plundering parties, or in the more formidable aspect of Indian armies, to order against them the military force of the country, or call into service the militia, as the case may require, to check their barbarities, and to punish their crimes.

In accordance with this principle, the Executive has ever acted since the commencement of the present government. Repeated and bloody depredations upon our southern frontier, in which peaceful husbandmen, defenceless women, & innocent children were made the victims of savage ferocity, not only rendered it necessary to put into operation the military force of the nation; but the sheltering of the Indians beyond the limits of the U. States gave occasion for the orders to general Jackson, to pursue them beyond these limits. If Spain regards the Indians in the same light, it was a duty no less incumbent upon her by the laws of nations, than by treaty, to have repressed their lawless depredations; and, in her agents's failing to do so, if, through neglect, they made themselves parties in the war; or if through weakness, they forfeited the right of soverignty in that territory where they failed to *maintain it*. But, if Spain regards the Indians as communities *absolutely independent*, then the territory by right of occupancy belonged to the Indians and not to Spain, and the invasion was of the enemy's territory. Had the commandant of the Spanish post at St. Marks, done his duty, in withholding from the enemy supplies, and in denying them a refuge within the reach of his own fort, the necessity of interrupting his garrison would not have existed; nor is it presumed that any attempt would have been made by general Jackson to possess himself of that post. And it is also presumed that his orders to respect the Spanish posts were predicated upon this supposed state of things. But, as the object of the entrance into Florida, was the reduction of the Indian force—to bring the Seminole War to a speedy and successful termination, which was exhausting the blood and the treasure of the nation, it was a duty which he owed to his country to effect that object—Any result short of this would have only increased the evils which it was his duty to correct; and this could not be effected while Spanish fortifications were appropriated to their defence, and yet regarded as sacred by him. To have retired with his forces, under such a combination of circumstances, which would have confirmed the erroneous impression entertained by the Indians and by the Spanish authorities, of the sacred character of these places of refuge and of succour to our ferocious enemy, would have perpetuated the war, and given it the character of permanency, which the honor of the United States required should be speedily concluded, and with the most exemplary punishment. The commandant at St. Marks himself acknowledged that his command was at the mercy of the Indians and Negroes; he ought, therefore, to have hailed the approach of general Jackson, with his American forces, as a deliverer, and to have co-opperated with him in the common cause when he was assured that the object was a military occupation, for the express purpose of putting an end to the Seminole War, and not for conquest. But the facts present this subject yet in a much stronger light to the committee. The Indians received not only shelter, but comforts and munitions, and all the facilities for carrying on the war, which a Spanish army could have received from that post. Did this conduct, on the part of the Spanish commandant, result from a hostile disposition? If so he became a party in the war. Or was it the effect of imbecility, as his professions of great friendship would imply? If so, the act of garrisoning St. Marks with an American force, bears no character of hostility to Spain, but warranted by law of nations—by the treaty with Spain, and by the first law of nature—self protection. Had the governor of West Florida maintained the neutral character which was confidently expected, and which it was his duty to have done—the Seminole War had here ended, & our flag would not have been unfurled in that territory. The Indian establishments at Mickasuky and Suwaney broken up—their villages burnt—their supplies cut off—St. Marks occupied by our troops, their power in East Florida was entirely annihilated.

In the firm conviction that the war was ended, general Jackson had ordered the Georgia militia to be disbanded, and was upon the point of returning himself, with the Tennessee & Kentucky volunteers, when he learned that the object of the campaign was not yet entirely accomplished.

The vanquished enemy, crossing into West Florida, where the authorities of Spain proved as imbecile as in the eastern province, renewed their depredations, by their incursions into the adjoining territory of the United States, and committing murders upon our frontier settlers. Every circumstance, which not only justified the act, but which rendered it an imperious duty for him to enter the Spanish territory of East Florida, was equally applicable to the act of crossing the Appalachicola, to break down the power of the enemy in West Florida. But the conduct of the governor, taken in connection with the circumstances which induced the entrance into Pensacola, rendered its occupancy by general Jackson, if possible, yet more palpably necessary, than that of St. Marks. Well apprised of general Jackson's object, that he had not entered the Floridas in hostiliity to Spain, but to do that which *Spain* was bound to do, both by treaty and by the laws of nations, to give security to our own citizans, within our own territory, by destroying the power of the savage foe; the governor of Pensacola, in equal violation of the laws of neutrality and of humanity, succored those enemies, supplied them with munitions of war, sheltered and conveyed from the hand of justice those of them, who were returning from the bloody prey: and when gen. Jackson was executing the righteous mandates of an injured & indignant nation upon them, the governor commanded him to depart from the territory, threatening to oppose force by force, should he not comply. Thus circumstanced, what should general Jackson have done? should he have been induced by the unprovoked and gasconadiag menaces of a foreign Governor, to retrace his steps? Or should he have remained stationary, until he could have despatched a messenger to the executive, for instruction how to act? This would have ill become an American general, whose movements were sanctioned by the sacred laws of nature and of nations, and by the solemn stipulations of the foreign prince, as well as by the authority of his own government.

In such cases, where the guilty persons can be taken and identified, the punishment ought to fall exclusively upon them. Yet reprisals are not, necessarily, even confined to the persons of the guilty; but the laws of war justify the punishment of the offending nation, in any of the persons of the enemy. This nation, ever regarding mercy as her delight, has heretofore abstained from the exercise of this power, though the principle was recognized in the case of Capt. Asgill, in the revolutionary war; & by president Madison, in which it received the sanction of the legislature in the late war. When at war with savages, who respect no rule, and are governed by no laws; whose known mode of warfare is indiscriminate murder of all ages, sexes, and conditions, it is a well established principle, that their crimes may be lawfully punished in the persons of any of their people; and the citizens or subjects of any civilized nation, by engaging in their warfare either in personal hostility or by instigating, aiding and abetting them, thereby identifying themselves with the savages, belong to their nation during the continuance of such engagements, & are, by the true & acknowledged principles of the laws of nations, subject to the same treatment. When reprisals shall be made by inflicting retaliatory punishment upon foreigners thus identified with savages, it is justifiable upon the principle of *reprisals alone*, and not because they become outlaws and pirates; for the laws of nations justify the citizens or subjects of one nation in entering the service of another nation; and, during such service, they are considered as parts of the nation which they serve, subject to the same treatment, in all respects, as if they were its natural citizens or subjects.

It was upon this principle that the Marquis de la Fayetta, Barons Steuben and de Kalb, and general Kosciusko entered the American service in the revolutionary war, which was never considered as just occasion for war, by Great Britain, against France, Prussia, or Poland: nor yet as a cause for regarding them in the character of outlaws and pirates. But, had these distinguished men fallen into the hands of Great Britain, the laws of war would have entitled them to the same tenderness and subjected them to the same conditions, as native Americans. The same principle is equally applicable to those who enter into the service of the savages.

The universal principle of savage warfare, elicited by their general practice, is that of the most cruel and aggravated murder; not only of their enemies taken in arms, but also of peaceful unarmed citizens, helpless females, tender infants. If instances have been known wherein they have spared the lives of persons falling into their power, these instances have been too few in number, compared with the massacres which they have committed, desolating whole settlements, and murdering whole garrisons, to give an opposite character to their general practice.

The desolation and ruin of the Wyoming settlement in the revolutionary war, and the recent massacres at Fort Mimms on the river Raisin, in perfect accordance with their general history, from the commencement of our national existence, furnish sufficient demonstration of this fact.

Alexander Arbuthnot was taken as a resident among the savages with whom he had identified himself, by acting as their agent, exciting them to the war, aiding, abetting, and supplying them with the means of carrying it on.—Robert C. Ambrister was taken in their actual service, as a leader and commander of their forces; by which as well as by aiding, abetting, comforting and supplying them, he was also identified with the savages. Agreeably to these principles of the laws of nations, the committee are fully of opinion that General Jackson, as commander of the army, had the right to exercise upon them the law of retaliation, without the intervention of a court martial. However cautiously this rule should be exercised, and desirable as mercy always is, whenever it can be exercised with safety, this godlike virtue has its bounds, beyond which, its exercise would be a perversion of justice; and it is presumed, that the repeated murders which had been committed upon our citizens, the many bloody trophies of their cruelties found at Mickasuky, and their persisting in hostility against the repeated warnings and threats, which had been held out to them, bore conviction to the mind of General Jackson, that the exercise of the law of retaliation had become necessary to the future safety of his fellow citizens.

But he chose to submit the case to the investigation & decision of a court martial composed of distinguished officers, by whom Alexander Arbuthnot was condemned to be hung, which sentence was confirmed and executed. By the same tribunal, Robert C. Ambrister was, in the first instance, condemned to be shot; but, upon reconsideration, they changed the sentence to that of corporeal punishment and confinement to hard labor. The reconsideration was disapproved by Gen Jackson, and the first sentence confirmed and executed. On this last point the committee are of opinion, that it would have been more correct for Gen. Jackson, after submitting the case to a court martial, not only to examine the facts as to his guilt, but to determine the punishment to be inflicted, to have acquiesced in their final and only legal decision as a court. But, in this, the committee are satisfied that Gen. Jackson did not transcend the power warranted by the law of retiliation—the prisoner's own confession, and the evidence produced, going to establish the facts which justified its application. And though the principles of national law involved in this war, would have authorised a more extensive sacrifice even on the persons of the innocent, yet the committee deem it a matter of great felicitation, that punishment fell upon the guilty alone: and that the object is affected, with so limited an example of justice. Under this view of the whole subject, the committee can discover much which merits applause, and little that deserves consure; and, from the incalculable benefits resulting to the nation from the faithful and distinguished services of General Jackson and the officers and men who served under his command in terminating finally the Seminole war, are of opinion that they are entitled to the thanks of their country.

Fifteenth Congress.

SECOND SESSION.

House of Representatives.

Monday, Jan. 18.

Mr. *Smith*, of Maryland, from the committee of ways and means, reported a bill relative to the Direct Tax and internal duties; and a bill supplementary to the act "for the prompt settlement of public accounts;" which were twice read and committed.

Mr. *Poindexter*, from the committee of public lands, who were instructed, by a resolution of the 7th ult. to enquire into the expediency of granting to each state one hundred thousand acres of land for the endowment of a University in each state, made a report unfavorable to the granting of said land; which was read and ordered to lie on the table.

The Speaker laid before the House a letter from the Secretary of War transmitting information in relation to the adjustment & payment of the claims of the Friendly Creek Indians, in obedience to the resolution of this House.

The Speaker also laid before the House a letter from the Secretary of the Treasury transmitting sundry statements of miscellaneous expenditures from the Treasury, &c.

THE SEMINOLE WAR.

The order of the day, on the report of the committee on military affairs respecting the Seminole War, being announced—

The House then went into committee of the whole on the state of the Union, to whom that report was committed, Mr. PITKIN in the chair.

There was some conversation previously about postponing the subject for a day or two; but the House, by a majority of ten or fifteen votes, resolved to take it up.

The report of the military committee was read through, concluding with the following resolution:

Resolved, That the House of Representatives of the United States disapproves the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister.

Mr. COBB, of Georgia, took the floor in support of the report; and having spoken some time in support of the resolution immediately before the House, he was proceeding to the other questions arising out of the Seminole war when—

It was decided by the chair, that the discussion must be confined to the question immediately before the House.

After a good deal of conversation on the question of the order of proceeding in this case, in which Messrs. *Smyth*, *Cobb*, *Clay*, *Poindexter*, *Tallmadge*, and *Rhea* took part, and in which a general disposition was manifested that the *whole subject* should be discussed, and the difference of opinion was only as to the modes of getting at it, to obviate all difficulty on this subject—

Mr. COBB moved to amend the resolution before the committee, by inserting, after the word "*Resolved*," the following matter.

"That the committee on military affairs be instructed to prepare and report a bill to this House, prohibiting, in time of peace, or in time of war with any Indian tribe or tribe only, the execution of any captive, taken by the army of the U. States, without the approbation of such execution by the President.

Resolved, That this House disapproves of the seizure of the posts of St. Marks and Pensacola, and the fortress of Barrancas, contrary to orders, and in violation of the constitution.

Resolved, That the same committee be also instructed to prepare and report a bill prohibiting the march of the army of the United States, or any corps thereof, into any foreign territory, without the previous authorization of Congress, except it be in the case of fresh pursuit of a defeated enemy of the U. States, taking refuge within such foreign territory.

Having submitted this motion, Mr. C. Proceeded to speak in support of those branches of his proposition which he had not already touched upon. Mr. C. spoke about two hours.

He was followed, on the opposite side, by Mr. *Holmes*, of Massachusetts, who had only concluded one branch of this subject—when, having given way at the request of a member—

The committee agreed to rise—and leave being given to sit again, the amendment moved in committee was ordered to be printed,

And the House adjourned.

Tuesday January 19.

Mr. *Middleton* laid before the house sundry documents transmited to him, as chairman of the committee on the subject of the illicit introduction of slaves into the United States; which were referred to a committee of the whole, to whom the bill on that subject is referred.

Mr. *H. Nelson* offered for consideration the following resolution:

Resolved, That the Speaker be authorised to admit to seats within the hall of the House of Representatives, such persons as he may think proper, having regard to the convenience of the members in transacting the public business.

And on the question will the house now proceed to consider the same it was decided in the negative.

BANK OF THE UNITED STATES.

Mr. *Trimble* offered for consideration the following resolution:

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled. That the Attorney General of the United States, in conjunction with the District Attorney of Pennsylvania shall immediately cause a scire facias to be issued, according to the 23d section of the act "To incorporate the subscribers to the Bank of the United States," calling on the corporation created by the said act to shew *cause* wherefore the charter thereby granted shall not be declared forfeited; and that it shall be the duty of the said officers to cause such proceedings to be had in the premises as shall be necessary to obtain a final judgment thereon; for the expenses of which Congress will hereafter provide.

The question was taken, will the House now proceed to *consider* the said resolution? And it was decided in the negative, 71 to 43

THE SEMINOLE WAR.

The house then again resolved itself into a committee of the whole, Mr. *Pitkin* in the chair on this subject.

Mr. *Holmes* resumed the thread of the speech which he yesterday commenced in support of the proceedings of Gen. Jackson—and, in concluding which he now occupied about an hour and a half.

Mr. *T. M. Nelson* spoke a short time in support of the report of the military committee and the principles therein laid down.

Mr. *Johnson*, of Virginia, followed, in reply to Mr Holmes, and in opposition to the conduct of Gen. Jackson—in which he addressed the committee near an hour.

Mr. *Harrison* entered into some explanations touching the proceedings of Gen. Wayne, in the war of 1792, against the North Western Indians, which had been referred to in debate.

The committee then on motion of Mr. *Clay*, (who intimated his wish to express his views of the subject) rose and reported progress—and

The House adjourned.

Thursday, Jan. 21.

Amongst the petitions this morning presented, was one by the Speaker, from sundry inhabitants of the territory of Missouri, praying for a separate territorial government, by the name of the territory of Arkansas.

Mr. *Livermore*, from the committee on post offices and post roads, reported a bill authorizing the Postmaster General to contract, as in other cases, for carrying the mail in Steam Boats between New Orleans and Louisville, in Kentucky; which was twice read and committed.

The engrossed bill supplementary to the act to provide for the prompt settlement of public accounts, was read the third time, passed, and sent to the Senate.

The House then again resolved itself into a committee of the whole, Mr. *Pleasants* in the chair, on the report of the military committee on the subject of the Seminole War.

Mr. *Johnson*, of Kentucky, concluded the remarks which he commenced yesterday, in a speech of an hour and a half in opposition to the report.

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